

**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)	
)	
)	
Section 68.4(a) of the Commission’s Rules)	WT Docket No. 01-309
Governing Hearing Aid Compatible)	
Telephones)	
)	
)	
Petition of American National Standards)	
Institute of Accredited Standards Committee)	
C63 (EMC) ANSI ASC C63™)	

**REPLY 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 reply comments in response to the comments filed in the above-captioned proceedings. AISP.4-HAC is pleased to see that the vast majority of commenters support the Federal Communications Commission’s (“FCC” or “Commission”) expeditious adoption of the Joint Consensus Plan in its entirety.¹ As noted by Research In Motion Limited (“RIM”):

¹ See Supplemental Comments of the Alliance for Telecommunications Industry Solutions on behalf of the ATIS Incubator Solutions Program #4 – Hearing Aid Compatibility, WT Docket No. 06-203 filed June 25, 2007. See also Research in Motion Limited Comments at 3-4; Motorola, Inc. Comments at 3; Nokia, Inc. Comments at 2; T-Mobile USA, Inc. Comments at 2-3; Telecommunications Industry Association Comments at 1; AT&T, Inc. at 1.

[t]he Joint Consensus Plan thus represents the best form of cooperation between differing segments of industry along with consumer groups to develop shared solutions to shared public policy problems, in an open and pragmatic manner. By adopting the Joint Consensus Plan as is, which represents a thoughtful and balanced approach to reforming the HAC rules, the Commission would send a strong signal in support of industry and consumer groups collaborating on similar public policy solutions in the future.²

As acknowledged by many commenters and the FCC, the Joint Consensus Plan is a complex and interconnected set of rule changes, and it must be adopted in whole to ensure full achievement of the Commission’s goal of providing people with hearing loss greater access to wireless communication devices. AISP.4-HAC strongly urges the Commission to remain committed to the entire Joint Consensus Plan, and adopt it without modifications or additions.

III. Discussion

A. The Commission Should Work Expeditiously to Adopt the Joint Consensus Plan.

AISP.4-HAC urges the Commission to work expeditiously to adopt the Joint Consensus Plan in order to ensure that manufacturers “have regulatory certainty and sufficient time to meet their obligations going forward.”³ At the same time, we are aware that the Commission has received feedback on the following issues, all of which fall outside the scope of the Joint Consensus Plan:

- *Establishing Additional Deployment Benchmarks for M4 and T4 Handsets;*⁴
- *Requiring Service Providers to Further Explain their Tiering Methodology;*⁵

² See Research In Motion Limited Comments at 3.

³ See Telecommunications Industry Association Comments at 2.

⁴ See Wireless RERC Comments at 5. (“[T]he FCC needs to expand the rules on hearing aid compatible phones to increase the number of models available with M4/T4 compatibility.”)

- *Establishing New Acceptance Criteria for Multi-Mode Handsets Operating In Bands Where HAC Standards Do Not Exist;*⁶
- *Narrowing the De Minimis Exception;*⁷ and
- *Applying HAC Obligations to Emerging Technologies.*⁸

While AISP.4-HAC plans to review these issues to determine whether they are appropriate for future work by the incubator, given the time restraints of the current proceeding, we urge the Commission not to delay the immediate promulgation of a final rule based on the Joint Consensus Plan pending their consideration.

B. The Commission Should Seek Public Comment Before Adopting Future Revisions to the C63.19 Standard.

In the *NPRM*, the Commission asked whether a standard should be considered “established” for a new frequency band upon its promulgation by ASC C63®, or if there should be a review process by the Commission or its staff.⁹ AISP.4-HAC supports Motorola’s suggestion that the Commission’s notice and comment process not be abandoned but “used for

⁵ See Hearing Loss Association of America (“HLAA”) and Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) Comments at 3. (“[S]ervice providers, as part of their reports and/or in-store displays, [should be required] to explain their ‘tiering’ so consumers understand how compliant handsets breakdown by function and frequency bands.”)

⁶ See Rehabilitation Engineering Research Center on Telecommunications Access (“RERC-TA”) Comments at 14. (“[M]ulti-mode phones should not be counted as HAC in any mode if they operate over air interfaces for which technical standards have not been established.”)

⁷ See HLAA and TDI Comments at 6. (“[T]he *de minimis* exception should be further limited when large business concerns only produce one or two mobile phones, but those phones have mass appeal and are distributed nationwide.”)

⁸ See *id.* (“The HAC rules should apply to all emerging technologies so that affected consumers will not be left without access as those technologies gain shares in the market.”)

⁹ *NPRM* at ¶83.

amendments or revisions to the C63.19 Standard prior to their incorporation into the FCC's rules and regulations.”¹⁰ Seeking public notice of such revisions before adoption into the rules is an equitable approach that will provide all interested parties with an opportunity to provide input on the proposed adoption.¹¹

C. The Commission Should Reiterate that the C63.19 Standard Is A Systematic Approach Which Requires Participation By Both the Wireless and Hearing Aid Industries.

The C63.19 Standard is a systematic approach to hearing aid compatibility that was intended to take into account the rating sum of both wireless devices and those of hearing aids. The compatibility of a particular hearing aid and wireless device under the Standard was intended to be predicted by adding the rating for the hearing aid immunity to the rating for the wireless device emissions. (For example, the sum of a hearing aid rating of 2 (M2/T2) and a wireless device rating of 3 (M3/T3) would result in a combined rating of 5. Any combined rating that equals at least 5 would provide “normal use;” and a combined rating of 6 or greater would indicate “excellent performance.”) AISP.4-HAC understands the need to provide hearing aid users with products and services so that they may be able “to enjoy the benefits of new technologies as much as possible.”¹² It is important that the hearing aid industry acknowledges that the systematic nature of the C63.19 Standard for hearing aid compatibility applies to both the wireless and the hearing aid industries and to recognize the responsibility of hearing aid

¹⁰ See Comments of Motorola, Inc. at 9.

¹¹ Such public notice should not serve as a replacement for the standards development process. AISP.4-HAC strongly believes that the open and voluntary standards development process serves a vital role for industry and should not be managed by regulation.

¹² See Comments of Hearing Industries Association at 1.

manufacturers to label their products so that their customers may determine the overall rating of the system.¹³

V. Conclusion

AISP.4-HAC commends the Commission for its support of the Joint Consensus Plan and strongly urges the Commission to adopt each component of that Plan without any alteration or addition. As many commenters have noted, manufacturers, service providers and advocates for people with hearing loss have devoted significant time and energy to develop the Joint Consensus Plan that represents a “win-win” solution for all interested parties.

AISP.4-HAC strongly recommends that the Commission act expeditiously to issue a *Report and Order* adopting the Joint Consensus Plan and to take action consistent with the reply comments offered above and the views expressed in ATIS’ comments filed with the FCC in this proceeding on December 21, 2007.¹⁴

¹³ Despite the lack of any specific regulations or enforcement policies for hearing aid manufacturers’, AISP.4-HAC is hopeful that Hearing Industries Association (“HIA”) members will continue to “strive” to design hearing aids that maximize immunity and efficiency. (See HIA Comments at 5.) AISP.4-HAC is also pleased to learn that hearing aid manufacturers have agreed to voluntarily begin labeling their devices with hearing aid immunity ratings.

¹⁴ See ATIS Comments, WT Docket No. 07-250, filed December 21, 2007.

Respectfully submitted,

ATIS on behalf of AISP.4-HAC

By: 

Thomas Goode
General Counsel

By: 

Deirdre Cheek
Attorney

Alliance for Telecommunications Industry
Solutions
1200 G Street, N.W.
Suite 500
Washington, D.C. 20005

Dated: January 7, 2008