Before the
Federal Communications Commission
Washington, DC 20554

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

REPLY COMMENTS OF IRIDIUM SATELLITE LLC

Iridium Satellite LLC ("Iridium") submits these reply comments in response to the *Further Notice of Proposed Rulemaking* in the above-referenced proceeding wherein the Commission proposes to expand the scope of the wireless hearing aid compatibility ("HAC") rules to cover a broader range of handsets used for wireless voice communications, including handsets used for mobile satellite service ("MSS").[1] Iridium generally supports the FCC's goal of making new products and services available to the hearing impaired. However, as explained below, Iridium firmly believes that application of the HAC rules to non-ancillary terrestrial component ("ATC") MSS operators would constitute an undue technical and financial burden and would not serve the overarching public interest goals of the HAC rules.

Under Section 710 of the Act (as recently amended by the Accessibility Act), the Commission must take into account technical feasibility and product marketability issues

[1] *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 07-250, 25 FCC Rcd 11167. at ¶¶ 87, 93 (2010) ("*Further Notice*"). None of the comments in this proceeding expressed support for applying HAC rules to non-ATC MSS handsets, although one commenter addressed handsets with ATC service capability. *See* Comments of AT &T at 2-3.

in any assessment of HAC applicability.[2] As part of this assessment, the Commission must consider whether incorporating HAC capability "would increase costs to such an extent that the [handsets] could not be successfully marketed."[3] In the non-ATC MSS context, the burden of compliance is significant and severely disproportionate to any supposed public benefits that would arise from compulsory compliance with the HAC rules.

Non-ATC MSS service providers, like Iridium, are uniquely positioned to provide services to businesses and government entities, including first responders, military, and homeland security subscribers, in areas and situations where terrestrial commercial mobile radio services ("CMRS") services are unavailable or insufficient. Unlike terrestrial CMRS which are already subject to the HAC rules, non-ATC MSS services are not primarily utilized by individual consumers. Indeed, while non-ATC MSS handsets are available to such customers, these devices represent a small fraction of the customer base of terrestrial operators. Thus, in this case, given the unique nature of the non-ATC MSS customer base, the burdens associated with HAC rule compliance outweigh the benefits.

Moreover, the cost of developing new handsets is significantly higher for non-ATC MSS operators than for terrestrial CMRS providers on a per handset and per customer basis. The overall volume of non-ATC MSS handset sales are limited compared to CMRS handset sales. Indeed, non-ATC MSS devices must be designed with different technical parameters depending on the operator's particular satellite

[2] *See* 47 U.S.C. §§ 610(b)(2)(C)(iii)-(iv), (e).

[3] *See* 47 U.S.C. § 610(b)(2)(C)(iv).

network configuration (e.g., geostationary orbit vs. non-geostationary order, TDMA vs CDMA). As a result, manufacturers of non-ATC MSS handsets are not able to take advantage of the same economies of scale available to CMRS providers. In addition, the technical design of non-ATC MSS handsets is typically tailored to the intended customer base (e.g., first responders, maritime and industries in geographically remote areas). Such costs cannot be spread across a large customer base or easily carried forward into new non-ATC MSS handset model offerings, which emerge far less frequently than for terrestrial CMRS. As a result, requiring that all non-ATC MSS handsets be HAC-compliant would have significant repercussions on the affordability and availability of new innovative non-ATC MSS handsets to the enterprise and government customers, including first responders, homeland security, and military users, that make up the bulk of non-ATC MSS users.[4]

[4] Product development takes years of effort for very low volumes of handsets for non-ATC MSS operators. As such, the two-year transition period proposed in the *Further Notice* for terrestrial CMRS handsets would be inadequate for MSS, as the Satellite Industry Association has previously indicated, and also fails to reflect the need to grandfather existing non-ATC MSS handsets in the market or under development. *See Further Notice* at ¶ 93, n.198 (noting SIA's recommended three-year transition period) and Comments of SIA at 6-7.

For the foregoing reasons, Iridium respectfully requests that the Commission apply its HAC rules and the provisions of Section 710 of the Communications Act consistent with these reply comments. The Commission should not compel non-ATC MSS operators, such as Iridium, to comply with wireless HAC rules as compulsory compliance would impose an undue technical and financial burden on non-ATC MSS operators.

Respectfully submitted,

By: */s/Donna Bethea Murphy*

Donna Bethea Murphy
Vice President, Regulatory
Engineering
Iridium Satellite LLC
1750 Tysons Boulevard
Suite 1400
McLean VA 22102

November 22, 2010