

## SUPPORTING STATEMENT

### **A. Justification:**

The Commission is requesting a revision of this information collection requirement because it is modifying input fields on FCC Form 655, all of which affect the previous version of this information collection.

1. In the Report and Order in WT Docket 01-309, FCC 03-168, adopted and released in 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. As part of that Order, manufacturers and service providers were required to label certain phones they sold with information about their compatibility with hearing aids, and also to report to the Commission (at first every six months, then on an annual basis) on the numbers and types of hearing aid-compatible phones they were producing or offering to the public.

In February 2008, the Commission adopted final rules in a Report and Order, FCC 08-68, which updated several of the performance benchmarks for manufacturers and service providers, and instituted new requirements for manufacturers to refresh their product lines and for service providers to offer hearing aid-compatible handset models with differing levels of functionality. The Commission also adopted a new version of the technical standard for measuring hearing aid compatibility, and addressed the application of the rules to phones that operate in multiple frequency bands or air interfaces. In order to avoid potential consumer confusion over technical capabilities, the Order also modified the product labeling requirements slightly.

To assist the Commission in monitoring the implementation of the new requirements and to provide information to the public, the Report and Order also required manufacturers and service providers to continue to file annual reports on the status of their compliance with these requirements, and required manufacturers and service providers that maintain public websites to publish up-to-date information on those websites regarding their hearing aid-compatible handset models. The annual reports required in the Order contained different and additional information than in previous versions of this information collection and, for the first time, were required to be submitted by manufacturers and service providers using electronic FCC Form 655. The reporting and third party disclosure requirements for the aforementioned Report and Order were approved by OMB on June 5, 2009 under OMB Control Number 3060-0999.

On August 5, 2010, the Commission adopted final rules in a Second Report and Order, FCC 10-145, that among other things, updated disclosure requirements for

manufacturers and service providers. As a result, manufacturers and service providers are currently required to inform consumers about the functionality and the limitations of their handsets in specific situations involving handsets with operations for which technical standards do not exist under the 2007 ANSI Standard, as well as handsets that let the consumer reduce maximum transmit power for GSM operations in the 1900 MHz band by up to 2.5 decibels. The Second Report and Order also limited the *de minimis* exception so that it is available only to small entities and new entrants effective September 8, 2012. Following release of the Second Report and Order, the Commission amended FCC Form 655 to capture information regarding the new disclosure requirements as well as other information important to monitoring compliance with the hearing aid compatibility rules. These disclosure requirements and changes to FCC Form 655 fields were approved by OMB on December 7, 2010, under OMB Control Number 3060-0999. Some of the modifications being made to FCC Form 655 fields are being made to implement the rule changes made by the Commission in the Second Report and Order.

On December 28, 2010, the Wireless Telecommunications Bureau, on delegated authority from the Commission, issued a Public Notice, DA 10-2388, seeking comment in general on the operation and effectiveness of the Commission's hearing aid compatibility rules. Among other issues, the Public Notice specifically sought comment on the usefulness of FCC Form 655 and whether any modifications to the form or the collection process could be made to make use of the form easier. The Commission will address in a future Report and Order the comments received on the Public Notice, including the possibility of keeping the filing window for FCC Form 655 open year round.

On April 9, 2012, the Commission adopted final rules in a Third Report and Order, DA 12-550, that adopts the 2011 revision of the hearing aid compatibility technical standard (ANSI Standard) as an applicable technical standard alongside the 2007 version that is already in the Commission's rules. Under the 2011 ANSI Standard, hearing aid compatibility technical standards are extended to additional air interfaces and frequency bands. In connection with its adoption of the 2011 ANSI Standard, the Commission tailored its existing disclosure requirements to address new situations that may arise. Specifically, the Commission adopted a requirement to inform users about any operations in handsets that a manufacturer may have tested under the 2011 version of the ANSI Standard and found not to meet hearing aid compatibility criteria for those operations. The Commission also adopted a requirement to make disclosures about any handsets that have not been tested for the inductive coupling capability of Voice over Long Term Evolution (VoLTE) transmissions.

The Commission is now modifying FCC Form 655 to collect information that is relevant to the newly effective provisions of the rule and to clarify and streamline existing fields. Specifically, manufacturers and service providers will be asked to provide new or different responses on FCC Form 655 in the following areas:

1) The FCC Form 655 currently collects information on which version of the ANSI standard was used to test the handsets offered during a reporting period. The 2011 ANSI standard will be added as an option on the Handset Model Information portion of Form 655. In addition, the order of the questions will change so that manufacturers will only have to specify once what version of the ANSI standard was used for each handset.

2) The *De Minimis* Exception section will be expanded by adding questions necessary to determine whether a filer is eligible under the new version of the exception that becomes effective on September 8, 2012. These questions will address whether a filer is a small entity and how long it has been offering handsets. In addition, the text of the existing question will be modified to make clear that manufacturers must report all handsets that they offer in the United States.

3) The Air Interfaces and Frequency Bands fields on the Handset Model Information portion of FCC Form 655 will be expanded to add “LTE,” “Wi-Fi,” “WiMax,” “2.4 GHz,” and “2.5 GHz.” In addition, the question whether the handset operates over additional air interfaces and frequency bands will be eliminated as no longer necessary.

4) A new question will be added to the Handset Model Information portion of Form 655 asking whether the handset meets the criteria for an M3 rating for operations over GSM at 1900 MHz by enabling the user optionally to reduce the maximum power at which the handset will operate by no more than 2.5 decibels, except for emergency calls to 911. This information will help the Commission ensure that such handsets are counted correctly, as well as to monitor compliance with related disclosure requirements.

5) In order to determine whether a filer is fully in compliance with the disclosure requirements, the Product Labeling portion of FCC Form 655 will be expanded. New questions will be added to determine whether appropriate disclosure/labeling was met for any handsets that let the consumer reduce maximum transmit power for GSM operations in the 1900 MHz band by up to 2.5 decibels, any handsets that a manufacturer may have tested under the 2011 version of the ANSI Standard and found not to meet hearing aid compatibility criteria for those operations, and any handsets that were certified for inductive coupling under the 2011 ANSI Standard without testing VoLTE transmissions.

Accordingly, the Commission is requesting a revision of this collection to change the fields on FCC Form 655. Taken together, the additional, changed, and deleted questions and fields will create no significant additional burden for manufacturers and service providers, but will help the Commission compile data and monitor compliance with the current version of the hearing aid compatibility rules while making more complete and accessible information available to consumers.

The Commission is requesting OMB approval for this revision due to the modified input on FCC Form 655. All the other reporting and disclosure requirements previously approved in this collection remain unchanged.

Statutory authority for this collection of information is contained in 47 U.S.C. §§ 151, 154 (i), 157, 160, 201, 202, 208, 214, 301, 303, 308, 309 (j), 310 and 610.

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

2. The annual reports assist the Commission staff in monitoring the progress of implementation by phone manufacturers and wireless carriers. The reports permit the Commission to stay abreast of ongoing standards work and other pertinent information associated with achieving digital wireless compatibility with hearing aids and cochlear implants. This information helps 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 website postings, which encompass a portion of the information required in the reports, provide valuable information to the public concerning compatible handsets and hearing aids. In particular, we note that while the Commission makes the contents of the reports publicly available, the reports are only required on an annual basis. The website requirement is designed to ensure that consumers have critical up-to-date information between reporting dates on which they can base their search for compatible phones. The labeling and disclosure requirements alert consumers about the functionality and the limitations of their handsets in specific situations as described above.

3. Reports must be filed electronically using the Commission's electronic filing system, which is accessible at <http://wireless.fcc.gov/hac>. The information contained in the reports is not available in any existing databases within the Commission or other federal agencies. Website postings are only required if the party already has a publicly-available website, and the format and manner of presentation are left entirely to the party.

4. As noted above, some of the information required to be posted on websites is also part of the parties' annual reporting obligations. However, the two batches of information are not identical, and are keyed in part to different audiences.

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. Due to the mandatory electronic filing requirement, the Commission no longer allows digital wireless phone manufacturers and service providers to submit joint reports. However, the streamlining effect of the electronic filing system has decreased the paperwork burden on all respondents. This electronic filing system's database also stores all filings for future reference. The burden is further reduced due to the pre-filled data fields from previous submissions that eliminate much of the repetition inherent in previous paper filings.

6. If the mandatory electronic filing requirement were not instituted, all respondents would be unnecessarily burdened. The electronic filing system ensures that the reports include all of the required information. The system also facilitates future filings by referencing previous submissions and creating pre-filled data fields that will

eliminate much of the repetition inherent in previous paper filings. Without the implementation of this mandatory electronic filing system, these efficiencies would not otherwise be available to all respondents.

Further, if the changes to the disclosure language and reporting requirements were not instituted, consumers with hearing loss would not be adequately informed about the functionality and the limitations of the handsets available to them, and the Commission would be less able to monitor the progress of implementation by phone manufacturers and wireless carriers of the Commission's hearing aid compatibility rules.

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

8. Pursuant to 5 CFR 1320.8(d), the Commission initiated a 60-day public comment period which appeared in the Federal Register on July 30, 2012 (77 FR 44614). On September 28, 2012, the Commission received one PRA comment from the Telecommunications Industry Association (TIA) as a result of the notice. The Commission is reviewing the comment now.

9. Respondents will not receive any payments.

10. Information requested in the reports may include confidential information. However, covered entities are 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 reporting burdens address any private matters or questions of a sensitive nature.

12. As noted in the Supporting Statement associated with the Notice of Proposed Rulemaking (2007), there were three groups of entities that could be affected by the actions taken in the September 2003 Report and Order: carriers offering public mobile services, digital wireless handset manufacturers, and hearing aid manufacturers. The estimates of the number of these entities were: approximately **900** operating wireless carriers and approximately **25** digital wireless handset manufacturers. These estimates are unchanged. Thus, the total number of estimated respondents is **925**.

The estimates regarding burdens are unchanged because there are no changes in the requirements that would have the effect of increasing or decreasing the existing approved burdens.

Technical Standard. The previous estimate of burden for ongoing discussions of the technical standard is unmodified. We expect that a subset of **approximately 50** of the **925** entities will meet and make modifications to the technical standard for the remaining years. We base the total estimated annual burden hours on the following: we anticipate that 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). Therefore, the total estimated annual burden hours for these entities are **4,200**.

Reporting: Filings must be remitted electronically via a filing management database. The Commission expects that each company will utilize staff engineers to draft and file the reports. Our current estimate of the burden for an individual report through the electronic system is two and a half hours. The changes that are being made to Form 655 do not change this burden estimate. Thus, the annual burden for the information collection is:

**One report per manufacturer X 2.5 hours X 25 manufacturers: 63 hours**  
**One report per provider X 2.5 hours X 900 service providers: 2,250 hours.**

**Sub-Total Annual Burden = 2,313 hours.**

Labeling. The Commission's rules require digital wireless handset manufacturers to label packages containing compliant handsets and to make information available in the package or product manual. The rules similarly require digital wireless service providers to ensure that handsets include the above-referenced labeling and information, and also require them to make available to consumers the performance ratings of compliant phones. The Commission expects that these steps will be taken as part of the normal manufacturing and marketing processes, and that adding information about the performance ratings of the phones will not be a significant additional burden for these entities.

Web posting. Manufacturers and service providers that otherwise maintain public websites are required to post on their websites information on the numbers, types, ratings and functionality of hearing aid-compatible phones offered, as well as an explanation of the rating and functionality systems. All of this information is also required in either the entities' periodic reports to the Commission or in the product labeling. The reason for the web posting requirement is to ensure that consumers have access to up-to-date versions of the information. Because no new information need be gathered, nor any new web sites created, we judge that compliance with this requirement will take no more than one and a half hours. However, because we also require that the information be updated within thirty days of a change, we expect that each entity will need to update its web posting several times per year. As a result, we calculate the burden as:

**925 entities affected X 1.0 hour per update X 6 updates per year = 5,550 hours.**

Total annual burden hours for this collection:

**Total Annual Burden: 4,200 standards + 5,550 web posting + 2,313 reporting = 12,063 hours.**

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

14. The Commission would likely assign a staff engineer, GS-13, Step 5, at \$48.35 per hour to review the annual reports, which should take about 3 hours, resulting in a potential cost to the Federal Government of about \$145.05 per year per report. Therefore, the cost to the Federal government would be 925 respondents x 3 hours x \$48.35= \$134,171.25. Web postings and consumer labeling will not be actively monitored in the absence of consumer complaints.

15. There is no change in the Commission's previous burden estimates.

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

17. The Commission seeks continued OMB approval to not display the expiration date for OMB approval of the information collection on the form. We will use an edition date in lieu of an OMB expiration date. This will alleviate the Commission staff from having to update the OMB expiration date every time this is re-submitted to the OMB. Finally, the Commission displays the OMB expiration date, OMB Control Number, and Title of all OMB-approved information collections in 47 CFR 0.408.

18. There are no exceptions to the "Certification Statement" in Item 19.

**B. Collections of Information Employing Statistical Methods:**

No statistical methods are employed.