

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Improvements to Benchmarks and Related	)	WT Docket No. 15-285
Requirements Governing Hearing Aid-Compatible	)	
Mobile Handsets	)	
	)	
Amendment of the Commission's Rules Governing	)	WT Docket No. 07-250
Hearing Aid-Compatible Mobile Handsets	)	

To: The Commission

**JOINT COMMENTS OF  
CTIA<sup>®</sup>,  
TELECOMMUNICATIONS INDUSTRY ASSOCIATION, AND  
COMPETITIVE CARRIERS ASSOCIATION**

Thomas C. Power  
Senior Vice President and General Counsel

James Reid  
Senior Vice President, Government Affairs

Scott Bergmann  
Vice President, Regulatory Affairs

Avonne Bell  
Senior Manager, Government Affairs

Matthew B. Gerst  
Director, Regulatory Affairs

**Telecommunications Industry Association**  
1320 N. Courthouse Rd  
Suite 200  
Arlington, VA 22201  
(703) 907-7700

Kara Romagnino  
Director, Regulatory Affairs

**CTIA<sup>®</sup>**  
1400 Sixteenth Street, NW  
Suite 600  
Washington, DC 20036  
(202) 785-0081

Rebecca Murphy Thompson  
EVP & General Counsel

Courtney Neville  
Policy Counsel

**Competitive Carriers Association**  
805 15th Street, NW  
Suite 401  
Washington, DC 20005  
(202) 747-0711

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CTIA<sup>®</sup>,<sup>1</sup> the Telecommunications Industry Association (“TIA”),<sup>2</sup> and Competitive Carriers Association (“CCA”)<sup>3</sup> (collectively, the “Associations”) respectfully comment on the

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<sup>1</sup> CTIA<sup>®</sup> ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry. With members from wireless carriers and their suppliers to providers and manufacturers of wireless data services and products, the association brings together a dynamic group of companies that enable consumers to lead a 21st century connected life. CTIA members benefit from its vigorous advocacy at all levels of government for policies that foster the continued innovation, investment, and economic impact of America’s competitive and world-leading mobile ecosystem. The association also coordinates the industry’s voluntary best practices and initiatives and convenes the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy a wide variety of devices with the goal of making technology accessible to all Americans. TIA’s standards committees, which operate under an American National Standards Institute-accredited process, create consensus-based voluntary standards for numerous facets of the ICT industry.

<sup>3</sup> CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes more than 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members consisting of small businesses, vendors, and suppliers that serve carriers of all sizes.

above-captioned Notice of Proposed Rulemaking (“*Notice*”) regarding the hearing aid compatibility (“HAC”) of wireless handsets.<sup>4</sup> The Associations are signatories to the Joint Consensus Proposal (“Proposal”)<sup>5</sup> that is the principal subject of the *Notice*.

## I. INTRODUCTION AND SUMMARY.

The Associations support the Proposal and applaud the Federal Communications Commission (“Commission”) for proposing it in the *Notice*. The Associations are proud to have worked alongside hearing loss advocates to cooperatively develop the Proposal. Because the Proposal represents a careful balance of a wide variety of interests, the Commission should adopt rules that reflect the Proposal’s agreed-upon details. Indeed, the effort that contributed to forming the Proposal and the related commitments are the latest demonstrations of the wireless industry’s desire and dedication to serve consumers of all different abilities – including individuals who use hearing aid devices.<sup>6</sup>

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<sup>4</sup> *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket Nos. 15-285 and 07-250, Fourth Report and Order and Notice of Proposed Rulemaking, FCC 15-155 (rel. Nov. 20, 2015) (“*Notice*”). We refer to the portion of this item that is the Fourth Report and Order in WT Docket Nos. 15-285 and 07-250 as the “Fourth Report and Order.”

<sup>5</sup> Letter from James Reid, Senior Vice President, Government Affairs, Telecommunications Industry Association (“TIA”), Scott Bergmann, Vice President, Regulatory Affairs, CTIA–The Wireless Association, Rebecca Murphy Thompson, General Counsel, Competitive Carriers Association (“CCA”), Anna Gilmore Hall, Executive Director, Hearing Loss Association of America (“HLAA”), Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing (“TDI”), and Howard A. Rosenblum, Chief Executive Officer, National Association of the Deaf (“NAD”), to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250 and 10-254 (dated Nov. 12, 2015) (“Proposal”).

<sup>6</sup> *See, e.g.*, Accessibility Partners, An Accessible Friday with the Washington Metro Disabled Students Collective (Apr. 3, 2015), <http://www.accessibilitypartners.com/accessible-friday-washington-metro-disabled-students-collective> (“As we’ve been seeing, assistive technology is now being built into more devices. This is such a change from what was the norm just a few years ago.”); *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*, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010, 29 FCC Rcd 11909, 11919, 11931-34, ¶¶ 18, 39-42 (CGB 2014) (“2014 CVAA Biennial Report”). In addition to strides with respect to HAC, many wireless devices include features designed to increase access for individuals who are deaf or hard of hearing such as: visual and vibrating alerts for calls, texts, e-mails, and other notifications; front-facing cameras which enable communication by American Sign Language users; noise-masking

With this dedication to and balance of all interests in mind, the Proposal charts a course toward the goal of 100 percent availability of hearing aid compatible wireless handsets while retaining the flexibility necessary to maintain the United States' lead in global wireless investment and innovation.<sup>7</sup> The wireless industry's technological advancements have been significant, allowing manufacturers and service providers to move very far toward ensuring the availability of wireless handsets that meet the proposed benchmarks for the radio frequency interference (M-rating) requirements and the inductive coupling (T-rating) requirements.<sup>8</sup>

To achieve compliance with the increased benchmarks described in the Proposal and the Commission's proposed rules, the Proposal also recognizes that sufficient flexibility is needed to in order to facilitate continued growth and evolution of mobile wireless products and services as well as access to these products and services.<sup>9</sup> As demonstrated by the tremendous innovation in wireless handsets over the last decade, continued flexibility will advance the policy goals of increasing access for people who use hearing aid devices while promoting innovation in the wireless marketplace.

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algorithms and technology; captioning software; and an untold number of apps. *See* Comments of CTIA–The Wireless Association<sup>®</sup>, GN Docket No. 15-178, at 2-3 (dated Aug. 24, 2015); PN Comments of CTIA–The Wireless Association<sup>®</sup> – Accessibility of Communications Technologies, CG Docket No. 10-213, at 12-13 (dated July 15, 2014).

<sup>7</sup> *See* Joint Press Release of TIA, CTIA–The Wireless Association<sup>®</sup>, CCA, HLAA, TDI, and NAD, *Wireless Industry and Accessibility Advocates Reach Consensus on Enhanced Hearing Aid Compatibility for Wireless Handsets*, Nov. 13, 2015, <http://www.ctia.org/resource-library/press-releases/archive/wireless-industry-and-accessibility-advocates-reach-consensus-on-enhanced-hearing-aid-compatibility-for-wireless-handsets>.

<sup>8</sup> *See, e.g.*, CTIA–The Wireless Association<sup>®</sup> 2014 Refresh PN Reply Comments, WT Docket Nos. 07-250 and 10-254, at 3-4 (dated Feb. 20, 2015); *Ex Parte* Letter from Avonne Bell, Sr. Manager, Government Affairs, TIA, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250 and 10-254, at 1 (dated June 24, 2015) (“TIA *Ex Parte*”); 2014 CVAA Biennial Report, 29 FCC Rcd at 11919, 11931-34, ¶¶ 18, 39-41.

<sup>9</sup> *See, e.g.*, TIA *Ex Parte*.

In determining whether the 100 percent goal is “achievable,” as recommended in the Joint Consensus Proposal, the Commission should adopt the holistic market-based analysis from Section 710 of the Communications Act (the “Act”) that is specific to HAC. While the term “achievable” also appears in Section 716 of the Act, the Proposal was not intended to invoke Section 716’s product- and company-specific analysis for the determination of “achievable” in the context of HAC. Further consistent with the Proposal, the Commission should seek a recommendation of whether 100% HAC compliance is “achievable” under the Section 710 analysis through a multi-stakeholder process. To uphold the carefully constructed balance of the Joint Consensus Proposal, the Commission should adopt the Proposal as submitted and without modification, which is consistent with Section 710.

## **II. THE COMMISSION SHOULD ADOPT THE JOINT CONSENSUS PROPOSAL AS PRESENTED BY THE PARTIES.**

### **A. The Proposal is the Most Appropriate Path Forward to Modify the Commission’s Wireless Hearing Aid Compatibility Regime.**

In an effort to ensure that the majority of wireless handsets available to consumers are HAC-compliant, the Proposal sets out an appropriate timeline for increasing the HAC benchmarks in Section 20.19 of the Commission’s rules<sup>10</sup> and describes a staged process for reaching the goal of 100 percent HAC compliance, after the Commission determines it to be achievable. The Associations appreciate that the Commission categorically proposes to adopt the Proposal.<sup>11</sup> The Associations collaborated for months with hearing loss advocates on HAC-related issues. This collaboration laid the groundwork for the Proposal, which, if adopted in its entirety, will benefit all parties, especially U.S. consumers who use hearing aids.

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<sup>10</sup> See 47 C.F.R. § 20.19.

<sup>11</sup> See Notice ¶ 3 (“We give great credit to the organizations that forged this landmark proposal and, with gratitude for their efforts and enthusiasm for their work product, we propose to adopt it.”).

**Benchmark Increases.** To advance wireless communications access to persons who use hearing aid devices, the Associations support the two new benchmarks that would make 66 percent of wireless handsets offered to consumers compliant with M-rating and T-rating requirements within two years and 85 percent of wireless handsets offered to consumers similarly compliant within five years, after the effective date of rules adopted in response to the *Notice* (the “Effective Date”).<sup>12</sup> The Commission’s adoption of this aspect of the Proposal will ensure that increasingly high percentages of wireless handsets offered to consumers will be HAC-compliant.

**Details.** The Associations appreciate that the Commission’s proposed staged benchmark increases at two years and five years account for important parameters described in the Proposal.<sup>13</sup> For example, the increased benchmarks should apply directly to manufacturers and services providers that offer six or more digital wireless handset models in an air interface.<sup>14</sup> If a manufacturer or service provider offers four or five digital wireless handset models in an air interface, we agree with the Commission’s proposal that at least two handsets offered in an air interface must satisfy the HAC requirements as a way to balance innovation and consumer needs.<sup>15</sup>

Within the context of the two increasing benchmarks, we also believe that the *de minimis* exception continues to preserve the important market role of small and new industry participants,

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<sup>12</sup> See *Notice*, Appendix C; Proposal at 1-2.

<sup>13</sup> See *id.*; see also Proposal at 1, n.1.

<sup>14</sup> See *Notice*, Appendix C, proposed Sections 20.19(c), (d), (e).

<sup>15</sup> See *id.* at proposed Section 20.19(e). As a technical point, not mentioned in the Proposal, the proposed rules in Appendix C of the *Notice* should be adjusted so that the benchmark percentage is rounded down to the nearest whole number, as in the existing rules. See 47 C.F.R. §§ 20.19(c)(1)(i)(B); (d)(1)(ii).

including by affording increased choice and innovation. For this reason, we support maintaining the *de minimis* exception under the new benchmarks where a manufacturer or service provider offers only three or fewer wireless handsets in an air interface.<sup>16</sup>

In recognition of how wireless handsets enter the marketplace, how service providers obtain HAC-compliant handsets, and past Commission practice, we also support the Commission's proposal to provide for additional compliance periods for Tier 1 carriers and non-Tier 1 carriers of six and eighteen months, respectively.<sup>17</sup> This is consistent with the Proposal and reflects the careful balance between increasing a regulatory mandate and preserving industry innovation and investment.

***Goal of 100 Percent Hearing Aid Compatibility.*** Similarly, the Associations support the Commission setting a goal that 100 percent of wireless handsets offered to consumers be HAC compliant within eight years after the Effective Date of adopted rules, to the extent the Commission has determined this goal is "achievable."<sup>18</sup>

As stated in the Proposal, the Commission must determine whether the goal of 100 percent HAC compliance for all wireless handsets is "achievable" by establishing a task force that uses a multi-stakeholder process that should include advocates for consumers who use hearing aid devices, wireless service providers, and equipment manufacturers of wireless handsets and hearing aid devices.<sup>19</sup> Reliance on a stakeholder process will help ensure that

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<sup>16</sup> See Notice, Appendix C, proposed Section 20.19(e).

<sup>17</sup> See, e.g., *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd 1259 (2015) (permitting non-nationwide CMRS providers to submit their plans for implementing improved indoor location accuracy six months after nationwide CMRS providers); Notice, Appendix C, proposed Sections 20.19(c)(2)(iii), (d)(1)(iii), (d)(2)(iii), (d)(3)(iii), (e)(3), and (e)(4).

<sup>18</sup> See Proposal at 2.

<sup>19</sup> See *id.*

appropriate questions, including both technical and market considerations, are identified for exploration and that those parties directly affected will properly help shape the Commission’s determination of whether 100 percent HAC compliance is “achievable” for all wireless handsets.

To reflect the careful balance struck in the Proposal, the Commission should modify several of the proposed rules in Appendix C of the *Notice*<sup>20</sup> to state more clearly that the 100 percent benchmark is a goal to be fulfilled after the Commission conducts the “achievability” determination described in the Proposal; it is not a benchmark automatically taking effect eight years after the Effective Date.<sup>21</sup> Specifically, the Commission should ensure that the language used in the first clause of proposed Section 20.19(m) (“To the extent the Commission has determined it achievable...”) is used in any rule drafted to mandate an eight-year timeline for 100 percent compliance.<sup>22</sup>

As noted below, however, the Associations also applaud the Commission for seeking comment on new and innovative ways to consider the meaning of HAC beyond the current M and T rating system. In considering the ways that people with hearing loss may benefit from new and innovative hearing enhancement or improvement technologies, the Commission should look to the multi-stakeholder process to provide guidance and input. How the Commission considers and defines HAC in determining whether 100 percent compliance is “achievable” will

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<sup>20</sup> See, e.g., *Notice*, Appendix C, proposed Sections 20.19(c), (d), (i), and (m).

<sup>21</sup> See Proposal at 2 (“The Commission *should commit to pursue* that 100% of wireless handsets offered to consumers should be compliant with Sections 20.19(b)(1) and (b)(2) within eight years of the effective date at the time the benchmarks described above are established, *subject to a determination by the Commission* within seven years of the effective date at the time those benchmarks are established, *that reaching the goal is achievable....*”) (emphasis added).

<sup>22</sup> Additionally, as discussed in more detail below, the Commission should ensure that, consistent with the Proposal, any new benchmarks resulting from the determination process go into effect no less than 24 months after that determination is made.

also impact the Associations' views on policy and compliance issues, including an appropriate transition period and the ongoing necessity of the *de minimis* exception.

***Transition Period.*** Consistent with the Proposal, the new rules should state that any new benchmarks resulting from the Commission's determination of whether 100 percent compliance is "achievable," shall go into effect no less than 24 months after that determination is made.<sup>23</sup> This compliance period is extremely important to manufacturers and service providers if the Commission's definition of HAC remains specific to the current M and T rating system, as opposed to a more flexible definition of HAC that should be evaluated through the multi-stakeholder process described in the Joint Consensus Proposal.<sup>24</sup> Designing and developing the last few percent of wireless handsets to be HAC-compliant under the current M and T rating system is likely the most challenging part of the process. The proposed transition period is also important to small manufacturers and service providers with limited resources that require more notice and opportunity to prepare for and implement the new mandates.

***De Minimis Exception.*** The Commission should also ensure the *de minimis* exception<sup>25</sup> is available for a sufficient period of time after a 100 percent compatibility requirement, if deemed "achievable," takes effect pursuant to the Proposal. This exception is necessary for smaller manufacturers and service providers as they transition through higher benchmarks to a 100 percent compatibility requirement.<sup>26</sup> The *de minimis* exception also is necessary as the

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<sup>23</sup> See Notice ¶ 67; Proposal at 2.

<sup>24</sup> Consistent with the two- and five-year benchmarks proposed in this proceeding, as well as other Commission proceedings, Tier 1 carriers and non-Tier 1 carriers should be afforded additional compliance periods, if necessary.

<sup>25</sup> 47 C.F.R. § 20.19(e).

<sup>26</sup> See CCA 2014 Refresh PN Comments at 3 (noting that some smaller carriers do not have the scale to buy directly from manufacturers and, therefore, must buy handsets from third-parties, who have limited available handsets); Comments of Arctic Slope Telephone Association Cooperative, WT Docket

Commission continues to evaluate new flexibility in its HAC compliance regime.<sup>27</sup> Consumers have benefited from new entrants to the wireless handset market that initially took advantage of the *de minimis* exception, allowing these newcomers to develop cutting edge, innovative devices, and after demonstrating that the product was viable, later released HAC-compliant models. The ongoing necessity of the *de minimis* exception also will depend on how the definition of HAC could evolve to reflect innovative technologies and input from the multi-stakeholder determination process.<sup>28</sup>

However, if the Commission ultimately determines that 100 percent compliance is “achievable” and does not retain the *de minimis* exception, then the Commission should still permit a non-HAC compliant model that was previously subject to the exception to be sold by any service provider without being counted against that service provider’s compliance with the HAC rules. This will encourage market acceptance of the wireless handsets of new or small manufacturers that relied on the *de minimis* exception. Based on the limited scope of the *de minimis* exception in this context, the practical effect of this exception should be narrow and would allow manufacturers and service providers to deplete existing inventory without stranded investment.

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Nos. 15-285 and 07-250, at 1 (dated Jan. 4, 2016) (“Similar to other small carriers, ASTAC struggles to provide our members with the latest wireless phones . . .”).

<sup>27</sup> See Notice ¶¶ 82-84.

<sup>28</sup> See Proposal at 2.

**B. In Determining Whether the 100 Percent Goal is “Achievable,” the Commission Should Seek the Recommendation of a Multi-Stakeholder Process Using a Section 710 Analysis Rather Than Section 716’s “Achievable” Analysis.**

The Associations look forward to working with the other signatories to the Proposal to ensure that the determination process will include all relevant stakeholders.<sup>29</sup> To be sure, the Associations anticipate participating in the process that will report to the Commission so that the Commission can then evaluate whether it is achievable to implement 100 percent compliance with the Commission’s rules.<sup>30</sup> This determination is so important that it should be made by the full Commission. In the interim, the Associations will continue to work collaboratively with the other signatories to the Proposal to consider the appropriate scope, timing, and framework for the “achievability” determination process.

As noted in the Proposal, however, the Commission’s “achievability” determination should be based on a holistic analysis of all relevant concrete data and information about the technical and market conditions involving wireless handsets and the landscape of hearing improvement technology collected in years four and five after the Effective Date.<sup>31</sup> This holistic determination should consider how the U.S. wireless market functions and the availability of wireless handsets and hearing improvement technology throughout the United States. Indeed, a key component of the determination process will be a forward-looking view of wireless handsets available in the United States and whether the current HAC standards and/or any new standards or technologies will permit 100 percent compliance with the HAC rules. As the *Notice* recognizes, this analysis is consistent with “relevant factors specified in Section 710 [of the Act],

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<sup>29</sup> See Proposal at 2.

<sup>30</sup> See *Notice* ¶ 75.

<sup>31</sup> See Proposal at 2.

*e.g.*, technological feasibility, marketability, and impact on the use and development of technology.”<sup>32</sup>

Although the term “achievable” appears in the Proposal, the Proposal was not intended to encourage the Commission to adopt the “achievable” definition described in Section 716 of the Act. Given the need for a comprehensive assessment of whether the goal of 100 percent HAC compliance is “achievable” for wireless handsets, the Commission’s determination should not be based on, or constrained by, the four factors in the definition of “achievable” found in Section 716 of the Act.<sup>33</sup> The Section 716 definition focuses on how specific product characteristics affect non-HAC accessibility for services like Advanced Communications Services,<sup>34</sup> defined in the Twenty-First Century Communications and Video Accessibility Act (“CVAA”).<sup>35</sup> The four factors in that definition are thus appropriately applied on a company-specific and device-specific basis.

To determine whether the goal of 100 percent HAC compliance for wireless handsets is “achievable”, the Commission must consider whether the *market* can bear a particular regulatory requirement, not whether an *individual* carrier or manufacturer can do so on a product-by-product basis. As a result, the Section 716 “achievable” analysis is far too narrow for the holistic determination anticipated in this proceeding. Instead, the Section 710 analysis is the appropriate basis for the Commission and multi-stakeholder process to consider whether 100 percent compliance for wireless handsets is “achievable.”

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<sup>32</sup> See Notice ¶ 76.

<sup>33</sup> See *id.* ¶¶ 75-76; see also 47 U.S.C. § 617(g); 47 C.F.R. § 14.10(b).

<sup>34</sup> See 47 U.S.C. §153(1).

<sup>35</sup> See Pub. L. No. 111-260, 124 Stat. 2751 (2010); An Act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act, Pub. L. No. 111-265, 124 Stat. 2795 (2010).

**C. The Associations Appreciate the Commission Seeking Comment on Questions Suggested in the Proposal.**

The Associations appreciate that the Commission is seeking comment on how to ensure manufacturers and service providers meet the new benchmarks while continuing to allow room for innovative wireless handsets in a rapidly changing market.<sup>36</sup> Market issues associated with the availability of HAC-compliant wireless handsets – such as U.S. product offerings, compliance methods other than through measuring radiofrequency interference and inductive coupling, inventories and turnover rates, and the availability of standards and related testing protocols – could all have a significant effect on the Commission’s determination regarding adoption of a 100 percent requirement. These issues will continue to be important as the task force develops its report and throughout the determination process.

The Associations also applaud the Commission for seeking comment on the best ways to improve collaboration and consumer education. As the Proposal demonstrates, the Associations’ members will continue to work with advocates for people who use hearing aids and other stakeholders to investigate best practices by which information about the HAC ratings of wireless handsets can be made even more easily discoverable and accessible by consumers than it is today.<sup>37</sup> The Associations also support the *Notice*’s proposal to link information in the filed Forms 655 with the Accessibility Clearinghouse,<sup>38</sup> for as long as Forms 655 are required to be filed. Linking the Accessibility Clearinghouse and Form 655 will both reduce burdens on the wireless industry and increase accuracy of information available to consumers in the Accessibility Clearinghouse.

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<sup>36</sup> See *Notice* ¶¶ 78-79; Proposal at 2-3.

<sup>37</sup> See Proposal at 3.

<sup>38</sup> See *Notice* ¶ 89.

Moreover, the wireless industry continues to ensure that accurate and up-to-date HAC information is available on our members' websites.<sup>39</sup> In conjunction with this effort by the wireless industry and advocates for people who use hearing aids, the Associations urge the Commission to work with the hearing aid industry and other relevant stakeholders to take measures to ensure that consumers have improved access to the HAC ratings of hearing aids.

**D. The Modifications to the HAC Rules Presented by the Parties in the Proposal Satisfy the Four-Part Test of Section 710.**

The Proposal as presented to the Commission is in the public interest and is fully consistent with Section 710 of the Act.<sup>40</sup> The *Notice* asks further whether the “four-part test” of Section 710(b)(2)(B) is applicable to changes presented in the Proposal.<sup>41</sup>

In light of the significant changes to Section 20.19 necessary if the Proposal is adopted, the four-part test appears to apply because the Commission is redefining its removal of the exemption for covered devices.<sup>42</sup> The Proposal as presented by the parties satisfies the test. However, if the Commission changes the Proposal by, for example, accelerating the timeline or eliminating portions of the proposed, agreed-upon procedures, the Associations believe that the four-part test of Section 710(b)(2)(B) may not be satisfied.

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<sup>39</sup> See 47 C.F.R. § 20.19(h).

<sup>40</sup> See *Notice* ¶ 80 (seeking comment on whether the “Proposal is consistent with and warranted under Section 710” of the Act).

<sup>41</sup> See *id.* As the Commission explains, Section 710 directs the Commission to revoke or limit an exemption if it finds that “(1) continuing the exemption without such revocation or limitation would have an adverse effect on individuals with hearing loss; (2) compliance with the hearing aid compatibility requirements would be technologically feasible for devices to which the exemption applies; (3) the cost of compliance would not increase costs to such an extent that the newly covered devices could not be successfully marketed; and (4) revoking or limiting the exemption is in the public interest.” *Id.*

<sup>42</sup> In some recent HAC proceedings prior to the Fourth Report and Order that modified Section 20.19 of the rules, the Commission did not formally apply Section 710's four-part test.

**III. CONCLUSION.**

The Associations appreciate the Commission’s thoughtful consideration of the Proposal and look forward to continuing a constructive dialogue with the Commission and other stakeholders to build upon the success of the current HAC regulatory regime for consumers and industry participants alike. In order to balance the goals of increasing access to wireless handsets to people who use hearing aid devices with the need to foster innovation for the benefit of all consumers, the Commission should adopt the Proposal as presented by the Associations and hearing loss advocates.

Respectfully submitted,

**CTIA®**

**Telecommunications Industry Association**

By: /s/ Kara D. Romagnino

By: /s/ James Reid

Kara D. Romagnino  
Director, Regulatory Affairs

James Reid  
Senior Vice President, Government Affairs

Thomas C. Power  
Senior Vice President and General Counsel

Avonne Bell  
Senior Manager, Government Affairs

Scott K. Bergmann  
Vice President, Regulatory Affairs

1320 N. Courthouse Rd  
Suite 200  
Arlington, VA 22201  
(703) 907-7700

Matthew B. Gerst  
Director, Regulatory Affairs

**Competitive Carriers Association**

1400 Sixteenth Street, NW  
Suite 600  
Washington, DC 20036  
(202) 785-0081  
www.ctia.org

By: /s/ Rebecca Murphy Thompson  
Rebecca Murphy Thompson  
EVP & General Counsel

Courtney Neville  
Policy Counsel

805 15th Street, NW  
Suite 401  
Washington, DC 20005  
(202) 747-0711

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