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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 30, 2003

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

Re: Section 68.4(a) of the Commission's Rules Governing Hearing Aid Compatibility Telephone
WT Docket 01-309, **Ex Parte**

Dear Ms. Dortch:

On Thursday, June 26, 2003, representatives of Siemens Information and Communication Mobile, LLC ("Siemens") and Cingular Wireless, Inc. ("Cingular") met with the following Legal Advisors of the Federal Communications Commission ("FCC"): Jennifer Manner-Senior Counsel and Sara Pappas, Intern of Commissioner Kathleen Q. Abernathy's office; Paul Margie-Legal Advisor of Commissioner Michael J. Copps' office and Barry Ohlson-Legal Advisor of Commissioner Jonathan Adelstein's office. The purpose of the meetings was to discuss issues arising out of the FCC's consideration of a proposal to lift the wireless telephone exemption under the Hearing Aid Compatibility Act and adopt certain rules and regulations concerning the manufacturing of hearing aid compatible wireless handsets.

Siemens and Cingular recommended if the Commission places requirements for hearing aid compatibility on wireless handsets, these requirements should (1) take into consideration manufacturing challenges such as lead times and product life cycle, (2) allow manufacturers to produce a number of handsets that are capable of inductive coupling appropriate to the market size of telecoil users, (3) take into consider the potential impact of the 5dB penalty in ANSI ASC C63 on GSM handsets and how this could impact the US market, and (4) be flexible enough to allow manufacturers of handsets to utilize new and improved technologies for consumers with hearing loss by allowing for the demonstration of equivalent facilitation.

Because the number of telecoil users is only a small fraction of the total annual U.S. market for wireless handsets, it would be counterproductive to require manufacturers of wireless handsets to incorporate internal telecoil couplers in all handsets sold in the U.S. As with all manufacturing, when forced to incorporate a change in all products, manufacturers will out of necessity use the lowest cost solution in order to minimize the impact of the regulatory requirement. With the modifications companies that manufacture internationally, may be reluctant to introduce new products into the United States.

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On the other hand, producing a number of products that couple inductively that will meet the demand of consumers with a hearing loss would have numerous benefits for consumers and manufacturers. First, manufacturers would have the option of not having to modify their entire assembly lines to incorporate an additional manufacturing step. They could also choose to outsource the manufacturing or modification of such handsets to third party vendors with specialized expertise in hearing technologies. For consumers with a hearing loss, this would mean that resources could be more appropriately and better deployed toward developing better technologies and that design changes could happen much more quickly in response to advancements in hearing aids. This, more prudent approach, provides an effective solution for consumers who use telecoils without requiring consumers as a whole to pay for unnecessary and costly modifications in handsets for which they would derive no benefit.

With respect to the adoption of the ANSI ASC C63 standard, Siemens and Cingular stated that there remain some questions concerning how well the standard actually measures the compatibility of wireless handsets to hearing aids. In particular, Siemens expressed its concern over the appropriate minimum "U" rating for handsets. Siemens' experience shows that a handset that achieves a rating of "U2" demonstrates good to excellent compatibility with newer hearing aids. The RF immunity of newer hearing aids is much improved and as the population replaces its older hearing aids with newer models the situation will continue to improve. For this reason, Siemens and Cingular encouraged the FCC to adopt a minimum rating of "U2" for handsets, if the FCC mandates that handsets meet the ANSI ASC C63 standard. As to the "UT" measurement for compatibility with telecoil equipped handsets, Siemens and Cingular stated their belief that there has been insufficient study and analysis of the "UT" compatibility standard at this time, and therefore the FCC should not mandate any "UT" standard or criteria until such time as further studies and analysis can be completed. Further, Siemens also stated that GSM handsets suffer an inherent disadvantage compared to CDMA handsets in that it is more difficult for GSM handsets to achieve comparable "U" ratings when operating at the same power levels as CDMA handsets. This is due to underlying technical operating differences between GSM and CDMA handsets and cannot be remedied through engineering changes. Thus, where a CDMA handset may easily achieve a rating of "U3", a comparable GSM handset would likely have a rating of "U2". For this reason, Siemens expressed the belief that it would be appropriate for the FCC to allow a lower "U" rating for GSM handsets.

Finally, Siemens and Cingular expressed their belief that in order to ensure that consumers with a hearing loss have the broadest possible range of products from which to choose, the FCC should (a) provide for an expedited approval process for handsets that are modified to incorporate telecoil couplers and (b) allow manufacturers to pursue "equivalent facilitation"[1]. If manufacturers are forced to submit each modified handset to lengthy testing and approval

[1] Equivalent facilitation allows for departures from specific technical and scoping requirements by permitting the use of other designs and technologies where the alternative designs and technologies used will provide substantially equivalent or greater access and/or usability. Equivalent facilitation is already permitted in the rules and guidelines pertaining to disability accessibility and usability, including the Americans with Disabilities Act and Section 508 of the Rehabilitation Act.

processes, consumers will be harmed by delayed introductions of new products, and manufacturers will have less incentive to upgrade their products as technological advances offer improved performance. Thus, it would be beneficial to consumers to provide for a streamlined approval process.

As stated for reasons listed above, Siemens and Cingular believe that the FCC should only adopt rules and regulations that take into account advances in technology and which encourage the development of new technologies.

The representatives attending the meeting were Mark Esherick of Siemens, Ben Almond and Susan P. Mazrui both of Cingular. Ross Vincenti of Siemens and Stephen Berger, consultant of Siemens, both participated in the discussion via conference bridge.

If there any questions concerning this matter, please contact Mark Esherick on 202-434-4803.

Very truly yours,

Ross Vincenti/drp

Ross Vincenti
Vice President-General Counsel
Siemens Information and Communications Mobile, LLC

Attachment

Cc: Jennifer Manner
Sara Pappas
Paul Margie
Barry Ohlson

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Hearing Aid Compatibility (HAC)

WT Docket 01-309, Ex Parte
June 26, 2003

Cingular Wireless and Siemens

Critical Issues

- Successful Designs
- Flexibility
- Communicating With Consumers
- FCC Support

Critical Issues – Successful Designs

- Manufacturers should not be required to make modifications in handsets to provide hearing aid compatibility that would negatively impact the performance of the handset or network
- Compliance deadlines should take into consideration the product development lead times, product life cycles and should provide a phased-in approach
- Telecoil compatibility should be available on one handset per product line – allows manufacturers to focus compatibility in the handsets that will provide the best interaction for the consumer

Critical Issues - Flexibility

- A "Seed Stock" approach should be permitted for handsets that couple inductively
  - A "seed stock" approach, small batch manufacturing, means that an appropriate number of HAC handsets are developed to meet the consumer demand
  - A "seed stock" approach allows for higher quality solutions that meet the needs of users with a range of hearing loss and hearing technologies
  - Allows for "migration" to better technical solutions as new hearing aids and wireless devices hit the market
  - Promotes the development of solutions by the third-party specialists in hearing technologies
  - The FCC should provide an expedited equipment grant process or a waiver for current models modified to meet requirements.

Critical Issues – Flexibility

- Most handsets may be able to meet ANSI c63.19 U2 levels for RF emissions
- A "Readily Achievable" approach for Telecoil compatibility would allow companies to ensure accessibility
  - 1st level – built into handsets
  - 2nd level – accessories, preferably directly attached
  - 3rd level -- need to document "not readily achievable" and seek waiver

Critical Issues - Flexibility

- Rules addressing hearing aid compatibility should allow for flexible design to accommodate migration from Telecoil to innovative technologies (Blue Tooth, IR, etc.)
  - Consumers do not want to be locked into old technologies
- "Equivalent facilitation" should be permitted
  - allows for departures from specific technical and scoping requirements by permitting the use of other designs and technologies where the alternative designs and technologies used will provide substantially equivalent or greater access and/or usability
  - Equivalent facilitation is already permitted in rules and guidelines pertaining to disability accessibility and usability -- including the ADA and Section 508 of the Rehabilitation Act

Critical Issues - Communicating With Consumers

- CTIA has developed a consumer-oriented web site for documenting information on digital wireless handsets – a good start
- A committee, with representation from the wireless and hearing industries, consumers with hearing loss and hearing health professionals should be created to establish a communication plan to provide consumers with information on hearing aid compatibility
  - ***The Commission may want to ask the FCC Consumer Advisory Committee to address this issue***

Critical Issues - FCC Support Is Needed

- The FCC should demonstrate support for ATIS' Technical Incubator on HAC and other technology focused efforts
- The FCC should continue to engage the FDA on this issue and, by this means, the hearing aid industry
- The FCC should promote standards work as needed, including ANSI c63.19

Critical Issues - FCC Support Is Needed

- Any rules adopted should support
  - One product per product line for wireless coupling
  - ANSI c63.19, U2 RF emission levels in a range of handsets
  - Telecoil requirements should support:
    - A ***"Readily Achievable"*** approach requiring proof before waivers are granted
    - A "***Seed Stock"*** approach so higher quality solutions can be developed and implemented quickly to address the needs of hearing aid users with a range of hearing loss
    - Companies that want to demonstrate ***"Equivalent Facilitation"*** so innovative solutions that take advantage of new technologies are encouraged