

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

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	<b>WT Docket No. 07-250</b>
Governing Hearing Aid-Compatible Mobile	)	
Handsets	)	
	)	
Section 68.4(a) of the Commission's Rules	)	<b>WT Docket No. 01-309</b>
Governing Hearing Aid Compatible	)	
Telephones	)	
	)	
Petition of American National Standards	)	
Institute Accredited Standards Committee C63	)	
(EMC) ANSI ASC C63™	)	

To: The Commission (filed electronically)

**COMMENTS OF THE HEARING INDUSTRIES ASSOCIATION**

1. The Hearing Industries Association (“HIA”) hereby submits these Comments in response to the Commission’s Second Report and Order and Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 07-192, released November 7, 2007. HIA is a trade association representing the manufacturers of some 85% of the hearing aids sold in the United States. HIA has participated actively in prior phases of WT Docket No. 01-309 to help achieve the goal of enabling hearing aid users to operate wireless mobile handsets without interference caused by the handset to the hearing aid.

2. HIA urges the Commission to keep its sights on the fundamental objective of enabling hearing aid users to enjoy the benefits of new technologies as much as possible to the same extent as persons with full hearing. That is the basic mandate of Section 255 of the Communications Act and is part of the Commission’s public interest mission under the statute.

As various individual issues are addressed and resolved, the primary end goal must remain in focus at all times.

3. Technology is advancing with remarkable speed. Speed benefits the public by rapidly improving their ability to communicate, to respond to emergencies, to conduct business, and to be entertained. However, speed also means that it is important to plan ahead of time for hearing aid compatibility (“HAC”), so that HAC considerations are incorporated into product design at the start, minimizing design costs borne by manufacturers, and avoiding disruption of the manufacturing process that can occur if HAC is an afterthought.

4. Sound planning requires that the Commission attend early on to the framing and adoption of HAC requirements for new technologies and new frequency bands that will be deployed in the foreseeable future. Early regulatory planning will allow equipment designers and manufacturers to understand their obligations and to plan accordingly, and it should reduce the likelihood of waiver requests.<sup>1</sup> Moreover, handset compatibility with hearing aids generally and with telecoils both require regulatory attention.<sup>2</sup>

5. Turning to specific issues raised by the Commission, HIA appreciates and anticipates that advances in cellphone and hearing instrument technology may dictate review and/or revision of specific metrics within ANSI Standard C63.19. However, any revision relating specifically to the standard’s ability accurately to predict interference-related usability must be based on juried

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<sup>1</sup> There is no reason to distinguish between handsets sold by service providers and handsets sold independently, including handsets marketed for use with “open platform” systems. Again, the general principle is important: hearing aid users should be able to enjoy the benefits of *all* new technologies to the maximum extent feasible.

<sup>2</sup> HIA supports the proposal to consider mandating M4/T4 rather than only M3/T3 performance by handsets if and when such performance is reasonably achievable.

assessments that conform to established study protocols and not on informal studies and anecdotal evidence.<sup>3</sup>

6. A uniform standard is also desirable, as hearing aid users should not be expected to have the sophistication needed to evaluate a particular handset based on which year's standard was used to test that model. It may not be necessary to require immediate adherence to a new version of the standard as soon as it is released, but the Commission should do its best to phase out standards that are more than two or three years old. Re-certification of older models that have not been changed or redesigned in any way should not be necessary in light of the normal short lifespan of individual handset models in a competitive marketplace. However, if a handset is updated, the design update should include compliance with the then current version of Standard C63.19.

7. It is especially important that HAC certification be granted only to handsets that are compliant in all frequency bands and modes in which they operate. Again, it is unreasonable to require hearing aid users to be sufficiently sophisticated in electronics to analyze what is behind the M/T rating on a handset box and to understand the differences among various frequency bands and operating modes to determine whether a partially compliant handset will meet their needs. Consumers use handsets for the simple purpose of placing telephone calls. They usually are not aware of the nuances of different frequency bands and modes of operation or which band

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<sup>3</sup> The fact that subjective assessments are necessarily a part of the testing process for HAC does not obviate the need for scientific diligence. Such diligence should help to minimize delays in bringing to market products that will enable hearing aid users to employ new and emerging cellphone technologies with confidence.

or emission type they are using when they make or receive calls in different geographic areas.<sup>4</sup> Therefore, an M/T rating should apply across the board, no matter how or where the handset is used.

8. It is obviously important to accelerate the adoption of standards for new frequency bands and types of emissions, so that hearing aid users are not denied access to new services and technologies when they arrive on the market. In that regard, the Commission properly raises the question of what constitutes a “telephone” handset for purposes of HAC requirements. HIA submits that the logical answer to that question is that a telephone handset is any device that may be used to make voice telephone calls, regardless of what non-voice capabilities may also be available, and regardless of whether the majority usage is voice or non-voice. To come to any different conclusion would require too much regulatory complexity and might lead to an exercise in futility as the Commission attempted to draw lines to based on consumer usage patterns that are difficult to measure and evaluate. A device that can be used for voice communication through the Public Switched Telephone Network should be deemed a telephone handset and be subject to HAC requirements.

9. Finally, HIA believes that the marketplace is not yet ready to ensure adequate availability of HAC products without continued Commission supervision. Hopefully, it will be possible to reduce or eliminate regulation at some time in the future; but we are not yet close to achieving that goal, as there are not enough hearing aid wearers to be a strong enough market force to assure a full selection of HAC products. Therefore, HIA urges the Commission to

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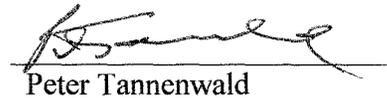
<sup>4</sup> Were the Commission to allow the sale of partially compliant handsets, the labeling that would be required to inform consumers fully would be so detailed that it would likely be cited as an example of government “regulatory gobbledygook.”

continue to require periodic reports from the handset industry.<sup>5</sup> The current functioning of the marketplace also indicates that a new examination of the marketplace should be initiated in 2010, for action in 2011, and not postponed to a later year.

10. HIA appreciates the Commission's positive attitude toward achieving HAC and pledges that its members will continue to strive to design hearing aids that maximize immunity to radiofrequency interference, whether from wireless mobile handsets or otherwise.

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Respectfully submitted,



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<sup>5</sup> HIA agrees that a simplified and uniform reporting format would be useful.