



PUBLIC NOTICE

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FCC ENFORCEMENT ADVISORY

HEARING AID COMPATIBILITY FOR WIRELESS TELEPHONES

WIRELESS SERVICE PROVIDERS ADVISED TO TIMELY FILE HEARING AID COMPATIBILITY STATUS REPORTS AND ENSURE ACCURATE AND COMPLETE REPORTING

Annual Compliance Filing for Service Providers Due January 15, 2014

The Enforcement Bureau reminds wireless service providers, including resellers, of their obligation to report on compliance with the hearing aid compatibility rules on or before January 15, 2014. The hearing aid compatibility rules ensure that individuals with hearing loss can fully access advanced wireless phone services without excessive feedback or noise.

QUICK GUIDE

- The window for service providers to file their Hearing Aid Compatibility Status Reports on FCC Form 655 opened on December 16, 2013, and closes on January 15, 2014.
- Service providers must report all handsets offered, review their filings for accuracy and completeness prior to submission, and submit timely amendments (i.e., by the January 15 deadline) as may be necessary to correct any errors.

The Commission remains committed to ensuring that individuals with hearing loss are not denied the public safety and convenience benefits of digital wireless telephony. The Commission adopted its first hearing aid compatibility rules in 2003, and service providers should now have in place robust programs to ensure compliance. The Bureau will continue to take aggressive enforcement action against companies that violate these important rules. In 2013, the Enforcement Bureau proposed more than \$1.4 million in penalties for violations of the hearing aid compatibility rules. Since 2007, the Commission has taken hearing aid compatibility enforcement actions totaling more than \$4.3 million.

What do the hearing aid compatibility rules require? FCC rules require most wireless service providers to offer a minimum number of hearing aid-compatible handset models to make their products accessible to consumers with hearing loss. To ensure that consumers have access to up-to-date information on the availability of those handset models, FCC rules also require service providers to submit periodic status reports and to post specific information on their websites. The status reports and web content provide valuable information to the public concerning the technical testing and commercial availability of hearing aid-compatible handset models.

How important is accurate reporting? All filers must *accurately* report their handset offerings in their annual status reports.¹ Inaccurate or incomplete reports hamper the Commission’s ability to monitor the deployment of hearing aid-compatible handsets and impede compliance with the hearing aid compatibility rules. One common error that has led to inaccurate reporting occurs when service providers mistakenly report only those handset models that were “sold” to consumers instead of all handset models “offered,” as required by the rules.² The Bureau also regularly finds inaccuracies in the information reported about each handset, including the hearing aid compatibility rating, model name, and FCC ID, as well as the period during which handset models were offered. Unfortunately, these errors may then be replicated by other entities.³ The Enforcement Bureau urges all filers to review their status reports carefully before submission to ensure their accuracy, and to timely amend their reports if errors are subsequently discovered.⁴ The Commission may take separate enforcement actions to address the filing of inaccurate or incomplete reports if this problem persists.

What happens if service providers or manufacturers do not comply with the rules? Failure to comply with the hearing aid compatibility rules may result in the imposition of substantial penalties.

- Violations of handset deployment requirements may result in monetary forfeitures starting at \$15,000 per violation. Since 2012, the Commission has applied the \$15,000 base forfeiture to *each* failure to offer a hearing aid-compatible handset during *each* month of the reporting year.⁵
- Violations of the status reporting and website posting requirements may result in monetary forfeitures starting at \$6,000 per violation.

The Commission may adjust these base forfeitures based on aggravating or mitigating factors. The Communications Act and Commission rules authorize forfeitures against a common carrier up to \$160,000 for each violation, or for each day of a continuing violation, up to a maximum of \$1,575,000 for a single act or failure to act.⁶

Need more information? To file a hearing aid compatibility status report, visit <http://wireless.fcc.gov/hac>. For information regarding enforcement of the wireless hearing aid compatibility rules, please contact Pamela D. Hairston, (202) 418-1165, Pamera.Hairston@fcc.gov, or John D. Poutasse, (202) 418-2172, John.Poutasse@fcc.gov, of the Enforcement Bureau. For general information on the wireless hearing aid compatibility rules, including the filing of status reports, contact Michael Rowan, (202) 418-1883, Michael.Rowan@fcc.gov, or Eli Johnson, (202) 418-1395, Eli.Johnson@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 hearing aid compatibility rules. Media inquiries should be directed to Mark Wigfield, (202) 418-0253, Mark.Wigfield@fcc.gov.

Issued by: P. Michele Ellison, Chief, Enforcement Bureau

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¹ See 47 C.F.R. § 20.19(i).

² See *id.* § 20.19(i)(3)(i) (“Reports filed by service providers must include: (i) [c]ompliant handset models offered to customers since the most recent report . . .”).

³ The FCC’s Equipment Authorization System is the most reliable source for information on a handset’s hearing aid compatibility rating. The Equipment Authorization System is an electronic database of all equipment certified under FCC authority. See <http://transition.fcc.gov/oet/ea/fccid/>.

⁴ Filers are reminded that they must click on both the “Certify Filing” and “Submit Filing” buttons to submit their status reports successfully. Filers will receive a confirmation number after submission. Status reports may be updated at any time prior to the filing deadline. A previously submitted status report that has been updated but not re-submitted before the filing deadline will revert to “Saved” status and does not constitute a “Submitted” report.

⁵ See *T-Mobile USA, Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 4405, 4415, paras. 22-23 (2012).

⁶ See 47 U.S.C. § 503(b)(2)(B); 47 C.F.R. § 1.80(b)(3).