Before the
Federal Communications Commission
Washington, D. C. 20554

FCC 83-565
34093

In the Matter of	)	
	)	CC Docket No. 83-427
Access to Telecommunications	)	
Equipment by the Hearing Impaired	)	
and Other Disabled Persons	)	

REPORT AND ORDER

Adopted : December 1, 1983 ; Released: December 23, 1983

By the Commission: Chairman Fowler issuing a separate statement.

I. INTRODUCTION

1. The Telecommunications for the Disabled Act of 1982, Public Law 97-410 (to be codified as 47 USC §610) (Act) was signed into law on January 3, 1983. It is designed to resolve problems that persons with physical disabilities may have in obtaining access to the telephone network. The Act requires that the Commission, no later than January 3, 1984, (1) establish regulations to ensure reasonable access to telephone service for the hearing impaired; (2) establish regulations requiring that certain categories of telephones designated "essential" be internally compatible with hearing aids specially designed for telephone use; (3) adopt technical standards which will effectuate the above regulations; (4) establish requirements for labelling telephone packaging to inform consumers whether a telephone is compatible with hearing aids; (5) adopt rules to allow carriers to provide "specialized terminal equipment" (i.e., CPE) to persons with hearing, sight, speech and mobility impairments, and permit state commissions to allow carriers to recover in tariffs for communications services "reasonable and prudent costs not charged directly to users of such equipment." In addition, the Act delegates to state commissions the authority to enforce the rules we adopt concerning reasonable access to telephone service and compatibility of "essential" telephones. The Act requires the Commission to consider the costs and benefits to all telephone users of any regulations enacted, and to encourage the use of currently available technology without discouraging or impairing the development of new technology. We are, as explained in this Order, amending our rules to implement the requirements of the Act. Final rules adopted herein are attached as Appendix C.

2. Pending issuance of regulations to implement the Act, we granted a waiver to all carriers to offer new "specialized CPE" (i.e. the "specialized terminal equipment" referred to above) on a tariffed or untariffed basis to persons with impaired hearing, vision, speech or mobility. We also permitted the Bell Operating Companies (BOC's) to offer such equipment without forming a separate subsidiary as required by Computer II. That waiver contained a temporary definition of "specialized CPE" which is subject to revision in this rulemaking. This