

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	WT Docket No. 01-309
)	
Hearing Aid Compatibility Act of 1988:)	FCC 03-168
Period Implementation Reports Required)	
of Carriers and Manufacturers)	RM-8658

To: Wireless Telecommunications Bureau

REQUEST FOR CLARIFICATION AND GUIDANCE (corrected)

The Law Office of Hill and Welch, on behalf of its cellular and PCS and other CMRS clients, hereby requests clarification on the “six month” reporting requirement announced in the *Report and Order, Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones*, 68 Fed. Reg. 54173 (September 16, 2003). In support whereof the following is respectfully submitted:

1) The *Report and Order*, ¶ 89, establishes a reporting requirement “every six months on efforts toward compliance with the requirements of this Order during the first three years, and then annually thereafter through the fifth year of implementation.” However, the *Report and Order*, ¶ 97, provides that the reporting requirement is effective until approved by OMB under the Paperwork Reduction Act of 1995. Notice of the Commission’s submission of the reporting requirement to OMB is found at 69 Fed. Reg. 17149 (April 1, 2004) and the public comment period expired on May 3, 2004. Counsel could not find any indication that OMB has yet approved the reporting requirement and carriers do not appear to be required to submit reports at this time in the absence of OMB approval. There is circulating in the industry a memoranda (or several) which indicates that the reporting was required to begin on May 17, 2004. Several of undersigned clients

contacted him about whether any report was required. Because OMB approval of the information collection has not been obtained it does not appear that there is any reporting requirement at this time. We request Commission clarification on the issue of whether reports are due notwithstanding the pendency of the OMB approval process.

3) Moreover, the Commission should clarify when the first report will be required if and when OMB approval of the information collection is obtained. The requirement specified in the *Report and Order* is that reporting is to commence six months after the rules become effective. Therefore, it would appear that the first report would be due six months after OMB approved the information collection. Moreover, "six months" does not really specify a day certain filing deadline as would, for instance, a requirement that the report be filed within 180 days of the reporting rule becoming effective. It would seem that as long as one filed the report sometime within the "sixth month" after the reporting requirement became effective that the report would be timely filed. The Commission should provide guidance as to when the initial report, and subsequent reports, are due and whether the Commission has a specific filing date in mind.

4) We appreciate the Commission's assistance in this matter.

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Respectfully submitted,

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