

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)

SEVENTH REPORT

Custer Telephone Cooperative ("Custer") hereby files its "Seventh Report" in the above-captioned docket concerning hearing aid compatibility pursuant to the FCC's March 8, 2004 public notice.¹ 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 from 2004 through 2006, and then annually in 2007 and 2008.² This is Custer's seventh report.

Background

Custer is a "Tier III" rural telephone cooperative³ which provides cellular service in rural portions of Idaho RSA#3 - Lemhi (call sign WPOL-948). It serves

¹ 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").

² 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").

³ 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).

729 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.

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, now referred to as the "M3" standard. 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.⁴ The rule [Section 20.19(d)(2)]also provides that, by September 16, 2006, carriers were to include in their handset "offerings" at least two handset models which complied with the "inductive coupling" requirements of Section 20.19(b)(2) of the FCC's Rules now referred to as the "T3" standard. 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, 2008.⁵ 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

⁴ 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.

⁵ The FCC has proposed extensive versions to his requirement in a recent Notice of Proposed Rulemaking. See In The Matter of Amendment of the Commission's Rules Governing Hearing Compatible Mobile Handsets; Section 68.4 of the Commission's Rules Governing Hearing Aid Compatible Telephones; Petition of American National Standards Institute Accredited Standards Committee C63 (EMC) ANSIASC C63, WT Dockets 07-250; 01-309 Second Report and Order and Notice of Proposed Rulemaking (FCC 07-192, released November 7, 2007 ("Report and Order"). The Report and Order also has stayed the February 18, 2008 deadline for compliance with Section 20.19(c)(B) until April 18, 2008.

the requirements mobile service providers that offer "two or fewer wireless handsets" to their customers.

Custer currently offers the Motorola K1m, Motorola L7c, Motorola V3m, Kyocera Kx12, and Kyocera Kx16 handsets which meet or surpass the "M3" standard required under Section 20.19(b)(1) of the FCC's Rules. Thus, Custer complies with Section 20.19(c)(2) of the FCC's Rules, which required the offering of at least two handset models compliant with the "M3" 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.

Custer is also now in compliance with Section 20.19(d)(2), with respect to offering handsets compliant with the "inductive coupling" "T3" standard set out in Section 20.19(b)(2). Custer now offers the Motorola K1m handset, the Motorola L7c handset, and the Motorola V3m handset which meet a T4 standard.⁶

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;

⁶ Custer has previously provided to the Enforcement Bureau, in a filing dated August 24, 2007, more detailed information concerning the times its handsets meeting the "T3" standard were made available to customers.

(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 now compliant with Sections 20.19(b)(1) and 20.19(b)(2) of the FCC's Rules 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 all the handsets it offers now are compliant with applicable HAC requirements for "M3" or "T3" handsets.

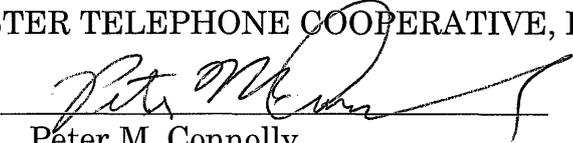
Conclusion

Custer is now in compliance with the HAC requirements set forth in Section 20.19(b)(1) and 20.19(b)(2) of the FCC's Rules, as well as Sections 20.19(f) and 20.19(c)(2)(i) of the Rules. 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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By: _____


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