

**SEPARATE STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

Re: Section 68.4(a) of the Commission's Rules Governing Hearing Aid Compatible Telephones, WT Docket No. 01-309, RM-8658

Over the past few years, an increasing number of American consumers have come to rely on their wireless phones for safety, business and personal reasons. Accordingly, as wireless phones become even more pervasive, it is imperative that we ensure these phones are available for use by all consumers. Unfortunately, not all digital wireless phones provide access to consumers who use hearing aids because of interference and other technological issues. In today's item, we take an important step in increasing digital wireless access by the hearing disabled community. We are addressing the technological hurdles by requiring equipment manufacturers and wireless service providers to reduce the amount of interference emitted from digital wireless phones and to provide the internal capability for telecoil coupling. This action will result in members of the hearing disabled community having dramatically increased access to digital wireless phones – access that will improve their lives and promote their safety.

The starting point for this proceeding is the Hearing Aid Compatibility Act which states that when technology allows, wireless phones must come into compliance with the Act's mandate. In this situation, we are driven by Congressional intent, not by market forces. In light of changed circumstances and improved technological capabilities, I believe that continuing the blanket exemption for wireless phones from the Hearing Aid Compatibility Act would be inconsistent with the intent of the Act, as well as being detrimental to individuals with hearing disabilities. Further, the record in this proceeding affirmatively demonstrates that it is technologically feasible to manufacture a digital wireless phone at a reasonable and marketable rate. The FCC, as required by the Hearing Aid Compatibility Act, must respond to these changed circumstances by updating its rules. Accordingly, I fully support modifying the blanket exemption contained in the Hearing Aid Compatibility Act for wireless phones to ensure that hearing disabled consumers have access to the digital wireless world.

The successful implementation of our rules will require that wireless phone equipment manufacturers and service providers, consumer advocacy groups and hearing aid manufacturers work together to ensure that the hearing disabled have access to the digital wireless phone that works best for them. For instance, while our rules mandate the availability of digital wireless phones that meet established ANSI standards for interference, this does not necessarily mean that these phones will work with every hearing aid. Accordingly, we encourage industry and consumer advocacy groups to work together and be creative in reaching out to specific segments of consumers, such as the elderly, to make sure that they are aware of the choices available to them through our ruling today. In addition, it is important that the hearing aid and wireless phone industries institute policies to allow the hearing disabled additional flexibility in ensuring that their digital wireless phones and hearing aids work successfully together. At the end of the day our goal, and the goal of Congress in passing the Hearing Aid Compatibility Act is that "[t]he hearing impaired should have access to every telephone like the non-hearing impaired."¹

¹ H.R. Report No. 100-674, at 7 (1988).