

December 6, 2005

Via E-mail

Julius P. Knapp
Deputy Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* in WT Docket No. 01-309
Section 68.4(a) of the Commission's Rules Governing Hearing Aid Compatible
Telephones

Dear Mr. Knapp:

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of the ATIS Incubator Solutions Program #4- Hearing Aid Compatibility (AISP.4-HAC or ATIS Incubator), hereby submits the unanimous consensus from both the wireless industry members and consumer group liaisons that are represented in ATIS Incubator regarding the need for frequency band differentiation in the C63.19 Test and Measurement Standard for the bands operating below 960 MHz. The ATIS Incubator's efforts to investigate and find solutions to challenges faced by manufacturers and service providers in meeting the Commission's hearing aid compatibility (HAC) requirements for wireless devices operating in the low band (800 – 960 MHz) and at higher power (2 watts) have been successful.

On November 11, the ATIS Incubator provided an update on its efforts that facilitate wireless devices operating in the low band for HAC compliance. ATIS noted that the Incubator members had reached consensus regarding the need for frequency band differentiation in the C63.19 Standard. Based on testing completed by ATIS Incubator members and an analysis of testing performed by the European Hearing Instrument Manufacturers Association (EHIMA), the ATIS Incubator recommended that the 850 MHz band RF requirement for an M3 rating be adjusted to correlate to the same equivalent requirement level as the 1900 MHz band. Immunity in hearing aids at the lower band appears to have improved to a level that mitigates the concern about the higher power used in that band.

The RERC on hearing enhancement, an ATIS Incubator invited liaison, has independently analyzed the EHIMA-commissioned DELTA-TAL hearing aid immunity study data and also finds the 10 dB RF level adjustment between the low band and high band (1900 MHz) to be a change that should not adversely affect hearing aid wearers. The EHIMA data covers over 700 hearing aids tested from 1997 through 2005. The

RERC focused on the last three years of data, 2003 through 2005, and removed from the data set those hearing aids that were either in saturation or that were sufficiently immune in both bands such that band differentiation could not be assessed. For the large majority of the remaining cases, the RF band difference is 10 dB or more. The results are congruent with the AISP.4-HAC testing reported in the November 11, 2005, update to the Commission. This objective data, coupled with the ATIS subjective testing performed at the 2005 SHHH convention, support the 10 dB RF level difference.

The AISP.4-HAC's test data and analysis support the inclusion of frequency band differentiation in the C63.19 Standard in order to reflect the difference in hearing aid immunity between low band wireless devices and those operating in the 1900 MHz band. The ATIS Incubator has communicated this recommendation to C63 and is pleased that the subcommittee has elected to include this change in the latest rebalot version of the Standard (C63.19 rd3.10).

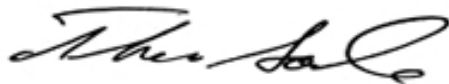
The data demonstrates that hearing aid users have no appreciable difference between their experience using an M3-rated 1900 MHz wireless device and a currently rated M1 low band wireless device. The Incubator members – HIA, mobile handset manufacturers, and the mobile service providers -- all endorse the 10 dB RF level band differentiation.

The SHHH invited liaison has reported that complaints regarding interference from hearing aid microphone users have gradually subsided in the past two years and the association's concerns about the practical implications of the adjustment have been satisfied. The RERC's on Telecommunications Access and Hearing Enhancement do not oppose the change.

Based on this Industry and consumer consensus, the ATIS Incubator strongly encourages the FCC to support the 10 dB RF level band differentiation in the rebalotted C63.19 Standard revision.

If there are any questions about this matter or if you would like us to provide a more detailed presentation regarding the testing or conclusive analysis for our position, please do not hesitate to contact the undersigned.

Sincerely,



Thomas Goode
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