

Before the

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

In the Matter of

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Hearing Aid Compatibility Regulations

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WT Docket Nos. 07-250 and 10-254

**COMMENTS OF THE ALASKA TELEPHONE ASSOCIATION
ON WIRELESS HEARING AID COMPATIBILITY REGULATIONS**

The Alaska Telephone Association (“ATA”) files Comments in this proceeding in response to the Commission’s Public Notice DA 14-1688 released November 21, 2014 which requests updated information and comments on wireless hearing aid compatibility regulations. ATA’s membership includes Tier III wireless service providers who have deployed wireless service to many previously unserved areas of Alaska¹. They are diligent in striving to meet their communities’ needs for wireless service across Alaska and are proud to be delivering the many benefits of wireless service. An important part of that service is supporting hearing impaired residents of their communities by offering local support and multiple hearing aid compliant (HAC) handsets.

ATA welcomes the Commission’s invitation to comment on hearing aid regulations. Unfortunately, the regulations as they exist today are immensely difficult and expensive for our wireless carriers to comply with². They have resulted in onerous penalties that consumed valuable resources which would otherwise have been devoted to supporting and expanding wireless service in Alaska. Enforcement of the fractional compliance regime, which relies on conflicting databases of information and an excessively complex reporting process, has snared³ our carriers and inflicted damaging fines³. In each case where an Alaska provider fell short of the fractional regime, it was due to minor shortfalls which did not impact consumers. Instead of bringing value to hearing impaired customers, the regulations damaged the carriers. They continue to impose unnecessary costs as carriers must obsessively micro manage inventory and hire legal and consulting firms simply to file the Form 655.

¹ ATA member companies who are Tier III providers include Arctic Slope Telephone Association Cooperative, Bristol Bay Telephone Cooperative, Copper Valley Wireless, Cordova Wireless, GCI Wireless, Ketchikan Public Utilities, MTA Wireless, OTZ Wireless, TelAlaska Cellular, and Windy City Cellular.

² See comments of Appalachian Wireless and the Blooston Rural Carriers in WT Docket No. 10-254 for descriptions of some of the difficulties Tier III carriers face under the current compliance regime.

³ Enforcement actions for immaterial shortfalls in the fractional regime which resulted in material forfeitures include: DA 13-1857, Cordova Wireless Communications, LLC; DA 11-1844, OTZ Telecommunications, Inc.; DA 14-405 and DA 11-2075, General Communication, Inc.; DA 12-1582, TelAlaska Cellular, Inc.; DA 10-77, ACS Wireless, Inc.

Two questions posed in the Public Notice are particularly relevant to ATA members. Should the Commission consider moving away from the current fractional compliance regime? And should the Commission instead require all mobile wireless devices to comply with hearing aid compatibility rules?

ATA strongly supports abandoning the fractional compliance regime and its related reporting requirements. As discussed above, it is needlessly complex and imposes penalties on companies who are serving their consumers, including those who are hearing-disabled, but have fallen short of intricate record-keeping and reporting requirements.

If, as we propose, the fractional compliance regime is eliminated, ATA recommends removing the Form 655 filing requirement. Eliminating this flawed report risks no harm to hearing impaired consumers. Our carriers have always offered multiple compatible handsets and the number of those handsets will only increase as manufacturers continue to improve their hardware. Detailed information on each handset is available in retail stores and on company websites. Allowing carriers to re-task scarce resources away from penalties and preventive legal fees and back to their wireless service will benefit both carriers and consumers.

Instead of the Form 655 and its flawed fractional regime and reporting, we recommend relying on the Twenty-First Century Communications and Video Accessibility Act's (CVAA) requirements and annual certification. As required by CVAA, carriers will continue to certify annually that they are maintaining records of the efforts they take to comply with accessibility requirements under the CVAA, efforts which obviously include providing hearing aid compatible handsets. The CVAA takes a reasonable approach to compliance by recognizing that not everyone involved in the provision of service has the same power to implement accessibility by using the phrase, "if readily achievable," when

requiring accessibility be provided⁴. This will still require carriers to provide accessibility, but as they are reasonably able. It will allow smart enforcement which goes after truly bad actors and not carriers who act in good faith, only to be snared by a flawed compliance regime.

The Public Notice also asks whether all handsets should be required to be hearing aid compatible. We are concerned a universal HAC requirement will have unintended consequences of raising costs and limiting choice for consumers and carriers. In many instances, Tier III wireless providers do not have access to the latest model of wireless phones manufactured for the United States market due to limited purchasing volume and exclusivity agreements between the largest carriers and the manufacturers. A small carrier workaround commonly practiced today is to purchase wireless phones from vendors who buy late model excess stock internationally and resell it to smaller carriers. Hearing Aid Compatibility is not an international requirement so many of these phones do not have HAC functionality. To illustrate consumer harm that would result from moving to a 100% HAC standard, one ATA member company, Arctic Slope Telephone Association Cooperative, Inc. (ASTAC), would have to drop all of its Samsung smartphones, including two of its most popular phones, the Samsung Note 4 and Galaxy S5. These phones were purchased by ASTAC's vendors on the international marketplace and are neither M nor T rated. Not only would this deny consumers a choice of these popular smartphone without increasing the number of HAC compatible handsets, it would reduce the overall number of models currently available through ASTAC by sixty percent.⁵ Similarly, OTZ Telecommunications, which serves the Northwest Arctic Borough, would see a 41% reduction in the models they offer their members, including their most popular smartphone, the Samsung Galaxy S5. Reducing choices at

⁴ 47 U.S.C. § 255; 47 C.F.R. Part 6 and Part 7. See also Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as enacted by the Telecommunications Act of 1996, WT Docket No. 96-198, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417 (1999).

⁵ See Appendix A, ASTAC Handsets.

different price points and functionality⁶, no matter how well intentioned, does not serve the public interest.

A more inclusive solution which would complement advances in hearing aid technology is to require Bluetooth technology in a majority of wireless phones.⁷ A readily available option for today's hearing aids is to be paired with a Bluetooth interface device (commonly referred to as a streamer) that the hearing impaired person carries on their person. The streamer receives the Bluetooth call from the wireless phone and transmits it to the enabled hearing aids operating in one of three different frequency bands: 3- to 15-MHz near-field magnetic induction, 2.4-GHz industrial scientific medical band and 900-MHz industrial scientific medical band.⁸ This eliminates any feedback since the wireless phone does not need to be held to the ear. An additional benefit is that this technology works for any wireless device that is Bluetooth enabled such as mp3 players used to listen to music. Advancing Bluetooth compatibility would future-proof next generation advances in hearing aid technology and also adopt an international standard. This standard is within reach of small carriers, of the forty phones currently offered by ASTAC, thirty-seven (93%) have a Bluetooth interface. While legacy hearing aids are still being used, a percentage of wireless devices would still need to be available which are compatible per current HAC standards. However, a move toward more universal compatibility through the use of Bluetooth technology would make it easier for hearing impaired users to access devices and would also make it easier for carriers to provide more and lower cost choices.

⁶ See Appendix B, Definitions of Functionality

⁷ <http://www.healthyhearing.com/help/hearing-aids/bluetooth>

⁸ https://starkeypro.com/pdfs/articles/HJ2010_10_pg36-39.pdf

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In summary, ATA respectfully recommends the Commission relieve providers of the onerous fractional compliance regime and related reporting which does not benefit hearing impaired consumers. Instead take advantage of the reasonably achievable standard as described in the CVAA. Be cautious of unintended consequences when considering a 100% HAC requirement to avoid increasing costs and limiting options for all consumers, including the hearing impaired.

Respectfully submitted,

Via ECFS 2/5/2015

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Comments of the Alaska Telephone Association on Wireless Hearing Aid Compatibility Regulations
Appendix A ASTAC Handsets

Handset Maker	Model Name(s)	FCC ID(s)	M-Rating (M3, M4)	T-Rating (T3, T4)	Bluetooth Interface (Yes/ No)	Functionality Level
Nokia	2720	QTLRM-520	M3	T3	Yes	Basic
Nokia	2760	QTLRM-391	M3	T3	Yes	Basic
Motorola	RAZR2 V8	IHDT56HZ1	M3	T3	Yes	High End
Nokia	7020	QTKRM-497	M3	T4	Yes	High End
Motorola	ROKR W5	IHDT56HB1	M3	T3	Yes	Mid-Level
Motorola	VA76r Tundra	IHDP56HM1	M3	T3	Yes	Mid-Level
Samsung	A436	A3LSGHA437	M3	T3	Yes	Basic
Motorola	RAZR V3e	IHDT56GL1	M3	T3	Yes	Mid-Level
Motorola	WX345	IHDP56LJ5	M3	T4	Yes	Mid-Level
Nokia	E5	QTKRM-634	M3	T4	Yes	Smartphone
Sony Ericcson	Xperia Play	PY7A3880087	M3	T3	Yes	Smartphone
ZTE	Z221	Q78-Z221	M3	T3	Yes	Basic
CAT	B100	ZL5B100	M3	T3	Yes	Basic
Apple	Iphone 5S	BCG-E2642A	M3	T4	Yes	Smartphone
Motorola	Moto G	IHDT56PF2	M3	T4	Yes	Smartphone
Nokia	6085	LJPRM-198H	M3	T3	Yes	Basic
Alcatel	OT800 Tribe	RAD106	M3		Yes	High End
Motorola	EM330	IHDP56JJ1	M3		Yes	Mid-Level
Alcatel	OT-880a	RAD126	M3		Yes	High End
Alcatel	OT-808a	RAD119	M3		Yes	High End
LG	Nexus	ZNFD821	M3		Yes	Smartphone
CAT	B15	ZL5B15			Yes	Smartphone
Samsung	B2100	A3LSWDB2100			Yes	Mid-Level
Nokia	N97Mini	QVVRM-553			Yes	Smartphone
Motorola	M900	IHDT56CW1			No	Basic
Motorola	M930	IHDT56FV2			No	Basic
Sonim	XP3.20 Quest Pro	WYPP23C001BB			Yes	Mid-Level
Alcatel	OT-255A	RAD135			No	Basic
Samsung	S5570	A3LGTS5570			Yes	Smartphone
Samsung	I5510	A3LGTI5510			Yes	Smartphone
Samsung	N8000	A3LGTN8000A			Yes	Smartphone
Blu	Life Play	YHLBLULIFEPLAY			Yes	Smartphone
Blu	Tank 4.5	YHLBLUTANK45			Yes	Smartphone
Samsung	I9500 Galaxy S 4	A3LGTI9505			Yes	Smartphone
Samsung	I9295 Galaxy S 4 ACTIVE	A3LGTI9295			Yes	Smartphone
Clarity	PAL	ACEPAL101V1			Yes	Basic
Samsung	Note 4	A3LSMN910H			Yes	Smartphone
Samsung	Galaxy S5	A3LSMG900H			Yes	Smartphone
BLU	Life View	YHLBLULIFEVIEW			Yes	Smartphone
Samsung	B5310	A3LGTB5310			Yes	High End

Comments of the Alaska Telephone Association
Appendix B ASTAC Handsets Definitions of Functionality

Section 10. (Service Providers Only) Level of Functionality

Describe the Levels of Functionality into Which the Compliant Handsets Fall and Provide An Explanation of the Service Provider's

Basic phones Basic Phones will have either no camera or a VGA camera. Basic phones may be candy bar, slider or flip style. Basic phones are capable of making and receiving calls, sending and receiving text messages. WAP browsing and picture messaging may also be available on some models.

Mid-Level phones These phones generally have higher resolution cameras and have MP3 music players. They will have Bluetooth capability. Middle level phones will usually have a memory slot for storing pictures, video and music. Mid Level phones also have the ability to send and receive both text and picture messages. Most Mid Level phones will have a WAP internet browser.

High End phones These devices will have 2 Megapixel or better cameras. They generally have stereo Bluetooth capabilities. Most feature an additional HTML internet browser and larger, high resolution, displays. Some phones in this category have touch screens and/or slide out QWERTY keyboards.

Smartphones Smartphones have advanced operating systems like Symbian, Google Android, and Microsoft Windows Mobile which allow for application additions. These devices support both voice and data communications and generally are WiFi capable and feature rich.