



PUBLIC NOTICE

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FCC ENFORCEMENT ADVISORY

HEARING AID COMPATIBILITY FOR WIRELESS TELEPHONES

ENFORCEMENT BUREAU ADVISES WIRELESS SERVICE PROVIDERS TO REVIEW COMPLIANCE WITH HEARING AID COMPATIBILITY RULES

Annual Compliance Filing for Service Providers Due January 18, 2011

The Enforcement Bureau reminds wireless service providers, including resellers, of the obligation to report on the status of their compliance with the hearing aid compatibility rules. The next compliance filing is due on January 18, 2011.¹

We will continue to take action against companies that fail to comply with the hearing aid compatibility rules. These critical rules ensure that individuals with hearing loss can fully utilize wireless phone services without excessive feedback and noise. In 2010, the Enforcement Bureau proposed \$361,000 in monetary penalties for violations of the reporting, web posting, and hearing aid-compatible handset deployment requirements. In 2009, the Bureau issued six enforcement actions totaling \$72,000 for similar violations. The Bureau's heightened enforcement posture recognizes that the hearing aid compatibility rules have been in place for a number of years and that carriers should now have implemented robust programs to ensure compliance with these rules.

Consistent with past cases, we emphasize (i) that a company's failure to familiarize itself with the relevant law does not excuse noncompliance; and (ii) that there is no *de minimis* exception to the wireless hearing aid compatibility reporting requirement.²

What do the hearing aid compatibility rules require?

FCC rules require most wireless service providers to make available a minimum number of hearing aid-compatible handsets.³ In order to ensure that consumers have access to up-to-date information on the

¹ The filing deadline for these reports is January 15th each year. This year, however, that deadline falls on a weekend and is followed by a federal holiday, which moves the deadline to the next business day, January 18, 2011. See Hearing Aid Compatibility Status Reporting at <http://wireless.fcc.gov/hac>.

² Service providers offering two or fewer digital wireless handset models per air interface qualify for the *de minimis* exception (47 C.F.R. § 20.19(e)). Although these entities are exempt from most of the hearing aid compatibility deployment requirements in 47 C.F.R. § 20.19, they must still comply with the reporting requirement in 47 C.F.R. § 20.19(i). The Commission recently limited the *de minimis* exception so that it is unavailable to service providers that are not small entities after an initial two-year period. 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 ¶¶ 35-59 (rel. Aug. 5, 2010).

³ The full text of the hearing aid compatibility rules is set forth at 47 C.F.R. § 20.19. Among other things, these rules include technical standards that digital wireless handsets must meet to be considered compatible with hearing aids operating in acoustic coupling and inductive coupling (telecoil) modes, and establish deadlines by which wireless service providers, including resellers and Mobile Virtual Network Operators, are required to offer specified numbers or percentages of handsets per air interface that comply with the relevant standard.

availability of those handsets and to ensure that the Commission can monitor compliance, FCC rules also require these service providers to make periodic status reports and to post specific information on their public websites.

The status reports and web content provide valuable information to the public concerning the technical testing and commercial availability of hearing aid-compatible handsets for consumers, particularly those with hearing loss. The deployment of digital wireless handset models that meet the FCC's technical requirements ensures that companies make their services and products available to consumers with hearing loss.

What happens if service providers do not comply with the rules?

Wireless service providers should promptly review their compliance with the hearing aid compatibility rules, as we intend to strictly enforce them.

- Failure to comply with the digital wireless handset deployment requirements may result in monetary forfeitures starting at \$15,000 per violation.
- Failure to comply with the reporting and web site posting requirements may result in monetary forfeitures starting at \$6,000 per violation.

These base forfeiture amounts are subject to adjustment based on aggravating or mitigating factors. In addition, the Communications Act and Commission rules authorize forfeitures against a common carrier of up to \$150,000 for each violation, or for each day of a continuing violation, up to a maximum of \$1,500,000 for a single act or failure to act.⁴

Need more information?

To file a hearing aid compatibility status report, visit <http://wireless.fcc.gov/hac>. For additional information regarding compliance with and enforcement of the wireless hearing aid compatibility rules, please contact Pamela Hairston, (202) 418-1165, Pamera.Hairston@fcc.gov, or JoAnn Lucanik, (202) 418-0873, JoAnn.Lucanik@fcc.gov of the Enforcement Bureau. For general information on the wireless hearing aid compatibility rules, contact Michael Rowan, (202) 418-1883, Michael.Rowan@fcc.gov, or Winsel Black (202) 418-2356, Winsel.Black@fcc.gov of the Wireless Telecommunications Bureau.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), (202) 418-0432 (TTY). You may also contact the Enforcement Bureau on its TTY line at (202) 418-1148 for further information about this Enforcement Advisory, or the FCC on its TTY line at 1-888-Tell-FCC (1-888-835-5322) for further information about the wireless microphone rules.

Media inquiries should be directed to David Fiske, (202) 418-0513, David.Fiske@fcc.gov.

Issued by: Chief, Enforcement Bureau

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⁴ See 47 U.S.C. § 503(b)(2)(B); 47 C.F.R. § 1.80(b)(3).