

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	WT Docket No. 07-250
Governing Hearing Aid-Compatible Mobile	)	
Handsets	)	
	)	
2010 Review of Hearing Aid Compatibility	)	WT Docket No. 10-254
Regulations	)	

**COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION**

Competitive Carriers Association (“CCA”) submits these comments in response to the *Public Notice* (“*Public Notice*”)<sup>1</sup> in the above-captioned proceedings, in which the Federal Communications Commission (“FCC” or the “Commission”) seeks comment on a number of issues relating to its Hearing Aid Compatibility (“HAC”) rules and regulations. CCA urges the Commission to eliminate fractional HAC deployment benchmarks and to adopt a rule requiring that all newly-manufactured handsets are HAC compliant, subject to the procedures discussed herein. In support, the following is respectfully shown:

**I. INTRODUCTION**

CCA commends the Commission for taking steps to improve the availability of hearing aid compatible handsets to individuals with hearing loss.<sup>2</sup> CCA represents the interests of more

---

<sup>1</sup> *Request for Updated Information and Comment on Wireless Hearing Aid Compatibility Regulations*, Public Notice, DA 14-1688, WT Docket Nos. 07-250 and 10-254 (rel. Nov. 21, 2014) (“*Public Notice*”).

<sup>2</sup> *Id.* ¶ 13 (discussing the Congressional directive to ensure that “individuals with hearing loss . . . have access to the telecommunications network ‘to the fullest extent made possible by technology and medical science[.]’” and to “expand consumer access to hearing aid compatible handsets in line with advanced communication technologies”).

than 100 competitive wireless carriers, many of which are small carriers who serve otherwise underserved portions of rural America. CCA also represents almost 200 associate members who include vendors and suppliers that provide products and services throughout the mobile communications supply chain. As CCA has previously recounted, smaller carriers face significant challenges in obtaining the latest, most advanced and feature-rich handsets, including those that meet the Commission’s HAC requirements. The proposal to require that *all* newly manufactured handsets be HAC compliant will significantly increase the availability of these handsets to rural consumers and customers of competitive carriers, while simultaneously reducing regulatory burdens that disproportionately impact smaller carriers. CCA strongly supports such an outcome. However, the Commission must also be mindful of the lag time between when nationwide carriers and non-nationwide carriers get access to handsets. The FCC must not require wireless providers to adopt a 100 percent HAC compliance standard on an unreasonable timeframe, lest smaller carriers be harmed by the Commission’s well-intentioned efforts to improve the lives of hearing impaired wireless consumers.

## **II. CCA ENCOURAGES THE COMMISSION TO MAKE ALL NEWLY-MANUFACTURED HANDSETS HAC COMPLIANT**

CCA agrees that “consumers with hearing loss would benefit if all newly manufactured handsets were hearing aid compatible – *i.e.*, have ratings of M3 and T3 or better.”<sup>3</sup> Such a requirement would improve the lives of consumers with hearing loss by expanding their wireless handset options, while having the simultaneous benefit of a “reduction in compliance burdens”<sup>4</sup> that plague smaller carriers.

---

<sup>3</sup> *Id.* ¶ 14.

<sup>4</sup> *Id.* ¶ 17.

**A. Requiring that All Newly-Manufactured Handsets be HAC Compliant Would Improve Access to the Latest Handset Models for Smaller Carriers and Their Customers and Reduce Consumer Confusion**

As CCA has noted repeatedly in these HAC proceedings<sup>5</sup> and in others,<sup>6</sup> “CCA’s carrier members face certain obstacles to obtaining access to [HAC compliant] devices—especially ‘iconic’ 4G devices demanded by consumers.”<sup>7</sup> One significant obstacle is a lack of scale sufficient to garner the attention of equipment manufacturers. These obstacles are exacerbated by the fact that “many CCA members do not have direct relationships with handset manufacturers but rather purchase handsets through third-party vendors or distributors, or through buying consortiums, which limits the number of available handsets these carriers have access to.”<sup>8</sup> If all newly-manufactured handsets were required to be HAC compliant, CCA’s members’ compliance would no longer be contingent upon their relationships (or lack thereof) with manufacturers or vendors. Instead, all handsets would be HAC compliant from the outset, and carriers could simply purchase the handsets that meet the needs of their customer bases, satisfied that all handsets would meet the needs of their customers with hearing loss.

This requirement would also serve to enhance consumer choice and reduce consumer confusion. At present, not all phones are required to be HAC compliant, so individuals with

---

<sup>5</sup> See Reply Comments of RCA – The Competitive Carriers Association, WT Docket No. 07-250, at 2 (filed Jan. 30, 2012); Comments of Rural Cellular Association, WT Docket Nos. 07-250 and 01-309, at 6 (filed Dec. 19, 2007).

<sup>6</sup> See, e.g., Comments of Competitive Carriers Association, PS Docket No. 07-114, at 8-9 (filed Dec. 10, 2014); Competitive Carriers Association, *A Framework for Sustainable Competition in the Digital Age: Fostering Connectivity, Innovation and Consumer Choice*, GN Docket No. 12-268, et al. at 16-17 (filed Dec. 4, 2013); *Ex Parte* Letter from Rebecca Murphy Thompson, General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 12-29, et al., at 3 (filed June 28, 2013).

<sup>7</sup> Comments of Competitive Carriers Association, WT Docket No. 10-254, at 2 (filed Jan. 22, 2013) (“CCA 2013 Comments”).

<sup>8</sup> CCA 2013 Comments at 2.

hearing loss are somewhat limited in their selection of useable handsets. There may be a handset with certain features, or in a certain style, offered by a carrier that is not HAC compliant, effectively eliminating this handset from consideration for customers with hearing loss. However, if the Commission were to adopt this new requirement, these same consumers could soon choose any available handset out of the lineup, knowing with certainty that it meets HAC standards.

The FCC's proposal also helps to reduce consumer confusion. Currently, customers must determine which handsets are compatible with their hearing aids, and whether inductive coupling (T3 or better) or acoustic coupling (M3 or better) is most appropriate for their needs. Since some HAC compliant handsets operate only by acoustic coupling or by inductive coupling (but not both) and others are not HAC compliant at all, consumers are often forced to research and test devices before finding the right handset. If all handsets met the HAC standards, consumers could simply choose the handset that they prefer the same way other consumers do.

In short, requiring that all newly-manufactured handsets be HAC compliant increases access to compliant handsets by competitive carriers, increases consumer choice, and reduces consumer confusion. Given these significant benefits, the Commission should require all newly-manufactured handsets to be HAC compliant.

**B. Regulatory Burdens Would be Greatly Reduced If All Newly-Manufactured Handsets Are HAC Compliant**

In addition to the substantial benefits to persons with hearing loss and wireless carriers outlined above, requiring that all newly-manufactured handsets be HAC compliant would also significantly reduce regulatory burdens, particularly on those smaller carriers who can least afford them. Adopting this all-handset requirement would “eliminate the need for a number of the compliance requirements associated with the present fractional approach[,]” including the

annual HAC report and the requirement that providers offer HAC compliant handsets at differing levels of functionality.<sup>9</sup>

Because all handsets would be HAC compliant by rule, the Commission could eliminate the requirement for carriers to file an annual report on their HAC compliant offerings. Removing the obligation to report HAC offerings on a handset-by-handset basis would significantly reduce the time, effort and expense wireless provider personnel now expend on that reporting obligation. Ensuring that a carrier is offering the proper number of HAC handsets, gathering and maintaining information on frequency bands, product labeling, and monitoring and enforcing other requirements is an enormous undertaking, as is combining all of this information into a single report each year. Once the all-handset rule is in effect, HAC reporting would become a prime example of the “unjustified regulatory burdens and costs” that President Obama has directed agencies to reduce by Executive Order, and should be promptly eliminated.<sup>10</sup> In addition, the Commission would realize significant time and cost savings from no longer needing to review HAC reports for over 100 wireless carriers.

Similarly, wireless providers would no longer need to spend resources ensuring that HAC compliant handsets are available at all levels of functionality.<sup>11</sup> Instead, since all newly-manufactured handsets would be HAC compliant, carriers could set their handset purchasing targets to meet customer demand, rather than regulatory requirements. This change would

---

<sup>9</sup> *Public Notice* ¶ 17.

<sup>10</sup> *Executive Order -- Identifying and Reducing Regulatory Burdens* (rel. May 10, 2012), available at <http://www.whitehouse.gov/the-press-office/2012/05/10/executive-order-identifying-and-reducing-regulatory-burdens>; see also *Executive Order 13563 -- Improving Regulation and Regulatory Review* (rel. Jan. 18, 2011), available at <http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order>.

<sup>11</sup> 47 C.F.R. § 20.19(d)(4)(ii).

improve the range of handsets available to all consumers—in particular, to those consumers with hearing loss. In addition, the overall cost of handset purchasing for carriers would be lowered; there would no longer be a need to satisfy the fractional compliance approach.

CCA also agrees that this “potential reduction in compliance burdens provide a particular benefit or cost to discrete segments of the industry, such as smaller wireless providers.”<sup>12</sup> As an association that represents most small wireless providers, CCA is familiar with the enormous amount of time and expense that regulatory compliance consumes. The Commission should reduce these burdens, which will free up resources that will enable these smaller carriers to improve their networks and service offerings to provide greater competition to the largest nationwide carriers.

### **III. THE COMMISSION SHOULD EXERCISE CAUTION TO ENSURE THAT SMALLER CARRIERS ARE GIVEN SUFFICIENT TIME TO REPLENISH THEIR HANDSET OFFERINGS**

While CCA strongly favors the adoption of a rule requiring that all newly-manufactured handsets be HAC compliant, it urges the Commission to exercise restraint in applying a similar standard immediately to service providers. The *Public Notice* asks several questions regarding “expanding the hearing aid compatibility requirement to all handsets,”<sup>13</sup> but without seeking input on how service providers would replenish their existing handset stocks to eventually offer only HAC compliant handsets. CCA believes that the Commission should grandfather the sale or purchase by carriers of legacy handsets for an appropriate period of time after any rules are adopted, and allow carriers to demonstrate compliance under either the current fractional approach or by purchasing 100 percent HAC compliant devices from manufacturers during that

---

<sup>12</sup> *Public Notice* ¶ 17.

<sup>13</sup> *Id.* ¶ 15.

same period. Doing so will allow service providers to dispose of handsets not meeting M3/T3 standards through sales to subscribers, distributors or other service providers who have a demand for particular models. Over time, these handsets will be replaced with newly-manufactured, HAC compliant handsets as the old handsets are put into the market (or rendered obsolete).

This issue is a particular concern for smaller carriers who currently have difficulty obtaining the latest handsets, including HAC compliant handsets. These carriers, therefore, have fewer handsets on hand than their larger competitors. Smaller carriers also have a lower handset sales volume than do larger carriers, and so may require a significantly longer period of time to completely turn over their existing supply of handsets. The Commission must ensure that any rules that are adopted take these distinctions into consideration. Otherwise, already resource-constrained competitive carriers will be forced to take a significant financial loss on in-stock handsets that they would be precluded from selling.

#### **IV. CONCLUSION**

CCA supports the Commission's efforts to improve access by individuals with hearing loss to wireless services by requiring that all newly-manufactured handsets be HAC compliant. This also will have the ancillary benefit of reducing regulatory burdens on all carriers, and in particular on the smallest carriers. However, in adopting any rules in this regard, CCA urges the Commission to consider the impact its proposals may have on smaller carriers that lack the scale of their nationwide counterparts.

Respectfully submitted,

/s/ Rebecca Murphy Thompson  
Steven K. Berry  
Rebecca Murphy Thompson  
C. Sean Spivey  
COMPETITIVE CARRIERS ASSOCIATION  
805 15<sup>th</sup> Street NW, Suite 401  
Washington, DC 20005

February 5, 2015