

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

To: Wireless Telecommunications Bureau

REPLY COMMENTS OF CORDOVA WIRELESS COMMUNICATIONS, LLC

Cordova Wireless Communications, LLC (“Cordova”),¹ by its attorneys, hereby files these reply comments in response to comments filed in the above-captioned proceedings in which the Wireless Telecommunications Bureau (“Bureau”) of the Federal Communications Commission (“FCC” or “Commission”) sought comment concerning wireless hearing aid compatibility (“HAC”) obligations.² A common theme among the comments filed was general support for more ubiquitous HAC compliant handsets for consumers.³ Having more HAC compliant handsets available would not only increase handset options for consumers, it would also ease what many commenters pointed out were “difficult and expensive” compliance

¹ Cordova Wireless Communications, LLC is a wholly owned subsidiary of Cordova Telephone Cooperative, Inc. Cordova is a small, rural (Tier III) wireless service provider. Cordova serves the City of Cordova, Prince William Sound, and the City of Yakutat, and provides its subscribers with extended nationwide coverage through its roaming partners.

² *Request for Updated Information and Comment on Wireless Hearing Aid Compatibility Regulations*, WT Docket Nos. 07-250 and 10-254, Public Notice, 29 FCC Rcd 13969 (Nov. 21, 2014).

³ See, e.g., Competitive Carriers Association Comments at 2 (supporting an increased number of HAC compliant handsets) and Motorola Solutions, Inc. Comments at 2 (distinguishing the need for HAC compliant devices for consumers as opposed to public safety and enterprise applications).

burdens, especially for small wireless carriers.⁴ Cordova urges the Commission to require manufacturers to increase the number of HAC devices that are available to consumers while also eliminating the current unnecessarily burdensome and punitive HAC reporting and enforcement regime for carriers.

I. With HAC Handsets, More Is Better

The FCC's current fractional HAC compliance regime is confusing to both consumers and carriers. As the Competitive Carriers Association notes, "not all phones are required to be HAC compliant, so individuals with hearing loss are somewhat limited in their selection of useable handsets."⁵ Since it is handset manufacturers, and *not* carriers, that have the ability to create HAC compliant handsets, the FCC should properly focus its HAC regulations on the makers of handsets, rather than carriers. Requiring handset makers to ultimately ensure that all of their offerings are HAC compliant will enable consumers and carriers to have access to HAC compliant devices with minimal effort or confusion and will eliminate the need for burdensome reporting and punitive enforcement regimes.⁶

The current hodge-podge of HAC compliant devices makes carrier compliance an expensive and time-consuming headache. It has been Cordova's experience that 1) its handset vendors' HAC information is often unreliable; 2) the FCC's HAC report summaries, based on the annual reporting requirements, are incomplete, and 3) the Office of Engineering and Technology ("OET") HAC database is a disorganized pile of PDF files and engineering and testing reports. Yet every year, Cordova, with the help of its attorneys and consultants at considerable expense, must comb through this morass of HAC information in order to file FCC

⁴ See, e.g., Alaska Telephone Association Comments at 2.

⁵ Competitive Carriers Association Comments at 4.

⁶ Alaska Telephone Association Comments at 2.

Form 655. By requiring manufacturers to produce only HAC compliant handsets, the FCC could eliminate or, at the very least, streamline the current reporting requirements. Cordova agrees with the Alaska Telephone Association that the elimination of the FCC’s fractional compliance regime would remove the need for the annual Form 655 filing requirement, especially for small carriers.⁷ However, like the Competitive Carriers Association cautions, small carriers like Cordova will need adequate time to acquire HAC compliant handsets once HAC compliant handsets become more ubiquitously available.⁸ As the Alaska Rural Coalition points out, small “companies cannot gain direct access to the latest and most in-demand phones desired by their customers.”⁹ Rather than require carriers to carry a specific number or ratio of HAC compliant handsets, the FCC should simply allow natural attrition to result in stores being stocked with only HAC capable handsets.¹⁰

II. The FCC Should Revise its Carrier Enforcement Regime for HAC

In addition to eliminating the annual Form 655 reporting requirement, the Commission should also revise its HAC enforcement regime that has been built up over the years to target carriers with unnecessarily punitive fines. The FCC’s HAC enforcement regime should be revised or eliminated since it “imposes penalties on companies who are serving their customers, including those who are hearing-disabled, but have fallen short of intricate record-keeping and reporting requirements.”¹¹ These enforcement penalties that can start at \$15,000 per

⁷ See Alaska Telephone Association Comments at 3.

⁸ See Competitive Carriers Association Comments at 2.

⁹ Alaska Rural Coalition Comments at 5.

¹⁰ See Competitive Carriers Association Comments at 6 (urging the FCC to “exercise restraint” in applying a 100 percent to service providers).

¹¹ Alaska Telephone Association Comments at 3.

month for each individual violation add up quickly and end up consuming resources that “would otherwise have been devoted to supporting and expanding wireless service...”¹²

While no commenters question the value of having HAC handsets available and, in fact, most commenters believe that requiring manufacturers to produce only HAC compliant handsets is in the public interest, support for the FCC’s current HAC enforcement regime is lacking. Cordova asks that the Commission balance the supposed harm of a small carrier missing just one HAC handset under the fractional compliance rules when weighed against proposed fines that can quickly approach \$100,000 for multiple month violations. In such cases, customers with hearing loss certainly still have a choice of HAC compliant handsets even with one option missing so the harm to the public interest is minimal to non-existent. There is simply no justification for such onerous penalties¹³ in light of the slight, if any, harm to the public.

III. Conclusion

If the FCC wants more HAC handsets to be available to consumers with hearing loss, all it has to do is require manufactures to create such handsets. Small carriers, because of their size, lack market power and simply cannot affect the availability of HAC phones. In the past, small carriers have been unfairly punished with massive penalties for the lack of available HAC handsets sought after by consumers. It is time for the Commission to focus its HAC rules on the manufacturers and eliminate its burdensome carrier reporting regime and enforcement structure.

¹² *Id.* at 2.

¹³ *See* Alaska Rural Coalition Comments at 3.

Respectfully submitted,

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