

**STATEMENT OF
COMMISSIONER BRENDAN CARR
APPROVING IN PART AND DISSENTING IN PART**

Re: *Access to Telecommunications Equipment and Services by Persons with Disabilities, CG Docket No. 13-46; Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets, WT Docket No. 07-250; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations, WT Docket No. 10-254*

Two weeks ago, I had the chance to speak at an ITU conference in Argentina about the FCC's efforts to promote accessibility in communications. It was heartening to hear the global consensus in favor of ensuring that every person and every community has access to advanced communications. And it was clear from the discussion that the United States and the FCC have been playing a lead role in this endeavor.

Today's decision is part of that effort. In this Order, we adopt an updated volume control standard for wireline phones, which will more accurately account for the way consumers with hearing loss use these devices. We also eliminate outdated and unnecessary standards that no longer reflect the most accurate testing methods for wireless handsets.

But unfortunately, I cannot support every part of today's decision. In particular, I have concerns with the portion of the Order that adopts a volume control requirement for wireless devices. While I appreciate the importance of volume control standards for the hearing loss community, as well as my colleagues' interest in addressing this issue, the Order does not adequately justify imposing this requirement.

For instance, the Order's cost-benefit analysis does not account for all of the costs associated with this new requirement. This might be because the relevant technical standard is still undergoing development. But in my view, this uncertainty means that we should seek additional comment, rather than proceeding directly to a rule. Indeed, the Order seems to acknowledge this point, at least implicitly, because it provides for a three-year implementation schedule in an effort to account for the additional standards-setting work that is yet to be done. And the Order states that the Commission will likely need to initiate another rulemaking after that standard is set. Given this built-in delay, and the Order's acknowledgment that key pieces of the requirement are still in flux, I think the better course would have been to move this entire discussion to a Further Notice of Proposed Rulemaking.

And in my view, I would have preferred for the Commission to steer much clearer of the standards-setting process in light of the work private sector stakeholders are engaged in. In light of these concerns, I will be voting to approve in part and dissent in part.