



# 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