

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 )

FOURTH REPORT

Custer Telephone Cooperative ("Custer") hereby files its "Fourth Report" in the above-captioned docket concerning hearing aid compatibility pursuant to the FCC's March 8, 2004 public notice.<sup>1</sup> The March 2004 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 deal with use of digital wireless devices with hearing aids and that they file such reports every six months thereafter until compliance was achieved.<sup>2</sup> This is Custer's fourth report.

Background

Custer is a "Tier III" rural telephone cooperative<sup>3</sup> which provides non-wireline cellular service in rural portions of Idaho RSA#3 - Lemhi (call sign WPOL-948). It serves 530 customers, and is one of the smallest wireless licensees in the United States. It has reviewed the HAC Order and Section 20.19 of the FCC's Rules.

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<sup>1</sup> 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 2004 Notice").

<sup>2</sup> 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").

<sup>3</sup> 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).

As applied to Tier III wireless carriers, Section 20.19 provides that by September 16, 2005 carriers had to have included 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 or draft standard ANSI C63-19-2005 for compatibility of digital wireless phones with hearing aids.<sup>4</sup> 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.

Custer currently offers the Kyocera Sider SE44, Kyocera KX1, Kyocera KX9, Nokia 6019i, Nokia 6255i and Motorola v265 handsets which meet or surpass the "M3" (also known as "U3") standard required under Section 20.19(b)(1) of the FCC's Rules. All of the handset models Custer offers are "tri mode" phones compatible with the AMPS 800 MHz, CDMA 800 MHz, and CDMA 1900 MHz technologies. Thus, Custer complies with Section 20.19(c)(2) of the FCC's Rules, which requires

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<sup>4</sup> See also Public Notice, "OET Clarifies Use of Revised Wireless Phone Hearing Aid Compatibility Standard Measurement Procedures and Rating Nomenclature," DA 05-115, released April 25, 2005.

the offering of at least two handset models compliant with the "U3" standard "per air interface" by September 16, 2005. Moreover, Custer's handsets offered for sale are properly labeled and can be tested by prospective buyers at its sole office/store. Thus, Custer is also in compliance with Sections 20.19(f) and 20.19(c)(2)(i) of the FCC's Rules.

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 the May 17, 2004 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.

As noted above, Custer is compliant with requirements presently applicable to it, which are also referred to in Items 4, 5, 6 and 7 above. Handset manufacturers and organizations such as the Alliance for Telecommunications Solutions can provide information in response to most of the other items, which deal

with industry wide issues. Custer would also note, in response to Item 10 above, that six out of eight of the handsets it offers now are compliant with applicable HAC requirements.

Conclusion

Custer is in compliance with HAC requirements. 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,  
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