



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON TOPICS TO BE ADDRESSED IN HEARING AID COMPATIBILITY REPORT

WT Docket No. 06-203

**Comments Due: December 15, 2006**

**Reply Comments Due: January 5, 2007**

On August 13, 2003, the Commission released the *Hearing Aid Compatibility Order*, which adopted several measures to enhance the ability of persons with hearing disabilities to access digital wireless telecommunications.<sup>1</sup> Among other actions, the Commission established technical standards<sup>2</sup> that digital wireless handsets must meet to be considered hearing aid-compatible, including a standard for radio frequency interference that would enable acoustic coupling between hearing aids and digital wireless phones, and a separate standard for handset production of an audio signal-based magnetic field that would enable inductive coupling between digital wireless phones and hearing aids operating in telecoil mode.<sup>3</sup> The Commission further

<sup>1</sup> Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Report and Order*, 18 FCC Rcd 16753 (2003); *erratum*, 18 Rcd 18047 (2003) (*Hearing Aid Compatibility Order*).

<sup>2</sup> These standards are set forth in American National Standards Institute (ANSI) Standard C63.19. Since the release of the *Hearing Aid Compatibility Order*, ANSI has revised Standard C63.19, and the Office of Engineering and Technology will accept applications for certification of equipment relying on any of three different versions of the standard. See Wireless Telecommunications Bureau and Office of Engineering and Technology Clarify Use of Revised Wireless Phone Hearing Aid Compatibility Standard, *Public Notice*, 21 FCC Rcd 6384 (2006).

<sup>3</sup> The *Hearing Aid Compatibility Order* described the acoustic coupling and telecoil modes as follows:

In acoustic coupling mode, the microphone picks up surrounding sounds, desired and undesired, and converts them into electrical signals. The electrical signals are amplified as needed and then converted back into sound by the hearing aid speaker. In telecoil mode, with the microphone turned off, the telecoil picks up the audio signal-based magnetic field generated by the voice coil of a dynamic speaker in hearing aid-compatible telephones, audio loop systems, or powered neck loops. The hearing aid converts the magnetic field into electrical signals, amplifies them as needed, and converts them back into sound via the speaker. Using a telecoil avoids the feedback that often results from putting a hearing aid up against a telephone earpiece, can help prevent exposure to over amplification, and eliminates background noise, providing improved access to the telephone.

established phased-in deployment benchmark dates for the offering of hearing aid-compatible digital wireless handset models.<sup>4</sup>

In particular, the Commission required handset manufacturers and providers of public mobile services that did not fall within the *de minimis* exception<sup>5</sup> to offer, for each air interface they use, at least two digital wireless handset models that meet the Commission's radio frequency interference standard by September 16, 2005, and to ensure that at least 50 percent of their handset offerings for each air interface comply with the interference standard by February 18, 2008.<sup>6</sup> The Commission further required these entities to offer at least two handset models for each air interface they used that comply with the technical standard for inductive coupling by September 18, 2006. In order to monitor efforts to make compliant handsets available, the Commission required manufacturers and wireless carriers to report every six months on efforts toward compliance with the hearing aid-compatibility requirements for the first three years of implementation (on May 17, 2004, November 17, 2004, May 17, 2005, November 17, 2005, May 17, 2006, and November 17, 2006), and then annually thereafter through the fifth year of implementation (on November 19, 2007, and November 17, 2008).<sup>7</sup>

In addition to establishing these requirements, the Commission provided that, “[s]hortly after three years after the effective date of this Order, FCC staff will deliver to the Commission a

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<sup>4</sup> See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16780 ¶ 65; 47 C.F.R. § 20.19(c).

<sup>5</sup> See 47 C.F.R. § 20.19(e)(1)-(2). The *de minimis* exception applies on a per air interface basis, and provides that manufacturers or mobile service providers that offer two or fewer digital wireless handsets in the U.S. are exempt from the requirements of the hearing aid-compatibility rules. For mobile service providers that obtain handsets only from manufacturers that offer two or fewer digital wireless handset models in the U.S., the service provider would likewise be exempt from the hearing aid-compatibility requirements. Manufacturers or mobile service providers that offer three digital wireless handset models must offer at least one compliant handset model. Mobile service providers that obtain handsets only from manufacturers that offer three digital wireless handset models in the U.S. are required to offer at least one compliant handset model.

<sup>6</sup> See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16780 ¶ 65. See also 47 C.F.R. § 20.19(c)(1)-(2). For Tier I carriers, the Commission established greater obligations with regard to compliance with the interference standard. See 47 C.F.R. § 20.19(c)(3). On reconsideration, the Commission modified the requirement that carriers offer at least two hearing aid-compatible handsets by September 16, 2005, for those carriers that were using a TDMA air interface and had plans to overbuild (*i.e.*, replace) their network to employ an alternative air interface. See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Order on Reconsideration and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 11221 (2005). The Commission held that a TDMA carrier overbuilding its network would be considered compliant with the September 16, 2005 benchmark if it (1) offered two hearing aid-compatible handsets to customers that received service from the overbuilt (non-TDMA) portion of its network by September 16, 2005, and (2) overbuilt its entire network by September 18, 2006. See *id.*, 20 FCC Rcd at 11241-43 ¶¶ 46-50; 47 C.F.R. § 20.19(c)(2)(i)(B). The Commission subsequently modified the September 16, 2005 benchmark for carriers and manufacturers utilizing dual-band GSM handsets that operate in both the 850 MHz and 1900 MHz bands, holding that, until August 1, 2006, it would accept the hearing aid-compatibility rating for 1900 MHz operation as the overall compliance rating for such handsets. See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Memorandum Opinion and Order*, 20 FCC Rcd 15108 (2005).

<sup>7</sup> See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16787 ¶¶ 89-91; see also Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Handset Manufacturers, *Public Notice*, 19 FCC Rcd 4097 (WTB 2004).

report” that examines three topics: (1) “the impact of our rules in achieving greater compatibility between hearing aids and digital wireless phones;” (2) “the development of new technologies that could provide greater or more efficient accessibility of wireless telecommunications to hearing aid users;” and (3) “the impact of this Order’s compatibility requirements on cochlear implant and middle ear implant users and their ability to use digital wireless phones.”<sup>8</sup> The Commission stated that the report would “form the basis for the Commission to initiate a proceeding to evaluate: (1) whether to increase [or] decrease the 2008 requirement to provide 50 percent of phone models that comply with a U3 rating; (2) whether to adopt HAC implementation benchmarks beyond 2008; and (3) whether to otherwise modify the HAC requirements.”

The Wireless Telecommunications Bureau (Bureau) now invites the public to comment on the three topics to be addressed in the staff report. As the Bureau will examine the filed compliance reports as part of its review of these issues, parties that have filed such reports need not re-file the same information in response to this Public Notice. Interested parties may file comments no later than **December 15, 2006**. Reply comments are due **January 5, 2007**. All filings should refer to WT Docket No. 06-203.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

-The filing hours at this location are 8:00 a.m. to 7:00 p.m.

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<sup>8</sup> *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16782-83 ¶ 74. The *Hearing Aid Compatibility Order* was released on August 14, 2003. The rules adopted in the *Hearing Aid Compatibility Order* became effective on November 17, 2003. See *Hearing Aid Compatible Telephones*, 68 Fed. Reg. 54,173, 54,175 ¶ 17 (2003).

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- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Three (3) copies of the comments and reply comments should also be sent to the Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, Attn: Christina Clearwater and Peter Trachtenberg. Parties shall also send one copy to Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, D.C. 20554, (800) 378-3160, or via e-mail to [Joshir@erols.com](mailto:Joshir@erols.com).

Comments filed in response to the Public Notice are available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street SW, Room CY-A257, Washington, D.C. 20554. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169.

For further information, contact Christina Clearwater or Peter Trachtenberg, Spectrum & Competition Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.