

July 18, 2025

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Achieving 100% Wireless Handset Model Hearing Aid Compatibility*, WT Docket No. 23-388; *Amendment of the Commission's Rules Governing Standards for Hearing Aid-Compatible Handsets*, WT Docket No. 20-3

Dear Ms. Dortch:

The undersigned organizations, representing handset manufacturers and wireless service providers and the communications sector more broadly, strongly support CTIA's request for the Federal Communications Commission ("Commission") to extend the present waiver of 47 C.F.R. § 20.19(b) to permit covered entities to continue introducing newer and better wireless handsets into the marketplace that meet the requirements for wireless hearing loss compatible ("HAC") handsets.¹ We urge the Commission to extend the present waiver deadline until the Commission updates its rules to reflect the updated volume control standard.² In addition, we request that the Commission grant the waiver sufficiently in advance of the September 29, 2025 expiration date so that the appropriate HAC testing can be completed for handsets coming onto the market in the latter half of 2025.³

Extending the waiver will ensure access to new HAC-compliant handsets. There is good cause to extend the present waiver.⁴ When the Commission first faced this issue in 2023,

¹ CTIA Petition for Extension of Waiver, WT Docket Nos. 23-388, 20-3 (filed July 2, 2025) ("CTIA Petition"); *see also Wireless Telecommunications Bureau Seeks Comment on CTIA's Request to Extend Use of the Temporary Volume Control Standard Used to Certify Handsets as Hearing Aid Compatible*, Public Notice, WT Docket Nos. 23-388, 20-3, DA 25-585 (WTB July 8, 2025); *Amendment of the Commission's Rules Governing Standards for Hearing Aid-Compatible Handsets*, Order, 38 FCC Rcd 8636 (WTB 2023) ("HAC Waiver Order").

² *See* CTIA Petition at 3. If the Commission chooses an alternative deadline for extending the waiver, then we ask that the Commission extend the waiver by one year after the standards group publishes its final standard and, under all circumstances, not less than two years from expiration of the current waiver. *Id.* at n.9.

³ *See id.* at 3-4.

⁴ *See* 47 C.F.R. § 1.3 (permitting the Commission to waive a rule "for good cause shown, in whole or in part, at any time"). The Commission may find that the "good cause shown" standard is met when: (1) "special circumstances warrant a deviation from the general rule" and (2) "such deviation will serve the public interest." *HAC Waiver Order*, 38 FCC Rcd at 8642 ¶ 18 (citing

no wireless handsets had met the 2019 ANSI Standard, as incorporated into the Commission’s rules and guidance, because irrespective of a handset’s actual compatibility with hearing devices or other volume control features, an issue with the testing standard meant that no handset could demonstrate its compliance with the volume control requirements.⁵ Since the adoption of the *HAC Waiver Order* in 2023, handset manufacturers and service providers have introduced several new HAC-compliant wireless handsets into the United States market consistent with the modified 2019 ANSI Standard set forth in the *HAC Waiver Order*. These handsets comply with the 2019 ANSI Standard for RF immunity and inductive coupling, which lowers the risks for interference and improves telecoil coupling, respectively, as compared to the 2011 ANSI Standard.⁶ In addition, the new HAC-designated handsets include objectively measured volume control, using the interim volume control standard approved by the Commission in the *HAC Waiver Order*. In short, the *HAC Waiver Order* is functioning as intended to ensure that next-generation handsets continue to be appropriately certified as HAC while an issue with the testing standard for measuring volume control is resolved.

A robust pipeline of available HAC-compliant handsets is critical to achieving the 100 percent HAC-compliant benchmarks, recently adopted by the Commission, which will be phased in over the next few years.⁷ Extending the waiver will facilitate the introduction of new, HAC-compliant handsets.⁸ And, granting the waiver sufficiently in advance of the September 29, 2025, expiration date of the current waiver will create certainty with respect to the regulatory standard for handsets coming onto the market in the latter half of 2025. The public interest is well served by this outcome.

Ne. Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969)).

⁵ See, e.g., *HAC Waiver Order*, 38 FCC Rcd at 8644 ¶ 22 (observing that no handsets had been certified as hearing aid-compatible under the 2019 ANSI Standard); Petition of ATIS on Behalf of the Covered Entities of the Hearing Aid Compatibility Task Force for Limited, Interim Waiver, WT Docket Nos. 15-285, 20-3, at 2-3 (filed Dec. 16, 2022).

⁶ See generally *HAC Waiver Order*, 38 FCC Rcd at 8644 ¶ 23 (noting that “by waiving certain aspects of the volume control testing methodology, we allow consumers who use hearing aids or cochlear implants to receive the benefits of the 2019 ANSI Standard’s heightened RF interference requirements, and we allow consumers who use telecoils to receive the benefits of the 2019 ANSI Standard’s improved inductive coupling requirements”) (footnote omitted).

⁷ See *Achieving 100% Wireless Handset Model Hearing Aid Compatibility*, Report and Order, 39 FCC Rcd 11917 (2024).

⁸ Without a waiver extension, there will be no available path for showing compliance with the 2019 ANSI Standard as required by the Commission’s rules and guidance. CTIA Petition at 5-6 (“Without a waiver extension, industry will be left without a viable path to bring HAC-compliant handsets to market because there will not be a testing standard that can adequately *demonstrate* handsets meet the FCC’s requirement, irrespective of whether a handset *has* volume control capabilities that would benefit individuals with hearing disabilities.”) (footnote omitted).

Extending the waiver until the Commission updates its rules to reflect the updated volume control testing standard will not create an indefinite timeline for resolution because stakeholders are nearing completion of a permanent testing solution. The Volume Control Task Group within the Telecommunications Industry Association, the standards body working to update the ANSI/TIA Volume Control Standard incorporated into the 2019 ANSI Standard, anticipates that it will complete its work in the second quarter of 2026.⁹ Consistent with previous standards for showing HAC compliance, the Commission will then be able to examine and incorporate the new testing standard into the agency's rules.

Industry is eager to resolve the testing procedure and have that change incorporated into the Commission's rules. In the meantime, it would be an inefficient use of stakeholder and Commission resources to rely on iterative waiver extensions. Absent the interim volume control standard approved by the Commission in the *HAC Waiver Order*, no new devices will be able to be certified HAC. Any uncertainty over whether the *HAC Waiver Order* will be extended in the future would create needless regulatory uncertainty for manufacturers trying to plan product launches. We therefore request that the waiver be extended until the updated rules are effective.

With a waiver extension, consumers with hearing loss will continue to be able to rely on the important HAC designation to choose among the newest wireless handsets while industry and the Commission continue moving towards the goal of 100 percent hearing aid compatibility.

The undersigned organizations urge the Commission to extend the present waiver until the Commission incorporates the new volume control testing methodology into its rules.

Respectfully submitted,

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⁹ Volume Control Task Group June Update at 2, *attached to* Comments of the Telecommunications Industry Association, WT Docket Nos. 23-388, 20-3 (dated July 14, 2025).