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June 15, 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  
*Ex Parte* Presentation

Dear Ms. Dortch:

On June 13, 2007, representatives from the Alliance for Telecommunications Industry Solutions (ATIS) Incubator Solutions Program 4 – Hearing Aid Compatibility (AISP.4-HAC) and advocates for consumers with hearing loss met with Bruce Gottlieb, Wireless and International Legal Advisor, and Michael Richardson, Legal Intern, for Commissioner Michael Copps. The purpose of the meeting was to explain the alternative proposal that was unanimously reached by AISP.4-HAC members and consumer advocates to the FCC's February 2008 mandate requiring that service providers and manufacturers make 50% of their wireless devices hearing aid compatible.

The individuals representing the AISP.4-HAC at this meeting were: Scott Kelley, Disability Access Manager, Motorola Mobile Devices Business; Harold Salters, Director, Federal Regulatory Affairs, T-Mobile USA, Inc.; Shellie Blakeney, Senior Corporate Counsel, Federal Regulatory Affairs, T-Mobile USA, Inc.; Mary Brooner, Director, Telecommunications and Strategy, Government Relations, Motorola, Inc.; Praveen Goyal, Director, U.S. Government Relations, Research In Motion; Steve Coston, Technical Manager, Regulatory Project Office, Sony Ericsson Mobile Communications; Michael Samsok, Senior Attorney, Regulatory Law Group, Verizon Wireless; James Turner, Technical Coordinator, ATIS; Deirdre Cheek, Attorney, ATIS; and Thomas Goode, General Counsel, ATIS. Also participating in the meeting, as a representative of consumers with hearing loss, was Karen Peltz-Strauss, Consultant, RERC on Telecommunications Access.

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The discussion at the meeting was consistent with the presentations that are enclosed with this letter. Pursuant to Section 1.1206(b)(2) of the Commission's rules, one copy of this letter is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Goode", written over a horizontal line.

Thomas Goode  
General Counsel

Attachments

Alliance for Telecommunications Industry Solutions

# AISP.4-HAC

Consumer-Industry Consensus  
Agreement for an Alternative  
to the 50% Rule

# AISP.4-HAC Members

- American Cellular Corporation
- AT&T
- Brookings Municipal Utilities  
d/b/a Swiftel Communications
- Carolina West Wireless
- Corr Wireless  
Communications, LLC
- Cricket Communications
- Dobson Cellular Systems Inc.
- Epic Touch
- Hewlett Packard
- Immix Wireless
- Key Communications
- Keystone Wireless
- Kyocera Wireless
- Leap Wireless
- LG
- Motorola, Inc.
- Nokia
- Qwest Wireless
- Research In Motion Ltd.
- Samsung Telecommunications  
America LP
- Sprint Nextel
- Sony Ericsson Mobile  
Communications (USA) Inc.
- SunCom
- T-Mobile USA
- UTSTARCOM
- Verizon Wireless

# Participating Advocates for Consumers with Hearing Loss

- Alexander Graham Bell Association for the Deaf and Hard of Hearing
  - Gerri Hanna
- Hearing Loss Association of America (HLAA)
  - Brenda Battat
- Gallaudet University Technology Access Program
  - Judy Harkins and Linda Kozma-Spytek
- RERC on Telecommunications Access
  - Karen Peltz Strauss, Consultant

# Why should the FCC change its existing rules?

- Industry cannot comply with the current rule on a technology-neutral basis.
- Need to enhance T-Coil availability for consumers who are most hard of hearing.
- Need to enhance the ability for consumers to benefit from new technology from the “get-go.”
- Need to address volume control.
- The Wireless Industry and Consumers have worked together for a win-win solution.

# AISP.4-HAC Consensus Agreement Summary

Consumers and Industry propose:

- Revised minimum number of M phones
- Revised minimum number of T phones
- Industry study of Volume Control in the AISP.4-HAC Incubator
- Revisiting HAC requirements in 2010

# Significance of the Consensus Proposal

- The struggle to achieve HAC telephones began in 1973.
- Federal oversight was previously required to achieve any agreement on HAC issues.
- The following represents the first consensus achieved voluntarily between consumers and industry on the wireless HAC issue.



# AISP.4-HAC WG10

## 50% Alternative Proposal

March 21, 2007

# Carriers' Commitment

# Carriers' Commitment for M and T



## 1. Tier 1 Wireless Carriers will make available:

- Eight (8) in 2008, Nine (9) in 2009, Ten (10) in 2010 and Ten (10) in 2011 HAC M3-or-better models\*

OR

- 50% of the portfolio M3-or-better

## 2. Tier 1 Wireless Carriers will make available:

- Three (3) in 2008, Five (5) in 2009, Seven (7) in 2010 and Ten (10) in 2011 HAC T3-or-better models\*

OR

- 33% of the portfolio T3-or-better

\* A *de minimis* exists for new technologies just entering the network and for old technologies being phased out, e.g. UMTS & TDMA (see next slide for examples). The FCC's current rules regarding the effects of *de minimis* manufacturers on carriers' commitments will remain unchanged.

# Examples of Carriers' *De Minimis* Offerings



Total Models Offered	M3-or-Better Offered	T-Coil Offered
1	0	0
2	0	0
3	1	1
4	1	1
5	2	1
6	2	2

# Carriers' Conclusions

## Carriers Commit to:

- Offer minimum quantities of M-rated models greater than the five currently required.
- Offer minimum quantities of T-rated models going forward greater than the two currently required.
- Support product refresh.
- Report upon product tiering in annual reports to the FCC.
- Through *de minimis* requirements, offer HAC models in the event of new technology rollout and maintain HAC models in the event of technology sunset.
- Investigate audio output and volume control.
- Carriers agree with a 2010 review of the FCC's rules to take effect in 2012.

## Other Assumptions:

- Assumes the FCC approves use of the C63.19-2007 Amendment concurrently with the C63.19-2006 Amendment through the end of 2009.
- Until future testing demonstrates the usability of phones that are fully "decoupled," T-Coil rated phones will continue to have a minimum of an M3 rating. However, decoupling is permissible for the purposes of rating phones and providing information about M and T ratings.
- When the usability of M1 and M2-rated devices is better understood, Carriers will revisit the labeling of those devices.

# Manufacturers' Commitment

# Manufacturers' M Commitment



- Beginning 2/18/08, all manufacturers would offer at least 33% (truncated) total U.S. models with the following:
  - M3-or-better per the latest version FCC-approved ANSI C63.19.
  - U.S. bands supported.
  - A range of models spanning multiple tiers and form factors.
  - Greater than 33% will be offered whenever it is readily achievable, assessed on a product-by-product basis.
  - No limit or cap on the number of HAC phones required because it is always based on a percentage of the total.
- The 33% minimum requirement will carry forward through 2011.

# Manufacturers' M Commitment Examples



## Proposed 33% Alternative - Example offerings required of each vendor -

OVERALL TOTAL MODELS per air interface offered in U.S. in the HAC Report	33%	Minimum M3-or-better models required
3	1.00	1
4	1.33	2
5	1.67	2
11	3.67	3
15	5.00	5
19	6.33	6
21	7.00	7
24	8.00	8
27	9.00	9
30	10.00	10
Et cetera		



# Manufacturers' M Refresh Commitment



- **Manufacturers would continually offer a mix of new or existing M3-or-better models. Beginning in 2009:**
  - For manufacturers that produce four (4) or more total models per air interface:
    - At least **one-half (1/2)** (rounded up) of the minimum required M3-or-better models would be **new** models introduced during that calendar year.
  - For manufacturers that produce three (3) total models per air interface:
    - The new model is introduced every other year.
  - In both cases the remaining M3-or-better models could be existing or new.
  - When a manufacturer has no plans to produce a new model in a calendar year, then HAC refresh would not be required.

# Manufacturers' M Refresh Commitment Examples



**Proposed new M3-or-better offerings**  
**- Example offerings required of each vendor -**

Overall Total Models Offered in HAC Report	Minimum M3-or-better models	Minimum new models M3-or-better (½ rounded up)	
3	1	1 every other year	
4-8	2	Every year	1
9-11	3		2
12-14	4		2
15-17	5		3
18-20	6		3
21-23	7		4
24-26	8		4
27-29	9		5
30-32	10		5
Et cetera...			

# Manufacturers' T Commitment

- In 2008 - a minimum of two (2) T3-or-better models compliant with C63.19 – 2006 will be offered.
- In 2009\* – A minimum of 20% (truncated) of four (4) or more total offered - T3-or-better
  - One (1) new model rated per the grandfathered C63.19 – 2006 may be offered during this year.
  - All other new models from this point forward will support the 20 dB S/N increase per C63.19-2007.
- In 2010 – 25% (truncated) of four (4) or more total offered
  - T3-or-better models per the C63.19-2007 Standard.
- In 2011 – 33% (truncated) of four (4) or more total offered
  - T3-or-better models per the C63.19-2007 Standard.

\*Assumes the FCC approves use of the C63.19-2007 Amendment concurrently with the C63.19-2006 Amendment through the end of 2009.

# Manufacturers' T Commitment Examples



<b>TOTAL MODELS per air interface in HAC Report</b>	<b>Minimum T3-or-better required in 2008</b>	<b>Minimum T3-or-better required in 2009 (20%)</b>	<b>Minimum T3-or-better required in 2010 (25%)</b>	<b>Minimum T3-or-better required in 2011 (33%)</b>
3	1	1	1	1
4	2	2	2	2
9	2	2	2	3
13	2	2	3	4
15	2	3	3	5
17	2	3	4	5
20	2	4	5	6
22	2	4	5	7
25	2	5	6	8
27	2	5	6	9

# Manufacturers' Conclusions



Manufacturers commit to:

- Investigate audio output and volume control.
- Offer 33% (2008) of total models as M3-or-better rated.
- Support US Bands.
- Offer 33% (2011) of total models as T3-or-better rated devices.
- Make available quantities not limited to minimum values.
  - If “readily achievable,” more M3 and/or T3-or-better models will be offered.
  - All models ratings posted on the manufacturers’ web sites.
  - All models certified as passing FCC requirements will be labeled on the product box.
- Continually offer a mix of new or existing HAC models.
- Review HAC milestones in February 2010 to take effect in 2012.

# AISP.4-HAC WG10

## Conclusions

# AISP.4-HAC Volume Control Commitment



- AISP.4-HAC will form a working group with participants from the Wireless Industry (Carriers and Manufacturers) and representatives of consumers with hearing loss to study audio output and volume control.
  - Statement of work by end of May 2007\*
  - Report assessing the issues of audio output and volume control, and recommending an initial path forward by June 2008.\*
- The working group will also specifically address the usability of phones by T-Coil users which contain T ratings of T3 or higher, but do not meet an M3 rating.
  - Recommendation by 2010 review of HAC milestones.

# AISP.4- WG10 Conclusions

## Carriers commit to:

- Offer minimum quantities of M-rated models greater than the five currently required.
- Offer minimum quantities of T-rated models going forward greater than the two currently required.
- Support product refresh.
- Report upon product tiering in annual reports to the FCC.
- Through *de minimis* requirements, offer HAC models in the event of new technology rollout and maintain HAC models in the event of technology sunset.
- Investigate audio output and volume control.
- Review HAC milestones in February 2010 to take effect in 2012.



# AISP.4- WG10 Conclusions



Manufacturers commit to:

- Offer 33% of total models as M3-or-better rated.
- Support US Bands.
- Offer 33% of total models as T3-or-better rated devices.
- Make available quantities not limited to minimum values.
  - If “readily achievable,” more M3 and/or T3-or-better models will be offered.
  - All models ratings posted on the manufacturers’ web site.
  - All models certified as passing FCC requirements will be labeled on the product box.
- Continually offer a mix of new or existing HAC models.
- Review of HAC milestones in February 2010 to take effect in 2012.

# AISP.4-WG10 Conclusions

Addresses noted consumer concerns on:

- Product refresh.
- Provision for new technologies.
- Support of US Bands.
- Importance of increasing the number of T-rated phones for those consumers who have greater hearing loss.
- Importance of increasing minimum numbers of M-rated phones for all consumers with hearing loss.
- Importance of investigating volume control for all consumers with hearing loss.
- Importance of variability in tiering of HAC phones for all consumers with hearing loss.

*Represents a pinnacle effort in good faith on behalf of the Wireless Industry and Representatives of Consumers with Hearing Loss to reach consensus.*