

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

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 Governing	)	WT Docket No. 07-250
Hearing Aid-Compatible Mobile Handsets	)	

To: Commission

**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”)<sup>1</sup> respectfully replies to those comments filed in response to the *Notice* in the above-captioned proceeding.<sup>2</sup> The Joint Consensus Proposal discussed in the *Notice* presents a staged approach to increasing the hearing-aid compatible (“HAC”) benchmarks in Section 20.19 of the FCC’s rules,<sup>3</sup> with the aspirational “goal of 100 percent HAC compliance,” in the event the FCC determines it to be achievable.<sup>4</sup> According to the Proposal, the FCC’s determination of whether 100 percent HAC compliance is achievable will be informed by a multi-stakeholder task force that will holistically analyze the “technical

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<sup>1</sup> T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

<sup>2</sup> *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket Nos. 15-285 and 07-250, Fourth Report and Order and Notice of Proposed Rulemaking, FCC 15-155, 30 FCC Rcd. 13845 (“*Notice*”).

<sup>3</sup> See 47 C.F.R. § 20.19.

<sup>4</sup> Joint Comments of CTIA®, TIA, and CCA, WT Docket Nos. 15-285 and 07-250, at 4 (Jan. 28, 2016) (“*Association Comments*”).

and market conditions involving wireless handsets and the landscape of hearing improvement technology.”<sup>5</sup>

**I. T-MOBILE HAS BEEN ACTIVELY ENGAGED IN PROMOTING THE ACCESSIBILITY OF ITS SERVICES TO INDIVIDUALS WITH DISABILITIES, INCLUDING THROUGH ITS OFFERINGS OF HAC-COMPLIANT WIRELESS HANDSETS.**

T-Mobile supports the FCC’s goal of providing people with hearing loss access to a greater number of wireless devices that are HAC, and it actively promotes HAC availability and awareness. In addition to making information about its HAC product offerings available on its website and in its owned and operated stores, T-Mobile embraces opportunities to advance consumers’ understanding of its HAC offerings (in addition to its other products, services and innovations designed to promote accessibility) by participating in conferences and seminars attended by organizations representing persons with hearing loss and members of such organizations. For example, in 2015 alone, T-Mobile exhibited at and participated in the Hearing Loss Association of America's annual national convention in St. Louis, Missouri, as well as the M-Enabling Conference held in Arlington, Virginia. T-Mobile also attended the TDI Biennial Conference in Baltimore, Maryland, and participated in an accessibility roundtable at the CTIA Show in Las Vegas, Nevada. In addition to receiving valuable feedback from consumers and consumer advocates at these gatherings, in several of the discussions that take place, T-Mobile oftentimes explains handset and network developments (*e.g.*, High Definition Voice) that are designed to enhance the end-user experience, while stressing the importance for customers of trying/testing HAC handsets prior to purchase. Moreover, T-Mobile’s Accessibility Council serves as a robust forum that facilitates valuable information exchanges

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<sup>5</sup> *Id.* at 10.

between external industry experts and company representatives regarding accessible product and service enhancements and opportunities.

**II. IN ADOPTING THE PROPOSAL, THE FCC MUST ALSO ENSURE THAT MANUFACTURERS AND SERVICE PROVIDERS RETAIN SUFFICIENT FLEXIBILITY TO INNOVATE.**

T-Mobile is pleased to add its support to the Proposal to make wireless handsets more accessible to individuals with hearing disabilities. As the Associations discuss, the “Proposal charts a course toward the goal of 100 percent availability of hearing aid compatible wireless handsets while retaining the flexibility necessary to maintain the United States’ lead in global wireless investment and innovation.”<sup>6</sup> T-Mobile participated actively in the preparation of the Proposal, which recognizes that sufficient flexibility is needed in order to facilitate continued growth and evolution of mobile wireless products and services.<sup>7</sup>

To date, the FCC’s program to promote HAC-compatible wireless handsets has been a great success. As one commenter noted,<sup>8</sup> in 2010, T-Mobile filed comments describing the challenges of obtaining sufficient numbers of GSM handset models that were M-compliant for operation at 1900 MHz. Six years and several generations of products later, T-Mobile was proud to report in its Form 655 submitted last month that its 2015 portfolio reflected a significant number of fully HAC-compatible GSM models (that is, HAC-rated on both the acoustic (M) and telecoil (T) rating scales), far exceeding the current benchmarks.

While the significance of this achievement and the efforts needed to accomplish it should not be understated, T-Mobile urges the FCC to consider structuring future requirements in a

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<sup>6</sup> Association Comments at 3.

<sup>7</sup> See Proposal at 2 (recommending that the FCC seek comment on “how the FCC’s rules should be modified to ensure manufacturers and service providers meet the new benchmarks while preserving the ability to offer innovative wireless handsets in a rapidly changing market”).

<sup>8</sup> Comments of the Blooston Rural Carriers, WT Docket Nos. 15-285 and 07-250, at 2-3 (Jan. 28, 2016).

manner that would “not discourage or impair the development of improved technology.”<sup>9</sup> Because some new technologies may pair with hearing aids in ways not anticipated by the existing ANSI standards, and therefore, not necessarily pass muster under the minimum M3/T3 ANSI standard, it is imperative that the Commission leave room for innovation and experimentation with respect to hearing solutions.<sup>10</sup> Thus, T-Mobile supports the comments of the Associations, ANSI C63 Subcommittee 8, and Apple to the extent they suggest that the FCC re-examine the meaning of HAC beyond the current M and T rating system to ensure the underlying objectives of the rules are satisfied and not simply to measure compatibility of devices based on RF emissions.<sup>11</sup>

T-Mobile agrees with those commenters that urge the FCC to “look to the multi-stakeholder process to provide guidance and input” into its review of whether the goal of 100 percent HAC compliance is achievable.<sup>12</sup> T-Mobile also supports the Proposal’s recommendations that the full Commission’s review of benchmarks be based on a holistic view

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<sup>9</sup> Comments of Apple Inc., WT Docket Nos. 15-285 and 07-250, at 1 (Jan. 28, 2016) (citing 47 U.S.C. § 610(e)).

<sup>10</sup> *See id.* at 10 (explaining that the “existing interference-based assessment approach would not be meaningful for solutions that rely on digital modulation to convey audio to the hearing aid”).

<sup>11</sup> *See id.* at 10-11; Comments of the American National Standards Institute Accredited Standards Committee C63<sup>®</sup> Subcommittee 8, WT Docket Nos. 15-285 and 07-250, at 2-4 (Jan. 28, 2016) (noting that the Subcommittee is embarking on a revision to its current standard to ensure that the standard is “effective in its role in providing hearing aid compatibility” and that “[d]uring the revision of any standard it is important to revisit the reasons decisions were made as they were and underlying assumptions”) (“ANSI C63 Comments”); Association Comments at 10 (“[A] key component of the determination process will be a forward-looking view of wireless handsets available in the United States and whether the current HAC standards *and/or any new standards or technologies* will permit 100 percent compliance with the HAC rules.”) (emphasis added).

<sup>12</sup> Association Comments at 7; *see also* Comments of the HLAA, TDI, NAD, and the Deaf/Hard of Hearing Technology RERC, WT Docket Nos. 15-285 and 07-250, at 3-4 (Jan. 28, 2016).

of conditions in the wireless industry<sup>13</sup> and that any new benchmarks established by the FCC go into effect no sooner than 24 months after the rule changes become effective to ensure that an adequate transition period is provided.<sup>14</sup>

### III. CONCLUSION

The wireless industry's technological advancements in hearing aid compatibility have been significant, resulting in an impressive marketplace of HAC devices available today. T-Mobile encourages the FCC to continue to balance the goals of increasing access to wireless handsets for people who use hearing aid devices with the need to foster innovation for the benefit of all consumers.

Respectfully submitted,

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<sup>13</sup> Proposal at 2 (FCC review should be “based on concrete data and information about the technical and market conditions involving wireless handsets and the landscape of hearing improvement technology collected in years four and five.”). The FCC also should thoroughly examine the implications of any rule modifications, including any impact to the agency’s long-standing goal of ensuring the availability of HAC devices at varying ranges in price point and functionality. *See* 47 CFR § 20.19(c)(ii). The Commission must create a path forward that continues to support service providers’ ability to offer consumers some lower cost handset options.

<sup>14</sup> Notwithstanding our position here, in the event the FCC determines that 100% HAC compliance is achievable and required and a 24-month transition period for that benchmark is established, the FCC also should make clear that, even though manufacturers may sell only HAC-compliant models after the transition date, a service provider may continue to sell after the transition date any remaining non-HAC compliant devices in its possession.