



1200 G Street, NW  
Suite 500  
Washington, DC 20005

P: 202-628-6380  
F: 202-393-5453  
W: www.atis.org

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October 3, 2007

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: WT Docket No. 06-203  
Letter Clarifying AISP.4-HAC Proposed  
Alternative HAC Rules Filed June 25, 2007

Dear Ms. Dortch:

On June 25, 2007, the Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Incubator Solutions Program 4 – Hearing Aid Compatibility (AISP.4-HAC), filed supplemental comments in response to the *Public Notice* released November 8, 2006, in the above-referenced docket. The supplemental comments presented a comprehensive proposal to modify the Commission’s existing hearing aid compatibility (“HAC”) requirements for wireless handsets, and included a proposed alternative set of HAC rules as Attachment C.

ATIS seeks to clarify one section of its proposed rules to remove an unnecessary and potentially misleading term. ATIS wishes to strike the word “HAC” from Section 20.19 (c)(1)(iii)(B) to make clear that for manufacturers who produce a total of three models, at least one new M3-or-better model should be introduced every other year. The revised proposed alternative rules are attached.

If there are questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,

Thomas Goode  
General Counsel

Attachment

## Attachment C

### § 20.19 Hearing aid-compatible mobile handsets.

**(a) Scope of section.** This section is applicable to providers of Broadband Personal Communications Services (Part 24, Subpart E of this chapter), Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), and Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands (included in Part 90, Subpart S of this chapter) if such providers 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. This section also applies to the manufacturers of the wireless phones used in delivery of these services.

**(b) Technical standard for hearing aid compatibility.** A wireless phone used for public mobile radio services is hearing-aid compatible for the purposes of this section if it meets:

- (1) For radio frequency interference: A minimum M3 rating as set forth in the standard document “American National Standard for Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids,” ASC C63™ ANSI C63.19-2006 (published June 12, 2006) or, as hereinafter provided, ASC C63™ ANSI C63.19-2007 (published June 8, 2007) -- available for purchase from the American National Standards Institute, provided that grants of equipment authorization issued under other versions of standard document ANSI C63.19 remain valid for hearing aid compatibility purposes;
- (2) For inductive coupling: A minimum T3 rating as set forth in the standard document “American National Standard for Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids,” ASC C63™ ANSI C63.19-2006 (published June 12, 2006) or, as hereinafter provided, ASC C63™ ANSI C63.19-2007 (published June 8, 2007) -- available for purchase from the American National Standards Institute, provided that grants of equipment authorization issued under other versions of standard document ANSI C63.19 remain valid for hearing-aid compatibility purposes;
- (3) For both radio frequency interference and inductive coupling only ASC C63™ ANSI C63.19-2007 shall be used after January 1, 2010, for obtaining a grant of equipment authorization;
- (4) Manufacturers must certify compliance with the test requirements and indicate the appropriate rating or ratings for the wireless phone as set forth in § 2.1033(d) of this chapter; and

(5) All factual questions of whether a wireless phone meets the technical standard of this subsection shall be referred for resolution to the Chief, Office of Engineering and Technology, Federal Communications Commission, 445 12th Street SW, Washington, D.C. 20554.

***(c) Phase-in for public mobile service handsets concerning radio frequency interference.***

(1) Each manufacturer of handsets for use with public mobile services in the United States or imported for use in the United States must:

(i) Ensure at least thirty-three (33) percent of its handset offerings to service providers for each air interface offered comply with § 20.19(b)(1) not later than February 18, 2008; and

(ii) Meet these requirements with respect to handsets that operate in United States bands set forth in § 20.19(a).

Note: For purposes of determining whether the number of models offered meets the thirty-three percent requirement, the number of models that results when the total number of models offered in the United States by a manufacturer is multiplied by thirty-three percent shall be rounded down to the nearest whole number, except that when a manufacturer produces four to six models, the calculation shall be rounded up to the nearest whole number in determining whether the thirty-three percent requirement is met.

(iii) Beginning in calendar year 2009, and for each year thereafter that it elects to produce a new model, offer a mix of new and existing models that comply with § 20.19(b)(1) according to the following requirements:

(A) For manufacturers that produce four or more total models per air interface, at least one-half of the minimum required M3 or better models shall be new models introduced during the calendar year;

Note: For purposes of calculating the number of new models to be produced under the refresh requirement of § 20.19(c)(1)(iii)(A), the number determined by multiplying the total number of new HAC models offered in the United States by fifty percent shall be rounded up to the nearest whole number. See the *de minimus* exception in § 20.19(e).

(B) For manufacturers that produce three total models per air interface, at least one new M3-or-better model shall be introduced every other calendar year; and,

Deleted: HAC

(C) If a manufacturer introduces no new models in a calendar year, no refresh of M3-or-better models shall be required.

(2) Each Tier 1 carrier must ensure that at least fifty (50) percent of its handset models for each air interface comply with § 20.19(b)(1) by February 18, 2008, calculated based on the total number of unique digital wireless phone models the carrier offers nationwide, or alternatively:

(i) Ensure that at least eight (8) of its handset models for each air interface comply with § 20.19(b)(1) not later than February 18, 2008;

(ii) Ensure that at least nine (9) of its handset models for each air interface comply with § 20.19(b)(1) by February 18, 2009;

(iii) Ensure that at least ten (10) of its handset models for each air interface comply with § 20.19(b)(1) by February 18, 2010;

(iv) Ensure that at least ten (10) of its handset models for each air interface comply with § 20.19(b)(1) by February 18, 2011.

(3) In meeting the requirements of § 20.19(c)(2), each Tier 1 carrier must provide models from multiple tiers and offer for sale and make available in each retail store owned or operated by the carrier HAC handset models for consumers to test in the store.

(4) [Placeholder for all other (*e.g.*, Tier 2 and 3) carriers]

***(d) Phase-in for public mobile service handsets concerning inductive coupling.***

(1) Each manufacturer offering to service providers four (4) or more handsets in an air interface for use with public mobile services in the United States or imported for use in the United States must offer to service providers a minimum of two (2) T3 or better models compliant with § 20.19(b)(2) rated on the basis of ASC C63™ ANSI C63.19-2006 by February 18, 2008, or if the following is greater in any given year:

(i) Ensure that at least twenty (20) percent of its handset offerings to service providers in that air interface comply with § 20.19(b)(2) not later than February 18, 2009, provided that, of any such models introduced during calendar year 2009, one model may be rated using ASC C63™ ANSI C63.19-2006, and all other models introduced during that year or subsequent years shall be rated using ASC C63™ ANSI C63.19-2007;

(ii) Ensure that at least twenty-five (25) percent of its handset offerings to service providers in that air interface comply with § 20.19(b)(2) not later than February 18, 2010; and

(iii) Ensure that at least thirty-three (33) percent of its handset offerings to service providers in that air interface comply with § 20.19(b)(2) not later than February 18, 2011.

Note: For purposes of determining whether the number of models offered meets the percentage requirements of § 20.19(d)(1), the number of models that results when the total number of models offered per air interface in the United States by a manufacturer is multiplied by the specified percentage shall be rounded down to the nearest whole number.

(2) Each Tier 1 carrier must ensure at least thirty-three (33) percent of its handset offerings calculated based on the total number of unique digital wireless phone models the carrier offers nationwide for each air interface offered comply with § 20.19(b)(2) by February 18, 2008, or alternatively:

(i) Ensure that at least three (3) of its handset models for each air interface comply with § 20.19(b)(2) by February 18, 2008;

(ii) Ensure that at least five (5) of its handset models for each air interface comply with § 20.19(b)(2) by February 18, 2009;

(iii) Ensure that at least seven (7) of its handset models for each air interface comply with § 20.19(b)(2) by February 18, 2010, and

(iv) Ensure that at least ten (10) of its handset models for each air interface comply with § 20.19(b)(2) by February 18, 2011.

(3) In meeting the requirements of § 20.19(d)(2), each Tier 1 carrier must provide models from multiple tiers and offer for sale and make available in each retail store owned or operated by the carrier HAC handset models compliant with § 20.19(b)(2) for consumers to test in the store;

(4) [Placeholder for all other (*e.g.*, Tier 2 and 3) carriers]

**(e) *De minimis* exception.**

(1) Manufacturers or mobile service providers that offer two or fewer digital wireless handsets in an air interface in the U. S. are exempt from the requirements of this section in that air interface. Mobile service providers that obtain handsets only from manufacturers that offer two or fewer digital wireless phone models in an air interface in the U. S. are likewise exempt from the requirements of this section in that air interface.

(2) Manufacturers or mobile service providers that offer three digital wireless handset models in an air interface must offer at least one compliant phone model in

that air interface. Mobile service providers that obtain handsets only from manufacturers that offer three digital wireless phone models in an air interface in the U.S. are required to offer at least one compliant handset model in that air interface.

**(f) Labeling requirements.** Handsets used with public mobile services that are hearing-aid compatible, as defined in § 20.19(b) of this chapter, shall clearly display the rating, as defined in § 20.19(b)(1)(2) on the packaging material of the handset. An explanation of the ASC C63™ C63.19 rating system shall also be included in the device user's manual or as an insert in the packaging material for the handset.

**(g) Reporting dates.** The annual reporting date for manufacturers to report compliance with the requirements of this section shall be November 30; the annual reporting date for carriers to report compliance with the requirements of this section shall be May 30, provided that Tier 1 carriers shall file their first such report on May 30, 2008, and Tier 2 and 3 carriers shall file their first such report on May 30, 2009.

**(h) Enforcement.** Enforcement of this section is hereby delegated to those states which adopt this section and provide for enforcement. The procedures followed by a state to enforce this section shall provide a 30-day period after a complaint is filed, during which time state personnel shall attempt to resolve a dispute on an informal basis. If a state has not adopted or incorporated this section, or failed to act within six (6) months from the filing of a complaint with the state public utility commission, the Commission will accept such complaints. A written notification to the complainant that the state believes action is unwarranted is not a failure to act. The procedures set forth in Part 68, Subpart E of this chapter are to be followed.