



NEWS

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See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

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FCC PROVIDES TEMPORARY RELIEF FROM HEARING AID COMPATABILITY REQUIREMENTS FOR WIRELESS CARRIERS OFFERING DUAL-BAND GSM HANDSETS

WASHINGTON, D.C. – In a Memorandum Opinion and Order (Order) released today, the Federal Communications Commission (FCC) provided temporary, conditional relief from certain hearing aid compatibility requirements for carriers and manufacturers that offer dual-band digital wireless handsets that use the GSM air interface in both the 850 MHz cellular and 1900 MHz broadband PCS bands.

The FCC's hearing aid compatibility rules require that, by September 16, 2005, wireless handset manufacturers must offer to carriers – and that wireless carriers and service providers must offer to their customers – at least two hearing aid-compatible handsets per air interface. In addition, nationwide (Tier I) wireless carriers must offer, per air interface, four hearing aid-compatible digital wireless handset models, or 25% of the total number of digital wireless handset models offered by the carrier nationwide must be hearing aid compatible, by September 16, 2005.

In August 2005, the Alliance for Telecommunications Industry Solutions (ATIS) Hearing Aid Compatibility Incubator Working Group 9, a technical group that focuses on hearing aid compatibility in wireless GSM handsets and includes representatives from the wireless industry, as well as the hearing aid industry and hearing disabled community, asked the FCC to temporarily base the hearing aid compatibility compliance rating of dual-band GSM handsets on their operation in the 1900 MHz band only, rather than on their operation in both the 850 MHz and 1900 MHz bands. In addition, Cingular Wireless LLC (Cingular), a nationwide wireless carrier that exclusively offers dual-band GSM handsets that operate in the 850 MHz and 1900 MHz frequency bands, requested a waiver of Commission's requirement that nationwide carriers offer at least four hearing aid-compatible digital wireless handsets to consumers by September 16, 2005. ATIS and Cingular indicated that hearing aid compatibility in the 850 MHz band is currently technologically infeasible.

In today's Order, the FCC, pursuant to its waiver authority, adopted Working Group 9's recommendation and ruled that, until August 1, 2006, it will base the hearing aid compatibility compliance rating of dual-mode GSM handsets on their operation in the 1900 MHz band only. This action applies to all handset manufacturers, wireless carriers and service providers that offer

dual-band GSM handsets that operate in both the 850 MHz and 1900 MHz bands. In adopting Working Group 9's recommendation, the FCC also granted, in part and with conditions, Cingular's request for waiver of the FCC's hearing aid compatibility rules.

In addition, the FCC imposed conditions on Cingular and any other entity that elects to take advantage of the relief provided in today's Order. Such entities must take the following actions:

- Notify the FCC of their decision to avail themselves of the relief provided in today's Order in their hearing aid compatibility compliance reports due November 17, 2005.
- Provide detailed information on the status of their efforts to provide dual-band handsets that will be hearing aid-compatible in the 850 MHz band as well as the 1900 MHz band in both their November 17, 2005, and May 17, 2006, hearing aid compatibility compliance reports.
- Ensure a 30-day trial period or otherwise adopt an acceptable, flexible return policy for consumers seeking to obtain hearing aid-compatible GSM handsets.
- Take reasonable steps to make current technical and anecdotal information available to the public regarding the hearing aid compatibility of specific GSM handsets.

Cingular must also file an additional report with the FCC by February 1, 2006, that provides detailed information on the status of its efforts to offer dual-band handsets that will be hearing aid-compatible in the 850 MHz band as well as the 1900 MHz band.

Today's action is consistent with the FCC's goal of bringing the benefits of digital wireless telecommunications to the millions of Americans with hearing loss.

Action by the Commission on September 7, 2005, by Memorandum Opinion and Order (FCC 05-166). Chairman Martin, Commissioners Abernathy, Copps, and Adelstein. Attached is a statement issued by Commissioner Copps.

For additional information, contact Angela Giancarlo at (202) 418-0680 or Angela.Giancarlo@fcc.gov, Wireless Telecommunications Bureau.

WT Docket No. 01-309

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**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

RE: *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones; Cingular Wireless LLC Petition for Waiver of Section 20.19(c)(3)(i)(A) of the Commission's Rules, Memorandum Opinion and Order (WT Docket No. 01-309).*

Today's Order grants Cingular Wireless a limited waiver of our hearing aid compatibility rules as they apply to wireless phones. It is with some hesitation that I support this action. I have said before that strong and clear rules are critical to accomplishing the statutory goal of ensuring that our Nation's telecommunication networks are accessible to Americans with hearing loss. Nonetheless I understand that technological difficulties have emerged for wireless phones operating in the 850 MHz band. Advocates for the hearing loss community have expressed support for Cingular's request—and I am satisfied that Cingular and other participants in the Hearing Aid Compatibility Incubator Program have been working in good faith to solve this problem quickly.

I support today's limited waiver because it moves us closer to the goal of ensuring that Americans with hearing disabilities have access to digital wireless services. In granting this limited waiver, we have insisted on regular updates to the FCC on the progress made to develop a solution for wireless phones that operate in the 850 MHz band. I will monitor that progress closely—and expect complete resolution by the firm deadline we have set of August 1, 2006. By that time, nationwide carriers that operate in the 850 MHz band—either on their own networks or through roaming agreements—should have hearing aid compatible phones available to consumers that work in that band.

We have made the relief granted today available to other wireless carriers, service providers and handset manufacturers. T-Mobile has already requested similar action, and may avail itself of today's limited waiver. I am encouraged that the wireless industry has been engaging in a dialogue with advocates for the millions of Americans with hearing disabilities so that solutions can be found for hearing aid compatibility.