

**SUPPORTING STATEMENT**

**A. Justification:**

The Federal Communications Commission (Commission) is requesting that the Office of Management and Budget (OMB) grant it a three-year extension of the currently approved information collection related to the Commission's hearing aid compatibility requirements. OMB's approval for the current information collection associated with the Commission's hearing aid compatibility provisions expires on November 30, 2015. Along with this three-year extension request, the Commission is requesting approval of certain non-substantive changes to the currently approved information collection. These changes do not affect the annual burden hours or the annual cost for this collection.

1. In the Report and Order in WT Docket 01-309, FCC 03-168, adopted and released in September 2003 (2003 Order), the 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 2003 Order required digital wireless phone manufacturers and service providers to make certain digital wireless phones capable of effective use with hearing aids. Specifically, the 2003 Order adopted performance benchmarks that required manufacturers and service providers to offer a certain percentage of the total number of handsets they offered as hearing aid compatible and adopted the American National Standards Institute (ANSI) standard as the applicable technical standard for determining compatibility between wireless handsets and hearing aids. As part of the 2003 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. OMB approved the information collection for the aforementioned 2003 Order on June 7, 2004, under OMB Control Number 3060-0999. Since then, these requirements have been updated and amended.

In February 2008, the Commission adopted final rules in a Report and Order, FCC 08-68 (Report and Order), 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 ANSI 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 Report and 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 Report and 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. OMB approved the revisions to the collection, including the new reporting and public website requirements 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 (Second Report and Order) that among other things, adopted new disclosure requirements for manufacturers and service providers. As a result, in addition to meeting the handset labeling requirement and the website requirement, manufacturers and service providers are also currently required to disclose to consumers additional information about the functionality and the limitations of their handsets in specific situations. 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. OMB approved the revised collection, including these disclosure requirements and changes to FCC Form 655, on December 7, 2010, under OMB Control Number 3060-0999.

On April 9, 2012, the Commission adopted final rules in a Third Report and Order, DA 12-550 (Third Report and Order), that, among other changes, adopted the 2011 revision of the ANSI technical standard as an applicable technical standard alongside the 2007 version that was already in the Commission's rules. Following release of the Third Report and Order, the Commission amended FCC Form 655 to capture information regarding new disclosure requirements as well as other information important to monitoring compliance with the hearing aid compatibility rules. OMB approved these disclosure requirements and changes to FCC Form 655 on November 20, 2012, under OMB Control Number 3060-0999.

Most recently OMB approved minor non-substantive revisions to the information collection contained in FCC Form 655 on April 15, 2014. Upon review of FCC Form 655, the Commission determined that these changes needed to be made in order to make the form more user-friendly and easier to follow. These changes did not affect the burden hours or the cost of compliance, and they did not require a change in the underlying supporting statement that was part of OMB's previous approval of the form.

At the present time, the currently approved information collection for the Commission's hearing aid compatibility provisions includes the following:

- (1) Reporting requirement. Manufacturers and service providers must file FCC Form 655 electronically on an annual basis. *See* 47 C.F.R. § 20.19(i). The Commission uses FCC Form 655 as the principle way to monitor compliance with the Commission's hearing aid compatibility provisions.

- (2) Website requirement. Manufacturers and service providers are required to post information related to the hearing aid compatible handsets they offer on their public websites. *See* 47 C.F.R. § 20.19(h). 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.
- (3) Labeling and disclosure. The Commission also requires manufacturers and service providers to comply with certain handset labeling requirements and certain other disclosure requirements that alert consumers about the functionality and the limitations of their handsets in specific situations. *See* 47 C.F.R. § 20.19(f).
- (4) Standards development. The Commission requires 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 developed and periodically revised by ANSI. *See* 47 C.F.R. §§ 20.19(b), (c).

The Commission now requests that the currently approved information collection related to its hearing aid compatibility provisions be extended for three years. In addition, the Commission requests that the following non-substantive changes to FCC Form 655 be approved as part of this extension request. These changes do not affect the annual burden hours or the annual cost for this collection that OMB previously approved.

These minor non-substantive changes to FCC Form 655 include:

- (1) Updating the edition date for the electronic form to reflect the current date.
- (2) Correcting the text associated with the section of the online FCC Form 655 entitled “Public Website,” used for reporting compliance with the website requirement, to better reflect and summarize the language in the instructions for filling out this section of FCC Form 655.

*Existing Text:* Filer’s website must include the levels of functionality that the filer has defined, the level that each hearing aid compatible model falls under, and an explanation of how the functionality of the handsets varies at the different levels.

*New Text:* Does your company maintain a public website describing all hearing aid compatible models, the ratings of those models, and an explanation of the rating system? Service provider websites must include the levels of functionality that the service provider has defined, the level that each hearing aid compatible model falls under, and an explanation of how the functionality of the handsets varies at the different levels.

As noted, this change simply reflects the language already in the instructions for filling out this section of FCC Form 655:

Under Section 20.19(h) of the FCC’s rules, Service Providers and Device Manufacturers that are subject to the hearing aid compatibility requirements of that section and which operate a publicly-accessible website must include on that website a list of all hearing aid compatible models currently offered, the ratings of

those models, and an explanation of the rating system. Service Provider websites must also include the levels of functionality that the Service Provider has defined, the level under which each hearing aid compatible model falls, and an explanation of how the functionality of the handsets varies at the different levels.

Answer “Yes” if you maintain such a website, and provide the website address....

The Commission has also made minor non-substantive changes to the FCC Form 655 instructions. These changes are outlined below:

- (1) Right Footer: updated the edition form date to reflect the current date.
- (2) Page 2: updated the first website link that was inactive.
- (3) Page 3: For Company Information, the following informational text has been added:

The system will accept the following characters: , . ' \_ - ( ) ? ! @ [ ] : ; # " \$ % / & . However, common word processing software will often embed hidden characters that convey additional information, typically about formatting, and are considered ‘invalid characters’ by the electronic version of the form. Invalid characters are detected by our data entry system when copying text from word processing software into a data entry field. These characters may appear as a square or other symbol such as + ~ \* etc. Instead of copying information from word processing software, one alternative is to copy that information from a basic text editor that does not embed hidden characters. Windows Notepad is one example of a basic text editor. Another alternative is to delete the text and re-key the information directly into the data entry field.

- (4) Page 7: Under Air Interfaces and Frequencies, the following informational text has been added:

Some acronyms have been commonly used to indicate certain frequency bands, e.g., Cellular band for the 850 MHz band, PCS for the 1900 MHz band, and AWS-1 for the 1700/2100 MHz bands.

- (5) Page 9: For question 1 under Consumer Outreach, the following informational text has been added:

If your answer is “Yes” to Question 1, then there is no “Explain” option. However, the “Explain” option still appears on the printed version of the report. Please ignore the “Explain” option on the printed version if your answer to Question 1 is “Yes.” If you want to add an explanation even if you answered “Yes,” please do so in the Report Remarks box at the end of the report.

- (6) Page 11: Under question 5 for Consumer, the following informational text has been added:

As a remark, if Question 5 is not applicable, it does not appear in the Product Labeling section of the electronic version of Form 655. However, it still appears on the printed version of the filed report and should be ignored.

(7) Page 29: Figure 16, depicting the section of the electronic FCC Form 655 in which filers report compliance with the website requirements, is updated to reflect the corrected text discussed above.

Accordingly, the Commission is requesting a three-year extension of the information collection previously approved by OMB related to the Commission hearing aid compatibility provisions, along with the minor non-substantive revisions outlined above. These changes 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. 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.

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. Without the reporting, labeling, and disclosure requirements, 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 C.F.R. §1320.5.

8. Pursuant to 5 C.F.R. §1320.8(d), the Commission initiated a 60-day public comment period on July 15, 2015 (80 FR 41500) seeking comments from the public on the information collection requirements contained in this collection. The Commission did not receive any comments from the public.

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 information collection requirements contained in this collection address any private matters or questions of a sensitive nature.

12. There are two groups of entities that could be affected by this request: carriers offering public mobile services and digital wireless handset 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.

Standard development. 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 1,920 hours + 2,280 hours = **4,200**.

Reporting requirement: 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 and disclosure. Manufacturers and service providers are required to comply with certain labeling and disclosure requirements to ensure that consumers understand the hearing aid compatibility rating of their handset and how these handsets will function under certain circumstances. These labeling and disclosure requirements apply to packaging, user manuals, and display cards. 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.

Website requirement. 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 + 2,313 reporting + 5,550 web posting = 12,063 hours.**

**Total Number of Respondents: 925.**

**Total Number of Annual Responses: 925.<sup>1</sup>**

**Total Annual In-house Cost:** The Commission estimates that the respondents' in-house staff attorney will be paid an hourly rate of \$150 per hour. Therefore, the in-house cost for this collection is 12,063 hours x \$150 per hour = **\$1,809,450.**

13. There will be no external/contracting costs incurred by the respondents.

14. The Commission would likely assign a staff engineer, GS-13, Step 5, at \$49.32 per hour to review the annual reports, which should take about 3 hours, resulting

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<sup>1</sup> Since some of the requirements are calculated in terms of the burden to the respondent pool instead of the actual responses, it is difficult for the Commission to quantify the total number of responses.

in a potential cost to the Federal Government of about \$147.96 per year per report. Therefore, the cost to the Federal government would be 925 respondents x 3 hours x \$49.32= \$136,863. 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. Therefore, there are no program changes or adjustments to this collection.

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 C.F.R. § 0.408.

18. There are no exceptions to the "Certification Statement."

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

No statistical methods are employed.