

January 16, 2014

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

**Re: Ex Parte Communication, WT Docket No. 07-250,
WT Docket No. 10-254.**

Dear Ms. Dortch:

On January 14, 2014, Matthew Gerst, Director, State Regulatory & External Affairs, and Krista L. Witanowski, Assistant Vice President – Regulatory Affairs, of CTIA – The Wireless Association® (“CTIA”), conducted a meeting by telephone regarding the Commission’s hearing aid compatibility (“HAC”) rules and policies with Jane Jackson, Associate Bureau Chief, Wireless Telecommunications Bureau (“WTB”); Nese Guendelsberger, Chief, Spectrum & Competition Policy Division, WTB; and Michael Janson, Legal Advisor, Office of the Bureau Chief, WTB.

During the meeting, CTIA highlighted that the HAC rules, as implemented by the wireless industry, continue to be a success story for hearing aid users and the wireless industry as well as a model for accessibility policy generally. CTIA discussed its views consistent with its positions to date in the above-referenced dockets.¹

CTIA expressed concern about the proposal expressed by Hearing Industries Association (“HIA”) presented in a recent *ex parte* filing, that would expand the breadth of the HAC rules to “universal regulatory coverage.”² In particular, CTIA has significant concerns with any requirement that all handsets offered in the United States meet HAC requirements. Such a blanket approach faces significant legal challenges, as it appears to be inconsistent with Section 102 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”),³ including Section 710(b)(2)(A) of the Communications Act,⁴ and the Commission’s 2010 HAC

¹ See, e.g., Comments of CTIA, WT Docket No. 10-254, 5-6 (filed Jan. 22, 2013) (“CTIA January 22 Comments”); Comments of CTIA, WT Docket No. 07-250, 1-2 (filed Jan. 13, 2012).

² Letter from Peter Tannenwald, Fletcher Heald & Hildreth, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250, 10-254, at 2 (filed Jan. 8, 2014) (“HIA Ex Parte”).

³ See CVAA § 102, P.L. Nos. 111-260 and 111-265 (2010), codified at 47 U.S.C. § 610.

⁴ 47 U.S.C. § 610(b)(2)(A).

Policy Statement,⁵ which contemplate the availability of a range of HAC handsets. It also faces technical feasibility challenges.

The wireless HAC rules have been effective because the Commission has consistently accounted for technical feasibility and product marketability concerns, as required by the Act,⁶ and has facilitated consensus-based approaches to wireless HAC implementation, whether for benchmarks, technical standards, or consumer disclosure language.

Therefore, CTIA and its members support a consensus-driven multi-stakeholder process to address forward-looking HAC developments. However, the Commission should not establish as the goal of a multi-stakeholder process any pre-determined blanket approach to HAC requirements.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions regarding this submission, please contact the undersigned.

Sincerely,

/s/ Krista L. Witanowski

Krista L. Witanowski
Assistant Vice President – Regulatory
Affairs
CTIA – The Wireless Association®

cc: Jane Jackson
Nese Guendelsberger
Michael Janson

⁵ See *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, 25 FCC Rcd 11167, 11174 (2010) (“*HAC Policy Statement*”).

⁶ See 47 U.S.C. §§ 610(e), (h); see also *id.* § 610(b)(2)(B)(iii), (iv).