

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
IT&E Overseas, Inc.)
)
Section 68.4(a) of the Commission’s Rules)
Governing Hearing Aid Compatible)
Telephones) **WT Docket No. 01-309**
)
Request for Temporary Waiver, or)
Temporary Stay, of)
Section 20.19(c)(2)(i) of the Rules)

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

IT&E Overseas, Inc. (“IT&E”), by its attorneys and pursuant to Section 405 of the Communications Act of 1934, as amended, and Section 1.106 of the Commission’s Rules, hereby requests partial reconsideration of the Commission’s Memorandum Opinion and Order, *WT Docket No. 01-309*, FCC 07-51, released April 11, 2007 (“MO&O”) insofar as it purported to deny IT&E’s nonexistent request for waiver of the Rule Section 20.19(f) package labeling requirements for Hearing Aid Compatible (“HAC”) digital wireless handsets, and of its referral to the Enforcement Bureau for its apparent violation of Rule Section 20.19(f). Briefly stated, IT&E never requested a waiver of the package labeling requirements for the simple reason that it has never required such a waiver. In support hereof, the following is shown:

Background

1. On September 16, 2005, IT&E filed with the Commission a “Petition for Temporary Waiver or Temporary Stay” (“Petition”) requesting a one-year temporary waiver, or temporary stay, up to and including September 16, 2006, of the requirements contained in Section 20.19(c)(2)(i) of the Rules that IT&E include in its handset offerings at least two handset models per air interface that comply with Rule Section 20.19(b)(1), and make available in each retail store owned or operated by it all of these handset models for in-store testing by consumers. Rule Section 20.19(b)(1) specifies that a “wireless phone used for public mobile radio services is hearing aid compatible ... if it meets, at a minimum” a U3 (or M3) rating for radio frequency interference under ANSI Standard C63.19. Nowhere in the Petition did IT&E request a waiver of the Rule Section 20.19(f) package labeling requirements.

2. On November 14, 2005, IT&E filed with the Commission its “Semi-Annual Report,” as required under the Commission’s HAC procedures. The Report noted that IT&E “currently market[s] twenty-eight (28) digital handset models,” and that two of these (the Kyocera SOHO KXI and the Motorola V265) meet a U3 (or M3) rating under ANSI Standard C63.19. In the response to Item 5, entitled “Report On The Status Of Product Labeling,” IT&E stated that it “is not involved in product labeling or the development of labeling standards.” IT&E went on to note the confusion then prevalent within the industry as to how the HAC ratings should be designated to avoid customer confusion:

However, we are aware that some confusion may arise regarding the handset labeling standards contained in the 2001 and draft 2005 versions 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 the 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.”

3. On April 26, 2006 and in response to an oral request for information from the Commission’s staff, IT&E filed a “Supplement to Petition for Temporary Waiver or Temporary Stay” (“Supplement”) stating that “IT&E currently markets four digital wireless handset models which meet a U3 (or M3) rating for radio frequency interference under ANSI Standard C63.19,” *i.e.*, the Motorola Models V265, V267, and RAZR V3c, and the Kyocera Model SOHO KX1. Because the Commission’s staff specifically requested that the topic of package labeling be addressed, the Supplement went on to state that “[i]n each of the four cases, either the manufacturer-supplied packaging or labels attached by IT&E indicates that the units are hearing aid compatible.”

4. At Paragraph No. 51 of the MO&O, the Commission determined (based upon IT&E’s November 14, 2005 “Semi-Annual Report”) that IT&E came into compliance with the handset deployment requirement as of November 14, 2005 and, accordingly, granted IT&E a waiver *nunc pro tunc* to extend the Rule 20.19(c)(2)(i) compliance deadline until November 14, 2005. However, for some reason not readily apparent, the Commission misread the Petition as also requesting a temporary waiver of the Rule Section 20.19(f) package labeling requirement; determined that the standards for securing a waiver of this requirement had not been met; “den[ied] this aspect of the IT&E Petition;” and referred IT&E’s “apparent violation” to the Enforcement Bureau. MO&O, Para. No. 52. Thus, with respect to package labeling, the Commission acted upon a

request for relief that was not pending before it. Of even greater significance, no violation of the Rule Section 20.19(f) package labeling requirements is present.

**The Rule Section 20.19(f) Requirements Apply Only
To Handset Manufacturers, Not To CMRS Licensees**

5. Rule Section 20.19(f) states, in relevant part, that “[h]andsets used with public mobile services that are hearing aid compatible, as defined in Sec. 20.19(b) of this chapter, shall clearly display the U-rating, as defined in Sec. 20.19(b)(1), (2) on the packaging material of the handset.” From the language used, it is quite clear that this directive applies only to the handset manufacturers (and not to the licensees), a reading confirmed by examination of the Commission’s Hearing Aid Compatibility Order and Hearing Aid Compatibility Order on Reconsideration in the HAC proceeding.

6. The Rule Section 20.19(f) package labeling requirement was adopted by Report and Order, WT Docket No. 01-309, FCC 03-168, 2 CR 1299 (rel. August 14, 2003) (“Hearing Aid Compatibility Order”) and reaffirmed without modification by Order on Reconsideration and Further Notice of Proposed Rulemaking, WT Docket No. 01-309, FCC 05-122, 36 CR 190 (rel. June 21, 2005) (“Hearing Aid Compatibility Order on Reconsideration”). In adopting the requirement, the Commission stated that it “will require manufacturers to place a label on the exterior packaging containing the wireless telephone indicating the U-rating of the wireless telephone;” and “require service providers to ensure that the label is made visible to individuals with hearing disabilities so they may determine which wireless telephone best meets their individual needs.” Hearing Aid Compatibility Order, Para. No. 83. Stated another way, package labeling is to be performed by the manufacturer, and the carriers are to ensure that they remain

visible by, for example, not placing any stickers over the label. The Commission went on to state that

First, *we require manufacturers* to affix a label on the exterior of the wireless telephone's box that provides the particular U-rating for that model of handset. The label should be conspicuous so that the consumer, without any assistance, can discern the U-rating of the particular hearing aid-compatible phone. ... We require labels to be affixed to the exterior of the packaging in order to inform the purchaser of the quality of interoperability between a wireless telephone and a hearing aid.

Hearing Aid Compatibility Order, Para. No. 85 (emphasis added). *Accord*, Hearing Aid Compatibility Reconsideration Order, Para. Nos. 31 – 36 (“The Commission sought to effectuate [the mandate of Section. 108 of the HAC Act] by requiring digital wireless handset *manufacturers* to: (1) *place a label on the exterior packaging* containing the wireless handset indicating the technical rating of the wireless handset ...” at Para. 31; “The requirement that digital *wireless handset manufacturers* *prominently place an exterior label* indicating the U-rating satisfies the need of consumers to learn the U-rating of a given handset at a glance ...” at Para. 33) (emphasis added).

7. Carriers, however, are not subject to this requirement, being given considerably greater latitude:

Furthermore, to ensure that the information is conveyed to consumers, we require service providers to ensure that the U-rating is made available, *either through display on the handset's box*, separate literature on which model handsets the provider offers that are compatible, through posting information on their Internet web site, or by any other means the service provider determines is sufficient, to individuals with hearing disabilities so they may determine which wireless telephone best meets their individual needs.

Hearing Aid Compatibility Order, Para. No. 87 (emphasis added). Thus, under the regulation, carriers are *not required* to affix labels to the packaging in the event the manufacturers fail to do so. Affixing labels is only one of several methods that a carrier

may employ to discharge its obligations because, as the *HearinnAid Compatibility Order* expressly states, other options for the carriers are available. In explaining the greater latitude afforded carriers, the Commission stated:

We recognize that service providers offer their products and services through a variety of channels, including the Internet, carts in shopping malls, agents, and stand-alone stores. Some of these entities are small businesses with limited resources. We, therefore, are adopting a requirement that provides flexibility for service providers to determine how best to convey the information to the consumer. We encourage service providers to use the flexible approach we provide to adequately inform consumers with disabilities about their choices.

Hearing Aid Compatibility Order, Para. No. 87.

8. Thus, the licensees are not required to label the handset packaging if the manufacturers for some reason fail to do so. Failure to label the packaging is a handset manufacturer violation, not a licensee violation. Licensees are accorded much greater flexibility to advise consumers of the HAC U-rating of the handset. Therefore, the *MO&O* is simply wrong as matter of law in holding that the licensee must always label the packaging if the manufacturer fails to do so. This aspect of the *MO&O* must be set aside.

IT&E Labels The Handset Packaging With The HAC U-Rating Where The Manufacturer Fails To Do So And Uses Other Commission Approved Means to Convey The U-Rating Information To Consumers

9. IT&E wishes to assure the Commission that, since April of 2006, it has been labeling the handset packaging with the HAC U-rating in those cases where the handset manufacturer has failed to do so; and that it uses other, alternative means (as expressly permitted under the terms of the *HearinnAid Compatibility Order*) to convey the U-rating information to consumers. As noted above and as reflected in IT&E's November

14,2005 “Semi-Annual Report,” confusion was then prevalent within the industry as to what precise designation the Commission expected the manufacturers to use when labeling the handset packaging (*i.e.*, the “U” rating system specified in the 2001 version of ANSI Standard C63.19 or the “ M rating system used in the 2005 draft version of the standard). It was quite obvious that manufacturers could act at their own peril if they elected to use the wrong designation system, thereby generating customer confusion. The same would be true if different manufacturers used different rating systems (*e.g.*, if Motorola used the “U” system and Kyocera used the “M’ system). Because both the *Hearing Aid Compatibility Order* and the *Hearing Aid Compatibility Reconsideration Order* placed the duty of package labeling solely on the handset manufacturers, IT&E was somewhat surprised to learn from the Commission’s staff in April of 2006 that the Commission wanted the carriers to label the packaging with the U-rating (or M-rating) in all cases where the manufacturers failed to do so. At that time, IT&E did not to make an issue out of this Commission request. Instead, IT&E simply complied with the request and has been labeling the packaging ever since, when needed.

10. For the four handset models specified in the April 26,2006 Supplement (two of which are also listed in the November 14,2005 “Semi-Annual Report”), the following is noted:

A) **Motorola Model V276**: The manufacturer-supplied packaging contains the U-rating for the handset.

B) **Motorola Model RAZR V3c**: Originally, the manufacturer-supplied packaging was not marked with the U-rating. At some point in time, Motorola began placing the U-rating on the packaging.

C) **Motorola Model V265**: The manufacturer-supplied packaging is not labeled with the handset's U-rating, even though Motorola has represented to the Commission that the labeling requirements have been met (**See** November 17, 2005 ATIS HAC Status Report #4 at pg. 41 *et seq.*, WT Docket No. 01-309) (**See** Attachment A).

D) **Kyocera Model SOHO KX1**: The manufacturer-supplied packaging is not labeled with the handset's U-rating, even though Kyocera has represented to the Commission that the labeling requirements have been met (**See** November 17, 2005 ATIS HAC Status Report #4 at pg. 36 *et seq.*, WT Docket No. 01-309) (**See** Attachment B).

11. In addition, IT&E has used, and continues to use, alternative means to convey the U-rating information to consumers, all as expressly endorsed and approved by the Commission in the **Hearing Aid Compatibility Order**. First, from November 2005 to date, the U-ratings for each HAC-compliant digital wireless handset offered by IT&E have been listed on the "Product Details" page of IT&E's website. Since March of 2007, the consumer can connect from the IT&E website via a hyperlink to the ATIS brochure entitled "Get The Buzz Out." Second, since May of 2006, the U-rating for each HAC-compliant handset marketed by IT&E has been attached to its price label in the displays set up in IT&E's retail stores. Third, from November 2005 through April 2006, IT&E utilized a hearing aid compatibility sheet to assist hearing-impaired customers in selecting current model handsets and accessories most suitable to their needs which specifically set forth the U-ratings of the handsets (**See** example attached at Attachment C); and, since May of 2006, copies of the ATIS brochure "Get The Buzz Out" have been made available in the IT&E retail stores.

12. All of these methods (both individually and in the aggregate) adequately discharge IT&E's carrier responsibilities, as laid down by the Commission in the Hearing Aid Compatibility Order. Therefore, IT&E was not violating any of its responsibilities under the HAC consumer information requirements, as alleged in the MO&O.

13. One final point is worthy of mention. As noted previously, IT&E's November 14, 2005 "Semi-Annual Report," in response to Item 5, entitled "Report On The Status Of Product Labeling," stated in relevant part as follows: "IT&E is not involved in product labeling or the development of labeling standards."

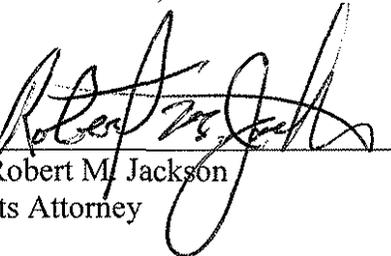
14. To place this response in context, it should be remembered that it was submitted pursuant to the requirements set forth at Paragraph Nos. 89 – 91 of the Hearing Aid Compatibility Order, which mandated the filing of reports by both carriers and handset manufacturers and which specified what the reports were to contain. Some of the items listed are quite obviously directed to the handset manufacturers, since the Commission could never have reasonably contemplated that a small, Tier III Commercial Mobile Radio Service carrier such as IT&E would have access to that information. Included in this category are such things as the models tested, the laboratory used, the test results for each handset tested, information regarding the incorporation of hearing aid compatibility features into newer phone models, activities related to ANSI C63.19 standards work, ongoing efforts for interoperability testing with hearing aid devices, and product labeling. As IT&E interpreted this language, it was asking for the status of IT&E's involvement in the product labeling activities of the handset manufacturers who, as discussed above, are the only ones required to attach the labels to the packages. That the mandatory labeling duty fell exclusively upon the handset manufacturers was readily

apparent from the statements contained in the section of the Hearing Aid Compatibility Order setting forth the Commission's interpretation of the labeling requirement that it was enacting, the section that immediately preceded the one discussing (and specifying the contents of) the reports. IT&E quite properly indicated that it was not involved in the discharge of the manufacturers' obligations through assisting the manufacturers in the development and placement of labels, or otherwise. Under the policy statement contained in the Hearing Aid Compatibility Order, package labeling by the carrier is discretionary since there are alternate means available (as described in the Hearing Aid Compatibility Order) to discharge its obligations. That the reports were not required to set forth the alternate means being used (which were discussed by the Commission solely in the context of the actions carriers were required to take) further indicated to IT&E that the question was directed solely to the manufacturers.

WHEREFORE, IT&E requests that the instant petition be granted.

Respectfully submitted,

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Filed: May 11, 2007

ATTACHMENT A

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of)
)
Section 68.4(a) of the Commission's Rules) **WT Docket No. 01-3**
Governing Hearing Aid Compatible)
Telephones)
)

Hearing Aid Compatibility Status Report #4

Submitted by

the Alliance for Telecommunications Industry Solutions

on behalf of the

ATIS Incubator Solutions Program #4 - Hearing Aid Compatibility

Status Report on Hearing Aid Compatibility

(as of November 1, 2005)

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Section 2. Compliant Phone Model Information

a. Compliant Phone Models:

Model	Band(s)	Air Interface(s)	ANSI C63.19 Rating	FCC ID	Grant Type
I450	800/900	iDEN™	M3	AZ489FT5844	Class 2
I560	800/900	iDEN™	M3	AZ489FT5844	Class 2
I710	800/900	iDEN™	M4	AZ489FT5824	Class 2
I730	800/900	iDEN™	M4	AZ489FT5824	Class 2
I760	800/900	iDEN™	M3	AZ489FT5844	Class 2
I836	800/900	iDEN™	M3	AZ489FT5828	Class 2
I850	800/900	iDEN™	M3	AZ489FT5844	Class 2
i870	800/900	iDEN™	M4	AZ489FT5846	Class 2
V3	800/900/1800/1900	GSM	M3	IHDT56EU1	Class 2 w/ Waiver
V3	900/1800/1900	GSM	M3	IHDT56EU3	New Grant w/ Waiver
V220	800/900/1800/1900	GSM	M3	IHDT56ER1	Class 2 w/ Waiver
V220	900/1800/1900	GSM	M3	IHDT56ER2	New Grant w/ Waiver
V360	900/1800/1900	GSM	M3	IHDT6FF1	Class 2
E815	800/1900	CDMA	M3	IHDT56EL1	Class 2
E816	800/1900	CDMA	M3	IHDT56EL1	Class 2
V3c	800/1900	CDMA	M3	IHDT56FT1	New Grant
V260	800/1900	CDMA	M3	IHDT56ET1	Class 2
V262	800/1900	CDMA	M3	IHDT56ET1	Class 2
V265	800/1900	CDMA	M3	IHDT56ET1	Class 2
V266	800/1900	CDMA	M3	IHDT56ET1	Class 2
V276	800/1900	CDMA	M3	IHDT56ET1	Class 2
V323	800/1900	CDMA	M3	IHDT56FA1	Class 2
V325	800/1900	CDMA	M3	IHDT56FA1	Class 2
V710	800/1900	CDMA	M3	IHDT56EC1	Class 2

b. Total Number of Compliant Models: 8 iDEN; 5 GSM; 11 CDMA

c. Total Number of Models (US): 22 iDEN; 63 GSM; 25 CDMA

Section 3. Product Labeling Information

Manuals and package labeling information for the compliant models above was provided in accordance with the rule 20.19 and is available at the FCC OET web site.

Section 4. Consumer Outreach Efforts

Category ratings and a detailed explanation of the HAC system rating is available for iDEN products at http://idenphones.motorola.com/idenIDroducts/Droducts_home.jsp and for others at <http://www.motorola.com/consumer/accessibility>. Microphone and telecoil listening tests to compare different technologies (CDMA, GSM, iDEN and NADC) were conducted by 29 subjects (10 with cochlear implants) at the 2005 annual Self Help for the Hard of Hearing convention. A report of the experimental results was presented to the FCC during the 24 August ATIS Ex Parte meeting so a copy is not included herein.

Section 5. Retail Availability of Compliant Models

All major service providers and multiple retail stores offer Motorola products.

Section 6. Efforts to Incorporate Hearing Aid Compatibility into New Models

Though 3 of the iDEN protocol compliant models that were current models needed no change, over 2 man-years of engineering effort was consumed in designing the 5 other new models to meet the FCC compliance requirements. Finite element computer models and special test systems were developed as an aid in predicting and evaluating the performance of several models. It was found that HAC compatibility is more sensitive to product physical design than SAR or ERP performance.

Section 7. Activities Related to ANSI C63.19 or Other Standards

- Motorola is participating in the C63 Medical Devices subcommittee 8 and attended the C63.19 drafting group and subcommittee 8 meetings April 27, 2005 and September 26, 2005.
- Motorola submitted detailed objection comments and objection reply comments on the ANSI Standards Action public review of PC63.19-2001.
- Motorola authored the ANSI Project Initiation Notification System (PINS) Form to standardize the subjective methodology used to determine currently adopted values of AWF.
- Motorola also is participating in ATIS working groups dealing with C63.19 issues.
 - o WG-4 – Test Plan (Motorola – chair)

- o WG-6 -- Labeling
- o WG-8 – Articulation Weighting Factor (Motorola – chair)
- o WG-9 – 850 MHz and Higher power

• Motorola has led the industry to examine the interpretation of how T-Coil measurements are made, and significant inputs were given to ATIS WG-4 as inputs to the fourth recirculation draft of C63.19.

Section 8. Efforts to Test Interoperability With Hearing Aids

Sample units, test equipment and technical support staff were provided for the RF frequency band-dependency measurements conducted at the Cingular testing laboratory at Austin, TX and reported on by the ATIS Incubator Working Group 9. Listening tests to compare different technologies (CDMA, GSM, iDEN and NADC) were conducted at the 2005 annual Self Help for the Hard of Hearing convention (see section 4 above).

Section 9. Information Regarding Differences in Handset Offerings Among Regions in Service Areas (Service Providers Only)

Not Applicable.

Section 10. Statement of Waiver and Status of Efforts Towards Compliance (Vendors or Service Providers who availed themselves of the FCC 05-166 Memorandum Opinion and Order released September 8, 2005)

Motorola availed itself of the waiver relief for GSM 850/1900 handsets, noted in Section 2.a of this report. Our ongoing efforts to offer dual-band GSM 850/1900 handsets that achieve a rating of M3 or higher include investigating whether there are feasible and practical product designs capable of meeting the M3 requirements of the current standard and/or designs for meeting a potentially corrected standard. The proposed 10dB correction of the standard for the 850 MHz band to reflect empiric test results would greatly increase the likelihood of success. Motorola supports this amendment in Revision Draft 3.10 of the standard currently under ballot. We continue to work also on handsets that meet T3 measurements without relying on the waiver; however the potential pre-requisite of meeting M3 measurements in order to meet T3 in the testing protocols at section 7.3.3 of the standard is a concern.

ATTACHMENT B

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of)
)
Section 68.4(a) of the Commission's Rules) **WT Docket. . . 01-309**
Governing Hearing Aid Compatible)
Telephones)
)

Hearing Aid Compatibility Status Report #4

Submitted by

the Alliance for Telecommunications Industry Solutions

on behalf of the

ATIS Incubator Solutions Program #4 - Hearing Aid Compatibility

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Model	Band(s)	Air Interface(s)	ANSI C63.19 Rating	FCC ID	Grant Type
KX1	800/1900	CDMA	M3	OVFKWC-KX1	Class 2
KX5	800/1900	CDMA	M3	OVFKWC-KX5	Class 2
KX5-5X0	800/1900	CDMA	M3	OVFKWC-KX5-5X0	Class 2
KX9	800/1900	CDMA	M3	OVFKWC-KX9	Class 2

- Package label listing the HAC rating
- Instruction manual

Section 4. Consumer Outreach Efforts

Web pages to provide HAC information

Section 5. Retail Availability of Compliant Models

HAC phones are available at Carrier Stores, retail and online.

Section 6. Efforts to Incorporate Hearing Aid Compatibility into New Models

HAC is part of the design/development specifications. Kyocera is equipped with HAC testing equipment.

Section 7. Activities Related to ANSI C63.19 or Other Standards

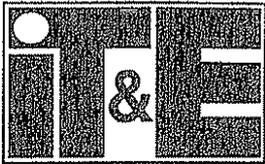
Participate in activities related to the HAC standards through the ATIS HAC Incubator and TCBC meetings.

Section 8. Efforts to Test Interoperability With Hearing Aids

- Participate in HAC interop testing through the ATIS HAC Incubator.
- Data comparison with external commercial test lab.

Section 9. Information Regarding Differences in Handset Offerings Among Regions in Service Areas (Service Providers Only)

ATTACHMENT C



OVERSEAS, INC.

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Hearing Aid Compatibility Information Sheet

HEARING AID USERS - SELECTING THE BEST PHONE FOR YOU

This brochure is designed to provide you with relevant information to help you select a wireless phone and service plan that best meets your needs. This document will provide answers to various questions related to hearing aids and wireless phone interactions, as well as a list of wireless phones that are Hearing Aid Compatible. We are also providing information about some accessory options that may be useful to you. For the most up-to-date information, and to access an electronic message board which allows consumers to share timely information about the combinations of hearing aids and wireless phones that work for them, we refer you to the Cellular Telecommunications and Internet Association (“CTIA”) “Access Wireless” website at www.accesswireless.org.

Please keep in mind that because hearing loss varies from individual to individual, no hearing aid and wireless phone combination can be guaranteed to work for everyone. However, this information is designed to help you understand available options. Consumers should always try a phone before making a purchase, to make sure that it works for them.

FREQUENTLY ASKED QUESTIONS – FOR HEARING AID USERS WHO WOULD LIKE TO PURCHASE A DIGITAL WIRELESS PHONE

1. What are some of the key features that I should look for in purchasing a wireless phone?

As a hearing aid user there are a number of different features that may make it easier for you to use a digital wireless phone. These features may include but aren't limited to:

- Vibrating alert for incoming calls
- Selectable ringer tones – different frequencies or patterns may be easier for you to hear
- T-coil coupling
 - Limited or no interference between the hearing aid and wireless phone
- Short messaging service (SMS)
- Increased volume control
- Headset
- Compatibility with a neckloop

The best approach for individuals who wear hearing aids is to explore the different wireless services offered. You may want to talk with your audiologist and service provider to find out what phone model would work best for your individual needs. Also, ask to ~~try~~ try out the phone before purchasing.

2. What are some present day solutions for hearing aid and digital wireless interference?

Hearing loss and hearing aids are different for each person. Hearing aid and phone manufacturers are continuously updating their products but no hearing aid and wireless phone combination can be guaranteed to work for everyone.

The wireless handset –

- Have a conversation with your audiologist to discuss your wireless phone usage and help pinpoint a match between your hearing aid and a phone model that may work for your individual needs.
- Ask the service provider to try the phone model out in the store to see that the model works with your hearing aid.
- **Visit CTIA's on-line discussion board, where hearing aid wearers can share information about what phones work best with their particular hearing aids.**

The hearing aid –

- Recognize that there are many different types of digital electronic signals around us that can unintentionally interfere with the electronics in devices such as hearing aids, medical equipment and pacemakers, to name a few.
- Advances in hearing aid and wireless phone technology are helping to design electronics that prevent interference from the many sources of digital signals.
- Hearing aid wearers have choices among products, and immunity to digital signals should be a feature that the hearing aid wearer looks for in a new hearing aid.

Accessory devices –

- Consider using an accessory device with your wireless handset, such as a neckloop, an inductive silhouette or a headset. Wireless phone manufacturers and third-party accessory makers offer a variety of these options.
- Using an accessory device moves the handset away from your hearing aids, which can also reduce interference.

3. When digital wireless service is explained as **CDMA**, **TDMA** or **ESM**, what does that mean?

CDMA, TDMA and GSM are different types of digital technology used by wireless phone service providers. Each represents a different way of transmitting the digital signal over the airwaves. IT&E uses a CDMA network.

CDMA stands for Code Division Multiple Access. This technology sends out information in multiple digital packets tagged with a code. The packets are then spread out over a wide radio channel and collected by the receiving wireless phone. A good example is an English speaking person in a crowded room full of Italian speakers and being able to pick out the only other English speaking person in the room.

TDMA stands for Time Division Multiple Access. This technology sends out information by assigning each call a unique time slot in the radio frequency channel. Each channel has 3 slots, so that no two calls will be on one channel at the same time.

GSM stands for Global Standard for Mobile and is a digital cellular or PCS network standard used throughout the world. This technology operates similar to the TDMA technology. The only difference is that with GSM there are up to 8 different time slots that may transmit the calls.

4. What is interference **between** hearing aids and wireless phones?

The digital electronics revolution has brought many benefits to consumers, including improved wireless communications. At the same time, the increased use of digital technologies has proven problematic for some people who wear hearing aids. Signals from digital wireless phones can be unintentionally picked up by hearing aids, processed through the hearing aid circuitry and cause interference. Interference is typically experienced as a "buzz" heard by the hearing aid wearer, which makes it difficult or impossible to hear the telephone conversation. This is not the case with the analog phones, which transmit the signal in a format that does not interfere with hearing aids. Analog phones are being phased out by most carriers because digital phones use the wireless spectrum more efficiently.

5. What is T-coil coupling?

A T-coil is a device in some hearing aids that allows a hearing aid to pick up low-level magnetic signals from a phone. When a T-coil is used, the microphone on the hearing aid is turned off and the sound from the phone is delivered to the hearing aid via the magnetic signals. Because the microphone is turned off, T-coils help eliminate background noises and help the user hear only the phone conversation. Because of the differences in phone design, not all wireless phones will have T-coil coupling.

6. Are there other potential sources of interference for hearing aids?

Yes. Hearing aid wearers may also experience interference from other electronics, security systems, computer monitors or fluorescent lights. One way to fix the problem is to move away from the source (e.g. digital signal) or to increase the immunity of the hearing aid.

WIRELESS PHONES TO TRY IF YOU WEAR A HEARING AID

When some mobile phones are used near some hearing devices (hearing aids and cochlear implants), users may detect a buzzing, humming, or whining noise. Some hearing devices are more immune than others to this interference noise, and phones also vary in the amount of interference they generate.

The wireless telephone industry has developed ratings for some of their mobile phones, to assist hearing device users in finding phones that may be compatible with their hearing devices. Not all phones have been rated. Phones that are rated have the rating on their box or a label on the box.

The ratings are not guarantees. Results will vary depending on the user's hearing device and hearing loss. If your hearing device happens to be vulnerable to interference, you may not be able to use a rated phone successfully. Trying out the phone with your hearing device is the best way to evaluate it for your personal needs.

M-Ratings: Phones rated M3 or M4 meet FCC requirements and are likely to generate less interference to hearing devices than phones that are not labeled. M4 is the better/higher of the two ratings.

T-Ratings: Phones rated T3 or T4 meet FCC requirements and are likely to be more usable with a hearing device's telecoil ("T Switch" or "Telephone Switch") than unrated phones. T4 is the better/higher of the two ratings. (Note that not all hearing devices have telecoils in them.)

Hearing devices may also be measured for immunity to this type of interference. Your hearing device manufacturer or hearing health professional may help you find results for your hearing device. The more immune your hearing aid is, the less likely you are to experience interference noise from mobile phones.

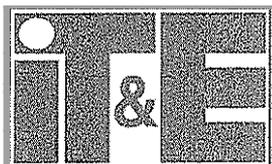
IT&E carries the following Hearing Aid Compatible phones:



Kyocera SOHO KX1
M3 Rating



Motorola V265
M3 Rating



OVERSEAS, INC.

P.O. Box 24881 GMF, Guam 96921 • Tel: (671) 646-8886 • Fax: (671) 646-4723 • E-mail: genmgr@ite.net • www.ite.net

DECLARATION UNDER PENALTY OF PERJURY

I, John M. Borlas, hereby state the following:

1. I **am** the President of IT&E Overseas, Inc.
2. I have read the foregoing "Petition for Partial Reconsideration." With the exception of those facts of which official notice can be taken, all facts set forth therein are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 11th day of May, 2007.



JOHN M. BORLAS, P.E.