

# Commission Proposes to Ease Wireless Handset Hearing Aid Compatibility Reporting Obligations

November 13, 2018

At its November 15 Open Meeting, the FCC intends to vote on a [Report and Order](#) ("Order") to make some important changes to the requirements for wireless service providers to report on the number of hearing aid compatible ("HAC") handsets they offer. The dual aims of the rule changes are to ease the burden of the reporting obligations while improving consumer access to information about HAC wireless handsets. Specifically, the FCC proposes to drop the requirement for service providers to file annual forms with HAC device information, and instead disclose detailed information on their websites and make an annual certification of compliance with the rules. **Websites updated with the new required information and the first certification of compliance will be due 30 days after notice of Office of Management and Budget ("OMB") approval of the new rules is published in the Federal Register.** If the Order is adopted at Thursday's meeting, service providers should promptly begin working on website revisions and not wait for OMB approval.

## Background

Under current rules, wireless service providers and handset manufacturers are required to report annually to the FCC on Form 655 about the handset models they offer that are HAC as well as details about the handsets such as the specific HAC rating, when it was certified, whether it has Wi-Fi calling capability, the specific air interface on which it operates, and other functionality features. Service providers must also ensure that they have HAC handset models available in their retail stores and provide information about the HAC models in store packaging and at the point of sale. Entities subject to the rules must also provide the web address of the public webpage that contains information about the HAC handset models, ratings, and other details to help inform the consumer's choice.

In September 2017, the FCC issued a notice of proposed rulemaking ("NPRM") seeking comment on whether it should revise or eliminate these reporting requirements for service providers and other possible changes. Service providers, which generally have no role in the production of devices, can only report the information provided to them by manufacturers for certain parts of the report and have previously criticized the report as a burdensome, particularly for small providers. In response to the NPRM, a consensus letter was filed by some industry associations and advocates representing consumers with hearing loss (CTIA, Competitive Carriers Association, Hearing Loss Association of America, and the Telecommunications Industry Association) stating that the service provider reporting obligations were no longer necessary and that the FCC should instead require covered entities to self-certify to compliance and improve the type of HAC handset information available on their consumer-facing websites.

## Proposed Rule Changes

In the draft Order, the FCC proposes to adopt rules based on the consensus letter, eliminating the service provider Form 655 reporting obligations, and instead requiring them to post the most critical information from the report to their websites. Service providers would be required to disclose information about the following on their websites:

- current non-HAC handset models offered, the level of functionality of such models, and the FCC IDs of both HAC and non-HAC handsets; and
- a link to the Global Accessibility Reporting Initiative (GARI) website with details on HAC and non-HAC devices; or alternatively, a clearly available list on the service provider's website of no longer sold HAC devices offered in the past two years.

The new rules would also require service providers to maintain information on the month/year each HAC and non-HAC handset was first offered and when each discontinued handset of each type was last offered for a period of two years and make it available to the FCC upon request. Additionally, service providers would be required to submit annual certifications on January 15 each year stating whether or not they are in full compliance with the rules, and if not in compliance, provide an explanation. The explanation identifies the compliance failure and when non-compliance began. In the certification, providers must also indicate the percentage of HAC handsets offered in the past year.

To facilitate service provider transition, the following implementation schedule was proposed for adoption:

- **Reporting Requirement - Waiver of the service provider reporting requirement for the next filing deadline, January 15, 2019, as long as the provider submits its first certification 30 days after notice of OMB approval of the new rules in the Federal Register.** Subsequently, the annual certifications for 2020 onward would be due annually on January 15.
- **Website Requirement - Service providers would be required to post the new website information and maintain the outlined information within 30 days after notice of OMB approval of the new website information collection rules in the Federal Register.** The posting and retention of data would need to cover the period beginning January 1, 2018 and after.

The FCC also acknowledged that industry stakeholders were currently discussing broader changes to the HAC deployment benchmarks and rules and that the outcome of that effort may later impact these rules, but those proceedings had no impact on the draft Order.