

VIA ECFS

July 23, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *WT Docket No. 07-250*
Notice of *Ex Parte* Presentation of Research In Motion Limited

Dear Ms. Dortch:

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, Research In Motion Limited ("RIM"), by counsel, hereby notifies the Commission of two oral *ex parte* presentations in the above-referenced proceeding on July 22, 2010. Praveen Goyal, Senior Director, Corporate and Government Relations, RIM and the undersigned met separately with: John Giusti, Chief of Staff and Legal Advisor for Commissioner Michael Copps; and Angela Giancarlo, Chief of Staff and Senior Legal Advisor for Commissioner Robert McDowell. The following summarizes the issues discussed, and provides additional information and clarification reflecting further analysis of the proposals before the Commission.

RIM discussed proposals to eliminate or narrow the *de minimis* exception to the Commission's Hearing Aid Compatibility ("HAC") requirements, as described in recent *ex parte* submissions in the proceeding. RIM explained that, in its experience, the HAC *de minimis* rule has worked well and as the Commission intended – *i.e.*, by enabling manufacturers to timely introduce new innovative devices into the market, while simultaneously working to achieve HAC M3 and T3 ratings in advance of more widespread product offerings. Indeed, the *de minimis* exception helped facilitate RIM's own competitive entry into the device market for GSM (at both the 850 MHz and 1900 MHz bands), and also with respect to the offering of WCDMA and iDEN handsets. RIM is now compliant for GSM, and expects to remain compliant for WCDMA if or when it exceeds the *de minimis* exception. While the iDEN interface remains technically challenging, RIM has achieved an M3 rating for one of its iDEN handset models.

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RIM explained how the *de minimis* exception will remain important and relevant as manufacturers and wireless carriers begin introducing new innovative 4G devices and the deployment of advanced mobile broadband services, and that the Commission should not inadvertently undermine its critical broadband objectives by its actions in this proceeding. To that end, RIM explained that, insofar as the Commission and consumer groups remain concerned for how the *de minimis* exception applies to particular manufacturer business models, the Commission should consider a more narrowly-tailored approach that addresses that issue without undermining the public interest benefits the *de minimis* exception has directly promoted:

- At minimum, the current exception should apply to manufacturers and service providers for *at least two years* after Federal Register publication of any modified rule, given that ongoing products and portfolio development work has relied on the current exemption. After that time, in situations where three or fewer handsets are offered for a given air interface, at least 1 must be fully HAC-compliant.
- For air interface protocols that have not yet been launched or to which the C63.19 standard does not currently apply, a different approach is needed. In these cases, the two-year time limit should apply on a per air interface basis, and begin either (1) once a manufacturer or service provider offers a new air interface protocol, or (2) for an air interface protocol it already offers but no standard applies, when an Order applying the C63.19 standard to that air interface protocol is adopted. Under either scenario, manufacturers will need time to incorporate product features (*e.g.* form factors, shielding, antenna placement, etc.) that facilitate a minimum M3 and T3 rating, and to test handsets to the new standard. Manufacturers and service providers alike will also need the two-year period to begin introducing those devices into the marketplace and planning their handset portfolios accordingly.
- After the two year period, manufacturers and service providers will still need some mechanism to address potential “outlier” scenarios in which the current *de minimis* exception would otherwise have provided relief. For example, there may be situations where a legacy technology is being phased out of a portfolio such that imposition of the HAC requirements is not necessary to meet the Commission’s objectives.

RIM’s proposed approach helps to ensure that manufacturers will act to incorporate HAC functionalities into their devices from the outset of the design and product development process, thereby increasing the already wide availability of handsets usable by hearing aid users, without adversely affecting the ability of manufacturers and service providers to timely introduce new devices and services into the broadband marketplace.

Finally, RIM discussed the “Power Down” option for GSM 1900 MHz that Apple and HLAA proposed in their recent *ex parte* submissions. RIM notes that the Commission has previously sought to ensure that similarly situated devices and services are treated as such under its HAC rules, and GSM 850 MHz and iDEN have faced similar engineering challenges. Also, while technology-neutral application of such a requirement ordinarily would have some appeal

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(insofar as it would potentially make an M3/T3 rating easier to achieve), RIM's technical personnel have raised significant concerns for the implications of such an option on handset performance, as implementing a Power Down option will necessarily result in reduced network performance as reflected, for example, in increased dropped call rates.

RIM remains hopeful that such an approach might be applied in a competitively neutral manner and consistent with consumers' handset performance needs. Upon additional evaluation of the proposal, however, RIM believes that further record development is warranted. Technical analysis of the impact on network performance in real-world configurations is needed before such a significant change in power requirements can be implemented properly – in a technically neutral manner, and without impacting network performance. RIM also believes that the emergency-calling scenario proposed by HLAA – powering-back up during emergency calls – requires further analysis as well. For example, it is to be expected that hearing-impaired consumers relying on a powered-down mode to use a particular handset may not be able to use the same handset in a powered-back up mode without interference, an extremely troubling possibility in light of the Commission's policies for 911 calling. Furthermore, a substantial customer education and disclosure effort may be warranted, insofar as customers may presume the availability of emergency calling capability from that device. Thus, a powered-up mode for emergency calling requires further study as well.

Please contact the undersigned or Praveen Goyal at (202) 756-1321 if there are questions concerning this filing.

Respectfully submitted,

/s/

Robert G. Morse

cc: John Giusti
Angela Giancarlo