Hearing Aid Compatibility

August 2010 Second Report and Order

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Outline of Presentation

• Background
• Overview of August 2010 Order
• Next Steps
Background

- 1988 Hearing Aid Compatibility Act requires telecommunications equipment to be accessible to people with hearing loss
- Rules require manufacturers and service providers to meet hearing aid compatibility standards for some models
- August 2010 Order clarified wireless handsets covered and made other changes to the rules
Overview of Requirements

Current Benchmarks for Manufacturers:
- M3: Greater of 2 models or 1/3 of models (rounded down)
- T3: Greater of 2 models or 25% of models (rounded down)

Current Benchmarks for Service Providers:
- M3: Lesser of 10 models or 50% of models
- T3: Lesser of 7 models or 1/3 of models

De Minimis Exception: Companies with 1 or 2 models need not make any hearing aid-compatible. Companies with 3 models need one M3 and one T3.
Application Per Air Interface

• Benchmarks are calculated for each air interface for which company offers phones
  – Multi-mode handsets (e.g., GSM and WCDMA) are counted over both air interfaces

• Handset must meet M3 or T3 over all air interfaces that have technical standards to be counted as compatible over any air interface
Major Elements of August 2010 Order

• Definition of Handsets Covered
• Treatment of Air Interfaces without Technical Standards
• Limitation of *De Minimis* Exception
• Special Rule for GSM Operation Over 1900 MHz Band
• Extension of Manufacturer Obligations to New Distribution Channels
Handsets Covered by the Rule

• Contains a built-in speaker
• Designed to be typically held to the ear in any of its ordinary uses
  – “typically” does NOT mean “usually” or “most often”
• Includes multi-function devices that meet definition even if principal use is not voice communications
Air Interfaces Without Technical Standards

• Under 2008 rules, phone with Wi-Fi can count as hearing aid-compatible if consumers are informed it is not rated for Wi-Fi

• 2010 order extends this to all air interfaces or bands without technical standards (e.g., WiMAX, LTE)
  – Specific disclosure language will be required upon OMB approval (expected ~3/2011)

• Disclosure required for any interface that could accommodate voice with appropriate software

• Disclosure covers uncertainty about effect of data running in background of voice transmission
Limitation of *De Minimis* Exception

- No longer applies to companies that are not small entities after first 2 years offering phones
  - Small entity is a manufacturer with $\leq 750$ employees or service provider with $\leq 1500$ employees
- Companies with 1-3 total models that do not qualify for exception will have to offer at least one M3 and one T3 model
- Effective 9/2012 for companies currently in business
GSM Operation at 1900 MHz

• Handsets generally must be tested at maximum power setting
• New rule lets GSM at 1900 MHz be tested for M3 rating with user-controlled power reduction up to 2.5 dB
  – Must operate at full power for 911 calls
  – Users must be informed of possible loss of coverage
• Currently applies only to entities that would have been _de minimis_ but for recent rule change
• Further Notice asks whether to apply to all entities
Further Notice of Proposed Rulemaking

• Released with August 2010 order
• Proposes to extend rules so not limited to regulatory category of CMRS
  – Asks if technological or marketability reasons not to do so
• Asks about extending demonstration rules to independent retailers
• Asks about extending applicability of rule for GSM at 1900 MHz
• Comments due 10/25/10, replies due 11/22/10
2010 ANSI Standard

- ANSI is currently resolving comments from initial balloting
- Once adopted by ANSI, FCC will need to conduct a rulemaking proceeding
- Transition of at least one year after FCC adopts as rule
- Because new standard will apply to all air interfaces and wide range of frequency bands, expected to make rule for operations without standards unnecessary
2010 Review

• Promised in 2008 and 2010 orders. Topics may include:
  – Future increases in benchmarks
  – Availability of range of phones to consumers
  – Reporting and consumer information requirements
  – Technological and market developments

• Public Notice seeking comments to be released before end of year

• Will result in report and possible further rulemaking