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July 27, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Notice

Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250; Section 68.4 of the Commission's Rules Governing Hearing Aid Compatible Telephones, WT Docket No. 01-309

Dear Ms. Dortch:

On Tuesday, July 27, 2010, Rebecca Schwartz, Telecommunications Industry Association (TIA); Praveen Goyal, RIM; Leo Fitzsimmons, Nokia; John Godfrey, Samsung; Cathy Massey, Clearwire; Katie Peters, Motorola; Matthew Gerst and Scott Bergmann, CTIA; and Harold Salters, T-Mobile met with Charles Mathias, Legal Advisor for Wireless, International and Public Safety Issues for Commissioner Baker. The purpose of the meeting was to discuss proposed modifications to hearing aid compatibility (HAC) rules, particularly changes to the *de minimus* rule.[1]

During this meeting, TIA communicated that modification to the *de minimus* rule should account for manufacturers and service provider's use of the rule to promote new technologies, particularly on new air interfaces, and determine whether consumer demand warrants a more expansive deployment. Allowing manufacturers to operate under the exception will not bar products covered by the rule from becoming hearing aid compatible, as in the case of the Global System for Mobile Communication (GSM) standard's voluntary movement into non-exemption. In correlation to adding new technologies to their portfolios, manufacturers use the exemption to diminish its selection of outdated technologies. The exception makes certain that HAC regulatory obligations do not prevent emerging technologies from being able to best develop products by forcing manufacturers to commit resources to outmoded technologies.

[1] *See* ex parte letter from Paul Margie, Counsel for Apple Inc. to Marlene H. Dortch, Secretary, WT Docket No. 07-250 (filed Jul. 9, 2010)("Apple's Jul. 9, 2010 ex parte letter").

The parties discussed OET's practice of not allowing HAC certification for multi-mode handsets that operate in some air interface protocols to which the ANSI C63.19-2007 standard does not currently apply, notwithstanding that OET has authority to allow HAC certification for such devices on a case-by-case basis. This practice is already beginning to exacerbate manufacturers' and service providers' HAC compliance challenges, and will make compliance even more challenging if the *de minimus* exception is eliminated.

If the Commission goes forward with modification of the *de minimus* rule, TIA suggested the Commission consider the following:[2]

- For existing handset technologies, the current *de minimus* exception should remain available to all manufacturers and service providers for at least two years after Federal Register publication of any modified rule.
- For air interface protocols that have not yet been launched (*e.g., LTE)* and existing air interface protocols to which the C63.19 standard does not yet apply (*e.g.* WiMax), an appropriate trigger for the minimum two year period is warranted.
- Once the applicable two-year period has expired, if three of fewer handsets are offered for an air interface, at least one must be HAC compliant.
- A limited exception should be retained, even after the two-year period, for legacy handsets as they are phased out of a portfolio.

TIA also discussed the option of "powering down" of GSM devices in the 1900 MHz band and noted that this option has not been tested by the majority of handset manufacturers and service providers.[3] Powering down may increase the risk of dropped calls due to lower total radio power (TRP) levels. Further, the "powering down" option may be a viable option for other bands with similar technical interference problems.

Finally, TIA noted that manufacturers sell niche phones to retailers or directly to the public that offer accessibility features, such as screen readers.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to the meeting attendees. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Rebecca Schwartz

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Rebecca Schwartz

cc: Charles Mathias

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[2] Ex parte letter from Robert G. Morse, Counsel for Research In Motion Limited to Marlene H. Dortch, Secretary, WT Docket No. 07-250 (filed Jul. 23, 2010).

[3] *See* Apple's Jul. 9, 2010 ex parte letter.