Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	WT Docket No. **06-203**
Section 68.4(a) of the Commission's Rules	)	WT Docket No. **01-309**
Governing Hearing Aid Compatible Telephones	)	

To: The Commission

REPLY COMMENTS OF THE HEARING INDUSTRIES ASSOCIATION

1. The Hearing Industries Association ("HIA") hereby submits these Reply Comments in the above-caption proceedings.[1] In its initial Comments filed January 12, 2007, HIA stated that it was pleased with the progress that has been made toward the goal of full hearing aid compatibility ("HAC") with wireless handsets, but it also expressed concern about what appeared to be a chipping away at the regulatory structure by the Alliance for Telecommunications Industry Solutions ("ATIS") and the industry it represents. The initial comments of ATIS, which concentrated on the problems that handset designers face, reinforced HIA's concern. However, HIA understands that ATIS' reply comments will explicitly reaffirm that organization's commitment to the principle of hearing aid compatibility. HIA is pleased to hear of that commitment, but it also believes that achievement of the goal of maximum compatibility will continue to require vigorous efforts by the Commission to make sure that the progress continues at an adequate pace.

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[1] HIA is the national trade association of the manufacturers of hearing aids, components, and related hearing health products. HIA's members produce the vast majority of the hearing aids sold in the United States.

2. The message that HIA read in ATIS's initial comments[2] was that improvements in hearing aid performance have reduced the need for handset improvement;[3] and in light of the difficulties of designing compliant handsets that use GSM technology, particularly with some of the newest popular features,[4] relief from the 50% compatibility benchmark set for 2008 is in order.[5]

3. HIA's members are dedicated to eliminating HAC problems to the maximum possible extent; and no one disputes that modern digital hearing aids are much improved with respect to interference immunity. Predictably, hearing aid manufacturers are not receptive to the idea that their substantial and successful efforts should be rewarded by a relaxation of requirements for the technology that is the other half of the problem. As indicated in HIA's initial comments, the hearing aid industry does not intend to relax its own efforts; and HIA does not believe that under Section 710(b) of the Communications Act, the Commission may allow handset manufacturers to relax their efforts.

4. Assuming, as ATIS claims, that compliant handsets lack some of the more popular handset design features -- absence of a folding hinge, larger screens, thinness, and metallic cases

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[2] *See* ATIS Comments filed January 12, 2007.

[3] HIA believes that ATIS has overestimated the percentage of hearing aid users who are satisfied with their wireless handsets and that the surveys or studies that ATIS has mentioned were not performed with sufficiently scientific rigor. The main point, however, is not how many hearing users are dissatisfied but rather what can be done to help them all be satisfied.

[4] Such features, according to ATIS, include candy bar or slider design, larger screen sizes, and metallic housing.

[5] HIA does not agree with ATIS that the concept of HAC regulations being "agnostic with respect to wireless air interfaces," expressed at p. 10 of the ATIS comments, can or should be interpreted to mean that regulators and standards-setting organizations have always assumed that the task of achieving compliance would be equally difficult or easy, as the case may be, for every air interface. From the point of view of a hearing aid user, there should be no difference in the usability of whichever air interface the user chooses; but the burden of achieving that goal need not necessarily fall exactly equally on each technology.

-- the conclusion that follows is not that regulations should be relaxed but rather that stronger efforts are needed to ensure that hearing aid wearers are not denied access to the features that the public desires the most. The purpose of the HAC statute is to enable hearing aid wearers to function the same as persons with normal hearing and to overcome any disadvantage. That must continue to be the goal.

5. The complaint that hearing aids are not labeled with a specific "M" or "T" rating is a diversion that in no way justifies the relaxation of the Commission's HAC regulations. Hearing aids are significantly different from wireless handsets in at least three respects: (a) they are individually adjusted for each user rather than uniformly mass produced; (b) they are provided to users by highly trained professional dispensers; and (c) they are subject to a set of pervasive regulations by another agency, the Food and Drug Administration ("FDA"). These differences are not unrelated to one another. HIA is engaged in a continuing dialog with the FDA concerning what kind of consumer information would be acceptable to that agency given the fact that the hearing aids are individually adjusted, making uniform labeling difficult, particularly when the FDA's labeling requirements are supposed to represent actual performance and not a statistical prediction of performance. In addition, the FDA's remedial powers include draconian measures, such as injunctions and initiating criminal prosecution, that hearing aid manufacturers are understandably reluctant to risk incurring.

6. HIA is also committed to providing the maximum possible amount of information to professional hearing aid dispensers, to enable them to help a hearing aid user select a workable combination of hearing aid and wireless handset. These dispensers need to know the

performance expectancy of a handset, and they are then able to recommend a hearing aid that is likely to be compatible without need for an exact numerical rating on that aid.[6]

7. As timetables for HAC compliance progress, the hill may get a little steeper; but the Commission should make sure that everyone stays on the road and keeps moving. If an adjustment in the timetable is necessary, and manufacturers can *prove* the need, then the Commission should address the timetable. However, progress must continue for all air interfaces; and it is particularly important that GSM compliance be enforced, since GSM is now the prevailing technology of the nation's largest wireless carrier, the newly merged AT&T.

8. Accordingly, HIA urges the Commission to increase its efforts to push the handset industry toward achievement of full HAC and to insist that adequate resources be devoted to developing solutions to whatever problems lie in the path of achieving that goal.[7] The goal must be to give hearing users access to all air interfaces, with the same choice of features, capabilities, and conveniences available to the general population.

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Respectfully submitted,

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Counsel for the Hearing Industries Association

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[6] Virtually all currently manufactured digital hearing aids perform consistently with an M2 or M3 rating, so the probability of compatibility with a M3 or better rated handset is high. It is also important to remember that hearing aid dispensers will almost always allow return of a hearing aid that does not work properly for the user and will recommend an alternative model to address the individual user's specific problem.

[7] It is noteworthy that wireless carriers are seeking to close down their analog AMPS cellular systems, claiming that they will offer hearing aid users HAC handsets, at the same time they are asking for relief from digital HAC compliance deadlines. The AMPS shut-down is the subject of a separate proceeding, WT Docket No. 07-10, but it is not unrelated to the instant proceedings. HIA does not intend to suggest that analog handsets are the equivalent of digital handsets in terms of allowing hearing aid users to enjoy all of the benefits of wireless technology. However, the point remains that the needs of hearing aid users are at stake on two fronts.

CERTIFICATE OF SERVICE

I, Tracy Lynn Houchens, do hereby certify that I have, this 31st day of January, 2007, caused a copy of the foregoing "Reply Comments of the Hearing Industries Association" to be sent by first class United States mail, postage prepaid, to the following:

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