Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	WT Docket No. **06-150**
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands	)	
	)	CC Docket No. **94-102**
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems	)	
	)	WT Docket No. **01-309**
Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones	)	

To: The Commission

COMMENTS OF THE HEARING INDUSTRIES ASSOCIATION

1. The Hearing Industries Association ("HIA") hereby submits these comments in support of the hearing aid compatibility ("HAC") proposals in the Commission's Notice of Proposed Rule Making, Fourth Further Notice of Proposed Rule Making, and Second Further Notice of Proposed Rule Making in the above-captioned proceeding.[1] HIA is a trade association that represents the manufacturers of some 85% of the hearing aids sold in the United States. HIA's members have a significant stake in the issue of compatibility between hearing aids and wireless handsets, because the purpose of both Section 20.19 of the Commission's Rules and the statute pursuant to which that section was adopted[2] is to enable wearers of their hearing aid products to use wireless handsets successfully, without perceptible interference to the

[1] FCC 06-114, released August 10, 2006, 71 FR 48506 (Aug. 21, 2006) ("NPRM").

[2] *Hearing Aid Compatibility Act of 1988*, codified as Section 710 of the Communications Act of 1934, as amended, 47 USC Sec. 610(b) ("HAC Act").

functioning of the hearing aid. To that end, HIA has participated actively throughout the history of WT Docket No. 01-309 to help achieve the maximum practicable compatibility between hearing aids and as many wireless handsets as possible.

2. HIA believes that there is neither any legal justification nor any policy reason for treating 700 MHz handsets differently from conventional wireless cellular telephone or PCS handsets, which are currently subject to Section 20.19 of the Rules. Accordingly, HIA believes that the Commission is statutorily required to subject 700 MHz handsets to HAC requirements, at least those handsets that are used for voice communication interconnected with the public switched telephone network.[3] As the Commission observes in the NPRM,[4] "many of the services permitted in the 700 MHz Band can be expected to be very similar to services presently subject to the 911/E911 and hearing aid-compatibility requirements." Moreover, as wireless service is continuing "to become increasingly more important to Americans' safety and quality of life, the need for individuals with hearing disabilities to have access to wireless services [continues to be] critical."[5]

3. The 700 MHz band offers a myriad of prospects for important new and innovative technologies and services to the public. Persons with hearing disabilities by law must not be

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[3] The criteria for subjecting handsets to HAC requirements are set forth in Section 20.19(a) of the Commission's Rules. The rule applies to service providers that offer real-time, two-way switched voice or data service that is interconnected with the public switched network and utilize an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls, as well as to manufacturers of handset used by such service providers. HIA believes that ultimately, as technology evolves, the Commission should consider applying HAC requirements to handsets used to make time-delayed voice communications such as voice mail; but that issue may be appropriate for consideration in a separate proceeding.

[4] NPRM at para. 103.

[5] *Hearing Aid Compatibility Order*, 18 FCC Rcd. 16753 (2003) at para. 7.

excluded from the benefits of these technologies and services.[6] Moreover, now is an opportune time to adopt HAC rules -- before 700 MHz handsets start to roll off production lines in large quantities -- so that hearing aid compatibility can be designed into those handsets at the start. The handset industry has learned to deal with the HAC issue in the cellular and PCS context, so known technology is available to design handsets that are compatible with at least recently designed hearing aid models.[7] Adopting HAC requirements now will ensure that the first round of 700 MHz handset products do not cause problems for hearing aid users and will enable hearing aid users to enjoy the benefits of new technologies and services as they come into the marketplace, avoiding the transitional implementation period that was necessary for the cellular telephone and PCS industries because so many handsets had been designed without HAC considerations in mind.[8]

4. HIA further urges that HAC rules for 700 MHz band handsets have the same scope as now provided in Section 20.19, including both radio frequency interference immunity[9] and inductive coupling capability to enable use with telecoils.[10] Both kinds of compatibility are

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[6] The HAC act statutorily requires the Commission to "establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing," 47 USC Sec. 610(a), with limited exceptions which, as shown in these Comments, should not apply to the 700 MHz band.

[7] Handset behavior in the new 700 MHz band is not likely to be significantly different from behavior in the well-established 800 MHz cellular band.

[8] Because HAC compatible technology has now been developed for wireless service handsets in the 800 MHz band, it is unlikely that 700 MHz manufacturers or service providers will be able meet the conditions for a waiver of HAC requirements based on technological infeasibility or undue increase in handset cost, as required by Sec. 710(b)(3) of the Communications Act, 47 USC Sec. 610(b)(3), particularly given the fact that the same statutory section requires the Commission to "consider the effect on hearing-impaired individuals of granting [a] waiver."

[9] *See* Sec. 20.19(b)(1).

[10] *See* Sec. 20.19(b)(2).

required to give hearing aid users the maximum possible access to technologies and services offered in the 700 MHz band.

5. The framework is in place "to establish measurement methods and parametric requirements for services provided in the 700 MHz Band,"[11] because ANSI Standard C63.19-2006, which establishes standards for measuring the performance of cellular and PCS handsets, should be easily adaptable to include the 700 MHz band. HIA and its member manufacturers worked closely with ANSI in developing the 2006 version of the standard, as well as prior versions. To the extent that modification of the ANSI standard becomes necessary during the design and manufacturing processes for 700 MHz handsets, HIA and its members will continue to participate in activities addressing any needed additions or refinements. HIA's members will also continue to strive to design their products to be as immune as practicable to interference, given their size and component limitations.[12]

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, DC 20036-3120
Tel. 202-728-0400
Fax 202-728-0354

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Respectfully submitted,

Peter Tannenwald

Counsel for the Hearing
Industries Association

[11] NPRM at para. 105.

[12] As the previous record in WT Docket No. 01-309 demonstrates, hearing aid design has advanced considerably in recent years, resulting in significant improvements in the interference immunity of these products; and hearing aid manufacturers have more than delivered on commitments to meet handset manufacturers half-way in efforts to improve the performance of both industries' products.