

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

In the Matter of)	
)	
Access to Telecommunications Equipment and Services by Persons with Disabilities)	CG Docket No. 12-32
)	
Petition for Rulemaking Filed by the Telecommunications Industry Association Regarding Hearing Aid Compatibility Volume Control Requirements)	CG Docket No. 13-46
)	
Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets)	WT Docket No. 07-250
)	
Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations)	WT Docket No. 10-254
)	

To: Commission

REPLY COMMENTS OF CTIA[®]

I. INTRODUCTION.

CTIA[®] respectfully replies to comments on the wireless handset aspects of this important proceeding, which addresses standards issues related to the Commission’s hearing aid compatibility (“HAC”) rules.¹ CTIA urges the Commission to continue to rely on the existing U.S. standards process to develop HAC technical standards. The existing process has provided consumers and the Commission with a solid technical framework to support the provision of HAC-compliant wireless handsets and has met the goals of the Commission’s HAC policies while allowing innovation in the wireless handset market to flourish.

¹ See *Access to Telecommunications Equipment and Services by Persons with Disabilities; Petition for Rulemaking Filed by the Telecommunications Industry Association Regarding Hearing Aid Compatibility Volume Control Requirements; Amendment to the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets; Comments Sought on 2010 Review of Hearing Aid Compatibility Regulations*, Notice of Proposed Rulemaking, 30 FCC Rcd 12219 (2015) (“*Notice*”). All references to “Comments” herein are to comments filed in CG Docket No. 12-32, *et al.* on or about February 26, 2016.

Any rule changes adopted by the Commission in these proceedings should preserve the positive attributes of the existing process. Accordingly, the Commission should refrain from adopting volume control regulations for wireless handsets, which in any event would be unnecessary in light of modern wireless handset capabilities and regulatory requirements. Additionally, the current ANSI procedures for setting technical standards are sufficient to meet the statutory criteria under Section 710(c) of the Communications Act of 1934 (“Section 710(c)”)² as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010.³ The Commission should therefore refrain from adopting additional consumer consultation requirements in the process to approve the use of specific standards. The Commission should also permit the wireless industry to use updated HAC standards adopted by ANSI-approved bodies prior to the Commission’s formal approval of those standards.

II. THE COMMISSION SHOULD NOT ADOPT VOLUME CONTROL REQUIREMENTS FOR WIRELESS HANDSETS.

The Commission proposes in the *Notice* to set a specified level of volume control for wireless handsets.⁴ This proposal is unnecessary and should not be adopted in these proceedings. As the Telecommunications Industry Association (“TIA”)’s comments demonstrate, volume control regulations would duplicate existing wireless handset capabilities and requirements.⁵ All models of U.S. handsets already provide adjustable gain for users, via the volume controls built

² 47 U.S.C. § 610(c).

³ See Pub. L. No. 111-260, 124 Stat. 2751 (2010); An Act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act, Pub. L. No. 111-265, 124 Stat. 2795 (2010).

⁴ See *Notice* ¶¶ 3, 31.

⁵ See Comments of the Telecommunications Industry Association at 9-11 (“TIA Comments”).

into current handset models, which currently benefit hearing aid users.⁶ Moreover, manufacturers of wireless handsets also currently adhere to technical standards regarding volume control. The Commission should not contemplate additional volume control regulations without full consideration of preexisting obligations for wireless handsets, such as the numerous other safety regulations in place to control unintentional acoustic shocks, as well as other technical standards.⁷ These standards ensure that consumers have access to volume control *today*, without duplicative or conflicting regulatory intervention by the Commission.⁸

Additionally, the comments in the record do not justify new volume control requirements on all wireless handsets.⁹ Less than 30 percent of responses to Wireless RERC's HAC survey

⁶ *Id.* at 9-10.

⁷ *See id.* at 10-11 (noting that the present mandatory 3GPP standards, TS 26.131 “Terminal Acoustic Characteristics for Telephony” and 3GPP TS 26.132 “Speech and Video Telephony Terminal Acoustic Test Specification” reference a nominal loudness level and a maximum loudness level”). The wireless industry certification programs already require testing to 3GPP TS 26.131 and 3GPP TS 26.132. *See* PTCRB NAPRD03, Ver. 5.26, Sec. 1.9.6 (Jan. 6, 2016); Global Certification Forum Certification Criteria, Ver. 3.61.1, Annex D.1 (Jan. 27, 2016); Speech Performance Test Plan, CTIA Certification, <http://www.ctia.org/policy-initiatives/certification/certification-test-plans> (last visited Mar. 28, 2016).

⁸ In contrast to the assertions of HIA, the 3GPP standards include volume control for LTE narrowband devices as well as other LTE devices. HIA Comments at 5 (“[T]he 3GPP and ETSI standards do not require that these handsets have a specific level of volume control, though this is required for wideband, full band and super wideband handsets.”). Indeed, HIA recognizes, in the same paragraph, that “3GPP sets out maximum LTE narrowband volume control specifications for manufacturers that wish to meet the standards.” *Id.* To the extent that HIA has concerns with these standards, it should engage with the standards development process.

⁹ *See Notice* ¶ 32 (citing the results of surveys of consumers visiting the Hearing Loss Association of America (“HLAA”) website); Comments of Consumer Groups and DHH Tech RERC at 6 (“Advocacy Groups Comments”) (suggesting that [t]he addition of volume control would also provide additional assistance to people with hearing when they ... may be using someone else’s device, or not have access to their hearing aids”); Comments of Georgia Institute of Technology Center for Advanced Communications Policy and the Rehabilitation Engineering Research Center for Wireless Technologies at 4-7 (“Wireless RERC Comments”) (reporting on various survey data); Comments of the Hearing Industries Association at 4 (“HIA Comments”) (claiming that without the five changes suggested by HIA, “many wireless handsets will continue to have ineffective amplification adjustment mechanisms and acoustic coupling”).

noted concerns with the “loudness” or “volume” capabilities of wireless handsets.¹⁰ Even for these responses, enhanced consumer education on the parts of both industries within the HAC ecosystem (*i.e.*, both the wireless and hearing aid industries) or use of another type of handset may address any issues better than a new regulatory mandate.¹¹ The comments in the record describing potential technical issues associated with volume control on wireless handsets likewise do not justify Commission action to adopt a new technical mandate.¹² Instead, as discussed below, an industry driven standard-setting process is the proper forum for considering such statements.

Finally, the record does not support applying wireline volume control standards to dynamic and innovative wireless handsets. As TIA explains, there are technical differences between volume control for wireline and wireless phones for HAC purposes.¹³ Because of these differences, adoption of the wireline standard would stifle innovation and cause additional testing costs without ensuring more effective acoustic coupling between mobile handsets and hearing aid devices.¹⁴

Rather than adopt a volume control standard in these proceedings, CTIA suggests that the existing standards process be used to explore any further volume control issues for wireless

¹⁰ Wireless RERC Comments at 6 (noting the responses to Wireless RERC’s 2014 HAC survey question, “What, if anything, would you change about your cellphone to make it work better for you?”).

¹¹ As noted in the parallel HAC proceeding, the wireless industry continues to work with “advocates ... and other stakeholders to investigate best practices by which information about the HAC ratings of wireless handsets can be made even more easily discoverable and accessible by consumers than it is today.” Comments of CTIA[®], TIA, and Competitive Carriers Association, WT Docket Nos. 15-285 & 07-250, at 12 (filed Jan. 28, 2016).

¹² See HIA Comments at 4-6, 8-9.

¹³ See TIA Comments at 11.

¹⁴ *Id.* (“[T]he values in the TIA conversational gain standard fall within the range of the 3GPP standard and thus, would not extend the range ... and would result in additional testing costs....”).

handsets. Existing ANSI forums have proven capable of addressing standards issues in an equitable and sound manner. Reliance on such open standards is also consistent with past Commission practice.¹⁵ The Commission should rely on this proven, stakeholder-driven process, which is already “open to the general public,” as explained below.¹⁶

III. BECAUSE THE CURRENT ANSI PROCEDURES ARE SUFFICIENT, THE COMMISSION SHOULD PERMIT THE WIRELESS INDUSTRY TO USE UPDATED STANDARDS PRIOR TO THE COMMISSION’S APPROVAL OF THOSE STANDARDS.

CTIA agrees with the Commission’s proposal to adopt a streamlined process that enables the industry to utilize the latest ANSI standards for wireless handsets,¹⁷ as this proposal is consistent with the statute and, importantly, benefits consumers who use hearing aids. As a threshold matter, the current ANSI procedures satisfy Section 710(c), which directs the Commission to “establish or approve such technical standards *as are required* to enforce [HAC].”¹⁸ A wireless handset that is “compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of [the HAC] section....”¹⁹

¹⁵ See, e.g., *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, 13869 ¶ 45 (2015) (expressing an expectation that “industry groups will work through the standards process to finalize all necessary guidance [for new HAC standards] *well before* the end of the transition period”) (emphasis added); *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, Report and Order, 13 FCC Rcd 14775, 14779 ¶ 8 (1998) (eschewing adopting a specific standard for navigation devices as stakeholders represented that they would “agree on relevant specifications, interfaces, and standards in a timely fashion”).

¹⁶ TIA Comments at 14.

¹⁷ See Notice ¶ 53.

¹⁸ 47 U.S.C. § 610(c) (emphasis added).

¹⁹ 47 U.S.C. § 610(c). Section 710(c) also requires that the Commission, which “remain[s] the final arbiter,” consult with the public, including people with hearing loss, when recognizing a standard. *Id.*

Several commenters demonstrate that the current ANSI process²⁰ meets all of the criteria of Section 710(c) by being a fair and open public participation process that can and does include consultation with interested consumer stakeholders.²¹ As a result, the Commission should avoid creating specific rules for consumer consultation in the standards process, which already is open, which is not subject to fees,²² and which should not be subject to a “partial system” of rules that could have unintended negative consequences for the standards process.²³

As a matter of policy, permitting the industry to rely on ANSI HAC standards prior to their formal adoption by the Commission would enable consumers to obtain more advanced, innovative HAC wireless handsets more quickly. Although the process by which the Office of Engineering and Technology and Wireless Telecommunications Bureau adopted the 2011 ANSI wireless standard worked well, CTIA believes that use of ANSI HAC standards prior to their formal adoption is more efficient and should be permitted.²⁴ The ANSI process brings experts together through frequent, regular meetings to achieve a consensus result. Therefore, it is easier and quicker to resolve issues in the standards groups than through regulatory mandates, which may take considerable time. Because the existing ANSI process already meets the terms of Section 710(c), adoption of a streamlined process for allowing manufacturers to utilize updated

²⁰ In these comments, ANSI “process” and “procedure” mean the development steps that produce an approved ANSI “standard,” or substantive end-result of that process.

²¹ See ANSI C63 Comments at 4-8; HIA Comments at 10-11; TIA Comments at 13-14; *see also* Notice ¶¶ 51, 55.

²² See ANSI C63 Comments at 6.

²³ See *id.* at 8.

²⁴ See TIA Comments at 13; Notice ¶ 53. Indeed, even Wireless RERC, which supports further investigation of whether a volume control standard for wireless handsets is necessary, also recognizes that “this might take longer than voluntary compliance via industry driven solutions.” See Wireless RERC Comments at 7.

standards prior to Commission adoption will serve the interests of the Commission and, most importantly, consumers.

IV. CONCLUSION.

For the reasons discussed above, the Commission should refrain from adopting a volume control standard for wireless handsets and allow the wireless industry to use updated HAC standards prior to formal Commission action.

Respectfully submitted,

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