



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 10-2353

Release Date: December 14, 2010

**PUBLIC INFORMATION COLLECTION REGARDING HEARING AID-COMPATIBLE
MOBILE HANDSETS IS APPROVED BY OFFICE OF MANAGEMENT AND BUDGET**

**THE WIRELESS TELECOMMUNICATIONS BUREAU REMINDS WIRELESS SERVICE
PROVIDERS OF THEIR OBLIGATION TO REPORT ON THE STATUS OF COMPLIANCE
WITH THE COMMISSION'S HEARING AID COMPATIBILITY REQUIREMENTS BY
JANUARY 18, 2011**

WT Docket No. 07-250

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for revisions to its public information collection regarding wireless hearing aid compatibility, OMB Control Number 3060-0999, pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. Through this Public Notice, we announce approval of the changes to this information collection, remind service providers of their upcoming obligation to file hearing aid compatibility status reports, and announce certain revisions to electronic FCC Form 655 on which these status reports are filed. In addition, we clarify that each independently owned and operated service provider should file a separate status report.

Collection 3060-0999

In the *Hearing Aid Compatibility Second Report and Order*,¹ the Commission adopted several revisions to Section 20.19 of its rules governing wireless hearing aid compatibility. Some of these revisions required OMB approval before becoming effective. These rules revisions have now been approved by OMB and become effective on the dates indicated below:

Effective December 14, 2010: In connection with modifying the *de minimis* exception so that companies that are not small entities are required to offer at least one hearing aid-compatible model after a two-year initial period, the Commission allowed companies that offer one or two handset models over the Global System for Mobile Communications ("GSM") air interface, if they would have been eligible for the amended *de minimis* exception but for their size, to satisfy their obligation to offer one hearing aid-compatible handset over the GSM air interface by offering a handset that lets the consumer reduce

¹ Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250, *Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking*, 25 FCC Rcd 11167 (2010) (*Hearing Aid Compatibility Second Report and Order*).

maximum transmit power for GSM operations in the 1900 MHz band by up to 2.5 decibels.² The Commission granted this exception subject to certain conditions, one of which is that companies that choose to use this exception must adequately inform consumers of the need to select the power reduction option to achieve hearing aid compatibility and of the consequences of doing so.³ Specifically, wherever a manufacturer or service provider provides the hearing aid compatibility rating for such a handset, it shall indicate that user activation of a special mode is necessary to meet the hearing aid compatibility standard for radio frequency interference reduction. In addition, the handset manual or a product insert must explain how to activate the special mode and that doing so may result in a diminution of coverage.⁴ These disclosure requirements were promulgated subject to OMB approval, and are now effective as of December 14, 2010.

Effective March 8, 2011: Beginning six months after publication of the *Hearing Aid Compatibility Second Report and Order* in the Federal Register, the Commission required that for handsets that meet hearing aid compatibility requirements over all air interfaces and frequency bands for which hearing aid compatibility technical standards have been established, but that are also capable of supporting voice operations in any new frequency band or air interface for which such standards do not exist, the following disclosure language be clearly and effectively conveyed to consumers wherever the hearing aid compatibility rating for the handset is provided, including at the point of sale and on company websites: “This phone has been tested and rated for use with hearing aids for some of the wireless technologies that it uses. However, there may be some newer wireless technologies used in this phone that have not been tested yet for use with hearing aids. It is important to try the different features of this phone thoroughly and in different locations, using your hearing aid or cochlear implant, to determine if you hear any interfering noise. Consult your service provider or the manufacturer of this phone for information on hearing aid compatibility. If you have questions about return or exchange policies, consult your service provider or phone retailer.”⁵ This modified disclosure requirement has been approved by OMB, and will become effective as scheduled on March 8, 2011.⁶

In addition, effective immediately, OMB has approved revisions to electronic FCC Form 655, as described below.

² See *Hearing Aid Compatibility Second Report and Order*, 25 FCC Rcd at 11186-88, paras. 51-55; 47 C.F.R. § 20.19(e)(1)(iii).

³ See *Hearing Aid Compatibility Second Report and Order*, 25 FCC Rcd at 11188-89, para. 56; 47 C.F.R. § 20.19(f)(3).

⁴ The need for the consumer to reduce the power in order to meet the hearing aid compatibility standard should also be clearly stated in the filing for equipment certification.

⁵ See *Hearing Aid Compatibility Second Report and Order*, 25 FCC Rcd at 11179-80, para. 32; 47 C.F.R. § 20.19(f)(2).

⁶ See Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets, 75 FR 54508 (Sept. 8, 2010).

Filing of Electronic FCC Form 655

Providers of digital commercial mobile radio service (CMRS) are reminded of their obligation to report on the status of compliance with the Commission's hearing aid compatibility requirements.⁷ Service providers' status reports are due to be filed with the Commission by January 18, 2011. Service providers must use electronic FCC Form 655 to file their status reports from December 15, 2010, through midnight, Eastern Daylight Time, on January 18, 2011. These reports are required of all service providers that are within the scope of the rule, including resellers and holders of spectrum usage rights as well as providers that fall within the *de minimis* exception,⁸ under Section 20.19(i) of the Commission's rules.⁹ Electronic FCC Form 655 is accessible to service providers at <http://wireless.fcc.gov/hac>.

Beginning with the upcoming filing window, the Wireless Telecommunications Bureau has made the following changes to electronic FCC Form 655:

- Manufacturers and service providers are asked to provide the brand names under which they are offering digital commercial mobile radio services (if a service provider) or handsets (if a device manufacturer). This information will avoid confusion where an entity offers products or services under more than one brand name.
- The electronic Form 655 will now pre-verify the validity of FCC IDs, including those newly entered by the reporting party as well as those prefilled from prior reports. If an entered FCC ID number is not a valid number that has been granted by the FCC, the manufacturer or service provider will receive an error message. The correct FCC ID(s) must be entered before filing the report.
- In order to implement rule changes made in the *Hearing Aid Compatibility Second Report and Order*, the questions concerning handsets capable of Wi-Fi voice operation have been expanded to include handsets that are capable of voice communication without changes to the hardware in the handset over any air interface or frequency band for which hearing aid compatibility technical standards do not exist.

We also clarify that each independently owned and operated service provider should file a separate electronic FCC Form 655. Separate filings enable members of the public more easily to access the reports and also assist the Commission in verifying the information. Service providers under common ownership or control may file a consolidated report.

⁷ These requirements apply to providers of "digital CMRS in the United States to the extent that they offer real-time, two-way switched voice or data service that is interconnected with the public switched network and utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls, and such service is provided over frequencies in the 800 MHz-950 MHz or 1.6-2.5 GHz bands using any air interface for which technical standards are stated in the standard document "American National Standard for Methods of Measurement of Compatibility between Wireless Communications Devices and Hearing Aids," American National Standards Institute (ANSI) C 63.19-2007," as well as to the manufacturers of wireless handsets that are used in the delivery of these services. 47 C.F.R. § 20.19(a)(1), (2).

⁸ See 47 C.F.R. § 20.19(e) (*de minimis* exception). *De minimis* entities are not, however, required to respond to all data categories.

⁹ See 47 C.F.R. § 20.19(i).

For more information or if you have questions regarding the filing of electronic FCC Form 655, please contact Winsel Black, Winsel.Black@fcc.gov, 202-418-2356, or FCC Support, http://esupport.fcc.gov/index.htm?job=contact_fcc_support, (877) 480-3201. For other questions relating to this Public Notice, please contact Michael Rowan, Michael.Rowan@fcc.gov, 202-418-1883.

- WTB -