



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU REQUESTS COMMENT ON THE HEARING AID COMPATIBILITY TASK FORCE'S FINAL REPORT AND RECOMMENDATION

WT Docket No. 15-285

Comment Date: 30 days from release
Reply Comment Date: 45 days from release

I. INTRODUCTION AND BACKGROUND

1. By this Public Notice, the Wireless Telecommunications Bureau (WTB) seeks comment on the report recently filed by the Hearing Aid Compatibility Task Force (Task Force) regarding its recommendations for achieving 100% hearing aid compatibility for wireless handsets (Report).¹

2. Beginning in 2003 with the original wireless hearing aid compatibility order, and as reiterated over the years, the Commission has emphasized that—consistent with Congressional intent—it is the policy of the Commission to ensure equal access to communications networks to the fullest extent feasible.² With this policy objective in mind, in 2016 the Commission adopted two new hearing aid compatibility wireless handset deployment benchmarks. Specifically, after a two year transition for handset manufacturers, and with additional compliance time for service providers, the then-applicable benchmarks were increased to 66%.³ After a five-year transition period for handset manufacturers and with additional compliance time for service providers the 66% benchmarks were increased to 85%.⁴ In the 2016 order, the Commission stated, “we also reconfirm our commitment to pursuing 100 percent hearing aid compatibility to the extent achievable.”⁵ This commitment to 100% hearing aid compatibility was supported by three consumer advocacy organizations who joined with three industry trade associations to submit a Joint Consensus Proposal that not only supported the revised benchmarks but

¹ Hearing Aid Compatibility Task Force Final Report and Recommendation, WT Docket No. 15-285 (filed Dec. 16, 2022), <https://www.fcc.gov/ecfs/document/1216940802129/1> (Report).

² *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, 16755, para. 4 (2003); *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, 18 FCC Rcd 11167, 11174, para. 18 (2010); *Improvements to Benchmarks and Related Requirements Governing Hearing Aid Compatible Mobile Handsets*, WT Docket No. 15-285, Report and Order, 31 FCC Rcd 9336-337, paras. 3-4 (2016) (*2016 Revised Benchmark Order*); *Amendment of the Commission’s Rules Governing Standards for Hearing Aid-Compatible Handsets*, WT Docket No. 20-3, Report and Order, 36 FCC Rcd 4566, para. 1 (2021) (*2021 HAC Order*).

³ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9336, para. 1.

⁴ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9336, para. 1.

⁵ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9337, para. 3.

also the goal of moving away from fractional benchmarks and towards a 100% compliance standard.⁶ In the Commission's latest hearing aid compatibility order adopting a new technical standard for determining hearing aid compatibility along with other changes to these rules, the Commission reiterated its goal "to continue on the path to making 100% of wireless handsets hearing aid-compatible."⁷

3. The Commission's rules require wireless handset manufacturers and service providers to make available to consumers a minimum number of handsets that meet specific technical criteria for hearing aid compatibility.⁸ For a handset to be certified as hearing aid-compatible, the handset must meet the technical standard incorporated by reference into the Commission's rules.⁹ Currently, handsets can be certified as hearing aid-compatible either by meeting the 2011 or 2019 American National Standards Institute (ANSI) Standard technical requirements.¹⁰ As of June 5, 2023, the 2019 ANSI Standard becomes the exclusive testing standard for determining hearing aid compatibility and the 2011 ANSI Standard may no longer be used for this purpose.¹¹ The 2019 ANSI Standard updates the 2011 ANSI Standard in many respects and for the first time includes a volume control requirement that previous versions of the standard did not include.¹²

4. In the 2016 hearing aid compatibility order adopting the two revised benchmarks, the Commission stated that it would decide by 2024 whether to require 100% of covered wireless handsets to be hearing aid-compatible.¹³ The Commission indicated that it would make its determination as to whether this goal is achievable by relying on the factors identified in section 710(e) of the Communications Act.¹⁴ In addition, the Commission articulated its interest in continuing the "productive collaboration between stakeholders and other interested parties"¹⁵ as the 100% mark is examined, noting certain stakeholders' proposal to form a task force independent of the Commission to "issue a report to the Commission to help inform" the agency "on whether 100 percent hearing aid compatibility is achievable."¹⁶ Stakeholders convened the independent Task Force following the adoption of the 2016 order.¹⁷

5. In December 2022, the Task Force filed its final Report in WT Docket No. 15-285. The Report examines questions that the Commission in its 2016 hearing aid compatibility order asked interested parties to consider. These questions include: (1) whether 100% hearing aid compatibility is achievable; (2) how a 100% deployment benchmark could rely in part or in whole on alternative hearing-aid compatible technologies; (3) whether service providers should be able to legally rely on information in the Accessibility Clearinghouse in connection with meeting applicable benchmarks; and (4) whether

⁶ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9340, para. 11.

⁷ *2021 HAC Order*, 36 FCC Rcd at 4566, para. 1.

⁸ 47 CFR § 20.19(b), (c).

⁹ 47 CFR § 20.19(a)-(c), (l).

¹⁰ *2021 HAC Order*, 36 FCC Rcd at 4576-577, paras 22-25.

¹¹ 47 CFR § 20.19 (b)(1).

¹² *2021 HAC Order*, 36 FCC Rcd at 4570-71, paras. 9-10.

¹³ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9337, 9349, paras. 4, 34.

¹⁴ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9354, paras. 44-45.

¹⁵ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9337, para. 4.

¹⁶ *2016 Revised Benchmark Order*, 31 FCC Rcd at 9342-43, 9350-51, paras. 17, 35.

¹⁷ Report at 11.

the Commission should establish a fixed period of time or shot clock for the resolution of petitions for waiver of the hearing aid compatibility requirements.¹⁸

II. REQUEST FOR COMMENT

6. The Report makes five central recommendations, urging the Commission to: (1) adopt a more flexible, forward-looking definition of hearing aid compatibility; (2) adjust current technical standards; (3) allow for exploration of changes in coupling technology (e.g., by additional exploration of Bluetooth and alternative technologies); (4) allow reliance on information linked in the Commission’s Accessibility Clearinghouse; and (5) set a 90-day shot clock for the resolution of petitions for waiver of the hearing aid compatibility requirements.¹⁹ We seek comment on these recommendations in general. Do they further the Commission’s goal of attaining 100% hearing aid compatibility? Are they consistent with the policy goals the Commission has historically outlined in these and other hearing aid compatibility-related proceedings, and with our statutory duties under section 710 of the Communications Act of 1934, as amended?²⁰ If so, how would they ensure equal opportunity for all to create, participate, and communicate—with none left behind? If not, why would they not?

7. *Revised definition.* The Report recommends that the Commission revise the definition of hearing aid compatibility to the following more “flexible” definition: “A hearing aid compatible wireless handset (a) has an internal means for compatibility (b) that meets established technical standards for hearing aid coupling or compatibility, and (c) is usable.”²¹ According to the Report, the Commission should also consider factors “such as ease-of-use, reliability, industry adoption, and consumer use and adoption when evaluating what technical standards meet the above proposed [hearing aid compatibility] definition.”²² We seek comment on how this revised definition, which removes the reference to the relevant 2019 ANSI Standard and raises the possibility of using other technical standards, would be consistent with the Commission’s goal of ensuring that consumers have access to handsets that are fully hearing-aid compatible. How would the proposed definition allow the Commission to determine hearing aid compatibility with certainty? Would a definition that makes general reference to “established technical standards for hearing aid coupling or compatibility” be consistent with the Administrative Procedure Act (APA) or other legal requirements regarding incorporation of technical standards by reference, or must each applicable technical standard be specified in the Commission’s rules?

8. *Adjust the technical standards.* The Report also recommends that the Commission “adjust the technical standards” in the hearing aid compatibility rules, both through short-term waiver of the current transition to the 2019 ANSI Standard and through “medium-term” adjustments to the deployment benchmarks.²³ The Report suggests that a path toward 100% hearing aid compatibility is achievable by allowing alternative coupling methodologies, as described below.²⁴

9. In the “short-term,” the Report recommends granting a waiver of the current transition to the 2019 ANSI Standard, by specifically modifying the current volume control test.²⁵ We note the pendency of a petition for waiver (Petition) filed by ATIS, on behalf of the members of the Task Force covered by the hearing aid compatibility rules, seeking waiver of section 20.19(b)(1) and (b)(3) of our

¹⁸ Report at 8-10.

¹⁹ Report at ii.

²⁰ 47 U.S.C. § 610.

²¹ Report at ii, 16.

²² Report at ii, 17.

²³ Report at ii, 18-19.

²⁴ Report at 18.

²⁵ Report at 21-22.

rules.²⁶ We seek comment on what, if any, impact a waiver of the volume control requirement would have on the rest of the recommendations in the Report (e.g., the path towards 100% hearing aid compatibility). We do not seek comment here on ATIS’s specific waiver request, and do not propose any changes to the Commission’s rules here; we only solicit feedback on the contents of the Report, as part of the record in the above-captioned dockets.²⁷

10. In the “medium-term,” the report recommends a path toward 100% compatibility using Bluetooth as an alternative coupling method.²⁸ Under the Report’s recommendations, all handsets would be certified with two coupling methods to be considered hearing-aid compatible: acoustic coupling along with a second method using magnetic (T-Coil) or wireless (Bluetooth). Specifically, the Report recommends the following benchmarks for manufacturers and service providers—which would be required four and five years from the effective date of a new Commission order, respectively:

- i. 100% of wireless handsets passing the RF Immunity Test (acoustic coupling) in the 2019 ANSI Standard;
- ii. 100% magnetic/wireless coupling, as follows:
 - a. at least 85% passing the telecoil (T-Coil) Test in the 2019 ANSI Standard. Any handsets that do not pass the T-Coil test must include Bluetooth coupling capability; and
 - b. at least 15% including Bluetooth coupling capability. Any handsets that do not support Bluetooth must pass the T-Coil Test.²⁹

11. We seek comment on how the Report’s recommended approach could be effective in helping achieve the 100% benchmark. Under our current rules, a handset must meet all aspects of the 2019 ANSI Standard to be considered hearing-aid compatible (i.e., RF immunity (acoustic coupling), T-Coil compatibility (magnetic coupling), and the volume control standard). Would the Report’s recommendation to separate these elements for determining hearing-aid compatibility weaken the Commission’s hearing aid compatibility standard? Why should the Commission limit the final benchmark for telecoil to 85%, which is the current benchmark for manufacturers and most providers? Would consumers with hearing loss who currently rely on telecoil compatibility be able to use devices that lack this capability?

12. The Report does not recommend a benchmark for volume at this time, given the request for waiver of the volume control standard. Instead, the Report recommends that the Commission “incorporate into the FCC’s rules an adjusted volume control testing method that accomplishes the goal of increased amplification . . . with an updated testing methodology that better reflects modern wireless handset technologies and operation.”³⁰ We seek comment on this approach to the volume control requirement. In particular, we seek comment on how this approach to the volume control requirement would impact the path toward 100% compatibility.

²⁶Petition of ATIS on Behalf of the Covered Entities of the Hearing Aid Compatibility Task Force for Limited, Interim Waiver, WT Docket Nos. 15-285 and 20-3 (filed Dec. 16, 2022), <https://www.fcc.gov/ecfs/document/1216020115086/1>.

²⁷ See *Wireless Telecommunications Bureau Seeks Comment on ATIS Waiver Request on Behalf of the Covered Entities of the Hearing Aid Compatibility Task Force*, WT Docket No. 20-3, Public Notice, DA 23-250 (WTB 2023).

²⁸ Report at ii.

²⁹ Report at ii.

³⁰ Report at ii, 19.

13. In addition, we seek comment on using Bluetooth as a coupling method towards the 100% benchmark. As noted above, there is not a single Bluetooth standard used by industry or a standard approved by a standards body. In light of that, how could the Commission include Bluetooth as a coupling method in our rules? Would the public interest be served by waiting to incorporate Bluetooth coupling into its rules until a single non-proprietary Bluetooth standard is approved by a standards body and widely adopted? What is the likely timeline for completing such a standard, and how would that timeline affect the Task Force’s recommended medium-term timeline for reaching 100% hearing aid compatibility? Could manufacturers reach a 100% benchmark without using Bluetooth?

14. *Explore alternative technologies.* The Report recommends that the Commission “[a]llow for additional exploration of increased reliance on Bluetooth and other alternatives with related decreasing reliance on magnetic coupling, based on future consumer and market trends, over the longer term.”³¹ We seek comment on this recommendation, including whether it could be implemented in a way that serves the needs of all consumers with hearing loss.

15. *Accessibility Clearinghouse.* The Report recommends that the Commission permit service providers to legally rely on the information linked to in the Commission’s Accessibility Clearinghouse to determine whether a handset is hearing aid compatible when calculating their deployment percentages for the purposes of meeting applicable benchmarks.³² Specifically, the Report notes that service providers should be able to rely on the information reported in the Global Accessibility Reporting Initiative (GARI) database, which is linked at the Accessibility Clearinghouse website.³³ GARI is an independent database which is a project of the Mobile & Wireless Forum populated by device manufacturers and app developers. The Report asserts that GARI would provide a more up-to-date snapshot of hearing-aid compatible devices than the annual FCC Form 655 report that manufacturers file.³⁴ It also recommends that the Commission adopt a safe harbor for service providers that rely on the information submitted by manufacturers in the GARI database to meet hearing aid compatibility requirements.³⁵ Presently, the Commission allows service providers to rely on the information from a device manufacturer’s FCC Form 655 as a safe harbor.³⁶ We seek comment on the Report’s recommendations with respect to the Accessibility Clearinghouse and the recommendation to allow service providers to use the Clearinghouse (and GARI in particular) to determine a handset’s hearing aid compatibility when calculating their deployment percentages for the purposes of meeting applicable benchmarks. Device manufacturers must certify to the accuracy of their FCC Form 655 report. How would the Commission ensure that the information in the GARI database is accurate?

16. The Report further recommends that if a handset is not in the GARI database, the Commission “automatically and immediately upload” device manufacturers’ FCC Form 655 reports to the Accessibility Clearinghouse after they are submitted to the Commission.³⁷ The Commission’s Accessibility Clearinghouse website, however, already links to handset manufacturer FCC Form 655

³¹ Report at ii, 22.

³² Report at ii, 27. The Commission’s Accessibility Clearinghouse can be found at <https://www.fcc.gov/ach>.

³³ Report at 27.

³⁴ Report at 27; see GARI, Home Page, <https://www.gari.info> (last visited Jan. 23, 2023).

³⁵ Report at 28.

³⁶ *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 17-228, Report and Order, 33 FCC Rcd 11549, 11557, para. 20 (2018). We also note that in 2018, the Commission determined that service providers may rely on the GARI database in meeting certain publicly accessible website posting requirements. *Id.* at 11555-556, para. 18.

³⁷ Report at 28.

filings.³⁸ We seek comment on whether it is necessary for the Commission to upload manufacturers' FCC Form 655 reports to the Accessibility Clearinghouse website, given that the Commission already posts these reports on the Commission's wireless hearing aid compatibility website and links to that website on the Accessibility Clearinghouse website.³⁹

17. *Shot clock for waivers.* Finally, the Report recommends that the Commission set a 90-day shot clock for the resolution of petitions for waiver of the hearing aid compatibility requirements, which would include a public notice comment cycle.⁴⁰ The HAC Task Force believes that 90 days properly balances several factors, including: (1) the low number of expected petitions, and, relatedly, the burden on Commission staff; (2) an opportunity for public notice and comment; and (3) the need for timely resolution of petitions to ensure the deployment of new technologies is not unduly delayed.⁴¹ We seek comment on this recommendation, and whether there are other factors to take into account.⁴² Why would it be necessary to impose a shot clock for requests for waiver of the hearing aid compatibility rules, and would a shot clock encourage the filing of waiver requests?

18. *Data in the Report.* We also solicit comment on the data embodied in the Report, as part of our record in the above-captioned proceedings. We invite commenters to address the conclusions and policy recommendations in the Report—e.g., on the desirability of certain technologies over others as solutions to get to 100% hearing aid compatibility—the Task Force reaches using this data. How do the data support the recommendations in the Report? For instance, is it accurate to describe consumers with hearing loss as “satisfied” with their wireless phone communications, as the Report does?⁴³

III. PROCEDURAL MATTERS

19. *Filing Requirements.* Interested parties may file comments on or before the date indicated on the first page of this document.⁴⁴ All filings must refer to Docket No. 15-285. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁴⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

20. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

³⁸ See Accessibility Clearinghouse, <https://www.fcc.gov/ach> (last visited Mar. 8, 2023) (linking at bottom of page to Hearing Aid Compatible Wireless Handsets Status Reports).

³⁹ See [Filing Hearing Aid Compatibility Reports and Certifications | Federal Communications Commission \(fcc.gov\)](https://www.fcc.gov/filing-hearing-aid-compatibility-reports-and-certifications).

⁴⁰ Report at ii, 30-31.

⁴¹ Report at 30-31.

⁴² See *2016 Revised Benchmark Order*, 31 FCC Rcd at 9357, para. 50.

⁴³ Report at 43; *but see* Report at 54-55 (disclosing that 45% of hearing-impaired respondents report experience barriers to satisfactory wireless phone communications).

⁴⁴ See 47 CFR §§ 1.2, 1.405, and 1.419.

⁴⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁴⁶

21. People with Disabilities: 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 & Government Affairs Bureau at (202) 418-0530.

22. *Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).⁴⁸ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

23. For further information regarding this proceeding, please contact Eli Johnson at eli.johnson@fcc.gov.

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⁴⁶ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

⁴⁷ See 47 CFR §§ 1.1200 *et seq.*

⁴⁸ *Id.* § 1.1206(b).