

May 29, 2002

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: Ex Parte Letter
Year 2000 Biennial Regulatory Review
Amendment of Part 22
WT Dkt. No. 01-108

Dear Mr. Chairman:

The Rehabilitation Engineering Research Center on Telecommunications Access (RERC-TA) submits this *ex parte* letter with respect to the Commission's Biennial Regulatory Review proceeding, in which the Commission is considering the merits of modifying or eliminating rules governing the provision of analog service by wireless carriers. The RERC-TA is a joint project of Gallaudet University and the Trace Center of the University of Wisconsin, Madison. Our primary mission is to find ways to make standard telecommunications systems directly usable by people with all types and degrees of disability, and to work with industry and government to put access strategies into place.

The RERC-TA is concerned that elimination of the analog rule at this time may have a detrimental effect on the ability of persons with hearing disabilities to use wireless services. While efforts are well underway to meet the Commission's deadlines with respect to making TTYs accessible to digital wireless services, at present, digital services still remain inaccessible to most hearing aid and cochlear implant users. Although we support our nation's gradual migration to digital services, we also believe that the Commission has a responsibility to continue to require the availability of analog services until such time that people with hearing disabilities are fully able to access digital wireless technologies and handsets.

As you are aware, the Commission has an open proceeding that is examining whether to cover digital wireless handsets under the FCC's hearing aid compatibility (HAC) rules. Our comments in that proceeding express our strong interest in extending the HAC rules to digital phones. Individuals with hearing disabilities should not be relegated to analog service on a permanent basis, as this technology becomes outdated and inferior. These consumers wish to have the same range of options available to them as are enjoyed by all digital wireless subscribers, including access to voice mail, caller ID, text messaging, personal organizers, and Internet access. All of these features serve to increase mobility and independence.

However, even were the HAC exemption for wireless handsets to be lifted overnight, the reality is that additional research, testing, and product development needs to be completed before digital wireless phones can be made fully compatible with hearing aids and cochlear implants. The RERC-TA believes that the Commission's proposals in its Biennial Regulatory Review proceeding and the proposals in its wireless HAC proceeding cannot be viewed in isolation. We applaud the Commission's statement, in its Biennial Review proceeding, that it does not wish to take any action that would undermine the availability of wireless service for persons with disabilities. As our nation moves to increased reliance on wireless services, we ask that the Commission require the continued carriage of analog transmissions until such time that digital services are fully compatible with hearing aids and cochlear implants.

Thank you for your consideration of this matter.

Sincerely,

/s/

Judith E. Harkins, Ph.D.
Gregg C. Vanderheiden
Co-Principal Investigators
RERC on Telecommunications Access
c/o Gallaudet University
800 Florida Avenue, NE
Washington, DC 20002
(202) 651-5677

Claude L. Stout
Executive Director
Telecommunications for the Deaf, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910-3803
TTY (301) 589-3006
Voice (301) 589-3786

Nancy J. Bloch
Executive Director
National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910-4500
Voice (301) 589-5788
TTY (301) 589-5789

cc: The Honorable Kathleen Q. Abernathy
The Honorable Michael J. Copps
The Honorable Kevin J. Martin
Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau
Janet Sievert, Senior Legal Counsel, Disabilities Rights Office