

CTIA

Building The Wireless Future™
Cellular Telecommunications & Internet Association

July 3, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

**Re: *Ex Parte* Presentation
WT Docket No. 01-309**

Dear Ms. Dortch:

On July 2, 2003, the Cellular Telecommunications & Internet Association (“CTIA”), represented by Diane Cornell, Vice President for Regulatory Affairs, spoke by phone with Bryan Tramont, Senior Legal Advisor for Chairman Michael Powell.

The parties discussed issues in the pending hearing aid compatibility proceeding. CTIA reiterated that the industry believes the current ANSI 63.19 standard requires additional validation before it can be considered appropriate to achieve the ultimate goal of usability, and that the ATIS incubator process described in the CTIA June 13, 2003 *ex parte* in the above-captioned proceeding would be an effective way of achieving that validation. CTIA also emphasized that a requirement that a substantial percentage of phones meet a specified ANSI 63.19 rating level would involve significant design trade-offs for digital phones that could detract from their functionality or form factor. Such a requirement could prevent manufacturers from developing innovations in their products that would be beneficial to consumers.

CTIA noted that the ANSI “U” standard is an informational measurement standard, not a “build to” standard. Accordingly CTIA suggested that, if the FCC were considering an informational labeling requirement, it would be most efficient to do so through a website listing that could be readily accessed by consumers at home or in the retail outlet, and could be kept up-to-date.



CTIA further emphasized that the ANSI standard contemplates that both handsets and hearing aids will be labeled. The Commission made this point in the *Notice of Proposed Rulemaking* when it characterized the ANSI standard as a pairing standard used to “provide information about which [hearing aids and handsets] can be used together.” *Notice* at ¶ 7.

In response to an inquiry from Mr. Tramont about whether the *Notice* in this proceeding raised the issue of labeling both devices, CTIA noted that paragraphs 26 and 27 expressly seek comment on whether the “pairing approach” of the ANSI standard would resolve the compatibility issue. The *Notice* indicated that use of the standard would entail both handsets and hearing aids being “tested and categorized” and ultimately paired together “based on their respective interference ratings.” *Notice* at ¶ 13. *See also* ¶ 25 (“the newly developed interference standard will facilitate categorization of wireless products and hearing aids”). Use of the referenced pairing approach, as discussed in the *Notice* as well as in the pleadings referenced in the *Notice*, of necessity requires the labeling of both handsets and hearing aids with the rating information.

Further, the *Notice* repeated comments from others that “hearing aid manufacturers must play a role in achieving compatibility,” (*Notice* at ¶ 25) and it sought comment on “ways in which hearing aid manufacturers, digital wireless telephone manufacturers, and service providers can work together” to develop compatibility solutions. *Notice* at ¶ 26. The Commission underscored its understanding that the hearing aid industry is inextricably involved in the issue by specifically listing and discussing “hearing aid equipment manufacturers” as one of the entities “to which the proposed rules will apply” in the *Notice’s* Initial Regulatory Flexibility Analysis. *Notice* at Appendix B.

Pursuant to Section 1.1206 of the Commission’s Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Diane Cornell

Diane Cornell

cc: Bryan Tramont

