

PVT Wireless Limited Partnership
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May 11, 2005

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 – 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 01-309
HAC Digital Wireless Telephones

Third Semi-Annual Report

Dear Ms. Dortch:

The Filer, PVT Wireless Limited Partnership, is the licensee of Stations KNL768 (C1-Block – Hobbs, New Mexico BTA), KNL775 (C1-Block – Roswell, New Mexico BTA), KNL212 and KNL424 (E- and F-Blocks – Carlsbad, New Mexico BTA) in the broadband Personal Communications Service. This report is submitted pursuant to the requirements of Paragraph Nos. 89 – 91 of the Commission’s *Report and Order* (WT Docket No. 01-309), FCC 03-168, released August 14, 2003 (“*R&O*”).

By way of background, the Filer is a small, Tier III Commercial Mobile Radio Service licensee, as defined in the Commission’s E-911 *Order to Stay*, FCC 02-210, released July 26, 2002. The Filer has configured its Hobbs C1-Block and Carlsbad F-Block broadband PCS systems to provide a fixed and/or low mobility voice and data service using a UTStarcom PASTM wireless access platform. Because the Filer offers two or fewer UTStarcom digital wireless handsets (the UTS-708j only), these systems qualify for the *de minimis* exception to the Hearing Aid Compatibility (“HAC”) rules, described in Rule Section 20.19 (e)(1). To the extent that customers utilize UTStarcom fixed wireless equipment at their home or office, they are able to utilize traditional analog telephones and other devices which do not do not generally cause interference problems for hearing aid users.¹

With respect to the Filer’s Roswell C1-Block and Carlsbad E-Block systems, broadband PCS systems, the Filer employs a CDMA air interface and its systems configured to operate as part of the Sprint PCS nationwide network. The Filer currently markets seven (7) digital wireless handsets. According to information obtained from the Cellular Telecommunications and Internet Association (“CTIA”) AccessWireless web site (www.accesswireless.org) and other public sources, while there are handsets and

¹ See *R&O* at para. 6 (citing ANSI ASC C63 SC8 Comments at 10).

devices designed to reduce interference with hearing aids, there do not currently appear to be any digital wireless handsets commercially available that meet ANSI Standard C63.19.

To achieve compliance with the requirements of the *R&O*, the Filer is at the mercy of the handset manufacturers to develop and market HAC-compliant digital wireless handsets. As a small, Tier III wireless carrier, the Filer has no influence over the product development and distribution decisions of wireless handset manufacturers; and, accordingly, must rely on the manufacturers to develop HAC-compliant digital wireless handsets for use on the Filer's system.

In light of the foregoing, the information requested by the Commission is identified as follows:

Item 1 -- Digital Wireless Phones Tested: None. As described above, the Filer is a small carrier that is not involved in the handset development or testing process. The Filer will rely on testing performed by the handset manufacturers.

Item 2 -- Laboratory Used: None. *See* Response to Item 1.

Item 3 -- Test Results For Each Phone Tested: Not applicable. *See* Response to Item 1.

Item 4 -- Identification Of Compliant Phone Models and Ratings According To ANSI C63.19: The Filer has not identified any commercially available CDMA handsets that meet a U3 rating under ANSI Standard C63.19.

Item 5 -- Report On The Status Of Product Labeling: The Filer is not involved in product labeling or the development of labeling standards. However, we are aware that some confusion may arise regarding the handset labeling standards contained in the 2001 and draft 2005 version of the C63.19 standard, which specify different letter designations for HAC compliance. While the 2001 version of the C63.19 standard uses a "U" rating for radiofrequency (RF) immunity and a "UT" rating for acoustic coupling, the 2005 version uses labeling that is consistent with the switches on hearing aids (*i.e.*, specifying "M" for Microphone and "T" for T-Coil). Because the revised labeling protocols are more likely to alleviate consumer confusion, we support industry requests for clarification that the 2005 labeling standards (the "M" and "T" ratings) can and should be used to designate HAC compatibility.²

Item 6 -- Report On Outreach Efforts: The Filer has developed a hearing aid compatibility information sheet to assist hearing impaired customers in selecting current model phones and accessories most suitable to their needs. This information sheet will also serve to educate the Filer's employees and retail sales force about HAC-related issues and possible solutions. The Filer also plans to coordinate its HAC outreach efforts with those implemented by Sprint PCS.

² *See Ex Parte* presentation by ATIS in WT Docket No. 01-309, (dated May 6, 2005).

Item 7 -- Information Related To Retail Availability of Compliant Phones:

Upon information and belief, there are currently no CDMA handsets commercially available that meet a U3 rating under ANSI Standard C63.19. However, it is our understanding that wireless phone manufacturers soon plan to begin manufacturing handsets that test to a rating of T3 or T4 per ANSI C63.19-2005. The higher the “T” rating, the less likely the hearing aid user will experience interference when the hearing aid is set in the telecoil mode while using a wireless phone.

Once such handsets become commercially available, the Filer will work with Sprint PCS to obtain an appropriate selection of handset models and to market them to current and potential subscribers.

Item 8 -- Information Related To Incorporating Hearing Aid Compatibility Features Into Newer Models Of Digital Wireless Phones: The incorporation of HAC features into newer models of digital wireless telephones will be accomplished by the handset manufacturers.

Item 9 -- Any Activities Related To ANSI 63.19 Or Other Standards Work Intended To Promote Compliance With The Requirements Of The Commission’s Report and Order: None. The Filer is a small carrier that is not involved in standards development.

Item 10 -- Total Numbers Of Compliant And Non-Compliant Phone Models Offered As Of The Date Of This Report: As noted above, the Filer currently offers seven (7) different models of CDMA handsets and one (1) type of UTStarcom handset. Upon information and belief, none of these handsets meet a U3 rating under ANSI Standard C63.19.

Item 11 -- Any Ongoing Efforts For Interoperability Testing With Hearing Aid Devices: None. The Filer is a small carrier that is not involved in handset interoperability testing with hearing aid devices.

For further information concerning participation by Sprint PCS in handset testing and the standards development process, the Filer directs the Commission’s attention to the status report that will be filed in WT Docket No. 01-309 by participants in the ATIS HAC Incubator program. Should you have any questions concerning this report, please contact John Prendergast or Cary Mitchell of the law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast. Either may be reached by calling (202) 659-0830.

Respectfully submitted,

PVT WIRELESS LIMITED PARTNERSHIP



Robert K. Crumrine
Chief Financial Officer