

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

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

**REPLY COMMENTS OF
RESEARCH IN MOTION LIMITED**

Research In Motion Limited (“RIM”) herewith respectfully submits its reply comments in the above-captioned rulemaking proceeding.¹ As discussed in greater detail in RIM’s initial comments in this proceeding, the Joint Consensus Plan submitted by Incubator Solutions Program #4 (“AISP.4-HAC”) of the Alliance for Telecommunications Industry Solutions (“ATIS”)² represents a “win-win” solution for wireless carriers, manufacturers and hearing-impaired consumers alike.³ RIM notes the

¹ *Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, Second Report and Order and Notice of Proposed Rulemaking, WT Docket Nos. 07-250 and 01-309, FCC 07-192 (released Nov. 7, 2007) (“NPRM”).

² *See* Supplemental Comments of ATIS in WT Docket No. 06-203 (filed June 25, 2007) (“Joint Consensus Plan”).

³ *See* RIM Comments at 4-6, 23.

broad support for the Commission's prompt adoption of the Joint Consensus Plan voiced in initial comments by wireless carriers,⁴ manufacturers,⁵ and consumer groups representing the hearing-impaired.⁶ In light of this broad support from diverse stakeholders, RIM reiterates its support for the Joint Consensus Plan, and again urges the Commission to adopt the Joint Consensus Plan in new rules expeditiously.

RIM takes this opportunity to discuss further some of the concerns and questions raised by commenters about the Joint Consensus Plan, both those related to its implementation as well as those that go beyond its scope. As discussed in further detail below, RIM believes that these concerns and questions do not warrant any changes to the Joint Consensus Plan, which should be adopted as originally filed, without alteration or addition.

I. REVISIONS TO ANSI C63.19 STANDARD

In its initial comments, the American National Standards Institute Accredited Standards Committee C63 (ANSI ASC C63) raises a question about the Joint Consensus Plan's proposed "phase-in" of the 2007 version of the ANSI C63.19 standard. Specifically, ANSI ASC C63 seeks clarification that, during the phase-in period, equipment authorizations would be submitted according to only the complete version of either the 2006 or 2007 version of the standard, rather than according to portions of both.⁷ RIM submits that use of a complete version of either version of the standard during the phase-in was the intent of the Joint Consensus Plan, and notes Motorola's agreement with

⁴ See, e.g., AT&T Comments at 2-3; T-Mobile Comments at 3-8.

⁵ See, e.g., Motorola Comments at 2-3, 9-10; Nokia Comments at 2-6; Sony Ericsson Comments at 3-5.

⁶ See, e.g., Gallaudet RERC-TA Comments at 2-4; HLAA/TDI Comments at 2.

⁷ See ANSI ASC C63® Comments at 1-2.

this view.⁸ Accordingly, RIM supports the clarification sought by ANSI ASC C63 on this point.

With respect to future revisions to the ASC C63.19 standard, RIM supports the comments of Motorola and Gallaudet RERC-TA in favor of maintaining the Commission's oversight role, in particular through the Office of Engineering and Technology (OET).⁹ RIM further agrees with Motorola that the Commission should continue oversight of future revisions of the standard through its notice-and-comment procedures under the Administrative Procedures Act.¹⁰ As stated in initial comments, RIM also believes that the Commission should continue its delegation of authority to OET to approve future revisions to the standard that do not raise major compliance issues.¹¹

II. DE MINIMIS RULE

In its initial comments, RIM expressed its support for the retention of the current *de minimis* rule and codification that it be applied on a per-air-interface basis, as proposed by the Joint Consensus Plan.¹² A number of commenters joined RIM in support for the current *de minimis* rule.¹³

⁸ See Motorola Comments at 4.

⁹ See Motorola Comments at 8-9; and Gallaudet RERC-TA Comments at 16-17.

¹⁰ See Motorola Comments at 8-9.

¹¹ See RIM Comments at 17.

¹² See RIM Comments at 17-19.

¹³ See, e.g., AT&T Comments at 6; Nokia Comments at 5-6; Sony Ericsson Comments at 7-8; T-Mobile Comments at 10.

RIM takes note here of questions and concerns about the *de minimis* rule raised by HLAA/TDI and Gallaudet RERC-TA. Gallaudet RERC-TA joins in support for the *de minimis* rule being applied on a per-air-interface basis, and in support for the continued availability of the *de minimis* exemption to industry members who participated in developing the Joint Consensus Plan.¹⁴ HLAA/TDI also agree with the Joint Consensus Plan's provision to codify that the *de minimis* exemption should be applied on a per-air-interface basis.¹⁵ Both commenters, however, also express concerns about applying the *de minimis* exemption to Apple and its recent iPhone product, and suggest that changes to the rule are needed in light of the introduction of the iPhone.¹⁶

While RIM does not wish to minimize the concerns raised by these commenters, RIM believes that it is premature to consider changes to the *de minimis* rule in response to isolated recent products like the iPhone. As of the latest public reports, Apple iPhone activations account for less than 0.5% of U.S. wireless subscribers – hardly a case of the *de minimis* exemption swallowing the HAC rules.¹⁷ Furthermore, as RIM explained in its initial comments, large portions of both carrier and manufacturer handset portfolios continue to meet technical standards for hearing aid compatibility, notwithstanding the availability of the *de minimis* exemption.¹⁸ RIM believes that the *de minimis* exemption

¹⁴ See Gallaudet RERC-TA Comments at 13.

¹⁵ See HLAA/TDI Comments at 6.

¹⁶ See Gallaudet RERC-TA Comments at 12-13; HLAA/TDI Comments at 6.

¹⁷ AT&T, the exclusive carrier of Apple iPhones in the U.S., reports that as of 3Q 2007 it had activated “more than 1.1 million” iPhones on its network. See AT&T Investor Briefing, 3rd Quarter 2007 at 8 (Oct. 23, 2007) (available at http://www.att.com/Investor/Financial/Earning_Info/docs/3Q_07_IB_FINAL.pdf). By contrast, CTIA reports “more than 250 million” U.S. wireless subscribers as of Nov. 13, 2007. See “U.S. Wireless Subscribership Passes 250 Million Mark,” Press Release, CTIA (Nov. 13, 2007) (available at <http://www.ctia.org/media/press/body.cfm/prid/1724>).

¹⁸ See RIM Comments at 19.

continues to function as originally intended, and should be codified on a per-air-interface basis in accordance with the Joint Consensus Plan.

III. MULTI-BAND AND MULTI-MODE HANDSETS

In its initial comments, RIM expressed opposition to the Commission’s proposal to exclude automatically from HAC portfolio counts any handsets including bands or air interfaces for which HAC technical standards had yet to be established.¹⁹ RIM continues to believe that the Commission’s proposal is a solution in search of a problem, and that the Commission’s HAC rules should focus instead on known interference issues in specific bands or air interfaces. RIM also continues to believe that the Commission’s proposal would exceed its statutory authority under the HAC Act, which requires “established technical standards” as a precondition for the imposition of a HAC requirement.²⁰

RIM adds that the Commission’s proposal goes beyond the scope of the Joint Consensus Plan, and is in no way entailed or called for by any aspect of the Joint Consensus Plan. The issue of how to count handsets including new bands and interfaces without HAC technical standards is the same issue today as it was before ATIS’ submission of the Joint Consensus Plan. Indeed, prior to the Commission’s issuance of its most recent NPRM in this proceeding, RIM had never heard this proposal offered or discussed as part of the deliberations in AISP.4-HAC. RIM suggests that, instead of adding this new proposal, the Commission should adopt the Joint Consensus Plan without alteration and without addition.

¹⁹ See RIM Comments at 15-17.

²⁰ See *id.*

IV. EMERGING TECHNOLOGIES

In its initial comments, RIM expressed that it would be premature for the Commission to adopt new HAC requirements for emerging technologies, such as Wi-Fi, VoIP, or open platform networks.²¹ In this connection, RIM notes the comments by HLAA/TDI that HAC rules for emerging technologies should be considered as part of the Commission's future review of HAC in 2010.²² RIM supports the Commission's refraining from applying HAC rules to these new technologies today, and urges the Commission to follow the suggestion of returning to them as part of its 2010 review. In this connection, RIM also supports Motorola's proposal to bifurcate this proceeding, so that the Joint Consensus Plan proposal can be considered and adopted by February 18, 2008.²³

V. CONCLUSION

The Joint Consensus Plan represents the culmination of several months of discussion and negotiation to reach a balanced and thoughtful set of reforms to the Commission's HAC rules, supported by diverse stakeholders ranging from wireless carriers and manufacturers to consumer groups representing the hearing impaired. RIM urges the Commission to adhere to its plan to adopt the Joint Consensus Plan by February 18, 2008. Furthermore, as explained in detail above, the Commission should adopt the Joint Consensus Plan in whole, without alteration or addition.

²¹ *See id.* at 19-23.

²² *See* HLAA/TDI Comments at 6.

²³ *See* Motorola Comments at 9-10.

Respectfully submitted,

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