

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

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

This item addresses a very important issue. Approximately one in ten Americans – and one in three over the age of 65 – suffers from some level of hearing loss. Many of these people are able to mitigate their loss through the use of hearing aids and cochlear implants. Consumers that use these devices, however, may suffer annoying and sometimes painful interference when using digital wireless phones. Unlike analog wireless phones, which do not generally cause interference for hearing aid users, the electromagnetic energy emitted by digital phones' antenna, backlight, and other components can cause interference to hearing aids and cochlear implants. But digital phones have become pervasive. Analog phones are not only becoming less and less available, they increasingly do not offer the same services and pricing packages as digital phones.

At the same time, the importance of wireless phones has grown dramatically since Congress passed the Hearing Aid Compatibility Act of 1988 (HAC Act). Consumers have come to rely on the phones for emergencies. Some are now substituting wireless phones for their landline phones. Many employers now rely on wireless phones to stay in contact with employees in the field.

This item recognizes the importance of wireless phones for all Americans and concludes that, to the extent possible, hearing impaired individuals should not be excluded. While exactly how to make this happen is a difficult question, this item takes some important steps in the right direction. Most importantly, this item adopts a standard for hearing aid compatibility and establishes a specific timeframe for manufacturers and carriers to make available hearing aid-compatible digital wireless phones. These actions promote the Congressional goal of ensuring access to telecommunications services for individuals with hearing disabilities and are critical in light of the rising importance of wireless phones. I am thus pleased to support the Order.

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

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

I am very pleased to support today's Report and Order because it takes significant steps toward improving the access to digital mobile wireless phones by those Americans who use hearing aids.

While the Hearing Aid Compatibility Act of 1988 (HAC Act) exempted mobile wireless phones from hearing aid compatibility, Congress specifically entrusted this Commission with periodically assessing the appropriateness of continuing this exemption. Today, we take that obligation to heart and rightly modify the exemption as it currently applies to digital mobile wireless phones.

As I said recently, public interest issues, especially the rights of those with hearing impairments, always should remain in the forefront of our decisions. While a staff member in the U.S. Senate, I worked on the Americans with Disabilities Act and devoted a great amount of attention to the Social Security Disability Insurance program. These concerns remain central to me on the Commission, as well.

I recognize that some may argue that it has taken the Commission too long to reach the decision to modify the exemption and that our Report and Order does not go far enough. Conversely, others may take the view that we are exceeding our mandate in adopting requirements to accommodate a relatively small number of customers. I believe that our decision strikes the right balance between these divergent views. This is consistent with the requirements of the HAC Act to consider a number of competing issues in assessing the exemption such as the public interest, the effect of the exemption on hearing-impaired individuals, the state of technology, and the cost of compliance.

Most importantly, as a Commission, we have made a unanimous decision to greatly improve accessibility to digital wireless telecommunications by those with hearing impairments by requiring mobile wireless carriers and manufacturers to increase the number of wireless phones that can be used effectively with hearing aids. We also expressed our expectation that the manufacturers of hearing aids take specific actions to assist their customers in finding compatible hearing aids and digital wireless handsets. We have stepped in where the market did not step up. I can think of no more an appropriate action for a government agency to take than the one we do today.

I would like to thank the staff of the Wireless Telecommunication Bureau and its Policy Division for their hard work on an often challenging item. Our decision is thoughtful but firm in its resolve. I look forward to tracking the progress of our decision and its positive impact on the hearing impaired community over the upcoming years.