

January 11, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: Ex Parte Presentation, *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 15-285.
Joint Consensus Proposal – Year One Discretionary Update**

Dear Ms. Dortch,

Competitive Carriers Association, CTIA, the Hearing Loss Association of America, the National Association of the Deaf, Telecommunications for the Deaf and Hard of Hearing, and the Telecommunications Industry Association, representing people who use hearing aid devices and the wireless industry, submit this *ex parte* letter to update the Federal Communications Commission (“Commission”) on progress made in calendar year 2017 toward creating a stakeholder task force convened to recommend to the Commission whether 100 percent hearing aid compatibility (“HAC”) is achievable for wireless handsets, pursuant to the Joint Consensus Proposal adopted in the Commission’s 2016 *Report and Order*.¹

By way of background, the Commission in 2016 adopted an Order revising its HAC rules to create improvements to benchmarks to be met by wireless handset manufacturers and service providers to ensure greater access to wireless communication services for Americans with hearing loss. The Order additionally tasked industry stakeholders and advocates for consumers with hearing loss to develop a task force for determining whether a 100 percent HAC deployment benchmark is achievable considering both technical and market conditions. Such task force would include “representatives of consumers who use hearing aid devices, research and technical advisors, wireless industry policy and technical representatives, and hearing aid manufacturers” and would consider, among other things, whether 100 percent compatibility is achievable; whether deployment benchmarks could rely in part or in whole on alternative hearing aid compatibility technologies;² the definition of HAC for purposes of compliance with the Commission’s rules; whether 100 percent compliance could be satisfied through innovative approaches; and how to

¹ See *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Report and Order, 31 FCC Rcd 9336 (2016) (“Order”).

² *Id.* ¶ 42.

ensure the rules effectively aid consumers and reflect the unique needs of both nationwide and non-nationwide wireless service providers.³ The Commission further recommended, consistent with the Consensus Letters, that the task force convene over the course of a six-year period before making a recommendation for Commission consideration and ultimate determination on the 100 percent goal.

The Order was the culmination of months of respectful engagement between the wireless industry and consumer groups and included each of the organizations here as signatories to the Consensus Letters that focused on this laudable goal. Indeed, for years the wireless industry and the deaf and hard of hearing community have worked collaboratively to advance access for people who use hearing aid devices and, as a result of this collaboration and industry innovation, the majority of wireless handsets offered by manufacturers and service providers today are HAC-compliant.

To promote further collaboration and transparency, the Commission encouraged the signatories to provide voluntary, annual submissions describing the efforts made to date regarding the progress of the task force and the stakeholders' efforts.⁴ For purposes of the first year following adoption of the Order, the Commission provided an illustrative list of potential information that could be provided, including information regarding "outreach efforts by or to relevant stakeholders to gain commitments to participate in a consensus group" and "the formation of any stakeholder consensus groups, including membership, leadership, and operations."

Over the course of the last year, the stakeholders have undertaken various efforts toward the formation of the consensus task force. Among other steps, industry representatives formed an ad hoc working group to discuss various issues relating to the stakeholder process, including potential participants, potential costs and time commitments, and whether an organizational entity may be needed to oversee the logistics of the group. Industry representatives, including the signatory associations, the ad hoc group, and broader participants, discussed these issues during at

³ *Id.* ¶¶ 17-19, 42-50; *see also* Letter from James Reid, Telecommunications Industry Association; Scott Bergmann, CTIA; Rebecca Murphy Thompson, Competitive Carriers Association; Anna Gilmore Hall, Hearing Loss Association of America; Claude Stout, Telecommunications for the Deaf and Hard of Hearing; and Howard A. Rosenblum, National Association of the Deaf, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250, 10-254 (filed Nov. 12, 2015); Letter from James Reid, Telecommunications Industry Association; Scott Bergmann, CTIA; Rebecca Murphy Thompson, Competitive Carriers Association; Barbara Kelley, Hearing Loss Association of America; Claude Stout, Telecommunications for the Deaf and Hard of Hearing; and Howard A. Rosenblum, National Association of the Deaf, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 15-285, 07-250 (filed Apr. 21, 2016) (collectively, the "Consensus Letters").

⁴ Order ¶¶ 40-41. While December 31, 2017 is the suggested date as outlined in the Order, the Commission emphasizes that "these submissions are purely voluntary; we do not require any party to make them, or to make them in the timeframes discussed, and will take no enforcement or other action against any party for failure to file."

least a dozen substantive meetings and casual conversations throughout the year. Industry also provided consumer groups with three brief, informal, verbal updates and one face-to-face meeting over the course of the year regarding these discussions. The industry and consumer group representatives have begun discussions about important steps to be taken in the coming year.

The undersigned organizations continue to believe that HAC for all wireless handsets is our collective goal and that the Commission should balance this goal with the ability to encourage innovations that can benefit all consumers. We are pleased to submit this update to the Commission and commit to continuing to engage in thoughtful, productive discussions in order to effectuate our shared commitment to providing accessible wireless products and services to all Americans, including people who use hearing aid devices.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being electronically submitted into the record of this proceeding. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Rebecca Murphy Thompson
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EVP and General Counsel
Competitive Carriers Association

/s/ Barbara Kelley
Barbara Kelley
Executive Director
Hearing Loss Association of America

/s/ Scott K. Bergmann
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