

SUPPORTING STATEMENT

A. Justification:

The Commission is requesting a revision to this information collection requirement and is seeking to obtain the full three year clearance from OMB. The Commission issued a Notice of Proposed Rulemaking (Notice) in WT Docket 07-250, FCC 07-192, adopted on November 5, 2007 and released November 7, 2007, which proposes to extend and modify existing reporting requirements such that carriers and manufacturers will be required to submit annual reports demonstrating their compliance with proposed new hearing aid compatibility handset compliance benchmarks, as well as other related information.

Proposed Information Collection Requirements:

1) The additional information to be collected in these reports will be based to a great extent on a carrier and/or manufacturer's compliance with a number of proposed hearing aid-compatible handset deployment benchmarks that will be established between 2008 and 2011. In order to monitor the progress of digital wireless phone manufacturers and service providers toward meeting these compatibility benchmarks, the Notice proposes to extend existing annual reporting requirements for these entities from 2008 to 2012. In order to address shortcomings that have been observed in the information collected by past reports and to render future reports as transparent and useful as possible for consumers, industry, and Commission staff responsible for helping to ensure that the Commission's hearing aid compatibility requirements are fully implemented, the Notice proposes modified and/or new content requirements for the reports as outlined below.¹ The Notice considers new ways to collect this information, such as using templates for the collection of this information which may be less burdensome on the respondents.

Specifically, the Commission proposes to require manufacturers to include the following information in annual reports to the Commission:

- (1) digital wireless phones tested;
- (2) compliant phone models using the FCC ID number and ratings according to C63.19;
- (3) status of product labeling;
- (4) outreach efforts;

¹ The Commission is also requesting comment on questions relating to the timing of these future reports. The Commission is trying to determine the best schedule for the manufacturers and service providers to submit their reports.

- (5) total numbers of compliant phone models offered as of the time of the report;
- (6) information pertaining to product refresh; and
- (7) other information related to the above possible criteria.

The Commission proposes to require service providers to include the following information in annual reports to the Commission:

- (1) compliant phone models using the FCC ID number and ratings according to C63.19;
- (2) status of product labeling;
- (3) outreach efforts;
- (4) information related to the retail availability of compliant phones;
- (5) total numbers of compliant and non-compliant phone models offered as of the time of the report;
- (6) the “tiers” into which the compliant phones fall; and
- (7) other information related to the above possible criteria.

In addition to this information, the Commission proposes to require both manufacturers and service providers to provide the model number and FCC ID directly associated with each model that they are reporting as compatible, together with the hearing aid compatibility rating of each such model. The Commission further proposes to require that these reports include the air interface(s) (*e.g.*, CDMA, GSM) and frequency band(s) over which each compatible model operates).

Current Information Collection Requirements That Do Not Require OMB Review/Approval With This Submission:

In the Report and Order in WT Docket 01-309, FCC 03-168, adopted and released September 2003, the Federal Communications Commission modified the exemption for telephones used with public mobile services from the requirements of the Hearing Aid Compatibility Act of 1988 (HAC Act). The Order required digital wireless phone manufacturers and service providers to make certain digital wireless phones capable of effective use with hearing aids.

The Order required digital wireless phone manufacturers and service providers to make available a certain number of digital wireless phones that meet specific performance levels set forth in an established technical standard. The phones must be made available according to an implementation schedule specified in the Order. To monitor the progress of digital wireless phone manufacturers and service providers toward meeting the requirements, the Commission required these entities to submit reports every six months

during the first three years of implementation,² and then annually thereafter through the fifth year of implementation. The reports describe manufacturer and carrier efforts aimed at complying with the requirements of the Order.

Digital wireless phone manufacturers also must label compliant phones. Service providers are similarly responsible for ensuring that handsets are properly labeled, and must also make information available to consumers in retail stores about which phone models provide hearing aid compatibility features. The Commission also encouraged hearing aid manufacturers to label hearing aid packages to assist consumers in finding hearing aids and digital wireless phones that work together effectively.

The Commission requires that existing reports include the following content:

- (1) digital wireless phones tested;
- (2) laboratory used;
- (3) test results for each phone tested;
- (4) identification of compliant phone models and ratings according to ANSI C63.19;
- (5) report on the status of product labeling;
- (6) report on outreach efforts;
- (7) information related to retail availability of compliant phones;
- (8) information related to incorporating hearing aid compatibility features into newer models of digital wireless phones;
- (9) any activities related to ANSI C63.19 or other standards work intended to promote compliance with the *Hearing Aid Compatibility Order*;
- (10) total numbers of compliant and non-compliant phone models offered as of the time of the report; and
- (11) any ongoing efforts for interoperability testing with hearing aid devices.

Statutory authority for this proposed collection of information is contained in Sections 47 U.S.C. §§ 154(i), 303(r), and 710.

As noted on the Form OMB 83-I, this proposed collection of information does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. The new reporting criteria proposed in the Notice will assist the Commission staff in monitoring the progress of implementation by phone manufacturers and wireless carriers, and it will provide valuable information to the public concerning hearing aid-compatible handsets. Under a proposal in the Notice, for example, the Commission

² The reporting requirement to submit reports every six months during the first three years of implementation has been fulfilled by phone manufacturers and service providers. The annual reporting requirement remains in effect for the entities.

would adopt a schedule whereby manufacturers and carriers would be required to provide these reports annually from 2008 through 2012. The reports will permit the Commission to continue to stay abreast of ongoing standards work, testing, and other pertinent information associated with achieving digital wireless compatibility with hearing aids and cochlear implants. This information will help to ensure that the Commission's decisions relating to hearing aid compatibility with wireless phones are fair to all involved and reflect the actual status of technology. The technical standard for hearing aid compatibility is required by the Hearing Aid Compatibility (HAC) Act, and will be used by covered entities and the Commission as a compliance guide.

3. These reports may be filed electronically using the Commission's Electronic Comment Filing System (ECFS), which is accessible at www.fcc.gov. The information which will be contained in the reports is not available in any existing databases within the Commission or other federal agencies. As indicated above, (see item 1, page 1 of this supporting statement) the Commission proposes to develop a standardized reporting format for collecting information (*e.g.*, a template). The Notice also could result in rules that would collect this information electronically, by, *e.g.*, integrating any new format or template with the Commission's electronic database of equipment authorizations such that they cross-reference and update one another.

4. The Commission does not impose a similar information collection on the respondents. There is no similar data available.

5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents regardless of size. The Commission allows digital wireless phone manufacturers and service providers to submit joint reports, if they wish. In addition, the Notice requests comment on the exact annual reporting schedule, and it seeks comment on a staggered, or delayed, schedule for Tier II/III carriers, many of which may be small entities.

6. If the proposed reports were required less frequently or if no reporting requirements were extended from 2008 to 2012, it would be significantly more difficult to monitor the industry's progress toward compliance with the proposed 2008 to 2011 hearing aid compatibility handset benchmarks, and it would be nearly impossible to verify compliance with the regulatory deadlines. Under these scenarios, accessibility to wireless telecommunications by individuals with hearing disabilities would be frustrated rather than expanded, which is contrary to the statutory goals of the HAC Act to "establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing." 47 U.S.C. § 610(a).

7. Current and proposed data collection is consistent with the guidelines in 5 CFR 1320.6.

8. The Commission submitted the Notice to the Federal Register for publication. The Notice will seek comment from the public on this information collection. The Commission expects the Notice to be published on November 21, 2007.

9. Respondents will not receive any payments.

10. Information requested in the reports might need to disclose confidential information. However, covered entities would continue to be allowed to request that such materials submitted to the Commission be withheld from public inspection. See 47 C.F.R. § 0.459.

11. None of the proposed reporting burdens address any private matters or questions of a sensitive nature.

12. The Commission estimates the burden on respondents as follows:

Existing Burden for the Annual Reports:

The Commission estimates that there are approximately **900** operating wireless carriers and approximately **25** digital wireless handset manufacturers. Thus, the total number of estimated respondents is **925**.

The existing estimates regarding the annual hour burden were based on requiring wireless service providers and digital wireless handset manufacturers to report annually. The Commission expected that each company would utilize staff engineers to draft the reports, and each report would take about two hours to draft. Thus, the existing annual burden for the information collections involving annual reports was estimated at **925 entities x 2 hours/entity = 1,850 hours per year**. The actual annual hour burden may be less because the Commission gave these entities the option to submit joint reports, if desired.

Proposed Revised Burden for the Annual Reports:

The proposed revised information collection requirements as stated above (see description of modified/new information in item 1, pages 1 and 2 of this supporting statement) will add an additional hour to the current information collection burden for wireless service providers and digital wireless handset manufacturers. This will change the burden from **925 entities x 2 hours/response = 1,850 hours per year** to **925 entities x 3 hours/entity = 2,775 hours per year**. The additional hour will make the **new total** for burden hours **2,775 hours**. The actual annual hour burden again may be less because these entities have the option to submit joint reports, if desired. Should the Commission adopt a template and/or electronic reporting, this may allow the respondents to submit their information to the Commission in a less burdensome manner. The template and/or other electronic reporting should not add any additional burden to the respondent.

The total annual burden for annual reports including the modified/additional data is: 2,775 hours.

Existing Burden for the Technical Standard that is not Impacted by the Notice:
(Everything remains the same as previously approved by OMB)

The Commission continues to anticipate that there may be ongoing modifications to the technical standard. It expected that a subset of **approximately 50** entities will meet and make modifications to the technical standard on an ongoing basis. The total estimated annual burden hours for these entities is **4,200 hours**. The Commission based the total estimated annual burden hours on the following: twelve principal representatives will account for **1,920 hours** (**12 principal representatives*160 hours**) and 38 representatives will account for **2,280 hours** (**38 representatives*60 hours**).

The total cumulative burden is estimated at: $2,775 + 4,200 = 6,975$ hours.

13. There will be no costs incurred by the respondents.

14. The Commission would likely assign a staff engineer at \$43.12 per hour to review the annual reports, which should take about 5 hours, resulting in a potential cost to the Federal Government of \$215.60 per year per report through 2012.

Thus, the annual cost to the Federal government is $925 \text{ annual reports} \times 5 \text{ hours/report} \times \$43.12/\text{hour} = \mathbf{\$199,430}$.

15. The Commission is reporting a program change of +925 burden hours due to the proposed modified/new annual reports set forth in the Notice (FCC 07-192). If these reporting requirements are adopted by the Commission, the respondents' burden will increase by 925 hours.

16. The data will not be published for statistical use.

17. We do not seek approval to not display the expiration date for OMB approval of the information collection.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.