

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 HEARING LOSS ASSOCIATION OF AMERICA;  
REHABILITATION ENGINEERING RESEARCH CENTER ON  
TELECOMMUNICATIONS ACCESS;  
ASSOCIATION OF LATE DEAFENED ADULTS, INC.;  
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.;;  
NATIONAL ASSOCIATION OF THE DEAF; DEAF AND HARD OF HEARING  
CONSUMER ADVOCACY NETWORK; and HANDS & VOICES**

Hearing Loss Association of America (“HLAA”)<sup>i</sup>, the Association of Late Deafened Adults, Inc. (ALDA)<sup>ii</sup>, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)<sup>iii</sup>, National Association of the Deaf (NAD)<sup>iv</sup>, Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN),<sup>v</sup> and Hands & Voices<sup>vi</sup> (collectively, “Consumer Groups”) and the Rehabilitation Engineering Research Center on Telecommunications Access (“RERC-TA”)<sup>vii</sup>, submit these comments in response to the request for comment sought by the Federal Communications Commission (“Commission”) on the Second Further Notice of Proposed Rulemaking (SFNPRM) regarding the adoption of the most current hearing aid compatibility standard into the Commission’s rules.

Our comments will be limited to: the issue of the proposed adoption by the Commission of the 2011 version of the ANSI C63.19 standards to replace the 2007 version of the ANSI standards; issues related to the adoption; the transition period for the adoption; and disclosure language for the benefit of consumers.

**The 2011 ANSI Standard**

6. – 7. The Commission proposes to adopt the 2011 ANSI Standards into the Commission’s rules as an applicable technical standard for evaluating the hearing aid compatibility of wireless phones.

Consumer Groups and the RERC-TA support the adoption of the 2011 ANSI standard into the Commission’s rules. We agree that doing so would serve the public interest.

Consumer Groups and the RERC-TA would request that the Commission encourage the C63.19 working group continue their efforts and address the remaining open issues left in the standard.

These include:

1. extending the application of the new noise-weighting function to the measurement of telecoil-mode, audio-frequency magnetic noise, replacing the less appropriate “A”-weighting function (The new noise-weighting function has already been adopted in the 2011 revision of the standard for noise measurement as part of the radio-frequency interference testing.)
2. the need for a more consistent, straightforward, and reproducible hearing aid immunity test method that could be adopted in common with the related IEC hearing aid testing standard (The IEC 60118-13 working group is presently taking up this question.)
3. a resolution to the question of how to test multiple transmitter operation in wireless devices for hearing aid compatibility
4. further confirmation that testing methodologies and qualification thresholds for hearing aids and wireless devices are correct and complimentary, including consideration of possible RF frequency dependencies
5. better understanding of in-use wireless device power and resultant emissions levels, and the effect such understanding might have on item 4 above

Consumer Groups and the RERC-TA understand that the Commission plans to address the issue of the power-down exemption for phones operating over the GSM air interface in the 1900 MHz band when it takes action on the 2010 Further Notice of Proposed Rulemaking. Nonetheless we take this opportunity to reiterate our argument that the Commission should eliminate the power-down exemption at the point that the 2011 version of the ANSI C63.19 Standard is fully adopted, as the modified RF emissions test procedure and correspondingly modified qualification thresholds equivalently address the original motivation for such exemption.

8. The Commission asks whether a 12-month transition period for adoption of the 2011 ANSI standard for manufacturers and Tier I carriers and 15 months for other service providers would balance the operational requirements of manufacturers and service providers with the needs of consumers. Consumer Groups and the RERC-TA believe a 12-month transition period would better meet the needs of consumers attempting to purchase HAC mobile devices. At the same time, we believe the changes in the standard are not dramatic in their final effect and that manufacturers and carriers have had sufficient time to anticipate any possible effects of the new standard. While we would prefer an even tighter schedule, we understand the proposed timetable may be needed for manufacturers and carriers to make the transition. In short, a 12 month/15-month transition period would not only serve the needs of consumers, but should be achievable for manufacturers and carriers.

9. The Commission indicates that the rules provide, whenever a manufacturer or service provider discloses the hearing aid compatibility rating of a handset that has not been tested for hearing aid compatibility over a new air interface, the disclosure shall include the language stated in Section 20.19(f)(2). The Commission further states that they propose not to prescribe disclosure language but rather rely on general disclosure requirements for handsets that have been tested under newly covered air interfaces and found not to meet hearing aid compatibility criteria.

Consumer Groups and the RERC-TA are concerned that if the disclosure language for this circumstance is left to the many different handset manufacturers, the language used will be

inconsistent and therefore, potentially confusing. If each manufacturer is left to decide upon their own language, consumers will find it difficult to compare products. If that language is also obscure or incomprehensible, particularly to someone who does not have a technical background, it will be doubly confusing. We suggest that a simple remedy for these potential problems is to create plain and straightforward language that all manufacturers must use. If most handsets actually have little difficulty meeting the hearing aid compatibility rating criteria over currently existing or imminently expected air interfaces that are outside the 2007 ANSI Standard, then there will be little impact on the wireless industry in prescribing disclosure language while, at the same time, ensuring that important information is revealed to consumers in a consistent, understandable way.

We suggest the following disclosure language for the website and manual:

This phone has been tested and rated hearing aid compatible for some of the wireless technologies it uses. However, for the other technologies it uses, this handset is not rated hearing aid compatible. It is important to try the different features of this phone thoroughly and in different locations to determine if you hear any unacceptable interfering noise. Consult your service provider about its return and exchange policies and for information on hearing aid compatibility.

This proposed language is consistent with disclosure language previously agreed upon and used to alert consumers when newer wireless technologies that could not be tested for hearing aid compatibility were used in a phone. Therefore, we anticipate that the language suggested above would be acceptable to both consumer groups and Industry alike.

For the box and in-store display card, we suggest listing each wireless technology, its hearing aid compatibility rating, and whether this rating qualifies as hearing aid compatible (3 or greater).

The Commission may determine that other disclosure language should be used. In that case, we propose, at a minimum, all disclosure language should be common among manufacturers, written in plain language, produced using a clear, easy-to-read font of at least 12 points and readily found on the website, box, manual and in-store display card.

Thank you for this opportunity to provide comments in this matter.

Respectfully Submitted,

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<sup>i</sup> The Hearing Loss Association of America (HLAA) is the nation's leading grassroots organization representing the rights of people with hearing loss. The HLAA mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support. HLAA impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss on a national and local level. HLAA's national network includes local chapters nationwide, state organizations and an office in Bethesda, Maryland.

<sup>ii</sup> The mission of the Association of Late-Deafened Adults is to support the empowerment of people who are deafened. ALDA seeks to establish a universal presence that connects people who embrace all forms of communication: visual, oral and aural, and supports people who face the unique challenges of living as a late-deafened adult. ALDA provides networking opportunities through local chapters and groups as well as at the annual ALDA conference (ALDAcon).

<sup>iii</sup> Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) is a consumer advocacy organization that provides leadership in achieving equal access to telecommunications, media, and information technologies for 36 million Americans who are deaf and hard of hearing. TDI publishes the *TDI World* quarterly magazine and the annual *TDI National Directory & Resource Guide*, also known as the Blue Book. TDI administers the E911 Stakeholder Council, an ad-hoc group dedicated to increasing access to 9-1-1 and other emergency services, as well as the Community Emergency Preparedness Information Network, a program funded by the Federal Emergency Management Agency (FEMA). In odd numbered years, TDI hosts a biennial conference where consumers, industry leaders and government officials gather to discuss accessibility trends in technology. For more information about TDI and to support its work, go to [www.TDIforAccess.org](http://www.TDIforAccess.org).

<sup>iv</sup> The National Association of the Deaf (NAD) is the nation's premier civil rights organization of, by and for deaf and hard of hearing individuals in the United States of America. Established in 1880, the NAD was shaped by deaf leaders who believed in the right of the American deaf community to use sign language, to congregate on issues important to them, and to have its interests represented at the national level. These beliefs remain true to this day, with American Sign Language as a core value. The advocacy scope of the NAD is broad, covering a lifetime and impacting future generations in the areas of early intervention, education, employment, health care, technology, telecommunications, youth leadership, and more – improving the lives of millions of deaf and hard of hearing Americans.

<sup>v</sup> Deaf and Hard of Hearing Consumer Advocacy Network DHHCAN provides a forum for proactive coordination of information for addressing and influencing legislation. It also seeks to further the movement toward universal, barrier-free access with emphasis on quality, certification, and standards. Ten organizations are regular members of this national coalition of, for, and by the deaf and hard of hearing, and they are: Alexander Graham Bell Association for the Deaf and Hard of Hearing (AGBell), American Association of the Deaf-Blind (AADB), Association of Late-Deafened Adults (ALDA), Deaf Seniors of America (DSA), Gallaudet University Alumni Association (GUAA), Hearing Loss Association of America (HLAA), National Association of the Deaf (NAD), National Deaf Black Advocates (NDBA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) and United States Deaf Sports Federation (USADSF). DHHCAN also has six organizational partners and they are: American Deafness and Rehabilitation Association (ADARA), American Society for Deaf Children (ASDC), Communication Service for the Deaf (CSD), Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), National Deaf Business Institute (NDBI), and Registry of Interpreters for the Deaf, Inc. (RID).

<sup>vi</sup> Hands & Voices is dedicated to supporting families with children who are Deaf or Hard of Hearing without a bias around communication modes or methodology. We're a parent-driven, non-profit organization providing families with the resources, networks, and information they need to improve communication access and educational outcomes for their children. Our outreach activities, parent/professional collaboration, and advocacy efforts are focused on enabling Deaf and Hard-of-Hearing children to reach their highest potential.

<sup>vii</sup> The RERC-TA is a joint project of the Technology Access Program at Gallaudet University and the Trace Center at the University of Wisconsin-Madison. The RERC-TA is funded by the U.S. Department of Education, National Institute on Disability and Rehabilitation Research, to carry out a program of research and development focused on technological solutions for universal access to telecommunications systems and products for people with disabilities.

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