

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Section 68.4 of the Commission's Rules)
Governing Hearing Aid-Compatible Telephone)
)
)
)

WT Docket No. 01-309
RM-8658

COMMENTS OF ATX TECHNOLOGIES, INC

ATX TECHNOLOGIES, INC.

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COMMENTS OF ATX TECHNOLOGIES, INC.

ATX Technologies, Inc. ("ATX") submits these Comments in the matter of the Federal Communications Commission's (the "Commission" or "FCC") *Notice of Proposed Rulemaking* in WT Docket No. 01-309, RM-8658 ("NPRM"), released November 14, 2001, addressing Section 68.4(a) of the Commission's Rules Governing Hearing Aid Compatible Telephones.

In the NPRM, the Commission seeks public comment on its exemption, under the Hearing Aid Compatibility Act of 1988, of public mobile service phones from the hearing aid compatibility requirements of this Act. The evolution of wireless systems from analog format to that of digital presents substantial challenge to those dependent on hearing aid devices as analog wireless phones have demonstrated compatibility. In contrast, digital devices have not. Specifically, analog wireless handsets do not pose an interference problem for hearing aid wearers because they transmit signals at a steady rate that are not demodulated and amplified by the hearing aid. Digital wireless phones, however, do not transmit energy at a steady rate and the fluctuations cause disruptive interference to those using hearing aid devices.

Summary

Hearing aid compatibility in the digital environment is an important policy to implement. It is part of the challenge to move the Nation's wireless network from an analog to digital or, more likely, analog/digital mode. The Commission should establish a comprehensive transition to ensure that the equipment and services that have emerged from analog are replicated in the digital environment.

ATX

ATX is a provider of telematics services to automobile manufacturers (original equipment manufacturers or “OEMs”). Telematics services provided by ATX integrate wireless communications, location technology, in vehicle and off-board wireless computer technology and the availability of live operators to provide enhanced emergency response and other needs to individuals who have telematics capability in their vehicle. At the heart of ATX’s technology is the ability to locate precisely the individual confronted with an emergency, to communicate with the vehicle and its occupants, to determine the emergency the individual is facing, to help accelerate emergency response to the vehicle and provide public safety agencies with critical data about the accident from in-vehicle sensors and personal information volunteered by the vehicle owner.

The cornerstone of ATX’s telematics services is the automatic crash notification (“ACN”) and in-vehicle Mayday button, which rely upon analog cellular networks to transmit critical data and open a voice channel between the vehicle and an ATX call center. Similar to the safety benefits provided by standard factory installation of seat belts and air bags, telematics-based ACN/Mayday systems represent the latest generation of in-vehicle safety technology. The ACN service automatically notifies a private telematics call center, such as ATX’s, that a vehicle’s air bag or emergency-tensioning restraint has been deployed. Similarly, “Mayday” service signals the call center when the motorist pushes an in-vehicle emergency call button. Currently, ATX alone has over 350,000 subscribers and receives over 60,000 signals per month from motorists with

telematics-equipped vehicles. There are approximately 2 million vehicles on the road today with telematics systems. In addition, ATX and other telematics service providers offer other, location-based safety-related services such as routing assistance, roadside assistance, real-time traffic reports, real-time tire pressure monitoring and remote vehicle diagnostics which, to be effective in all potential travel scenarios, require broad coverage and rely on today's analog coast to coast network.

ATX and its competitors have developed and constructed their respective telematics networks based on the nationwide analog format. ATX's interest in this proceeding is based on its position that the evolution from the analog to digital environment is complicated and difficult. The diverse services and equipment -- especially those enhancing emergency medical response and public safety -- that have emerged from the analog environment and serve millions of Americans must not be left stranded or with diminished capabilities in a digital network. ATX urges the Commission to address the transition as a whole and not piecemeal through separate proceedings and to undertake a leadership role in ensuring that the evolving digital-based, national wireless infrastructure presents a nationwide ubiquitous network that replicates the range of vibrant equipment and service offerings provided under the nation's current, analog-based wireless infrastructure.

The Issue of Hearing Aid Compatibility Must Be Addressed in the Context of Formulating a Reasoned Transition to Digital

In the NPRM, the Commission notes that the current exemption of public mobile service phones to be compatible with hearing aid devices is challenged by the increasing provision of digital wireless phones.¹ The debate in this proceeding, and others, is really

¹ NPRM at paragraph 21.
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to obtain email, is severely limited. The real capability of the digital defined packet data PCS system is yet to be realized. The record should reflect the severe limitations of the digital network for matters beyond pure voice. The demonstrated quality, security and dependability in other areas such as equipment and simultaneous voice and data transmission fall substantially behind that which is provided in analog.

The gap between the reality of what digital actually provides and what it promises is fueled by carriers whose investment has been digital centric. Their inherent and justifiable pursuit of their own self-interest should not shield the Commission from asserting its leadership in establishing a path whereby the equipment and services that the Nation has come to depend on are present in the digital world. That digital networks and handsets should be compatible with hearing aid devices is at the forefront of such an effort.

ATX embraces the important policy that digital phones be hearing aid compatible. Yet the pursuit will remain only a goal if the reality of what digital can provide and cannot provide is not comprehended and addressed. The Commission's leadership should be asserted, not through separate proceedings, but in establishing clear and obtainable objectives for the emerging digital, or more likely dual world of analog and digital. It remains a steadfast objective of the Nation's communications policy that there be "available, so far as possible, to all the people of the United States... a rapid, efficient, nationwide, and world-wide wire and radio communications service..."⁴ Ensuring that the digital environment can serve all Americans remains a substantial challenge. ATX

⁴ 47 U.S.C. 151.

the transition to the digital environment and how best to accomplish this objective without diminishing or eliminating the robust coverage and services that are available coast-to-coast, in both rural and urban areas, under today's analog-based wireless infrastructure.

There are those interests that seek to isolate and distance the issues as to how equipment and services present in the analog environment can be replicated in digital. To obtain additional digital capacity, several, but not all, wireless carriers advocate forcefully that the Commission's current requirement to provide analog service be eliminated. The Commission has an outstanding proceeding requesting comment on whether it should eliminate or modify a carrier's responsibility to maintain analog service.²

How the Commission promotes hearing aid compatibility in digital wireless devices is integrally tied to the how the digital environment can replicate the range of services and equipment that have emerged from the analog format. Hearing aid compatibility must be part of a comprehensive and meaningful transition that has the objective of providing the range of services of the analog environment in the digital environment. The Commission's leadership role is critical in this regard.

ATX disagrees with the Commission's assertion that digital offers a range of improved services that are more efficient, feature rich and competitively priced.³ Digital does present substantial enhancements with regard to pure voice directed technology, but not to the range of services and equipment that have become part of the

² *In the Matter of Year 2000 Biennial Regulatory Review- Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services*, Notice of Proposed Rulemaking, WT Docket No. 01-108, FCC 01-153, 16 FCC Rcd 11,169 at 11,181-182 (2001).

³ NPRM at 21.

urges the Commission to move the various interests involved, from providers to users, to shape a reasoned transition to digital.

Conclusion

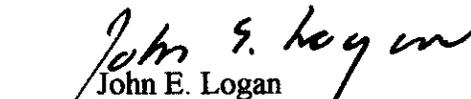
Compatible hearing aid devices should be part of the digital environment. Yet the advocacy and movement to the digital environment does not address the myriad of equipment and services (most of which involve enhanced public safety) that are now an accepted part of the analog network. Carriers that have committed substantial investment to voice directed digital technology will inherently pursue their own interests, and that does not encompass replicating equipment and services that are pervasive in analog. The Commission should assert its leadership and establish a clear path of transition so that a nationwide digital wireless network, with a range of diverse services and equipment, is available to all Americans and replicates the robust public safety and health benefits that the nation's current analog-based infrastructure provides today.

Respectfully submitted,

ATX TECHNOLOGIES, INC.



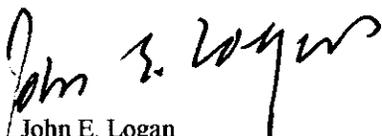
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These Comments were filed electronically with the Commission's Secretary and a copy has been forwarded by First Class Mail to the Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554 and to Qualex International, Portals II, and 445 12th Street, SW, Washington, D.C. 20554



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