

# PUBLIC NOTICE

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**DA 15-324**  
**Released: March 17, 2015**

**FCC SOLICITS ADDITIONAL APPLICATIONS FOR MEMBERSHIP ON ITS  
CONSUMER ADVISORY COMMITTEE; PREVIOUS APPLICANTS WILL BE FULLY  
CONSIDERED AND NEED NOT RE-APPLY**

By this Public Notice, the Federal Communications Commission (hereinafter, “the Commission”) seeks additional applications for membership on its Consumer Advisory Committee hereinafter “the Committee”). Applications must be received by 11:59 P.M., DST, April 1, 2015 in accordance with the procedure outlined in this notice.

## **MISSION AND FUNCTIONS**

The mission of the Committee is to make recommendations to the Commission regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including underserved populations, such as Native Americans, persons living in rural areas, older persons, people with disabilities, and persons for whom English is not their primary language) in proceedings before the Commission. The Committee may consider issues including, but not limited to, the following topics:

- Consumer protection and education;
- Implementation of Commission rules and consumer participation in the FCC rulemaking process; and,
- The impact of new and emerging communication technologies (including availability and affordability of broadband service and Universal Service programs).

The duties of the Committee will include providing guidance to the Commission, to gather data and information, and to perform those analyses that are necessary to respond to the questions or matters before it.

## **BACKGROUND**

By Public Notice [DA 14-1806] dated and released December 10, 2014, the Commission announced the renewal of the Committee for an eighth two year term, and solicited applications for membership thereon. Numerous applications were received through January 20, 2015, at which time the period for receipt of applications closed.

On March 12, 2015, the Commission released a Report and Order on Remand, Declaratory Ruling, and Order in the Matter of Protecting and Promoting the Open Internet (NG Docket No. 1428), adopted on February 26, 2015. The Commission's Open Internet Order directed the CAC to “formulate and submit to the Commission a proposed [Open Internet enhanced transparency rule] disclosure format, based on input from a broad range of stakeholders, within six months of the time that its new membership is reconstituted, but, in any event, no later than October 31, 2015.” This disclosure format must be accessible to persons with disabilities. The Commission stated its expectation that the CAC “will consider whether to propose the same or different formats for fixed and mobile broadband providers.” Additionally, the Commission expects the CAC to consider “whether and how a standard format for mobile broadband providers will allow providers to continue to differentiate their services competitively, as well as how mobile broadband providers can effectively disclose commercial terms to consumers regarding myriad plans in a manner that is not administratively burdensome.” This recommendation may serve as a potential safe harbor for broadband providers seeking to meet the Commission's Open Internet transparency requirements.

In response to this charge and in furtherance of the Committee’s other responsibilities, the Commission believes that a 2<sup>nd</sup> solicitation of applications for membership on the Committee is warranted. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988). Each meeting of the Committee will be open to the public. A notice of each meeting will be published in the Federal Register at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection.

## **WHO MAY APPLY FOR MEMBERSHIP AND OBLIGATIONS OF MEMBERS**

The Commission seeks applications from interested corporations, nonprofits, or other entities, from both the public and private sectors, that wish to be considered for membership on the Committee. Selections will be made on the basis of factors such as expertise and diversity of viewpoints that are necessary to effectively address the questions before the Committee.

The Commission is particularly interested in receiving nominations and expressions of interest from individuals and organizations in the following categories:

- Organizations and other entities representing consumers (including underserved populations, such as Native Americans, persons living in rural areas, older persons, people with disabilities, and persons for whom English is not their primary language);
- State and/or local government agencies and organizations;
- Federal government agencies;
- Communications service providers and organizations representing communications service providers, including wireline and wireless communications service providers, broadcast radio and television licensees, cable television operators and other multichannel video programming distributors, satellite communications service providers, interconnected Voice over Internet Protocol and other IP-enabled service providers, and Internet Service Providers; and,
- Qualified representatives of other stakeholders and interested parties with relevant expertise.

Individuals who do not represent a corporation, nonprofit, or other entity, but who possess specific expertise valuable to the Committee's work, may also apply. (See section below regarding ethics and conflict of interest.) We note that the Commission recently established the Disability Advisory Committee (DAC), whose focus includes a wide range of disability issues within the jurisdiction of the Commission, such as telecommunications relay services; closed captioning; video description; access to emergency information on television and telephone emergency services; device accessibility; IP and other network transitions; the National Deaf-Blind Equipment Distribution Program; and new disability and accessibility issues that arise. Nevertheless, we encourage individuals with disabilities and their advocacy organizations to apply to the Consumer Advisory Committee, as general consumer topics and how they relate to people with disabilities, and associated accessibility issues, will remain a part of the CAC's work.

The number of Committee members will be established to effectively accomplish the Committee's work. During calendar year 2015, it is anticipated that the Committee will meet in Washington, D.C. for three (3) one-day meetings. In addition, as needed, working groups or subcommittees will be established to facilitate the Committee's work between meetings of the full Committee. Meetings will be fully accessible to individuals with disabilities.

Members must be willing to commit to a two-year term of service, should be willing and able to attend three (3) one-day meetings per year in Washington, D.C., and are also expected to participate in deliberations of at least one working group or subcommittee. The time commitment to each working group or subcommittee may be substantial. Working group deliberations are conducted primarily through e-mail and teleconferences. The Commission does not reimburse travel expenses and does not provide payment or honoraria to members.

#### **NOTE TO ALL APPLICANTS REGARDING ETHICS AND CONFLICT OF INTEREST**

Some applicants possessing expertise or perspectives of interest to the Committee, and who will serve on the Committee in an individual capacity (and not as the representative of a corporation, nonprofit, or other entity), are deemed to be Special Government Employees (SGEs). Such individuals are ineligible to serve if they are federally registered lobbyists. In addition, although all individuals serving on the Committee or its working groups, whether representatives or SGEs, can have personal or financial interests in their individual capacities that could create a conflict with the work of the CAC if not properly addressed in consultation with the Commission's Office of General Counsel, SGEs specifically are subject to a variety of restrictions under the conflict of interest statutes, 18 U.S.C. § 203 et seq., and the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. While not subject to those ethics restrictions to the same extent as more typical government employees because there are exceptions and waiver provisions available only to SGEs, SGEs do have to file confidential employee financial disclosure forms prior to beginning their service and annually thereafter. SGEs will also be subject to ethics restrictions in section 4(b) of the Communications Act, 47 U.S.C. § 154(b), and in the Commission's rules, 47 C.F.R. Part 19 and 5 C.F.R. Parts 3901 and 3902.

#### **APPLICATION PROCEDURE, DEADLINE AND MEMBER APPOINTMENTS**

Applications should be submitted in accordance with the procedures outlined below, which include an online application form (the preferred application method).

Applications should be received by the Commission no later than 11:59 P.M. DST, April 1, 2015. Applicants who applied during the initial membership solicitation need not re-apply. Applications should be submitted via an online application form at [http://www.fcc.gov/cgb/cac/CAC\\_Application.html](http://www.fcc.gov/cgb/cac/CAC_Application.html) or mailed to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, Attn.: Scott Marshall, 445 12<sup>th</sup> Street S.W., Room 3-A633, Washington, DC 20554. Because mail delivery may be delayed by security screening, we urge you to submit applications online. Applications will be acknowledged shortly after receipt via e-mail or U.S. mail.

Applications from corporations, nonprofits, or other entities (hereinafter “organizational applicants”) should include the following information:

- The name of the organizational applicant applying for Committee membership (including whether the organizational applicant has previously served on the Committee);
- The name of the organizational applicant’s primary representative, including title, postal mailing address, e-mail address, and telephone number;
- The name of the organizational applicant’s alternate representative, including title, postal mailing address, e-mail address, and telephone number;
- A statement of the interests represented by the organizational applicant (e.g., consumer advocate, disability advocate, government regulator, tribal government, industry, trade association etc.);
- A statement indicating the willingness of the organizational applicant to serve a two-year term; attend at least three plenary Committee meetings per year in Washington DC; serve on at least one working group or subcommittee; and an acknowledgement that the organizational applicant will serve without reimbursement of travel expenses or payment of honoraria; and,
- A narrative statement detailing the organizational applicant's previous involvement concerning issues relevant to the Committee’s work and the applicant’s ability and willingness to contribute substantively to the Committee’s deliberations.

In the case of an individual applicant the application should include the following:

- The individual applicant’s specific knowledge or expertise that is relevant to issues to be addressed by the Committee, including a statement that the individual applicant is not a registered lobbyist; as noted above, financial and other additional disclosures may also apply to individual applicants;
- A statement by the individual applicant indicating a willingness to serve on the Committee for a two-year term; a commitment to attend three (3) plenary one-day meetings per year in Washington, D.C.; a commitment to work on at least one working group or subcommittee; and an acknowledgement that the individual applicant will serve without reimbursement of travel expenses or payment of honoraria; and,
- Whether the individual applicant has served on the Committee previously.

All members will have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities that are, or will be, regulated by or have interests before the Commission.

Please note this Public Notice is not intended to be the exclusive method by which the Commission will solicit nominations of and expressions of interest from qualified candidates. All candidates for membership on the Committee will, however, be subject to the same evaluation criteria.

After the applications have been reviewed, the Commission will publish a notice in the Federal Register announcing the appointment of the Committee members and the first meeting date of the Committee. All applicants will be notified via U.S. mail concerning the disposition of their applications. The first meeting of the Committee will occur shortly after appointments have been made.

For further information contact: Scott Marshall, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 202-418-2809 (voice) or 202-418-0179 (TTY), [scott.marshall@fcc.gov](mailto:scott.marshall@fcc.gov) (e-mail).

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