



Federal Communications Commission
Washington, D.C. 20554

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DA 13-279

Small Entity Compliance Guide

Hearing Aid-Compatible Mobile Handsets

DA 12-550
WT Docket No. 07-250

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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Hearing Aid Compatibility Requirements for Mobile Handsets

1. Objectives of the Proceeding

In the *Third Report and Order*, which the FCC released on April 9, 2012, the Wireless Telecommunications Bureau (WTB) and Office of Engineering and Technology (OET) adopted the most current hearing aid compatibility technical standard—which is the ANSI C63.19-2011 standard (the “2011 ANSI Standard”)—and incorporated it into the Commission’s rules. The FCC took this action to ensure that the agency’s hearing aid compatibility rules continue to cover the greatest number of wireless handsets and reflect recent technological advances. The action also furthered the Commission’s goal of ensuring that consumers with hearing loss will be able to access wireless communications services through a wide selection of handsets without experiencing disabling interference or other technical obstacles.

2. Adoption of the 2011 ANSI Standard

The new 2011 ANSI Standard is a technical standard for evaluating the hearing aid compatibility of wireless phones, thereby enabling handsets to be tested for hearing aid compatibility over a broad range of frequency bands and independent of air interface technology. The standard specifies testing procedures to establish the hearing aid compatibility of handsets for acoustic coupling (M-rating) and inductive coupling (T-rating). The new rules permit new handset models to be tested for certification using either the 2007 or 2011 ANSI Standard. All existing grants of certification issued under the 2007 ANSI Standard, as well as any pre-2010 grants under earlier versions of ANSI C63.19, remain valid, and no existing handset models will need to be retested or recertified as hearing aid-compatible. Consistent with existing rules that do not permit a handset model to be certified partly under one version of the ANSI Standard and partly under another, manufacturers must test each new handset model either exclusively under the 2007 ANSI Standard or exclusively under the 2011 ANSI Standard both during and after the 12-month transition period discussed in paragraph three below.

3. Transitional Testing Requirements for Multi-Band and Multi-Mode Handsets

The *Third Report and Order* also adopted a 12-month transition period for the testing of multi-band and multi-mode handsets that incorporate operations which are not covered under the 2007 ANSI Standard. Specifically, for the 12-month period that ends on July 17, 2013, as an alternative to using the 2011 ANSI Standard, manufacturers will be permitted to certify such handsets as hearing aid-compatible if they meet hearing aid compatibility criteria under the 2007 ANSI Standard for all operations covered under that standard, provided they meet the disclosure obligations set forth in paragraph four below. In addition, during the 12-month period and until guidance is issued regarding testing of Voice over Long Term Evolution (VoLTE) operations for the T-rating under the 2011 ANSI Standard, OET will adapt its certification procedures so that manufacturers may use the 2011 ANSI Standard for handsets with VoLTE capability. After July 17, 2013, any new handset model containing operations that are not covered under the 2007

ANSI Standard will have to meet hearing aid compatibility criteria under the 2011 ANSI Standard for all of its operations in order to be considered hearing aid-compatible over any air interface technology. Handset models that are certified under the transitional rule before July 17, 2013, however, may continue to be counted and marketed as hearing aid-compatible after the transition period has ended without additional testing or certification.

4. Disclosure Requirements for Multi-Band and Multi-Mode Handsets

Also adopted is a modified disclosure rule for certain handset models that are considered hearing aid-compatible but do not meet hearing aid compatibility standards for all of their operations. The Commission's rules previously required specific disclosure language for hearing aid-compatible handset models that were not tested for all of their operations because these operations were not covered under the 2007 ANSI Standard. This requirement continues to apply to handsets that are not fully tested and that are introduced during the 12-month transition period noted above in paragraph three. However, handsets introduced during the 12-month transition period may have been tested by the manufacturer and found not to meet hearing aid compatibility requirements for newly covered operations under the 2011 ANSI Standard before the manufacturer submitted them for testing under the 2007 ANSI Standard. The **new rule** requires that manufacturers and service providers inform users by clear and effective means that these handsets have been tested and found not to meet the 2011 ANSI Standard for some of their operations. The rule does not prescribe specific language for this disclosure.

5. Transition Period for Applying Deployment Benchmarks

The *Third Report and Order* also adopts rules to phase in over a defined period of time expanded hearing aid-compatible handset deployment requirements that result from adopting the 2011 ANSI Standard. Under the Commission's rules, manufacturers and service providers must offer defined numbers or percentages of hearing aid-compatible handset models for each air interface technology for which it offers wireless handsets. As discussed above, the 2011 ANSI Standard enables handsets to be tested for hearing aid compatibility over a broader range of frequency bands and independent of air interface technology. For manufacturers and the four nationwide service providers, the Commission's existing deployment benchmarks will apply to handset operations over air interfaces and frequency bands that are newly covered under the 2011 ANSI Standard beginning July 17, 2014. For non-nationwide service providers, these benchmarks will apply beginning October 17, 2014.

6. Weblinks and Citations

FOR FURTHER INFORMATION CONTACT: Michael Rowan, Wireless Telecommunications Bureau, (202) 418-1883, <mailto:michael.rowan@fcc.gov>, or check out the hearing aid compatible wireless phone section of the Federal Communications Commission's Web site at <http://wireless.fcc.gov/hac/index.htm?job=home>.

In the Matter of Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250, *Third Report and Order*, 27 FCC Rcd 3732 (2012). <http://www.fcc.gov/document/rules-adopted-more-wireless-handsets-consumers-hearing-loss>.

Hearing Aid Compatibility Act, Pub. L. No. 100-394, 102 Stat. 976 (1988), codified at 47 U.S.C. § 610 (Hearing Aid Compatibility Act).

Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket 01-309, *Report and Order*, 18 FCC Rcd 16753 (2003).

Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Order on Reconsideration and Further Notice of Proposed Rulemaking*, 20 FCC Rcd 11221 (2005).

Amendment of the Commission's Rules Governing Hearing Aid Compatible Mobile Handsets, Section 68.4(a) of the Commission's Rules Governing Hearing Aid Compatible Telephones, WT Docket No. 01-309, *Second Report and Order and Notice of Proposed Rulemaking*, 22 FCC Rcd 19670 (2007).

Amendment of the Commission's Rules Governing Hearing Aid Compatible Mobile Handsets, WT Docket No. 07-250, *First Report and Order*, 23 FCC Rcd 3406 (2008).

Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250, *Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking*, 25 FCC Rcd 11167 (2010).

Amendment of the Commission's Rules Governing Hearing Aid Compatible Mobile Handsets, WT Docket No. 07-250, *Second Further Notice of Proposed Rulemaking*, 26 FCC Rcd 14991 (2011).