

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Notice of Information Collection Being) OMB Control No. 3060-0999
Reviewed by the Federal Communications)
Commission)

**COMMENTS OF CTIA
ON PROPOSED INFORMATION COLLECTION REQUIREMENTS**

Scott K. Bergmann
Senior Vice President, Regulatory Affairs

Christiaan Segura
Assistant Vice President, Regulatory Affairs

CTIA
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
202.736.3200
www.ctia.org

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CTIA submits these comments in response to the Federal Communications Commission’s (“Commission’s” or “FCC’s”) Notice pursuant to the Paperwork Reduction Act (“PRA”) regarding additions to the wireless hearing aid compatibility (“HAC”) rules adopted in the *100% HAC Order*.¹ As explained below, the Commission and the Office of Management and Budget (“OMB”) can better adhere to the requirements and goals of the PRA in the wireless HAC context with some streamlining and enhancement that will reduce burdens, redundancy, and efficiency while also continuing to provide information to the FCC and consumers alike.²

I. INTRODUCTION AND SUMMARY.

Through innovation and collaboration, the Commission’s wireless HAC regime has delivered the undeniable benefit of innovative wireless handsets to people who use hearing aid

¹ *Achieving 100% Wireless Handset Model Hearing Aid Compatibility*, Report and Order, WT Docket No. 23-388, FCC 24-112 (rel. Oct. 18, 2024) (“*100% HAC Order*”). The *100% HAC Order* updated the name of Section 20.19 to “Hearing Loss Compatible Wireless Handsets.” These comments continue to use “HAC” for consistency with previous Commission actions.

² Among other things, the PRA notice seeks comment on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the FCC’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden on small business concerns with fewer than 25 employees. Information Collection Being Reviewed by the Federal Communications Commission, 89 Fed. Reg. 95209 (Dec. 2, 2024) (“*PRA Notice*”).

devices. The Commission adopted a 100% HAC requirement based on a consensus path developed over years of study and collaboration by advocates and experts for consumers who use hearing aids and the wireless industry.³

Along with consensus-based substantive HAC rules, the Commission adopted numerous information collections such as detailed certifications and disclosures, reversing the trends towards more streamlined certifications and labeling. Specifically, many of the new proposed information collections adopted in Sections 20.19(b)(3)(iii) (Bluetooth certification), (f) (labeling), and (i)(4)-(5) (certification) can be streamlined and enhanced so that they are more practically useful to both consumers and the Commission without being redundant and burdensome for the wireless industry.

The new information collection requirements result in manufacturers and service providers compiling, filing, posting, and certifying to the same information multiple times. Such redundancy does not increase compliance, nor does it assist the Commission or consumers.

II. THE EXPANDED ANNUAL CERTIFICATION REQUIREMENT IS UNNECESSARY.

The current annual HAC certification, which includes a general, umbrella certification of compliance with the HAC rules, was the result of a reform under then FCC Chairman Ajit Pai. The HAC annual certification rule, as amended in the *100% HAC Order*, adds granular certifications and requires specific data that is already covered by the umbrella certification, unnecessary, or otherwise easily available to the Commission elsewhere.

The Commission previously required all service providers to certify (using FCC Form 855) to “[in full compliance/not in full compliance)] [choose one] at all times during the

³ See Hearing Aid Compatibility Task Force Final Report and Recommendation, WT Docket No. 15-285, at 17 (filed Dec. 16, 2022).

applicable time period with the Commission’s wireless hearing aid compatibility deployment benchmarks *and all other relevant wireless hearing aid compatibility requirements.*”⁴ When it was adopted, the umbrella certification was paired with HAC updated webpage disclosures that require service providers to provide detailed information about their handset portfolio.⁵

However, the newly revised annual certification requirements for handset manufacturers and service providers backslide from the umbrella certification adopted in the first Trump Administration and are not necessary for the proper performance of the functions of the Commission.⁶ As noted, FCC Form 855 requires that an entity certify compliance with the HAC rules—*all the rules*. The new annual certifications would add to the FCC Form 855 the following separate and redundant information collections, affirmations, and certifications:⁷

- An affirmative statement that the filer did not offer for sale or use in the United States non-hearing aid-compatible handset models for the reporting period;
- The total number of hearing aid-compatible handset models the filer offered for sale or use in the United States for the reporting period;
- The number of these handset models that met applicable telecoil requirements;
- The number of these handset models that met the applicable Bluetooth coupling requirement and a statement as to whether the Bluetooth coupling technology was a proprietary or non-proprietary implementation, the name of the Bluetooth coupling technology, and a statement as to whether the Bluetooth technology met the requirements of the HAC rules;
- An affirmative statement that all new handset models added during the reporting period met volume control certification requirements;

⁴ *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Report and Order, 33 FCC Rcd 11549, 11560 (2018) (“*2018 HAC Report and Order*”); 47 C.F.R. § 20.19(i)(2)(vi) (emphasis added).

⁵ *2018 HAC Report and Order*, 33 FCC Rcd at 11554-59 ¶¶ 16-25. The *100% HAC Order* further expanded the HAC webpage disclosure requirements and applied the expanded requirements to both manufacturers and service providers. *100% HAC Order* ¶¶ 115-17.

⁶ *100% HAC Order* at app. B (amended 47 C.F.R. §§ 20.19(i)(4)-(5)).

⁷ *Id.* ¶ 129.

- An affirmative statement that the filer was in full compliance with the labeling and disclosure requirements; and
- A statement as to whether the filer used digital labeling technology to deliver to consumers the information, as an alternative to including a printed insert or printed handset manual.

The above seven, separate information collections are unnecessary for the proper performance of the Commission, are burdensome, and will not enhance quality, utility, and clarity of the information collected.⁸ The Commission already requires handset manufacturers and service providers to indicate on their websites which handset models they offer.⁹ As part of the new requirements coming out of the *100% HAC Order*, both manufacturers and service providers will also have to indicate whether the models meet telecoil certification requirements and which meet Bluetooth coupling requirements.¹⁰ In addition, these companies must list a handset model's conversational gain if the handset model was certified as hearing aid-compatible using a standard that includes volume control requirements.¹¹

The information required to be publicly provided on HAC webpages covers all of the information required by the certifications listed above. Indeed, the Commission has declared on multiple occasions that staff intends to rely on manufacturers and providers *websites* and *not* the annual certifications to assess compliance.¹² Thus, the expanded annual certifications are not only redundant since this information will already be provided on public websites, but the Commission has expressed that it has no real use for the new information that regulated entities

⁸ See *PRA Notice*, 89 Fed. Reg. 95209 (inviting comment on the information collections).

⁹ 47 C.F.R. § 20.19(h)(1).

¹⁰ *100% HAC Order* ¶ 116.

¹¹ *Id.*

¹² See, e.g., *100% HAC Order* ¶ 116 n.326; *id.* ¶ 127; *The Wireless Telecommunications Bureau Reminds Wireless Service Providers of the Upcoming Deadline to File FCC Form 855 Certifications*, Public Notice, 24-1155, at 1 (WTB rel. Nov. 19, 2024).

must report. The Commission has also indicated that any company that does not have a website must provide the information that would otherwise be included on the website with their FCC Form 855 so that the Commission staff can review a company's compliance with the rules.¹³ This further underscores that the new certification for companies with HAC webpages is irrelevant since the FCC will be looking at the website to determine compliance.

In fact, the new certifications are doubly redundant. In addition to being available on manufacturers' and providers' respective public websites, much of the information required by the new HAC certifications is also already available—to FCC staff and the public—as part of the Commission's equipment authorization process. Specifically, the FCC's Equipment Authorization System includes information on a particular handset's capabilities and labeling. Such information must be included in a handset's equipment authorization application and is then publicly posted on the Commission's website.¹⁴

Finally, the Commission's *PRA Notice* incorrectly forecasts a burden hour decrease (12,998 hours total compared to the currently approved 13,049) from this and other changes in the *100% HAC Order*.¹⁵ Transitioning manufacturers from the FCC Form 655 to the *expanded* FCC Form 855, now covering both service providers and manufacturers, will not decrease burdens for the wireless industry and it, along with the other information collections adopted in the *100% HAC Order*, will increase the burden of the information collection, as explained below.

¹³ *100% HAC Order* ¶ 131.

¹⁴ See, e.g., FCC Office of Engineering and Technology, Laboratory Division, Equipment Authorization Confidentiality Request Procedures, KDB 726920 D01 v01r02 (Apr. 8, 2016).

¹⁵ *PRA Notice*, 89 Fed. Reg. at 95209; Information Collection Review – Hearing Aid Compatibility Status Report and Section 20.19, Hearing-Aid Compatible Mobile Handsets (Hearing Aid Compatibility Act) (OMB Control No. 3060-0999), Office of Information and Regulatory Affairs, Office of Management and Budget (Aug. 14, 2024), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202408-3060-007.

III. DIGITAL LABELING WILL INCREASE DISCLOSURE UTILITY AND DECREASE COMPLIANCE BURDENS, BUT ASPECTS OF THE REVISED 20.19(F)(1) AND (2) CREATE BURDENS WITHOUT CONSUMER BENEFITS.

CTIA commends the Commission for adopting a new digital labeling option for certain disclosures that were required to be included inside a handset's packaging.¹⁶ This is an important reform that allows consumers to access HAC information easily and through a medium—such as a smartphone—that itself includes accessibility features such as increased font size and screen reader technology. It also eliminates the burden of separately including printed material inside the box that can be better kept up to date and accessed through digital means.

While OMB should streamline and approve the option to display required disclosures via digital labeling with the flexible process described above, other new labeling and disclosure requirements can be enhanced to increase practical utility. The updated labeling rules require that the external packaging include information clearly, legibly, and in plain language regarding whether the handset is hearing-aid compatible; whether the handset meets telecoil, Bluetooth, or both coupling requirements; if Bluetooth, what coupling standard the handset includes; and the handset's actual conversational gain with and without hearing aids if certified pursuant to a standard with a volume control component.¹⁷ Currently, common retail store practices mean that consumers do not review a device's box when shopping for a phone because tethered units are on display while phones for purchase (in their packaging) are often kept in a storeroom until a consumer decides to make their purchase. When shopping in a store, a sales representative is

¹⁶ *100% HAC Order* ¶¶ 101-08. The updated HAC labeling rules include detailed technical information including reference to specific codecs, conversational gains values, and ANSI standards.” 47 C.F.R. § 20.19(f)(2).

¹⁷ 47 C.F.R. § 20.19(f)(1)(i)-(iii).

available to answer questions or help a consumer consult a HAC webpage.¹⁸ Consumers purchasing a phone online can easily access all the information that the new labeling and packaging rules require by consulting a manufacturer’s or service provider’s HAC webpage or the Global Accessibility Reporting Initiative (“GARI”) database.¹⁹ In light of current shopping practices and the availability of online resources, it is neither practical nor reasonable to assume that consumers are generally going to be reading the “information provided on a handset model’s external printed package label and [] compar[ing] this information with the information on a competing handset model’s external printed package label.”²⁰

With respect to substance, it is not realistic to assume that consumers will be able to interpret the meaning of the information on the label.²¹ For example, conversational gain values are highly technical data and the inclusion of this information on the box directly contradicts the Commission’s new obligation to “present[] [information] in a straight-forward fashion using plain language that is easy for consumers to understand.”²² In fact, one of the key benefits identified by the Commission in moving to the 2019 ANSI Standard is the replacement of the confusing alphanumeric rating that most consumers did not understand with a simple “hearing-aid compatible” designation.²³ Requiring packaging to state that a phone is “hearing-aid

¹⁸ A consumer may not see the box until purchase even if she has asked to test the HAC capabilities of a phone because demonstration units rather than stock units may be available for testing.

¹⁹ See 47 CFR § 20.19(h); *What Do You Want to Find?*, GARI, <http://gari.info> (last visited Jan. 31, 2025).

²⁰ *100% HAC Order* ¶ 98.

²¹ *Id.* at app. B (amended 47 C.F.R. § 20.19(f)(1), (2)(iii)).

²² *Id.* ¶ 101. Many consumers likely do not know how to interpret conversational gain values, which are presented in dB and represent a comparison to the volume of an in-person conversation held at a distance of one meter.

²³ *Amendment of the Commission’s Rules Governing Standards for Hearing Aid-Compatible Handsets*, Report and Order, 36 FCC Rcd 4566, 4581-82 ¶ 36 (2021).

compatible” or “HAC” and then requiring it also provide conversational gain values as well as other capabilities moves away from simplifying the consumer experience.²⁴

The new labeling and disclosure requirements are also not necessary as information about conversational gain and other similar technical information are required to be on the handset manufacturers’ and service providers’ HAC webpages.²⁵ As noted above, most consumers will be using those websites, either by themselves or with the help of a retail associate, to research or better understand their handsets and will not be relying on either on-box or in-box information.

Aside from providing the digital labeling option, the new labeling and disclosure requirements do not further the proper performance functions of the Commission, are redundant of information required elsewhere, and should not be approved by OMB. A better and less confusing course would be to simply label a phone as HAC on the box and rely on the manufacturer and service provider HAC webpages to provide detailed technical information for the limited number of consumers that may require or are interested in such information.

Finally, CTIA recommends that the Commission further streamline the digital labeling rules by requiring either a Quick-Response (“QR”) code or a website address where the handset’s required HAC information can be found. A printed website address on or in the packaging will have very limited practical utility for the consumer. Providing the flexibility of printing either a QR code or a website address avoids the redundancy of having both. Furthermore, consumers may be confused by having both a QR code and a website address that direct the consumer to the same website. As the Commission rightly points out, a consumer who

²⁴ Although the new rules add to the present labeling requirement that conversational gain to be displayed on labels, 47 C.F.R. § 20.19(f)(1), the *PRA Notice* appears to seek comment on all information collections under 3060-0999. Neither the FCC nor OMB should not interpret prior silence to previous 3060-0999 PRA notices as any indication that it is not burdensome, unnecessary, or ripe for improvement.

²⁵ *100% HAC Order* app. B (amended 47 C.F.R. § 20.19(h)(1)).

is not comfortable with a QR code or is unable to enter a website address into a device can access technical information with the assistance of a store employee at the point-of-sale or through the point-of-contact information.

IV. THE NEW POINT OF CONTACT REQUIREMENTS ARE OVERLY PRESCRIPTIVE.

The new rules require handset manufacturers and service providers to provide point-of-contact information that consumers can use to contact knowledgeable company employees with questions about the HAC features of handset models or to resolve handset pairing issues. Providing point of contact information to consumers is valuable to consumers, but the Commission's approach is unnecessarily duplicative and burdensome, particularly for small businesses.

The goal of the Commission's rule is to ensure that individuals with hearing loss have a text-based option to reach customer service. The new rules, however, require both email *and* text, and further encourage the implementation of on-website chatting.²⁶ The prescriptive, newly-mandated communication channels require the development of specific new methods, systems, trainings, and protocols for company customer service teams to interact with customers; these may be methods that companies do not or have never used for reasons including that they are not authenticated, secure, or may be more subject to SPAM. Further, CTIA's members are best suited to determine what communication methods work for their respective businesses and customers and utilize the flexibility under the current rules to provide a variety of ways to contact customer service and get assistance with accessibility issues that reflect the preferred communication methods of their customers.

²⁶ *100% HAC Order* ¶ 146.

When the Commission mandated more specificity than advocates sought on the record, it did not consider these or any other burdens.²⁷ The burdens, especially for small businesses, of implementing and monitoring both an email and text number are not insignificant, the requirement to offer both email and a text number is redundant, and the usefulness is far outweighed by the burdens in implementation. The Commission should streamline the information collection requirements by requiring only that manufacturers and service providers offer consumers a text-based option (such as an email address, text number, *or* chat function) to reach customer service. This would be more in line with the requirements and goals of the PRA.

V. ADDING A BLUETOOTH CERTIFICATION TO THE EQUIPMENT AUTHORIZATION PROCESS HAS NO PRACTICAL UTILITY.

The new *100% HAC Order* needlessly imposes a new sworn declaration requirement solely on the Bluetooth aspects of handsets, even though the typical equipment authorization procedures coupled with website requirements are more than adequate to ensure the Commission has sufficient information regarding the Bluetooth capabilities of handsets.

Currently, the Commission requires manufacturers who are seeking to certify a device as hearing-aid compatible to include a statement indicating compliance with the test requirements in Section 20.19 per Section 2.1033(d). The Commission also requires that all equipment certification applications include a certification of truthfulness that applies to the whole equipment application and all statements and exhibits that make up the application, including statements related to HAC.²⁸

²⁷ *Id.* ¶ 147 n.381 (“We also note that Accessibility Advocates suggest that we continue to require an email address, but allow service providers and manufacturers to choose a ‘text-based option (such as a text number or chat function on their website).’”).

²⁸ 47 C.F.R. 2.911(d)(1) (“The applicant shall provide a written and signed certification . . . that all statements it makes in its request for equipment authorization are true and correct to the best of its knowledge and belief.”); *see also* FCC Form 731, Applications for Equipment Authorization.

In a break from other requirements of the typical equipment certification outlined in Section 2.1033, the *100% HAC Order* requires a separate, sworn declaration as to specific Bluetooth information about wireless handsets in new Section 20.19(b)(iii).²⁹ A separate and additional declaration is redundant and serves no practical utility. The FCC can minimize the burden of this collection by relying on the standard certifications made in the equipment authorization process certifying that the equipment has been tested according to the Commission's rules.

VI. CONCLUSION.

CTIA urges the Commission to seize the opportunity to enhance the quality, utility, and clarity of the information collected pursuant to the wireless HAC rules while minimizing the burden of the collection of information to better meet its obligations under the PRA.

Respectfully submitted,

/s/ Christiaan Segura

Christiaan Segura
Assistant Vice President, Regulatory Affairs

Scott K. Bergmann
Senior Vice President, Regulatory Affairs

CTIA
1400 Sixteenth Street, NW
Suite 600
Washington, DC 20036
202.736.3200
www.ctia.org

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²⁹ *100% HAC Order* app. B (amended 47 C.F.R. § 20.19(b)(iii)).