

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revisions to Reporting Requirements Governing)	WT Docket No. 17-228
Hearing Aid-Compatible Mobile Handsets)	
)	

COMMENTS OF THE BLOOSTON RURAL CARRIERS

The FCC is seeking comment on a proposal to exempt smaller (*i.e.*, Non-Tier I) wireless carriers from having to file annual Hearing Aid Compatibility (or “HAC”) reports, or otherwise to modify these requirements.¹ The law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP (“BloostonLaw”), on behalf of its rural and independent wireless service provider clients (the “Blooston Rural Carriers”), strongly supports the Commission’s *HAC NPRM* proposal because it will alleviate regulatory burdens on the nation’s smallest wireless service providers, without any negative impact on consumers who are hearing impaired and who rely upon access to HAC-enabled devices. The Blooston Rural Carriers have advocated for the elimination of this report as far back as January of 2013.²

The Blooston Rural Carriers are a diverse group of Tier III Commercial Mobile Radio Service (“CMRS”) service providers that are dedicated to providing high-quality, advanced wireless services in the smaller communities and sparsely populated expanses of rural America. Most are subsidiaries or affiliates of privately-held rural telephone companies or community-owned rural telephone cooperatives that are eligible small businesses under the Commission’s Rules, and all are equally committed to meeting the wireless service and accessibility needs of their customers.

¹ In the Matter of Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets, *Notice of Proposed Rule Making*, WT Docket No. 17-228, (*rel.* Sept. 17, 2017) (“*HAC NPRM*”).

² See July 23, 2013 Comments of the Blooston Rural Carriers, WT Docket No. 10-254. Therein, the Blooston Rural Carriers argued that the Commission could safely eliminate the need for further annual HAC reporting by Tier III service providers with no risk of adverse impact to the hearing impaired because they would otherwise remain subject to the HAC handset availability benchmarks and public outreach requirements.

I. Annual HAC Reporting Imposes Significant Costs on Small and Rural Wireless Carriers

The Commission's annual HAC reporting requirements impose significant costs upon Tier III service providers. The Form 655 HAC report requires detailed month-to-month recordkeeping to gather annual reporting data, often involving several hours per month of employee time). More importantly, the process of completing the Form 655 requires letter-perfect accuracy and having several sets of eyes proofread a completed report. Thus, the reporting process is tedious and can easily take tens of hours of staff time. The Form 655 instructions estimate that the average burden of responding to the Form 655 data is just 2.5 hours. This estimate may be accurate for carriers that offer only a small number of devices. However, most small carriers must offer dozens of different handset models in order to compete with nationwide providers. Completing multiple screens of Form 655 data entry with letter-perfect accuracy for a large number of devices, plus proofreading by multiple people and making any necessary corrections, can easily exceed a large multiple of the estimated 2.5 hours. Such diligence is necessary because compliant and non-compliant devices may have nearly identical FCC IDs, and the potential costs of an error in reporting (\$15,000 per-handset shortfall per month) may result in proposed fines of tens-of-thousands or hundreds-of-thousands of dollars for non-compliance with the Commission's Rules – a potentially ruinous outcome for a small rural wireless operation.

The administrative costs associated with annual HAC reporting are roughly the same for all service providers, regardless of their size. However, in terms of real dollars, this may represent a significant percentage of a small Tier III service provider's total profits. Many of the smallest wireless service providers (for example, those serving isolated communities the Aleutian Islands) have fewer than 1,000 customers. For these carriers, who may have just a handful of employees compared to nationwide service providers that are many thousands of times larger and that can afford large regulatory compliance departments, eliminating the annual HAC reporting burden will have a measurable impact on their bottom line and will help to ensure that wireless services remain available to consumers who live and work in remote and niche markets.

The Commission Can Safely Eliminate Annual HAC Reporting for Non-Tier I Carriers

With the phase-in of HAC-enabled devices now complete, the Commission can safely eliminate the need for further annual HAC reporting by Non-Tier I service providers with no risk of adverse impact to the hearing impaired. Annual HAC reports filed by Non-Tier I carriers in recent years show that very few fail to meet the handset deployment benchmarks. Moreover, these reports show that the vast majority of handsets are now HAC compliant. As a result, the HAC Rules now can be adequately enforced with respect to Non-Tier I carriers through the informal complaint process, which will allow specific consumer complaints (to the extent there are any) to be redressed quickly and directly with the supervision of the FCC's Consumer and Governmental Affairs Bureau, if the matter is not resolved through dealing with the service provider directly.³ Moreover, persons with hearing impairment or loss will continue to be informed about the availability of these devices through service providers' ongoing compliance with HAC labeling, web site and in-store disclosure requirements. The public interest would be far better served if resources that smaller carriers currently use for recordkeeping and preparing annual HAC reports could instead be available for improving the quality of advanced wireless services and expanding rural network coverage for all consumers.

In the absence of annual reporting, Non-Tier I service providers will remain subject to the Commission's substantive HAC Rules, which require them to offer minimum numbers or percentages of hearing aid compatible handset models.⁴ Moreover, ongoing compliance with outreach obligations imposed in the Commission's Rules – such as device labeling, in-store testing and web-site posting requirements – will serve to keep the public well informed about HAC ratings and the availability of a diverse selection of HAC-enabled devices.

³ The Commission has provided an online complaint form and guidance for consumers on filing a complaint with the FCC on its web site at: <http://www.fcc.gov/guides/hearing-aid-compatibility-wireless-telephones>.

⁴ See 47 CFR § 20.19(c) & (d) (setting forth M-rating and T-rating deployment benchmarks).

CONCLUSION

The Commission's HAC rules have been a model of success in helping to raise industry awareness about meeting the needs of the hearing impaired, and in driving accessibility features into all segments of the device marketplace. As technology has improved, a far greater number and percentage of new wireless devices include hearing aid accessibility features. Annual reporting once helped to raise awareness among smaller wireless carriers and their customers, but public outreach and other ongoing obligations like website and in-store disclosures adequately serve these purposes, and the burdens of requiring an annual status report filing by small, rural, and regional service providers now outweigh the benefits. The Commission should therefore exempt Non-Tier I service providers from HAC reporting obligations going forward.

Respectfully submitted,

**BLOOSTON, MORDKOFISKY, DICKENS,
DUFFY & PRENDERGAST**



By: D. Cary Mitchell
John A. Prendergast
Their Attorneys

Blooston, Mordkofsky, Dickens,
Duffy & Prendergast, LLP
2120 L Street, NW, Suite 300
Washington, DC 20037
Tel. (202) 659-0830

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