

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets)	WT Docket No. 15-285
)	
Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets)	WT Docket No. 07-250
)	

REPLY COMMENTS OF NTCA – THE RURAL BROADBAND ASSOCIATION

NTCA–The Rural Broadband Association (“NTCA”) hereby submits these reply comments in support of the representatives of rural wireless providers¹ who filed in response to the Federal Communications Commission’s (the “Commission”) Fourth Report and Order and Notice of Proposed Rulemaking in the above-captioned proceeding.²

The HAC NPRM proposes to adopt, and seeks comment on, a consensus approach developed by consumer advocates and industry trade associations which would require manufacturers and service providers to increase the percentage of new wireless handset models that are hearing aid compatible over time, eventually leading to a system in which all wireless handset models are accessible to people with hearing loss. NTCA supports the goal of the

¹ See, Comments of the Rural Wireless Association, Inc. (“RWA”) and separately, the Blooston Rural Carriers (filed January 28, 2016) (collectively, the “Rural Representatives”)

² In the Matter of Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets *Fourth Report and Order and Notice of Proposed Rulemaking*, WT Docket Nos. 15-285, and 07-250 (rel. Nov. 20, 2015) (“HAC NPRM”)

Commission and the Joint Consensus Proposal to increase the applicable HAC benchmark percentages, culminating in a 100 percent benchmark in eight years. However, NTCA joins the Rural Representatives in pointing out that 100 percent compatibility will only be achieved if there is a mandate of complete compatibility on the manufacturers of devices. NTCA supports such a mandate. However, NTCA opposes an imposition of the 100 percent compatibility requirements on Tier III wireless providers, absent a manufacturer mandate and a sufficient transition period.³

NTCA's members recognize the need for HAC devices and are committed to supplying their customers with compliant devices. But as the Commission is aware, small carriers lack the purchasing power of nationwide providers, and this limits access to new models. Tier III providers have no input into the handset design or manufacturing process and access is "often limited to those devices that 'trickle down' to them from third-party distributors,"⁴ The Blooston Rural Carriers also point out that the availability of compliant devices has differed for carriers depending on their network architecture.

While 100 percent compliance is a laudable and achievable public interest goal, Tier III providers cannot meet the goal until the manufacturers do. If the Commission adopts the Consensus Plan, it should preserve the *de minimus* exception until device manufactures comply with a 100 percent compatibility requirement.

³ NTCA supports the RWA proposal of a 24-month extension for Tier III carriers. *See* Comments of RWA, p. 7.

⁴ Comments of the Blooston Rural Carriers, p. 2.

NTCA also supports the Commission’s proposal that it eliminate annual HAC reporting, as well as the disclosure, labeling, and other requirements, if it transitions to a 100 percent compatibility regime. Further, as the Rural Representatives point out, the Commission should grandfather legacy handset models that received equipment authorization prior to the end of any transition period. If a compliance requirement is imposed on small providers, the Commission should continue to grant waivers to those Tier III carriers who have difficulties procuring compliant handsets.⁵ Also, Tier III providers should be able to rely on manufacturers to provide accurate compliance information. Reliance on information in the Accessibility Clearinghouse and on Form 655s submitted by manufacturers should be a “safe harbor” that protects providers from potential enforcement action.⁶

NTCA appreciates the work that went into the creating of the Joint Consensus Proposal and supports the Commission’s goal of transitioning to a 100 percent compatibility regime. However, the Commission should focus its efforts and rulemaking authority to ensure that all new devices in the marketplace are hearing aid compatible.

Respectfully submitted,

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⁵ If the Commission adopts benchmarks for rural carriers, it should establish clear waiver guidelines and make it clear that waivers will be readily available for small providers that can demonstrate their good faith effort at compliance.

⁶ See RWA Comments, p. 6.