

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

In the Matter of	)	
	)	
Revisions to Reporting Requirements Governing	)	WT Docket No. 17-228, 17-123
Hearing Aid-Compatible Mobile Handsets	)	
	)	

**COMMENTS OF  
HEARING LOSS ASSOCIATION OF AMERICA  
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.  
THE DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK  
NATIONAL ASSOCIATION OF THE DEAF  
DEAF/HARD OF HEARING TECHNOLOGY RERC**

Hearing Loss Association of America (“HLAA”), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), and the National Association of the Deaf (NAD) collectively, “Consumer Groups,” and the Deaf/Hard of Hearing Technology RERC (Gallaudet RERC) submit the following comments in response to the Notice of Proposed Rulemaking regarding Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets issued by the Federal Communications Commission (“FCC” or “Commission”). The Commission seeks comment on revising the Commission’s wireless hearing aid compatibility (HAC) reporting requirements to provide relief to non-nationwide service providers.

Consumer Groups seek to promote equal access to telecommunications for the 48 million Americans who are deaf, hard of hearing, or late-deafened. As advocates for technology and telecommunications policy that advances the public interest, the Gallaudet RERC strongly supports the Consumer Groups’ goals.

Consumer Groups and the Gallaudet RERC understand that the Commission is seeking to abandon regulations that are no longer useful or are unnecessary. A review of regulations to determine whether some are no longer necessary can be a useful process, an opportunity to get rid of regulations that no longer serve the original intended purpose. In this instance, Consumer Groups and the Gallaudet RERC find the current reporting requirements for Non-Tier I Service Providers to be both useful and necessary. We believe reporting requirements should stay in place. However, we would not be opposed to working with the Commission and industry to modify existing requirements to make the reporting less burdensome for all Service Providers.

### **The Need for Reporting Requirements**

**The Commission notes that the Commission's in-store testing and Website posting requirements will continue to apply if the Commission adopts an exemption from the Form 655 reporting requirements. The Commission seeks comment on whether consumers will have sufficient information from service providers' ongoing compliance with these requirements.**

It is the understanding of Consumer Groups and the Gallaudet RERC that consumers do review the Service Provider's websites and use in-store sampling for information about HAC phones. However, can consumers rely on the websites or even in-store information provided by Non-Tier I Service Providers for up-to-date, accurate and complete information about HAC phones? We are not confident either method will result in finding accurate information.

HLAA conducted a review of the websites of 10 Non-Tier I Service Providers in October, 2017 to find out whether or not these websites are accurate, up-to-date and reliable sources of information about HAC handsets in the same way the reporting documents Non-Tier I Service Providers file with the Commission.

We did find one example of website of a Non-Tier I Service Provider that includes excellent information about HAC phones. Arctic Slope Telephone Association Cooperative (ASTAC) provides clear and user-friendly information: their link to accessibility questions is found on the home page; they provide a list of currently available HAC phones; the search terms “HAC” and “Hearing Aid Accessible” and “Accessibility” all lead to the Accessibility page; and most importantly, the Accessibility page provides information about whether or not that handset is in stock that links back to the specifications of that model, appearing to be up to date so consumers won’t be disappointed that the handset that provides access is no longer available.

<https://www.astac.net/servlet/content/hac.html>

We wish we could say all websites looked like ASTAC’s. However, in our experience over the years, we have seen Service Providers’ websites rife with inaccurate, outdated and insufficient information. Our recent review of some Non-Tier I Service Provider websites reveals those practices continue. For example:

1. We found a Non-Tier I Service Provider that had no information at all on their website about HAC phones that we could find, regardless of the search terms we used, even under the specifications of the individual handset models. <https://bluegrasscellular.com> In contrast, the parent company Bluegrass Wireless, LLC’s report to the FCC for 2016 indicates that they only offer HAC models.
2. Another website listed only three HAC models under an explanation about “HAC Ratings,” when in fact they had more HAC models available if the consumer was willing and able to spend the time to search model by model looking through the specifications for each phone to determine the HAC ratings.

<https://www.southernlinc.com/privacy/wireless-accessibility/hac-ratings.aspx> The 2016

report of the parent company, Southern Communications, Inc, to the Commission indicates that all their models are HAC.

3. Another site had information about HAC phones, but the information is outdated, including models that are no longer available for consumers to purchase: in fact we could find only 13 of the 45 models listed on their “Hearing Aid Compatibility Chart” that are available as of October 28, 2017. <http://www.appalachianwireless.com/?page=hacinfo> Appalachian Wireless’ parent company East Kentucky Network’s 2016 report to the Commission indicates they have no non-HAC models.
4. Search terms to find HAC phones or HAC information are inconstant from one Non-Tier I Service Provider to the next. One provider might use “HAC”, another “Hearing Aid Compatible” a third “Hearing Aid Capability” or “T Rating” or “Accessibility.” Some have no search terms at all to help consumers find HAC models. This lack of consistency makes the job of searching for HAC information via websites that much more difficult for consumers.

We did not have the resources to review more websites. However, this mirrors our past experience in reviewing websites for HAC phones. It is apparently very difficult for Service Providers to ensure their websites are accurate, HAC information easily found, and provide up to date information regarding currently available HAC models. The only accurate accounting of HAC models for all Service Providers equally appears to be in the annual reports Service Providers file with the Commission.

Clearly it’s possible for Non-Tier I Service Providers to have up to date websites: the ASTAC is an example of how it can be done. We are concerned that the lack of attention by these Non-Tier I Service Providers to their websites may not be a matter of the amount of time

and resources to do so, but because of a lack of motivation: if they inaccurately report to the Commission on compliance with the HAC standards, they could face enforcement actions; however, if they do not fulfill their obligations to ensure their websites have accurate and up to date information, there appear to be no negative repercussions.

Given the poorly maintained websites by these Non-Tier I Service Providers, we contend the websites cannot serve as the last word on HAC information for consumers. We have long stated that looking for a HAC phone is an onerous process for consumers. We believe that will continue to be true until 100% of handsets are required to be HAC. These Non-Tier I reports to the Commission reveal that while these Service Providers may well be in compliance with required deployment benchmarks, there is no way for the consumer to know for sure whether they are in compliance with any of the HAC rules, or more to the point for an individual consumer, no easy way to find the information needed to get a HAC phone for themselves. Even in store testing is not a solution in all stores. If a handset is HAC, but not available for testing in the store, the consumer has no way to know whether that phone will work. On the other hand, the FCC's Form 655 reports allow consumers either directly or by working with consumer organizations to have at least the possibility of finding the information they need.

### **Third Party Resources**

**The Commission also seeks comment on whether consumers can obtain information from other third-party resources such as the Global Accessibility Reporting Initiative (GARI).**

Consumer Groups and the Gallaudet RERC do understand that consumers find GARI a source of useful information about HAC phones. However, GARI does not provide information about which Service Providers carry each handset. Particularly for people who live in areas that

are served by Non-Tier I Service Providers, a search on the GARI site may not lead to a model that is available by that consumer's Non-Tier I Service Provider. In fact, Non-Tier I providers themselves note that it is difficult for them to get the latest models<sup>1</sup>; even if older models are listed on GARI as HAC, that model may not be currently available in their community.

### **Monitoring Compliance via Consumer Complaints**

**The Commission asks whether they should rely on their informal complaint process to help ensure Non-Tier I Service Providers continue to meet deployment benchmarks and other requirements.**

In our experience, consumers do not often file complaints with the Commission. We do know that consumers turn to our organizations via email and phone to complain to us about lack of access. Often, they turn to us requesting us to be their advocate. But filed complaints are rare. In fact, the Commission's own report on complaints and inquiries in 2017 show just how few accessibility complaints are filed: of the 278,958 complaints and inquiries registered, only 586 complaints came to the FCC regarding accessibility. We believe that depending on consumer complaints is an ineffective way to judge compliance with deployment benchmarks or any other HAC requirement.

The Commission notes in this NPRM that "its reporting requirements serve several purposes: providing information to the public, assisting efforts to verify compliance, and monitoring the general state of hearing aid-compatible handset deployment."<sup>2</sup> If consumers

---

<sup>1</sup> See *Comments of Alaska Rural Coalition, WT Docket Nos. 10-254 and 07-250 before the FCC (February 5, 2015) at 5* ("As noted in prior comments to the Commission, small rural carriers are frequently excluded from agreements made between manufacturers and the large national carriers. These agreements mean that ARC member companies cannot gain direct access to the latest and most in-demand phones desired by their customers."); see also *Comments of Competitive Carriers Association, WT Docket Nos. 07-250 and 10-254 (February 5, 2015) at 3* ("As CCA has noted repeatedly in these HAC proceedings, and in others, "CCA's carrier members face certain obstacles to obtaining access to [HAC complaint] devices – especially 'iconic 4G devices demanded by consumers.'")

<sup>2</sup> See *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Notice of Proposed Rulemaking, Vol. 82, No. 197/Friday, October 13, 2017/Proposed Rules, p. 47664.

generally do not file complaints, and the Commission relieves the Non-Tier I Service Provider from the responsibility of reporting, it would seem the Commission itself would be forced to rely on the Non-Tier I Service Provider's inconsistent, inaccurate and unreliable websites for information about whether Non-Tier I Service Providers are meeting their deployment benchmarks. It's unclear to us how the Commission would be able to confirm that Non-Tier I Service Providers were meeting benchmarks using the information on websites alone. In fact, as we note above, if some are providing information showing fewer HAC handsets than they actually provide, website reviews could result in unnecessary enforcement investigations, wasting Commission time and resources.

The Commission notes that currently they rely on the informal complaint process to monitor complaints with in-store testing requirements. Consumer groups and the Gallaudet RERC are not convinced that depending on consumer complaints even for in-store testing requirements is yielding an accurate picture of compliance. We know of consumers who have walked into storefronts with a list of models that appear on the website only to find those models was not available in the store, or not available for testing in the store. If the handset is no longer available the consumer either has wasted his or her time, must search for another model that is available for testing, or go to another store. For consumers living in communities covered by a Non-Tier I provider, often in rural areas, a trip to another storefront may be much more onerous than for a consumer living in an urban area. Still, those consumers rarely file complaints.

### **Gauging the Overall state of access to wireless HAC models**

**The Commission seeks comment on whether Non-Tier I Service Provider Reporting is necessary to meet the Commission's objective of gauging the overall state of access to wireless HAC handset models.**

For the Commission to gauge the overall state of access, the Commission must have access to accurate, complete and up to date information across the country. Getting information from manufacturers and Tier I Service Providers will allow them to see only a piece of the picture. Getting reports from Non-Tier I Service Providers, the Commission can get a handle on what kind of access is being provided, or not, in rural areas. Exempting Non-Tier I Service Providers may result in the Commission not having adequate information available to assess whether consumers in rural areas are getting access to the required HAC phones.

#### **Alternate Reporting Period or Certification**

**The Commission seeks comment on whether there are ways to reduce the burden associated with the reporting requirements. The Commission asks whether it would be less burdensome to report once every three years instead of annually.**

Consumer groups and the Gallaudet RERC believe that if the Commission lengthens the interval between reports, consumers will not be well-served. Those consumers and consumer organizations who do turn to the Commission's HAC reports would be put in a position of working with old information. In addition, we are not sure that Non-Tier I Service Providers who report having difficulty filing reports now, looking through their records that are up to a year old, will find that searching through records that are up to three years old will be easier.

At the point that 100% of wireless handsets are required to be HAC, Consumer Groups and the Gallaudet RERC can agree there will be no more need for reporting requirements for any Service Provider. Until we reach that time, consumers and the Commission need an accurate, complete and reliable source of information about HAC offerings. The reports from the filings of FCC Form 655 is that source now. We believe it is not in the public interest to abandon reporting requirements for Non-Tier I Service Providers.



Consumer Groups and the Gallaudet RERC also do not believe a simple certification of compliance is adequate. With no way to verify the accuracy of the certification, the Commission will not have the tools they need to determine compliance.

However, Consumer Groups and the Gallaudet RERC could support finding a way to streamline the reports to make them less burdensome to all Service Providers. We would urge the Commission to embark on a process that will bring together Non-Tier I Service Providers, Tier I Service Providers, and consumers to work with the Commission to streamline these forms, while at the same time ensuring that essential information continues to be filed with the Commission.

## **Conclusion**

Consumer groups and the Gallaudet RERC are convinced the best way to understand whether HAC requirements are being met by Non-Tier I Service Providers is through the current system that requires all Service Providers to file FCC Form 655 directly with the Commission. Given the inconsistent, inaccurate and unreliable information on websites, the dearth of consumer complaints, and the lack of information from third party providers, we simply do not see another way to ensure consumers are getting the information they need about HAC handsets and that the Commission has the information they need to confirm that Non-Tier I Service Providers are meeting benchmarks and other HAC requirements.

Thank you for this opportunity to provide these comments.

Respectfully submitted,

/s/ Lise Hamlin

Lise Hamlin  
Director of Public Policy  
[lhamlin@hearingloss.org](mailto:lhamlin@hearingloss.org)

Hearing Loss Association of America (HLAA)  
Barbara Kelley, Executive Director, [BKelley@hearingloss.org](mailto:BKelley@hearingloss.org)  
Contact: Lise Hamlin, Director of Public Policy  
7910 Woodmont Avenue, Suite 1200, Bethesda, MD 20814  
[www.hearingloss.org](http://www.hearingloss.org)

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)  
Claude Stout, Executive Director, [cstout@TDIforAccess.org](mailto:cstout@TDIforAccess.org)  
P. O. Box 8009, Silver Spring, MD 20907  
[www.TDIforAccess.org](http://www.TDIforAccess.org)

Deaf and Hard of Hearing Consumer Action Network  
Edgar Palmer, Vice Chair, [edgar.palmer@gallaudet.edu](mailto:edgar.palmer@gallaudet.edu)  
Gallaudet University, 800 Florida Avenue, NE, Washington, DC 20002

National Association of the Deaf (NAD)  
Howard Rosenblum, Chief Executive Officer, [howard.rosenblum@nad.org](mailto:howard.rosenblum@nad.org)  
Contact: Zainab Alkebsi, Policy Counsel, [zainab.alkebsi@nad.org](mailto:zainab.alkebsi@nad.org)  
8630 Fenton Street, Suite 820, Silver Spring, MD 20910  
[www.nad.org](http://www.nad.org)

Deaf/Hard of Hearing Technology RERC, Gallaudet University  
Linda Kozma-Spytek, Co-Director, [linda.kozma-spytek@gallaudet.edu](mailto:linda.kozma-spytek@gallaudet.edu)  
800 Florida Ave, NE, Washington, DC 22206

November 13, 2017