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Commission Sets Dates For Telephone Coupling Compliance

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Although the FCC's new Hearing-Aid Compatibility rules have just appeared in the Federal Register, carriers should already be planning for the late-summer effective date (for Tier III carriers) of detailed new requirements for handsets sold to customers. In addition to imposing new requirements phased in over the next few years, the FCC action relieved carriers in the nick of time from the looming obligation to have a significant percentage of their equipment compatible by April 19 of this year. The highlights of the new rules are outlined below. (The given dates apply to non-Tier I carriers; the Big Guys have to comply three months earlier.)

The rules cover two types of hearing-aid compatible phones. The less sophisticated phones achieve compliance by acoustic coupling. These just amplify the normal phone volume in a way that can be picked up by hearing aids. They have an "M" rating, with M3 being the current level of performance considered minimally compliant. The other type of phone uses the inductive coupling method. These work directly with the customer's hearing aid to transmit the audible signals to the hearing aid itself where they are then converted into sound. These devices have a "T" rating, with T3 being the required minimum level.

As of **September 9, 2008**, non-Tier 1 carriers must have the lesser of eight or 50% of their stocked handsets be M3 compliant, and the lesser of three or one-third of them T3 compliant. Note that some models meet both the M3 and T3 standard and therefore can be counted for both.

As of **May 15, 2009**, the minimums change to the lesser of nine M3's or five Ts or 50% or a third of the models offered, respectively.

As of **May 15, 2010**, the minimums rise to the lesser of ten M3's or seven T3s or 50% or a third of the models, respectively.

As of *May 15, 2011*, the minimum for T3's rises to the lesser of ten or a third of the models.

The devices offered must have varying degrees of functionality to cater to different price points, and they must be available for testing in stores, correctly labeled as to compliance status, and posted on the company's website. To assist carriers in meeting these requirements, the FCC is requiring manufacturers to post on their websites the rating level of each model offered. This should permit verification of the products' compliance status, something which had been remarkably difficult to verify in the past.

Beginning on January 15, 2009 (and every January 15 thereafter), carriers will have to file a report detailing their handset offerings and other steps taken to comply with the rules. The reporting requirement will force carriers to certify in extreme detail whether they have complied with the foregoing rules, and is thus a strong incentive to be compliant. The report will also necessitate scrupulous record-keeping by carriers to be able to respond accurately. The FCC has been very vigilant about enforcing compliance with these rules, so care should be taken to avoid being the first one on your block to get a fine.