

Hearing Aid Compatibility Reconsideration WT Docket No. 01-309

I. De Minimus Issues

- Background: The *de minimus* exception to HAC handset compliance obligations (the 2 handset or 25% requirement does not apply if a manufacturer offers 2 or fewer handsets). Currently, the *de minimus* calculation takes into account all handsets offered by a manufacturer across all air interfaces.
- The Commission should reconsider and clarify that the *de minimus* exception should be applied on an air interface by air interface basis.

II. TDMA Issue

- Background: The industry is steadily migrating away from TDMA to other digital air interfaces and industry-wide support for the TDMA air interface is drying up.
- The Commission should not require HAC handsets for the TDMA Air Interface.

III. Labeling Requirement

- Background: The Commission imposed labeling requirements, which includes the use of a U-rating, on exterior packaging. This information could be meaningless to a consumer who is not technically savvy.
- ATIS Incubator has reviewed labeling options that will be more understandable to consumers and identified the M rating as consistent with hearing aid related immunity levels.
- CTIA supports the ATIS Incubator position that the industry be allowed to use the M rating system, which is more understandable and recognized by consumers.

IV. 25% and 50% Requirements

- Background -- the HAC Order adopted two implementation requirements for both wireless carriers and handset manufacturers. Under the standards, Tier I carriers must make available to consumers at least two or 25% HAC compliant phone models, whichever is greater, within two years of the HAC Order. The 25% obligation is not applicable to Tier II or Tier III carriers. 50% of models offered by carriers are required to be compliant by February 18, 2008. Manufacturers must make available 2 handsets per air interface by September 16, 2005. Manufacturers must also ensure that at least 50 percent of their handset models for each air interface comply with 20.19 (b) (1) by February 18, 2008, calculated based upon the total number of unique digital wireless handset models the carrier offers nationwide.
- No explanation or rationale was ever given for why the “two or 25%” model was developed solely for Tier 1 carriers, and it is unsupported in the record.

- A minimum of 2 handsets per vendor, per air interface (depending on current air interface offerings) should be made available by September 16, 2005. Tier I carriers should offer a minimum of 2 HAC compliant handsets by September 16, 2005.
 - Adopting a minimum 2 handset rule for Tier 1 carriers will result in consistent application across all Tiers of carriers, thereby reducing consumer confusion. Most consumers don't understand the differences between Tier I, II and III carriers.
 - Eliminating a percentage-based rule for the initial implementation requirement will inject more certainty into the process and facilitate enforcement of the rule.
 - A 2-handset rule will significantly facilitate in-store testing.
 - As consumers' specific product preferences are more clearly understood, the industry can readily move toward making product decisions for the 2008 deadline that meet consumers' needs.

V. STATE ENFORCEMENT AUTHORITY

- The FCC should reconsider its decision in the *HAC Order* and clarify that the Commission has exclusive authority to adjudicate wireless HAC complaints pertaining to wireless carriers' and manufacturers' compliance with the HAC Act and Section 20.19 of the rules.
- The Commission should reconsider its decision in the *HAC Order* to apply existing Part 68 wireline complaint procedures wholesale to wireless HAC enforcement.
 - Clarify that the Commission has exclusive authority to adjudicate HAC complaints pertaining to wireless carriers' and manufacturers' compliance with the HAC Act and Section 20.19 of the rules.
 - Confirm that consumers and industry alike are best served by exclusive Commission enforcement.
 - Uniform technical standards help ensure that consumers benefit from economies of scale in manufacturing and distribution.
 - The Commission is best equipped and staffed to adjudicate wireless HAC complaints, as the Commission has the technical expertise and experience with industry standards that state commissions do not.
 - The Commission already has the staffing and procedures in place to consider consumer complaints, and the Commission has considerable experience with carriers and consumers in the similar Section 255 context.