

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

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Iowa

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(f) The Iowa Department of Natural Resources submitted for program approval rules 567–22.100, 567–22.103 on July 17, 2002, and rules 567–22.105, 567–22.113, on March 11, 2002. These revisions to the Iowa program are approved effective November 17, 2003.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 20

[WT Docket No. 01–309; FCC 03–168]

Hearing Aid-Compatible Telephones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission modifies the exemption for wireless phones under the Hearing Aid Compatibility Act of 1988 (HAC Act) to require that digital wireless phones be capable of being effectively used with hearing aids. It finds that modifying the exemption will extend the benefits of wireless telecommunications to individuals with hearing disabilities—including emergency, business, and social communications—thereby increasing the value of the wireless network for all Americans.

DATES: Effective November 17, 2003.

FOR FURTHER INFORMATION CONTACT: Mindy Littell, Policy Division, Wireless Telecommunications Bureau, at (202) 418–0789 or Gregory Guice, Policy Division, Wireless Telecommunications Bureau, at (202) 418–0095.

SUPPLEMENTARY INFORMATION: This is a summary of the *Report and Order*, adopted on July 10, 2003, and released on August 14, 2003. The full text of the *Report and Order* is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail qualexint@aol.com.

Overview

1. In the *Report and Order*, the Commission modifies the exemption for wireless phones under the Hearing Aid Compatibility Act of 1988 (HAC Act) to require that digital wireless phones be capable of being effectively used with hearing aids. It finds that modifying the exemption will extend the benefits of wireless telecommunications to individuals with hearing disabilities—including emergency, business, and social communications—thereby increasing the value of the wireless network for all Americans.

2. The Commission takes these actions to facilitate the Congressional goal of ensuring access to telecommunications services for individuals with hearing disabilities. In light of the rising number of calls to emergency services placed by wireless phone users, preserving access to wireless telecommunications for individuals with hearing disabilities is critical. In addition to the public safety benefits, these actions will also extend to individuals with hearing disabilities the social, professional, and convenience benefits offered by wireless telecommunications as well. In light of our society's increased reliance on wireless phones and the growing trend among wireless carriers to move away from analog services in favor of more efficient, feature-rich digital services, these steps will ensure that individuals with hearing disabilities continue to enjoy access to wireless telecommunications devices and services.

Final Regulatory Flexibility Analysis

3. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the § 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones Notice of Proposed Rulemaking (NPRM), 66 FR 58703 (November 23, 2001). The Commission sought written public comment on the proposal in the NPRM, including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, Adopted Rules

4. In the *Report and Order*, the Commission modifies the exemption for wireless phones under the Hearing Aid Compatibility Act of 1988 (“HAC Act”) to require digital wireless phones to provide for effective use with hearing aids. We find that modifying the exemption in the manner described in

the *Report and Order* will extend the benefits of wireless telecommunication to persons with hearing disabilities, thereby increasing the value of the wireless network for all Americans. The Commission took the following actions:

- i. Adopts certain performance levels set forth in a technical standard established by the American National Standards Institute (ANSI) as the applicable technical standard for compatibility of digital wireless phones with hearing aids;
- ii. requires certain digital wireless phone models to provide reduced radio frequency (RF) interference (*i.e.*, meet a “U3” rating under the ANSI standard), and requires certain digital wireless phone models to provide telecoil coupling capability (*i.e.* meet a “U3T” rating under the ANSI standard);
- iii. requires, within two years, each digital wireless phone manufacturer to make available to carriers and require each carrier providing digital wireless services to make available to consumers at least two handset models for each air interface it offers which provide reduced RF emissions (“U3” rating);
- iv. requires each Tier I wireless carrier providing digital wireless services to make available to consumers within two years at least two handset models for each air interface it offers to provide reduced RF emissions (“U3” rating) or 25 percent of the total number of phone models it offers, whichever is greater;
- v. requires, within three years, each digital wireless phone manufacturer to make available to carriers and require each carrier providing digital wireless services to make available to consumers at least two handset models for each air interface it offers which provide telecoil coupling (“U3T” rating);
- vi. adopts a *de minimis* exception for certain digital wireless phone manufacturers and carriers;
- vii. encourages digital wireless phone manufacturers and service providers to offer at least one compliant handset that is a lower-priced model and one that has higher-end features;
- viii. requires 50 percent of all digital wireless phone models offered by a manufacturer or carrier to be compliant with the reduced RF emissions requirements by February 18, 2008;
- ix. requires wireless carriers and digital wireless handset manufacturers to report semiannually (every six months) on efforts toward compliance during the first three years, then annually thereafter through the fifth year of implementation;
- x. requires manufacturers to label packages containing compliant handsets and to make information available in the package or product manual, and require service providers to make available to consumers the performance ratings of compliant phones;
- xi. commits the Commission staff to deliver a report to the Commission shortly after three years from the effective date of this Order to examine the impact of these requirements, and which will form the basis for the Commission to initiate a proceeding soon after the report is issued to evaluate whether to increase or decrease the 2008 requirement to make 50 percent of phone models with