

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 17-228

Let me start by thanking the Chairman for preparing this item, which reduces reporting burdens on industry, while ensuring the hearing loss community has the information they need to make informed choices about handset purchases. This decision is, in part, possible because consumer groups, the wireless industry, and handset manufacturers came together to propose a reasonable and acceptable consensus-based solution, to make additional hearing aid compatible handset information available online and allow the Commission to replace a burdensome reporting requirement with a simple certification. I thank participating entities for their efforts.

I always found it farfetched that consumers would get information about hearing aid compatibility by trying to locate and flip through separate reports filed at the FCC. Thankfully, we fix that situation today. This effort, combined with the spreadsheet of manufacturer-compliant devices and the appropriate safe harbor from 2016, will truly empower consumers with actual helpful data. Accordingly, going forward, consumers will have fulsome access to the information they need via provider websites, the spreadsheet with manufacturer information, and the Global Accessibility Reporting Initiative (GARI) website.

I appreciate that my colleagues agreed to broaden the scope of those persons eligible to sign the certification to also include knowledgeable executives, as opposed to only officers. However, I proposed to change the language of the certification to substitute the personal knowledge attestation with a certification that procedures are in place to ensure the provider is complying with the Commission's hearing aid compatibility rules. While the words "personal knowledge" have been removed, an executive still must certify that the provider was or was not in full compliance with the rules. First, I can't imagine why an executive would agree to sign anything where he or she would have to certify that every rule is being followed. An executive does not have the ability, for instance, to determine whether each and every store employee selling handsets is complying with our rules. Second, while the Joint consensus letter is not as clear as some would like, this decision completely ignores language that the certification here should be similar to the annual certification put in place to ensure compliance with the CVAA. So, a word to the wise, do not put flowery language into an agreement that you think will curry favor with some. Cross every "t" and dot every "i," because clear intent is not sufficient. Even if you think you struck a deal, it will not necessarily be upheld or honored. Third, changing the language in the certification would not have watered-down the Commission's – or the wireless provider's – commitment to ensuring the effectiveness of hearing aid compatible devices; wireless providers would still have to comply with all of our hearing aid compatibility rules. Unfortunately, we have a certification that looks to be rather unworkable, that entities may refuse to sign, and may have to be reconsidered down the road. I will, however, approve of today's item, as it does a lot of good otherwise and eliminates a reporting requirement.