



PUBLIC NOTICE

Federal Communications Commission
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FCC STAFF TO HOST FORUM AIMED AT HELPING CONSUMERS NAVIGATE LOCATION-BASED SERVICES

WT Docket No. 11-84

Forum Date: June 28, 2011
Comments Due: July 8, 2011

The Federal Communications Commission's (FCC's) Wireless Telecommunications Bureau (the Bureau) in consultation with Federal Trade Commission (FTC) staff will hold a public education forum featuring representatives of telecommunications carriers, technology companies, consumer advocacy groups and academia on June 28, 2011, exploring how consumers can be both smart and secure when realizing the benefits of Location Based Services (LBS).

Topics will include: how LBS works; benefits and risks of LBS; consumer DOs and DON'Ts; industry best practices; and what parents should know about location tracking when their children use mobile devices.

The event will be held from 9:00 a.m. to 3:00 p.m., at FCC Headquarters, 445 12th Street, SW, Washington DC, 20554. This session, as well as comments received in response to this Public Notice, will inform a forthcoming staff report on LBS.

Over the last few years, LBS have become an important part of the mobile market and a boon to the economy. Commercial location-based services include applications that help consumers find the lowest-priced product nearby or the nearest restaurant. Additionally, innovations in the use of location technology have the potential to open up new services for consumers and to aid public safety entities with emergency response. But recent reports have raised concerns about the location-based information that is gathered when consumers use mobile devices. While the use of location data has spurred innovation, the FCC's National Broadband Plan recognizes that consumer apprehension about privacy can also act as a barrier to the adoption and utilization of broadband and mobile devices.¹ Clear information and public education can help consumers better understand these services. Indeed, both the staff at the FTC and the Department of Commerce recently issued separate reports noting the growing importance of addressing concerns about location privacy.²

¹ Federal Communications Commission, *Connecting America: The National Broadband Plan*, FCC Staff Report, at 54 (Mar. 2010), <http://download.broadband.gov/plan/national-broadband-plan.pdf>.

² See FTC, *Protecting Consumer Privacy in an Era of Rapid Change, A Proposed Framework for Businesses and Policymakers*, Preliminary Staff Report, at 47 (Dec. 2010), <http://www.ftc.gov/opa/2010/12/privacyreport.shtm>; Internet Policy Task Force, Department of Commerce, *Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework*, Green Paper, at 63 (Dec. 2010), http://www.ntia.doc.gov/reports/2010/IPTF_Privacy_GreenPaper_12162010.pdf.

To address these and other privacy issues, FCC Chairman Julius Genachowski and FTC Chairman Jon Leibowitz last summer established a Joint Privacy Task Force through which the two agencies are able to discuss and address consumer concerns and encourage smart innovation in this space.³ Over the last several months, the FCC has also had an internal working group examining the privacy implications of the increased use of LBS and related services.

We encourage interested parties to help inform the discussion and a subsequent staff-level report by filing comments. Additional details regarding the session, including the agenda and information about the panelists, will be provided in a future release.

FILING PROCEDURES

Interested parties may file comments using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. All filings concerning this Public Notice should refer to WT Docket No 11-84. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

³ See *Consumer Online Privacy: Hearing Before S. Comm. on Commerce, Science, and Transportation*, 111th Cong. at 2 (July 27, 2010) (statement of Julius Genachowski, Chairman, Federal Communications Commission), available at <http://fcc.us/kmN0J6>.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WT Docket No. 11-84 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. S.W., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For purposes of the Commission's *ex parte* rules, the forum and comments submitted in WT Docket No. 11-84, will be treated as exempt.⁵ *Ex parte* presentations may be freely made and need not be disclosed on the record, although filing in the record is encouraged.⁶ We find that this approach is justified because, as in a notice of inquiry proceeding, the public interest will best be served by encouraging free communication between the Commission and the public and because the nature of this project obviates any risk that interested persons will be prejudiced unless they receive notice of *ex parte* presentations. To the extent that presentations related to this project address the merits of other permit-but-disclose proceedings, appropriate disclosures should be made in each other covered proceeding. In the event that this project develops to the point where a notice of proposed rulemaking is issued, we anticipate that the status of any such proceeding will be changed to permit-but-disclose, as is the norm when a notice of proposed rulemaking is issued.

Audio/video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's web page at www.fcc.gov/live. The FCC's webcast is free to the public. Those who watch the live video stream of the event may email event-related questions to livequestions@fcc.gov. Depending on the volume of questions and time constraints, the panel moderators will work to respond to as many questions as possible during the workshop.

Reasonable accommodations for persons with disabilities are available upon request. Please include a description of the accommodation you will need. Individuals making such requests must include their contact information should FCC staff need to contact them for more information. Requests should be made as early as possible. Please send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau: 202-418-0530 (voice), 202-418-0432 (TTY).

For additional information, please contact Christina Clearwater or Nicole McGinnis of the Spectrum and Competition Policy Division, Wireless Telecommunications Bureau. Christina Clearwater can be reached at 202-418-1893 or by email at Christina.Clearwater@fcc.gov; Nicole McGinnis can be reached at 202-418-2877 or by email at Nicole.McGinnis@fcc.gov.

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⁵ See 47 C.F.R. § 1.1200(a) (giving the Commission and its staff discretion to determine the *ex parte* procedures in a particular proceeding).

⁶ See 47 C.F.R. § 1.1204(b).