

Before the
Federal Communication Commission
Washington, D.C.

In the Matter of)	
)	
Improvements to Benchmarks and Related)	WT Docket No. 15-285
Requirements Governing Hearing Aid-)	
Compatible Mobile Handsets)	
)	
Amendment of the Commission’s Rules)	WT Docket No. 07-250
Governing Hearing Aid-Compatible Mobile)	
Handsets)	

REPLY COMMENTS OF

**The Consumer Groups and the DHH Tech RERC to the
Hearing Aid-Compatible Mobile Handsets NPRM**

The Hearing Loss Association of America (“HLAA”), Telecommunications for the Deaf and Hard of Hearing (“TDI”), and the National Association of the Deaf (“NAD”) (the “Consumer Groups”) and the Deaf/Hard of Hearing Technology RERC (DHH Tech RERC) hereby provide Reply Comments on the FCC’s Notice of Proposed Rulemaking, FCC 15-155 to adopt the Joint Consensus Proposal (“Proposal”).

In our Comments, the Consumer Groups and the DHH Tech RERC noted that Consumer Group and the wireless industry representatives TIA, CTIA, and CCA worked together to craft and submit to the FCC the Proposal. The Consumer Groups and the DHH Tech RERC support the Proposal and encouraged the Commission to expeditiously consider and adopt the framework set forth in the Proposal, which reflects an historic consensus between the wireless industry and

the hearing loss community. We also provided supplemental comments to reflect our members' interests where the Proposal is silent, or where additional clarity regarding implementation will further the public interest.

The Consumer Groups and DHH Tech RERC find that the Comments filed by Apple, Inc. ("Apple") raise issues that are potentially problematic to people with hearing loss. Specifically, Apple has filed comments requesting that the Commission rule that its proprietary technology is an acceptable alternative to the Commission's existing HAC requirements. Apple's request seems to accelerate the timeframe for a Commission decision on an issue that was raised in the context of the Joint Consensus Plan. The Commission stated that in considering whether 100% HAC was achievable, "should we consider innovative approaches, including standards or technologies that are different from the currently applicable ANSI standard, that can achieve telephone access for consumers with hearing loss? For example, Apple has explained that it 'work[ed] outside the existing Part 20 framework to advance its goal of dramatically improving the user experience for individuals with hearing loss,' and that it developed a new hearing aid platform that relies on Bluetooth® technology."¹

The Consumer Groups and DHH Tech RERC respectfully request that the Commission include the issues raised by Apple in the process contemplated in the consensus plan. Specifically, the Consumer Groups and DHH Tech RERC would like the issues raised by Apple to be included in the scope of the work of the proposed task force.

Apple's comments raise the issue of whether proprietary solutions should be considered as a way to fulfill the handset makers' obligation to provide HAC phones. From a consumer perspective, the issue of proprietary solutions poses very real and basic accessibility and usability

¹ Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets, *Fourth Report and Order and Notice of Proposed Rulemaking*, 30 FCC Rcd 13845, ¶ 77 (2015).

concerns. Proprietary solutions are typically encumbered by patents, subject to vendor lock-in and prevent interoperability between software and hardware from different vendors. Acoustic coupling and inductive coupling via telecoils between wireless devices and hearing devices provide universal access and interoperability. Telecoils, have become a boon to consumers precisely because they are an open solution for connecting to any phone while at the same time providing vastly more functionality to hearing aids by also connecting to wide area listening systems. A proprietary system that excludes telecoils is accessible and usable only if the consumer uses that one brand of phone that they are locked into. Consumers are literally left out of the loop if they wish to change to a different phone or hearing aid or if the proprietary phone/hearing aid system is broken, lost, or unavailable and they must resort to connecting via someone else's phone. In fact, HLAA recently received a frantic call for help on just this issue: a consumer with a "made for iPhone" hearing aid could not find a way to connect to the sound system on her work PC because that hearing aid did not include a telecoil.

An approach to HAC that relies on proprietary solutions means that HAC becomes piecemeal, that is, capable of being met in a variety of ways, but not available to everyone, every time. It is not clear how 100% compliance could be reached if compatibility is not universal and devices are not interoperable. The importance of solutions based on open standards in the case of HAC and accessibility in general cannot be overstated.

In fact, this is such a hot button subject for consumers that HLAA was notified of a petition that has been posted on line regarding this issue. It has garnered more than 250 sign-ons in less than 24 hours. <https://www.change.org/p/federal-communications-commission-fcc-stop-the-fcc-from-removing-the-telecoil-compatibility-requirement-from-hac-phones>

The Consumer Groups and DHH Tech RERC submit that Apple's request that its technology meet HAC cannot be granted unless the Commission, at a minimum, puts the proposal out for public comment. However, since the issues Apple raises are integral to the Commission's determination of whether 100% HAC is achievable, the Consumer Groups and DHH Tech RERC respectfully request that the Commission include this issue in the scope of work that will be done by the task force as contemplated in the Consensus proposal.

Thank you for this opportunity to provide these Reply Comments.

Respectfully submitted,

/s/ Lise Hamlin, Director of Public Policy
Hearing Loss Association of America
7910 Woodmont Avenue, Suite 1200, Bethesda, MD 20814
LHamlin@hearingloss.org

/s/ Claude Stout, Executive Director,
Telecommunications for the Deaf and Hard of Hearing
8630 Fenton Street, Suite 121, Silver Spring, MD 20910
cstout@TDIforAccess.org

/s/ Howard Rosenblum, Chief Executive Officer
National Association of the Deaf
8630 Fenton Street, Suite 820, Silver Spring, MD 20910
howard.rosenblum@nad.org

/s/ Linda Kozma-Spytek, Co-Director
Deaf/Hard of Hearing Technology RERC
Gallaudet University, 800 Florida Ave, NE, Washington, DC 20002
linda.kozma-spytek@gallaudet.edu

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