

**STATEMENT OF  
COMMISSIONER KATHLEEN Q. ABERNATHY**

*Re: Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Order on Reconsideration and Further Notice of Proposed Rulemaking, WT Docket No. 01-309*

This Order reaffirms and clarifies our implementation of Congress's important goal of ensuring access to telecommunications services for individuals with hearing disabilities. Our action reiterates the Commission's commitment to making sure members of the hearing-impaired community are able to take full advantage of the potential for digital wireless technologies to improve lives and promote safety. I also am encouraged by the collaborative efforts by wireless phone manufacturers, service providers, and the hearing aid community to carry out this public interest goal and to make it a reality.

I would sound a note of caution about today's further notice, however. In it, the Commission seeks comment on extending the in-store consumer testing requirement to retail stores that are not owned or operated directly by wireless carriers. While I continue to support testing requirements in connection with the carriers' own retail sales and urge independent retailers to do the same, I believe we should be circumspect about any attempt to extend well beyond our traditional jurisdiction to compel action by independent retailers without a clear directive from Congress to do so. I have been a strong proponent of improving access for consumers with hearing disabilities and I continue to support strict enforcement of our existing rules, but we should not propose rules that we may well lack authority to adopt and, in any case, probably cannot enforce. The Commission should proceed very cautiously in this inquiry.