

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

In the Matter of)	
)	
Amendment of the Commission's Rules)	WT Docket No. 07-250
Governing Hearing Aid Compatible Mobile)	
Handsets)	

**COMMENTS OF THE ALLIANCE FOR TELECOMMUNICATIONS
INDUSTRY SOLUTIONS (ATIS)**

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Incubator Solutions Program #4 - Hearing Aid Compatibility (AISP.4-HAC), hereby submits these comments to the *Further Notice of Proposed Rulemaking (FNPRM)* portion of the above-captioned proceeding.¹ As explained below, AISP.4-HAC: (1) supports an extension of the Federal Communications Commission's (FCC) hearing aid compatibility (HAC) rules beyond commercial mobile radio services (CMRS) to new technologies; (2) does not support imposing obligations on manufacturers or service providers for ensuring HAC compliance related to voice communication services added to a handset by consumers or third parties after original purchase; and (3) supports an expansion of the *de minimis* rule "power down" exception to all manufacturers and service providers.

¹ *Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 07-250 (released August 5, 2010).

AISP.4-HAC commends the FCC for producing a comprehensive proceeding that addresses many of the outstanding issues remaining from the *February 2008 First Report and Order*² and for prudently expanding access to mobile devices for those with hearing loss while simultaneously recognizing and promoting the need for industry innovation and investment in next generation wireless communications devices. AISP.4-HAC supports the *Policy Statement* portion of this proceeding, which affirms that the FCC's HAC rules must provide consumers with hearing loss continuing access to the most advanced and innovative technologies, while maximizing market conditions.³ AISP.4-HAC also appreciates the FCC's substantial adoption of its Multiband General Principles⁴ within the *Second Report and Order*.⁵

I. Background

ATIS is a global standards development and technical planning organization that is committed to providing leadership for, and the rapid development and promotion of, worldwide technical and operations standards for information, entertainment and communications technologies using a pragmatic, flexible and open approach. As an American National Standards Institute (ANSI) accredited standards development organization, ATIS has been serving the evolving needs of the telecommunications industry for over 25 years by prioritizing the ICT

² Amendment to the Commission's Rules Governing hearing Aid Compatible Mobile Handsets, WT Docket No. 07-250, *First Report and Order*, 23 FCC Rcd 3406 (2008).

³ *Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 07-250 (released August 5, 2010) ¶ 2.

⁴ Letter from Thomas Goode, General Counsel, ATIS, and Deirdre Y. Cheek, Attorney, ATIS, to Marlene H. Dortch, Secretary, FCC dated September 11, 2008.

⁵ *Second Report and Order* at ¶ 20, 31, and 33.

industry's most pressing, technical and operational issues, and creating interoperable, implementable end-to-end solutions and standards. These solutions support the rollout of innovative products and services into the information, entertainment and communications marketplace.

ATIS' membership is diverse, including all stakeholders from the ICT industry – wireline and wireless service providers, equipment manufacturers, competitive local exchange carriers, data local exchange carriers, providers of commercial mobile radio services, broadband providers, software developers, consumer electronics companies, digital rights management companies, and internet service providers. Nearly 600 industry subject matter experts from more than 250 ICT companies work collaboratively in ATIS' 18 open industry committees and forums. Additionally, ATIS benefits from the strategic vision provided by its Board of Directors, which is comprised of chief technology officers and senior executives of the leading ICT companies.

AISP.4-HAC was created in July 2003 to investigate performance between hearing aids and wireless devices to determine methods of enhancing interoperability and the compatibility of wireless devices with hearing aids in order for those in the hearing aid and cellular wireless industries to meet the FCC's HAC requirements. Since its inception, AISP.4-HAC participants, which include technical experts from wireless service providers and equipment manufacturers, representatives from the hearing aid industry and representatives from advocacy groups representing consumers with hearing loss, have been working together to address technical issues concerning the usability of wireless devices for consumers with hearing aids.

II. Discussion

A. Extension of HAC Rules beyond the current Commercial Mobile Radio Service to New Technologies.

In the *FNPRM*, the FCC seeks comment on its proposal to extend HAC requirements to all customer equipment used to provide wireless voice communications over any type of network.⁶ AISP.4-HAC supports making advanced communications technologies available to consumers with hearing loss. AISP.4-HAC also supports extending HAC requirements to services beyond those currently classified as CMRS, provided that such an extension would apply only to devices that contain a built-in speaker and are designed to be typically held to the ear, as currently specified in the *Second Report and Order*. AISP.4-HAC agrees that such an extension is consistent with the Commission's *Policy Statement* and would promote the full realization of its *2003 Hearing Aid Compatibility Order*⁷ to provide people with hearing loss access to the most advanced and innovative technologies as they are launched in the market.

B. Applicability of HAC Rules Where Voice Communication Services Are Added After-Market

The FCC also seeks comment in the *FNPRM* on issues related to the voice communications capabilities or services that may be enabled by a party other than a manufacturer (i.e. aftermarket voice functions). One issue is how the FCC's HAC rules should address such aftermarket voice functions. AISP.4-HAC believes that it is important to note that neither manufacturers nor service providers have control over how a handset will function once consumers or other third parties install aftermarket applications on the handset. Therefore, where voice capability is added by the consumer or other third party after purchase of the

⁶ *FNPRM* at ¶77.

⁷ See generally *2003 Hearing Aid Compatibility Order*, 18 FCC Rcd 16753.

handset, manufacturers and service providers would not be able to detect or report on these changes and should not be responsible for ensuring HAC related to the operation of these aftermarket applications. Moreover, ATIS also notes that, because aftermarket applications cannot change the underlying parameters of the handset (maximum power, frequency band, etc.), third party applications are unlikely to affect HAC ratings.

The FCC also seeks comment on the proper procedures for a manufacturer to test hearing aid compatibility of aftermarket voice applications.⁸ Because AISP.4-HAC does not believe that manufacturers or service providers should be held responsible for any software not originally installed or packaged in the box, ATIS does not believe that testing procedures should be required for these applications. Instead, because hearing aid compatibility is built into the handset during the product design and development phases and any tests for compliance are properly performed as part of a pre-sale activity, AISP.4-HAC believes that developers of new technologies should consider and plan for hearing aid compatibility at the earliest stages of the product design, as provided for in the FCC's *Policy Statement*.⁹

C. GSM Operations at 1900 MHz

In the *FNPRM*, the FCC seeks comment on whether to extend its GSM 1900 MHz exception (i.e, the power down exception) to the *de minimis* rule. This exception allows those companies that would come under the amended *de minimis* rule but for their size to satisfy the hearing aid compatible handset requirements for GSM using a handset that allows the customer to reduce the maximum output power for GSM operations in the 1900 MHz band by up to 2.5

⁸ *FNPRM* at ¶89.

⁹ *See* Note 3 at ¶18.

dB.¹⁰ The FCC seeks comment on whether to expand this exception to all entities operating in this band.

AISP.4-HAC supports such an extension.¹¹ While AISP.4-HAC acknowledges that, by incorporating a limited user-controlled power reduction option, the FCC's proposal may degrade performance beyond the control of manufacturers and service providers, AISP.4-HAC agrees with the FCC's assessment in the *Second Report and Order* that a 2.5 dB reduction in power will generally have an effect only when a handset is operated near the edge of a reliable service coverage area.¹² AISP.4-HAC also agrees that in all cases a handset would still need to operate at full power during 911 calls.

III. Conclusion

AISP.4-HAC applauds the FCC for taking further steps to ensure greater accessibility to advanced wireless devices for individuals with hearing loss while being careful not to stem industry innovation. For the foregoing reasons, AISP.4-HAC supports both an extension of HAC rules beyond the current CMRS to new technologies and an expansion of the GSM 1900 MHz power down exception to the *de minimis* rule to all manufacturers and service providers. AISP.4-HAC, however, does not believe that manufacturers or service providers should be responsible for meeting HAC compliance where voice communication applications were added to a handset by consumers or third parties after original purchase.

¹⁰ *Second Report and Order* at ¶51.

¹¹ *See* Petition for Partial Reconsideration submitted by LG, Motorola, Nokia, Research in Motion, Samsung and Sony Ericsson (Joint Petitioners), WT Docket No. 07-250 (filed October 8, 2010).

¹² *Second Report and Order* at ¶53.

Respectfully submitted,

ATIS on behalf of AISP.4-HAC

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Dated: October 25, 2010