

SUPPORTING STATEMENT

A. Justification:

The Commission is requesting a revision of the information collection previously approved by OMB related to the Commission hearing aid compatibility provisions. The revision is necessary to implement the final rules promulgated in the 2015 Fourth Report and Order, FCC 15-155 (Fourth Report and Order), which expanded the scope of the rules due to a shift from Commercial Mobile Radio Services (CMRS) to digital mobile service. This expanded scope will increase the potential number of respondents subject to this collection and correspondingly increase the responses and burden hours. To reflect the expanded scope, we request corresponding minor language changes to FCC Form 655 and to the form instructions.

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.

On November 19, 2015, the Commission adopted final rules in a Fourth Report and Order, FCC 15-155 (Fourth Report and Order), that, among other changes, expanded the scope of the Commission's hearing aid compatibility provisions to cover handsets used with any digital terrestrial mobile service that enables two-way real-time voice communications among members of the public or a substantial portion of the public, including through the use of pre-installed software applications. Prior to 2018, the hearing aid compatibility provisions were limited only to handsets used with two-way switched voice or data services classified as Commercial Mobile Radio Service, and only to the extent they were provided over networks meeting certain architectural requirements that enable frequency reuse and seamless handoff. As a result of the Fourth Report and Order, beginning January 1, 2018, all device manufacturers and Tier I carriers that offer handsets falling under the expanded scope of covered handsets are required to comply with the Commission's hearing aid compatibility provisions, including annual

reporting requirements on FCC Form 655. For other service providers that are not Tier I carriers, the expanded scope of the Commission's hearing aid compatibility provisions applies beginning April 1, 2018.

Following release of the Fourth Report and Order, the Commission is required to amend the FCC Form 655 to reflect the newly expanded scope of handsets covered by the hearing aid compatibility provisions, as well as to capture information regarding existing disclosure requirements clarified by the Commission in the Fourth Report and Order. As a consequence of the Fourth Report and Order, FCC Form 655 filing and other requirements will apply to those newly-covered handsets offered by device manufacturers and service providers that have already been reporting annually on their compliance with the Commission's hearing aid compatibility provisions, as well to any device manufacturers and service providers that were previously exempt because they did not offer any covered handsets or services prior to 2018. The Commission had not yet sought approval of these requirements and changes to FCC Form 655 until this current revision request.

Most recently, OMB approved minor non-substantive revisions to the information collection contained in FCC Form 655 on April 15, 2014 and December 11, 2017. Upon review of FCC Form 655, the Commission determined that these changes needed to be made to make the form more user-friendly and easier to follow. The 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.

Currently, the Commission is requesting a revision of this collection in order to implement the final rules promulgated in the Fourth Report and Order, which expanded the scope of the rules due to a shift from Commercial Mobile Radio Services (CMRS) to digital mobile service. We estimate that the expanded scope will increase the potential number of respondents subject to this collection and correspondingly increase the responses and burden hours. To reflect the expanded scope, we request corresponding minor language changes to FCC Form 655 and to the form instructions.

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 revised due to the following changes to the instructions to FCC Form 655 and to the form itself that implement the final rules promulgated in the Fourth Report and Order. Changes to the Form itself are as follows:

- (1) Updated the edition date for the electronic form to reflect the current date.
- (2) Clarified the text associated with the section of the online FCC Form 655 entitled “Company Information,” where offering brand names are described by deleting “digital commercial mobile radio”; in the section entitled “Handset Model Information,” replace “to service providers” with “in the United States”; and in the Consumer Outreach section under “Product Labeling and Disclosure” changed “VoLTE” to “Voice over LTE” and added “or Wi-Fi Calling” after “Voice over LTE”.

The Commission has also made minor changes to the FCC Form 655 instructions to implement the final rules promulgated in the Fourth Report and Order. These changes are outlined below:

- (1) Updated the edition form date to reflect the current date.
- (2) Clarified the potential scope of the collection by changing “commercial mobile radio service” to “mobile service” in Section I (Purpose); clarified who must file the form in Section II; clarified a definition in Section B1 under “AIR INTERFACES / FREQUENCY BANDS” by adding “and whether or not that software is pre-installed by the manufacturer or service provider, or at their direction”; and further clarified the scope by adding “or Wi-Fi Calling” to question 4 of Section C “Consumer Outreach PRODUCT LABELING AND DISCLOSURE”.
- (3) Other general formatting and grammatical edits to implement the above changes.

Accordingly, the Commission is requesting a revision of the information collection due to the language changes to the instructions to Form 655 and to the form itself in order to implement the final rules promulgated in the Fourth Report and Order. These changes 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 trying 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 March 2, 2018 (83 FR 8989) 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. Currently, the estimates of the number of these entities are: approximately **900** operating wireless carriers and approximately **25** digital wireless handset manufacturers. We estimate that there will be a minor increase in the potential number of carriers and manufacturers due to the language changes to the instructions to Form 655 and to the form itself. We estimate that there will be a potential increase in respondents of 1% to both carriers and manufacturers. Thus, the total number of estimated respondents is **925 + (925 x .01) = 925 + 9 = 934** respondents for this collection.

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 **934** 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 increases this burden estimate due to the increased number of respondents. 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 909 service providers: 2,273 hours.

Sub-Total Annual Burden = 2,336 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 needs 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:

934 entities affected X 1.0 hour per update X 6 updates per year = 5,604 hours.

Total annual burden hours for this collection:

Total Annual Burden: 4,200 standards + 2,336 reporting + 5,604 web posting = 12,140 hours.

Total Number of Respondents: 934.

Total Number of Annual Responses: 934.¹

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 12,140 hours x \$150 per hour = **\$1,821,000.**

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 \$52.66 per hour to review the annual reports, which should take about 3 hours, resulting in a potential cost to the Federal Government of about \$157.98 per year per report. Therefore, the cost to the Federal government would be 934 respondents x 3 hours x \$52.66 = \$147,553. Web postings and consumer labeling will not be actively monitored in the absence of consumer complaints.

15. This is a revision of a currently approved collection which includes the following changes:

- a. Program changes of +9 respondents, from 925 to 934.
- b. Program changes of +9 responses, from 925 to 934.
- c. Program changes of +77 annual burden hours for this collection, from 12,063 to 12,140.
- d. There are no adjustments to this collection.

¹ 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.

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.