

Before the
Federal Communication Commission
Washington, D.C.

In the Matter of:)
) WT Docket
Comments and Updated Information Sought on) Nos. 07-250 and 10-254
Wireless Hearing Aid Compatibility Regulations)

COMMENTS OF:

**HEARING LOSS ASSOCIATION OF AMERICA
ASSOCIATION OF LATE DEAFENED ADULTS
NATIONAL ASSOCIATION OF THE DEAF
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK**

Hearing Loss Association of America (“HLAA”), the Association of Late-Deafened Adults (ALDA), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), the National Association of the Deaf (NAD), and Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), collectively, “Consumer Groups,” submit the following comments in response to the request for updated information and comments on Wireless Hearing Aid Compatibility Regulations issued as a Public Notice (PN) by the Federal Communications Commission (“FCC” or “Commission”) and published on December 23, 2014. The Commission is seeking this information to determine whether the hearing aid compatibility (HAC) rules in Title 47 C.F.R. §20.19 still effectively meet the needs of persons with hearing loss.

HLAA conducted an online survey of consumers about their experiences in purchasing and using mobile devices, which was presented to the Commission at a meeting held on November 6, 2014. Following this meeting, the results of the survey were filed with the Commission in written format on November 11, 2014. This submission is hereby incorporated by reference as part of these comments.

The Consumer Groups have consistently sought the goal of 100% communication accessibility for mobile wireless phones for more than 12 years. The time is right for 100% of mobile wireless phones to be hearing aid compatible. We understand that newer technology and air interfaces make it easier than ever to ensure hearing aid compatibility for wireless handsets. In addition, it’s well known that consumers are “cutting the cord,” leaving behind their landline

phones in favor of the advantages of mobile wireless devices. We have reached the point that it's become critical for consumers with hearing loss have access to the full range of choices of mobile wireless phones, just like all other consumers. We believe that the time has come for the Commission to revise the HAC requirements to apply in a technologically neutral manner and to replace the fractional deployment benchmarks with a requirement that all newly manufactured handsets be hearing aid compatible.

Comments on the Commission's proposed revisions to the regulations implementing the HAC Act (47 U.S.C. §610) as well as responses to specific questions follow.

A. Applying the Rules in a Technological Neutral Manner.

In paragraph 8 of the PN, the Commission raises the following questions (paraphrased from the text): Should Section 20.19 apply to all wireless handsets that operate in a manner functionally equivalent to a telephone? How should "functionally equivalent" be defined? What would be the costs and benefits for consumers (and others)? Would this approach be consistent with the expectations of consumers with hearing loss?

In our experience, consumers with hearing loss generally are unaware that the HAC rules may not apply equally to all types of devices operating on different types of networks and do not understand why different technologies should affect the compatibility of their devices with their hearing aids. Accordingly, the Consumer Groups fully support the Commission's proposed approach to apply the HAC requirements in a technologically neutral way to all mobile wireless devices that can be used for voice communications. Doing so would eliminate confusion and frustration by many consumers.

The Consumer Groups suggest the Commission consider defining "functionally equivalent" in the context of wireless devices as: 1) any technology that transmits sound over distance, 2) enables two or more persons to communicate with each other by voice, and 3) consists of a transmitter and receiver which can be part of a handset held to the ear and mouth during conversation. The voice communications may be transmitted by different technologies, cables or radio transmissions. They may be attached to different networks, a landline network or PSTN, a wireless network including a 3G, an LTE, a WiFi, or a VoIP, or even a private or internal network. Consideration should be made for future air interface developments that may come into play. Features that alert the user to respond to an incoming call and initiate outgoing calls should be flexible enough to provide accessibility to a wide range of users, including people who are hard of hearing, low vision, deaf, and deaf-blind and those who are have both low vision and a

hearing loss.¹ Consumers identify all devices which operate in a similar fashion to be “telephones” and expect mobile wireless devices to be hearing aid compatible.

The Commission’s proposed approach would be very beneficial to consumers with hearing loss by significantly reducing, if not eliminating in many instances, the difficulty of understanding which devices are compatible with their hearing aids. As indicated in HLAA’s survey, most consumers seek information about hearing aid compatible phones from personnel in carriers’ stores. Often, retail sales personnel are not sufficiently knowledgeable to provide these consumers with correct information. While consumer education is important and cannot be overlooked, applying the HAC requirements in a technologically neutral way should simplify matters to a certain extent and, thus, make it easier for consumers to find and obtain a phone that works well with their hearing aid(s) and/or cochlear implant(s).

In Paragraph 9, the Commission asks if these rules should also apply to communication networks that are not connected to the PSTN, but still provides a “telephone-like” service and uses a handset or other customer-premises equipment to access service. The Consumer Groups believe that HAC rules should apply to this scenario as well. Communication access is moving beyond traditional service models. Individuals with hearing loss should not be left behind.

HAC rules should be sure to be flexible and forward-thinking. The rapid pace of change of mobile wireless phones is legend; changes in technology for hearing aid and cochlear implant connectivity are not far behind. We don’t know whether wireless devices will be held to the ear 10 years or even five years from now. No matter what kind of technology is developed, the consumer with hearing loss is most concerned that mobile wireless devices are developed from the outset in such a way as to provide a smooth connection without interference to a hearing device.

B. Fractional Deployment Benchmarks.

The Commission seeks comments on the benefits of dropping the long-standing fractional deployment benchmarks, which require only a designated percentage of models to be HAC compliant, in favor of a requirement that all “newly manufactured handsets” to be hearing aid compatible (namely, have ratings of M3 and T3 or better).² The Consumer Groups note that this

¹ A feature that most telephones have is volume control. Consumers with hearing aids need volume control on all types of mobile devices. The Consumer Groups urge the Commission to adopt a requirement and standards for volume control on mobile wireless phones.

² Adopting a 100% compliance rule raises the question of whether the “de minimis” exception should be retained. The technology to produce hearing aid compatible mobile phones may have matured to the point where it is feasible for small business manufacturers and providers to be compliant and at the same time be competitive in the marketplace. It is not clear how many companies currently claim this exemption. The Consumer Groups urge the commission to assess the state of the industry to determine whether this exemption should survive a 100% hearing aid compatibility rule.

proposed requirement would apply prospectively, *i.e.*, only to new models that are introduced into the marketplace.

The Consumer Groups support the adoption of this change. As indicated in the HLAA survey, many consumers have experienced difficulties in finding a hearing aid compatible mobile phone. Making such a purchase should not be more burdensome for these consumers than for others. While we recognize that there would necessarily be a transition period as new models replace old devices, over time, the frustration experienced by consumers would clearly diminish. In the survey, 80% of those who responded expressed the view that 100% of mobile wireless phone should be hearing aid compatible.

As noted by the Commission, a greater percentage of people are replacing landlines with mobile wireless devices. This shift in consumer practices demonstrates the essential nature of mobile wireless devices and makes clear the critical need to move toward 100% hearing aid compatibility. As a minimum, individuals should not be concerned that they may be unable to readily call for 911 emergency services or make other important calls using their mobile devices.

In paragraphs 14 and 15 of the PN, the Commission poses specific questions relating to consumer experience, including in-store testing, in purchasing a suitable mobile wireless phone. As we indicated above, a 100% compatibility requirement will certainly go a long way, but will not eliminate, the confusion experienced by consumers. The Consumer Groups do not discount the continuing need for self-education by consumers with hearing loss. But beyond that, HLAA's recent survey found that about 2/3 of those who responded do not understand the HAC ratings. For example, many consumers do not know whether the "1" or "4" in either the M or T modes designates higher quality performance. Also, some mobile wireless handsets have an "accessibly" or "HAC" menu buried in the phone's settings that it is difficult to find and unclear or even confusing to the consumer when or how it is best used. It would be very helpful if the phones were more user-friendly in this regard, with these settings easier to locate, understand and use. Until they are, consumers will need assistance notwithstanding a transition to 100% compliance. In addition, different mobile devices have different configurations in terms of connectivity to the hearing device used by the consumer. The "sweet spot" where the mobile phone and the hearing aid or cochlear implant can connect is different with each phone, making it necessary for the user to try out the phone with the hearing device to determine which phone may be used most effectively and comfortably with their own hearing device. Finally, the hearing aid itself may have a higher or lower immunity rating, but typically the user only knows that the hearing aid has a rating of at least M/T 2, so consumers are sometimes in the position of trying many phones before they find one that makes a good connection with their own hearing device(s). Thus, in-store testing would remain essential, even in an environment with 100% compatibility.

Furthermore, as we noted above, consumers generally rely on obtaining answers to questions posed to store personnel, and they are frustrated in not receiving complete and accurate information. The retail sales staff in these stores need more extensive training on performance, features and operational characteristics of hearing aid compatible mobile devices. Knowledgeable staff might use the carrier's or the manufacturer's website to find hearing aid compatible phones; however if the website is not updated regularly, even staff are put in the untenable position of not knowing which of the available handsets are HAC because handsets in the store are not listed in the on-line HAC ratings, and models listed on-line as HAC are no longer available in the store. Until such time as all available wireless handsets are HAC, the carriers' and manufacturers' websites will need to be up to date.

In addition to the websites, manufacturers and carriers should be required to have useful brochures or detailed data sheets available in stores for store personnel to refer to and for consumers to take with them. These written materials would serve to supplement staff training and make it easier for staff to explain, and consumers to retain and assimilate information about each product. Making such written materials available seems like a simple way to facilitate the purchase process to the benefit of the consumer.

In paragraph 17 of the PN, the Commission asks whether moving to a 100% hearing aid compatible requirement would eliminate the need for regulatory compliance or reporting requirements. It appears that the changed approach would provide some measure of relief from these requirements. We defer to industry to provide specific comments. However, we note that there will clearly be a transition period while new models come into the market and existing models are no longer sold. The Consumer Groups emphasizes that compliance report filing requirements should be maintained during this transition period. We also urge an additional requirement for the reports to include the status of the manufacturer's progress toward achieving 100% compatible devices.

In sum, the Consumer Groups respectfully request the Commission to revise the HAC requirements to apply in a technologically neutral manner and to replace the fractional deployment benchmarks with a requirement that all newly manufactured wireless handsets be hearing aid compatible.

We thank you for providing this opportunity to submit comments.

Respectfully submitted,



Anna Gilmore Hall
Executive Director
Hearing Loss Association of America

Hearing Loss Association of America (HLAA)
Contact: Lise Hamlin, Director of Public Policy, LHamlin@Hearingloss.org
7910 Woodmont Avenue, Suite 1200, Bethesda, MD 20814
301.657.2248
www.hearingloss.org

Association of Late-Deafened Adults (ALDA)
Steve Larew, President • president@alda.org
8038 Macintosh Lane, Suite 2, Rockford, IL 61107
www.alda.org

Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)
Cheryl Heppner, Vice Chair • CHEppner@nvrc.org
3951 Pender Drive, Suite 130, Fairfax, VA 22030

National Association of the Deaf (NAD)
Howard Rosenblum, Chief Executive Officer • howard.rosenblum@nad.org
Contact: Andrew Phillips, Policy Counsel • andrew.phillips@nad.org
8630 Fenton Street, Suite 820, Silver Spring, MD 20910
301.587.1788
www.nad.org

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
Claude Stout, Executive Director • cstout@TDIforAccess.org
8630 Fenton Street, Suite 121, Silver Spring, MD 20910
www.TDIforAccess.org