

Before the
Federal Communications Commission
Washington, DC 20556

In the Matter of)
)
Section 68.4(a) of the)
FCC's Rules Governing) WT Docket No. 01-309
Hearing Aid Compatible)
Telephones)

INITIAL REPORT

Custer Telephone Cooperative ("Custer") hereby files its "Initial Report" in the above-captioned docket concerning hearing aid compatibility pursuant to the FCC's March 8, 2004 public notice.¹ The March Notice required, *inter alia*, that wireless carriers and manufacturers file their initial reports on May 17, 2004 concerning their efforts to comply with Section 20.19 of the FCC's Rules and the FCC order which adopted that rule, which deals with use of digital wireless devices with hearing aids.²

Background

Custer is a "Tier III" rural telephone cooperative³ which provides non-wireline cellular service in rural portions of Idaho RSA#3 - Lemhi (call sign WPOL-948). It serves approximately 400 customers, and is one of the smallest wireless

¹ See Public Notice "Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Handset Manufacturers (WT Docket No. 01-309)," DA 04-630, released March 8, 2004 (19 FCC Rcd 4097) ("March Notice").

² See In the Matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Report and Order, 18 FCC Rcd. 16753 (2003) ("HAC Order").

³ In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers, 17 FCC Rcd 14841, ¶23 (2002).

licensees in the United States. It has reviewed the HAC Order and Section 20.19 of the FCC's Rules.

As applied to Tier III wireless carriers, Section 20.19 provides that by September 16, 2005 carriers must include in their handset offerings at least two digital handset models which comply with the hearing aid compatibility standards set out in Section 20.19(b)(1) of the rule. That section incorporates the American National Standards Institute [ANSI] technical standard C63.19 for compatibility of digital wireless phones with hearing aids. The rule also provides that, by September 16, 2006, carriers must include in their handset "offerings" at least two handset models which comply with the "inductive coupling" requirements of Section 20.19(b)(2) of the FCC's Rules. Section 20.19(c)(2)(B) also contains a separate requirement that at least 50 percent of a carrier's "handset models for each air interface" must comply with Section 20.19(b)(1) by February 18, 2008. Finally, Section 20.19 contains labeling and other requirements which will apply to hearing aid compatible handsets once they are commercially available. There is also a "de minimis" exception to the rule contained in Section 20.19(e), which exempts from the requirements mobile service providers that offer "two or fewer wireless handsets" to their customers. As will be discussed below, Custer is presently in that category, but seeks no exemption at this time and intends to provide hearing aid compatible handsets to subscribers.

Custer is cognizant of those deadlines and will work diligently to meet them, even if it does not generally offer more than two handsets to customers by 2005. However, the ability of Custer, or any other carrier, to meet FCC deadlines for

implementing technological handset upgrades is obviously dependent on the activities of handset manufacturers which it does not control.

I. Custer Compliance Efforts.

The HAC Order (§ 89) requires wireless carriers and handset manufacturers to report every six months on compliance efforts for three years beginning with this report, and annually thereafter through the fifth year of implementation. The reports should provide information concerning: (1) digital phones tested; (2) the laboratory or laboratories used; (3) test results for each phone tested; (4) compliant phone models and ratings according to ANSI standard C63.19; (5) the status of handset labeling; (6) the status of "outreach" efforts; (7) the retail availability of compliant phones; (8) the incorporation of hearing aid compatibility features into newer models of digital wireless phones; (9) any activities related to ANSI's standard C63.19 or other standards intended to comply with the HAC Order; (10) the total numbers of compliant and non-compliant phone models offered as of the time of the report; and (11) any ongoing efforts regarding "interoperability" testing with hearing aid devices.

Obviously, at this time only handset manufacturers and organizations such as the Alliance for Telecommunications Solutions (ATIS) are in a position to provide information in response to most of these items. Moreover, issues of "labeling," "outreach," and numbers of compliant models offered for sale will be relevant only as compliant handsets are developed by vendors and become commercially available.

United States Cellular Corporation ("U.S. Cellular") provides Custer with switching and other services for Custer's two cell sites, from U.S. Cellular's nearby switch at Twin Falls, ID. Custer generally coordinates its technology solutions, including handset offerings, with U.S. Cellular, which is planning a conversion to CDMA service in Idaho later this year. Custer presently offers customers the Nokia Model 5165 handset. However, it will "special order" any compatible handsets which its customers desire. It is Custer's understanding that Nokia is working to develop handsets which comply with the mandates of Section 20.19. Custer would plan to make available Nokia and other handsets complying with the HAC rules to its customers who need such handsets, working closely with U.S. Cellular. Custer would also anticipate attempting to fulfill its "labeling" and "outreach" responsibilities, consonant with its small size.

Conclusion

Custer believes that the foregoing is responsive to the FCC's reporting mandate. If the FCC has additional questions at this time concerning Custer's activities in response to the HAC Order, Custer will answer them.

Respectfully submitted,
CUSTER TELEPHONE COOPERATIVE, INC.

By: _____


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