

**Before the
Federal Communications Commission
Washington, DC 20054**

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

REPLY COMMENTS OF AT&T

AT&T Services, Inc., on behalf of AT&T Mobility LLC and its wholly-owned and controlled wireless affiliates (collectively "AT&T"), files these Reply Comments in response to the Second Further Notice of Proposed Rulemaking released by the Federal Communications Commission (the "Commission") pertaining to the adoption of an updated standard for compliance with the Commission's hearing aid compatibility ("HAC") rules.¹

I. INTRODUCTION

In the 2nd FNPRM, the Commission proposed adopting the updated ANSI HAC technical standard, ANSI C63.19-2011 (the "2011 ANSI Standard"), into the Commission's rules. Comments filed in response to the 2nd FNPRM demonstrate a consensus that the Commission should adopt the 2011 ANSI Standard. There also was substantial agreement with the Commission's proposal to allow handset manufacturers and service providers two years to transition to the HAC benchmarks for frequency bands and air interfaces not covered by the current HAC rules.

AT&T supports adoption of the 2011 ANSI Standard to update Commission rules and keep pace with new technologies, with appropriate modifications to the proposed rules to allow

¹ *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Second Further Notice of Proposed Rulemaking, 26 FCC Rcd 14991 (2011) ("2nd FNPRM").

handsets that are capable of operating over the Long term Evolution (“LTE”) air interface to be HAC compliant. AT&T also agrees that two-years is an appropriate transition period for manufacturers and service providers to meet the HAC benchmarks for frequency bands and air interfaces not covered by the current HAC technical standard. AT&T also agrees that all handsets certified as HAC compliant under a prior HAC technical standard should not require recertification under the 2011 ANSI Standard and that manufacturers and service providers be allowed the flexibility to provide a general disclosure to consumers for handsets that have launched within 12 months of *Federal Register* publication of rules adopting the 2011 ANSI Standard that meet HAC criteria under previously covered air interfaces, but not under newly covered frequency bands and air interfaces.

II. DISCUSSION

A. Adoption of 2011 ANSI Standard.

AT&T agrees with the Commission that adopting the 2011 ANSI Standard would serve the public interest by updating the Commission’s rules in a manner that brings those rules more in line with new technology and allows additional frequency bands and air interfaces to become HAC compliant.² AT&T also agrees with CTIA that adopting the 2011 ANSI Standard will “provide greater certainty and flexibility to service providers and equipment manufacturers in determining compliance with the HAC rules.”³ Adopting the 2011 ANSI Standard will also assist hearing aid manufacturers in assessing how their products may be impacted by handsets

² 2nd FNPRM at 14994, ¶ 6.

³ Comments of CTIA—The Wireless Association, WT Docket No. 07-250 at 5 (filed Jan. 13, 2012) (“CTIA Comments”).

operating over frequency bands and air interfaces not included in the current HAC technical standard, ANSI C63.19-2007 (June 8, 2007) (the “2007 ANSI Standard”).⁴

B. The Commission Should Accommodate the Development of LTE Capable Devices.

As Samsung Telecommunications America, LLC (“Samsung”) observes, the 2011 ANSI Standard does not include testing procedures for a “T” HAC rating for Voice over Internet Protocol carried over the Long Term Evolution (“LTE”) air interface.⁵ AT&T agrees with Samsung that the Commission’s proposed rules should be modified to consider LTE capable devices to be HAC compliant if those devices otherwise meet the applicable technical standard for the frequency bands and air interfaces covered by the 2011 ANSI Standard. Indeed, the Commission’s current HAC rules provide such an accommodation for handsets that operate, in part, over frequency bands or air interfaces not covered by the 2007 ANSI Standard: “A wireless handset that incorporates an air interface or operates over a frequency band for which no technical standards are stated in ANSI C63.19-2007 (June 8, 2007) is hearing aid-compatible if the handset otherwise satisfies the requirements of this paragraph.”⁶ Comparable language, which is absent from the proposed rules, should be included in any final HAC rules to resolve this discrepancy, at least until a new HAC technical standard addressing LTE testing is developed.

Not accounting for this discrepancy will offset the increase in HAC compliant handsets available to consumers that would otherwise result from adoption of the 2011 ANSI Standard, as

⁴ Comments of Hearing Industries Association, WT Docket No. 07-250 at 1-2 (filed Jan. 12, 2012).

⁵ Comments of Samsung Telecommunications America, LLC, WT Docket No. 07-250 at 5 (filed Jan. 13, 2012) (“Samsung Comments”).

⁶ 47 C.F.R. §20.19(b).

no LTE capable handset would be considered HAC compliant. For example, although the 2011 ANSI Standard added testing procedures for the 700 MHz frequency band, many 700 MHz capable handsets would not be HAC compliant under the proposed rules because many providers are deploying LTE over these 700 MHz networks. It would also create customer confusion and not meet the expectations of deaf and hard of hearing customers, who expect an updated technical standard to result in more HAC compliant handsets. If the Commission modifies the proposed rules in this manner, a disclosure similar to the disclosure in Section 20.19(f)(2) would, as Samsung suggests, adequately inform consumers that not all technologies on the handset have been HAC tested.⁷

C. A Two-Year Transition is Reasonable.

In the 2nd *FNPRM*, the Commission proposes a two-year transition period for manufacturers and service providers to comply with the HAC benchmarks for frequency bands and air interfaces for which technical standards are not provided in the 2007 ANSI Standard. CTIA and Sprint Nextel Corporation (“Sprint”) support this two-year transition period.⁸ AT&T agrees with the Commission, CTIA and Sprint that a two-year transition period for frequency bands and air interfaces that are not in the 2007 ANSI Standard is a reasonable time period for manufacturers and service providers to incorporate the new standard into their product development cycle.

The Commission has recognized that a two year transition period is consistent with the Commission’s approach in other complex rulemakings, such as the Twenty-First Century

⁷ Samsung Comments at 5.

⁸ CTIA Comments at 8-9; Comments of Sprint Nextel Corporation, WT Docket No. 07-250 at 1-2 (filed Jan. 13, 2012) (“Sprint Comments”).

Communications and Video Accessibility Act, closed captioning for digital television, and the V-Chip.⁹ It is also consistent with the transition period adopted by the Commission when it narrowed the application of the HAC *de minimis* rule.¹⁰ As with those dockets, the two-year transition period would be appropriate for application of the HAC rules to frequency bands and air interfaces not covered by the 2007 ANSI Standards.

D. Handsets Certified as HAC Compliant Under an Earlier Standard Should Remain HAC Compliant.

AT&T agrees with CTIA and Sprint that handsets that have been previously certified as HAC compliant under the 2007 HAC Standard prior to the end of the two-year transition period should remain HAC compliant and that those handsets need not be recertified under the 2011 ANSI HAC Standard.¹¹ Manufacturers and service providers should also be allowed to count these handsets toward meeting their HAC benchmarks. AT&T joins in requesting that the Commission clarify this approach, as it will minimize customer confusion regarding which handsets are HAC compliant and minimize the potential reduction of HAC compliant handsets available to deaf and hard-of-hearing consumers.

E. Disclosure for Multi-Band, Multi-Mode Handsets Not Meeting the 2011 ANSI Standard.

In the 2nd FNPRM, the Commission proposed a general disclosure requirement for

⁹ *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996, Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, CG Docket No. 10-213, WT Docket No. 96-198, CG Docket No. 10-145 Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, 14602-14604, ¶ 110 (2011).

¹⁰ See 47 C.F.R. §20.19(e)(1)(B).

¹¹ CTIA Comments at 6-7; Sprint Comments at 2.

handsets that have launched within 12 months of *Federal Register* publication of rules adopting the 2011 ANSI Standard and meet HAC criteria under previously covered air interfaces, but have been tested and found to not meet HAC criteria under newly covered air interfaces. AT&T agrees that a general disclosure requirement provides service providers with the flexibility to educate consumers in the manner that best suits the technology at issue. Requiring a lengthy disclosure would limit the manner in which disclosures can be provided and potentially create customer confusion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Vitanza", with a long horizontal flourish extending to the right.

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