

Consumer Advisory Committee
Friday, April 25, 2003 meeting

MINUTES

The first meeting of the Consumer Advisory Committee (CAC) was held on Friday, April 25, 2003, from 9:00 a.m. to 4:30 p.m., at the Federal Communications Commission (FCC) in Washington, D.C. Committee members in attendance were:

AARP
Jeffrey Kramer

Affiliated Tribes of Northwest Indians
Economic Development Corp.
Cheryl Johnson

Alliance for Public Technology
Matt Bennett

American Council of the Blind
David Poehlman

AT&T Corporation
Michael DelCasino

Bell South
Cindy Cox

Brugger Consulting
David Brugger

Call For Action
Shirley Rooker

Cellular Telecommunications & Internet Association (CTIA)
Andrea Williams

Cingular Wireless
Susan Palmer Mazrui

Consumer Policy Consulting
Debra Berlyn

Consumers First, Inc.
Jim Conran

Deaf and Hard of Hearing Consumer Action Network
Claude Stout

Mike Duke

Fight Back Foundation for Consumer Education
David Horowitz

Hamilton Telephone Company, dba Hamilton Relay Service
Dixie Ziegler

Hometown Online
Subsidiary of Warwick Valley Telephone Company
Donald Snoop

Rebecca Ladew

League for the Hard of Hearing
Joseph Gordon

LTC Consulting and Teletruth
Thomas Allibone

MCI
Annette Cleckner

Media Access Group, WGBH
Larry Goldberg

National Association of Broadcasters
Karen Kirsch

National Association of Consumer Agency Administrators
Ronald Mallard

National Association of State Relay Administration
Brenda Kelly-Frey

National Association of State Utility Consumer Advocates
Joy Ragsdale

National Translator Association
Byron St.Clair

Mark Pranger

San Carlos Apache Telecommunications Utility, Inc
Vernon R. James

Telecommunications Industry Association
Eugene Seagriff

Verizon Communications
Richard Ellis

Linda West

Committee members who were absent included National Consumers League (Susan Grant), and the National Urban League (Milton Little).

FCC representatives participating included Commissioner Kathleen Q. Abernathy; Marsha MacBride; K. Dane Snowden; Margaret Egler; Stephen Gorey; Paula Silberthau; Donald Stockdale, and Scott Marshall. Barry Ohlson, Jordan Goldstein, and Dan Gonzalez attended on behalf of their respective offices.

Chairperson Shirley Rooker convened the meeting at approximately 9:05 A.M. Following introduction of Committee members, Mr. K. Dane Snowden, Chief of the Consumer & Governmental Affairs Bureau (CGB) welcomed Committee members and thanked Shirley Rooker for her willingness to serve as the CAC Chairperson and for her prior service as Chairperson of the Consumer/Disability telecommunications Advisory Committee.

Mr. Snowden then introduced Marsha MacBride, Chief of Staff to FCC Chairman Powell who greeted committee members on behalf of Chairman Powell. She reminded Committee members of the paramount importance of a consumer focus at the FCC, and expressed that she looked forward to speaking with the group on specific issues as appropriate in the future.

After recognizing key FCC staff from commissioners' offices, Mr. Snowden then introduced Commissioner Kathleen Q. Abernathy who addressed the committee. She urged the CAC to focus on two issues which are of particular importance to her: information to parents regarding children's television viewing, and consumer protection and education for seniors. She briefly outlined the scope of a new parents page which will be part of the FCC's website, and urged the Committee to share its recommendations concerning both of these issues.

Mr. Snowden then concluded his remarks by providing an overview of CGB's structure and functions, and outlined Chairman Powell's strategic goals which guide the Commission in its work. These goals relate to broadband, competition in communications services, spectrum management, media (diversity, ownership), homeland

security, and transition to digital television.

After a question and answer session with Mr. Snowden and a morning break, the Committee moved to a review of its goals and objectives for the coming year and the committee's operating protocols. Copies of CAC's goals and objectives and operating protocols are attached to these minutes as appendix A. This discussion was facilitated by Shirley Rooker and Scott Marshall. Most of CAC's activity will be issue-oriented and will be conducted in working groups which will report to the full CAC committee which in turn is authorized to make recommendations to the Commission. CAC members are encouraged to make suggestions concerning future meeting agendas and are further encouraged to stay for the full duration of Committee meetings. Committee members are also asked to provide information concerning their alternates and it is anticipated that an absent member would be represented at meetings by his/her alternate. Adjourning meetings at 4:00 P.M. to better accommodate travel schedules was discussed and this option will be explored. Finally, it was also suggested that a list of action items for each meeting should be circulated, and that this would be a useful way of tracking the Committee's progress. Scott Marshall indicated that minutes of each meeting and the meeting transcript are posted as soon as possible to the CAC website, and that for the most part, minutes usually consist of action items/decisions made by the Committee.

The CAC then proceeded to hear from Margaret Egler, Deputy Bureau Chief of CGB regarding pending issues before the commission of interest to Consumers. Ms. Egler briefly described the ECFS Express system which affords the consumer a simple means to make a comment on a proceeding before the commission. Although the ECFS Express system is continually being updated, staff will send to CAC members a listing of current proceedings of particular interest to consumers along with the docket numbers for each item. A copy of this list is attached to these minutes as Appendix B. Ms. Egler encouraged CAC members to file comments and indicated that even late comments would be received in order to develop a full record. Some proceedings, such as the one related to changing the slamming verification rules, have been spearheaded by CGB as the lead bureau. Other major proceedings for CGB include the Telephone Consumer Protection Act rule and its coordination with the FTC, and a Telecommunications Relay Service proceeding.

During the Q&A session following Ms. Egler's remarks, certain Committee members expressed the concern about how to insure that comments filed in ECFS are retrievable or viewable in an accessible format.

Following a lunch break, Paula Silberthau an Attorney Advisor with the Office of General counsel spoke to the Committee regarding requirements under the Federal Advisory Committee Act which governs the operations of the CAC. The major point of her presentation was that only the full Committee is authorized to make recommendations to the Commission. Working groups or subcommittees may develop recommendations which must then be presented to the full Committee for its consideration and action. The

hallmark of the FACA rules is openness in government and public accountability. To this end, minutes of meetings of full Committee meetings must be kept, and records of the Committee are subject to disclosure pursuant to the Freedom of Information Act (FOIA). If FACA requirements are breached and a protest is raised, the agency head would not be able to rely upon the recommendations of the Committee, and therefore its work would be a nullity. Finally, if members of the Committee communicate their views formally or informally to FCC staff during Committee meetings regarding open FCC proceedings, an Ex Parte filing with the Secretary's office would be required. Questions relating to the permissible operations of the CAC or conduct of CAC members should be addressed to Scott Marshall or Paula Silberthau.

Following Ms. Silberthau's remarks, Stephen Gorey, Assistant Bureau Chief of the CGB Systems Support Office, presented a live, hands-on tour of the CGB website. He spoke of CGB's commitment to website accessibility and showed Committee members several specialty pages including the CAC's own page, a disability page, a military page, a page for state and local governments, and a tribal initiatives page. The "virtual telephone bill" was also demonstrated as a useful tool to inform consumers regarding charges on their telephone bills. Future enhancements include a system which would allow consumers to check the status of their complaints on line. Finally, Mr. Gorey solicited comments and recommendations concerning the CAC's own page. Several compliments regarding the development of the CGB website were made by Committee members, and Mr. Gorey stands ready to work with CAC toward future improvements and to remedy any deficiencies.

Mr. Donald Stockdale, a Senior Attorney Advisor in the Office of Strategic Planning, then took the podium to brief CAC members on the FCC's organization, procedures, and functions. Detailed slides which summarize Mr. Stockdale's remarks are attached to these minutes as appendix C.

Following the afternoon break, the Committee moved to a discussion of the formation of working groups, the establishment of committee priorities, and topics for future meeting agendas. After much discussion, the following consensus was reached:

1. The point person for each large working group will work with group members to define priority issues and to form smaller, issue-specific working teams. It was agreed that priority should be given to issues encompassed by the Commission's priorities and matters highlighted in ECFS Express. This should be accomplished within the next two weeks.
2. Of course, additional working groups may be established on an ad hoc basis as time goes on. Disability-related concerns and concerns of those living in rural America would be encompassed by each working group. Working groups will designate their own chair persons.
3. All topics need not be addressed at the July meeting. Two or three working group reports would be great and, as appropriate, time will be allocated on the agenda for these

reports. Once the small working teams have been established and their issues defined, Scott Marshall will help working group chairs and team leaders by setting up email discussion lists, conference calls, etc. Most of the work will need to be done via email. Working group chairs should let Scott Marshall and Shirley Rooker know the members of their respective groups, the issues to be addressed, and whether issue(s) will be for the July agenda or a future CAC committee meeting. Non-CAC members may participate in the discussions of working groups.

The following CAC members are members of working groups (a * denotes that the request to join the working group was made subsequent to the 4/25/03 meeting of CAC.):

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CONSUMER COMPLAINTS, OUTREACH EDUCATION, AND PARTICIPATION WORKING GROUP

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During the wrap-up session and during the course of the day, CAC members suggested topics for future meeting agendas. These topics include a presentation on spectrum management, presentations on outreach to particular communities, and a review of CGB publications.

There being no comments offered by members of the public, the committee adjourned at approximately 4:30 P.M. The next CAC meeting date is July 11, 2003.

Appendix A: Operating Protocols and Goals and Objectives

CONSUMER ADVISORY COMMITTEE Operating Protocols

I. Mission

The mission of the Consumer Advisory Committee (hereinafter the “Committee”) is to make recommendations to the Federal Communications Commission (hereinafter the “Commission”) regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations, such as Native Americans and persons living in rural areas) in proceedings before the Commission. Issues to be addressed by the Committee include,

but are not limited to, those relating to consumer protection (such as cramming, slamming, and customer service); disability issues (such as telecommunication relay services and closed captioning); and affordability and availability issues (such as universal service and availability of broadband). The Committee is organized under, and will operate in accordance with, the provisions of the Federal Advisory Committee Act, 5 U.S.C., App. 2 (1988) (FACA). Unless inconsistent with its Charter, the FACA, or provisions of these protocols, the Committee's business shall be conducted in accordance with Robert's Rules of Order Newly Revised, 10th edition, Perseus Books, © 2000.

The Advisory Committee process is intended to facilitate discussion among its members. Participants enter the proceedings in good faith in an effort to reach a speedy and amicable set of recommendations on a variety of issues. Members agree to participate fully and openly in the discussions with a sincere desire to explore alternatives and solutions to a variety of concerns. All members agree to exchange information to the fullest extent practicable.

II. Participation

A. **Interests Represented.** The Committee will be composed of a cross section of organizations or individuals representing a variety of interests and points of view. Committee members will be recognized experts in their fields, including, but not limited to, consumer advocacy organizations, organizations representing persons with disabilities, representatives of underserved populations (e.g., people living in rural areas and tribal nations), equipment manufacturers, telecommunications service providers (including wireless), and broadcast/cable providers.

B. **The Advisory Committee.** The Committee shall consist of thirty-five (35) members. The Committee will be composed of those organizations or individuals appointed by the Chairman of the Commission in consultation with the Chairperson of the Committee and appropriate Commission staff. Unless reappointed by the Chairman of the Commission, CAC members serve for a period not to exceed two (2) years, said term coinciding with the two year term of the Committee's charter for which the Members were appointed. Committee members will fully brief their alternates on the progress of the discussions, and will share with their alternates all Committee materials. Committee members will grant to their alternates full authority when they serve on the Committee. Alternates are encouraged to attend Committee meetings. One Committee member or designated alternate may represent no more than two Committee members during the same meeting. The Chairperson of the Committee shall be appointed by the Chairman of the Commission. The Chairperson of the Committee may appoint a Vice-Chairperson, and Chairpersons of any subcommittees or working groups.

C. **Attendance at Meetings.** Each Committee member will make a good faith effort to attend each full Advisory Committee session. Members are expected to attend meetings in their entirety, either in person or via teleconference. If the member or his/her alternate become unable to attend future meetings, substitution of another representative of the

member's organization is at the discretion of the Chairperson of the Committee. If a Committee member or an alternate fails to attend two consecutive meetings, the Chairperson of the Committee may recommend to the Chairman of the Commission the removal of such member from the Committee. Committee members may be accompanied by their designated alternates.

D. Additional Committee Members. The Chairman of the Commission in consultation with the Chairperson of the Committee and appropriate Commission staff may appoint additional members to the Committee. Appointments shall become effective upon formal notification of such appointment.

E. Constituents' Interests. Committee members are encouraged, to the extent possible, to communicate with other organizations having similar interests or concerns, but who are not members of the Committee.

F. Right to Withdraw. Any member may withdraw from the Committee at any time without prejudice. The Chairman of the Commission in consultation with the Chairperson of the Committee and appropriate Commission staff shall determine whether the vacancy should be filled. When vacancies occur, the Chairman of the Commission is encouraged to replace the departing member with an organization or individual representing the same general community of interest (i.e., consumer, disability, underserved population or industry). The departing member organization is encouraged to nominate a replacement, as are other Committee members and members of the public.

G. Subcommittees and Working Groups. Subcommittees or Working Groups may be formed to address specific issues, whose recommendations shall be reported to the full Committee. Subcommittees or Working Groups are open to anyone at the discretion of the full Committee Chairperson, although balance among interests should be maintained. Subcommittees or Working Groups may meet at the same time the full Committee meets, or in between full Committee meetings. Subcommittees and Working Groups are not authorized to make recommendations for the Committee as a whole. In Subcommittees or Working Groups, anyone in attendance may participate. Subcommittee or Working Group meetings shall be conducted in a manner that is accessible to all those in attendance.

III. Meetings

A. FACA. The Advisory Committee meetings will be conducted under the Federal Advisory Committee Act (FACA).

B. Open Meetings. Meetings of the full Advisory Committee will be announced in the Federal Register prior to the meeting and, consistent with FACA requirements, will be open to the public. Full Committee meetings will also be streamed on the Internet with captions. During each day of the Advisory Committee meetings, there shall be time provided for public comment.

C. Quorum. A quorum of a majority of the Committee's membership shall be required to conduct substantive business of the Committee. By an affirmative vote of a majority of its members, the Committee may by resolution require a greater quorum requirement as a precondition to the Committee's taking final action on a specified matter. A copy of such resolution, including the recorded vote thereon, shall be included as an attachment to the minutes of the meeting at which such resolution is adopted. In the absence of a quorum, those present will proceed with Committee work, but may not make substantive Committee recommendations.

D. Minutes. Minutes of the full Advisory Committee meetings shall be certified by the Committee Chairperson, distributed to Committee members as expeditiously as possible, and made available to the public upon request. A progress report of Subcommittee or Working Group meetings shall be prepared and sent by Subcommittee or Working Group chairpersons to Committee members prior to the subsequent meeting. Recommendations of the full Committee will be posted on the Commission's website at <http://www.fcc.gov/cgb/cac>.

E. Media Announcements. No member will make unauthorized announcements to the media or hold discussions with the media characterizing the position of the Committee (until recommendations are final) or ascribing the position of any member even if that member withdraws from the Committee.

F. Agendas. Meeting agendas will be developed by the Chairperson of the Committee in consultation with appropriate Commission staff.

G. Accessibility of Meetings. Full Committee and subcommittee meetings will be held in accessible locations and provide for communications and print access.

Schedule. Full Advisory Committee meetings will be held at least two times per year.

I. Written Materials. Written materials will typically be distributed to the Committee in electronic format (Microsoft Word, WAI accessible HTML, or ASCII). Individuals who distribute written materials during Committee meetings should provide 60 print copies and a sufficient number of copies in a variety of accessible formats. If written materials

to be distributed to the Committee are provided to the Commission ten days in advance of a meeting, the Commission will provide sufficient print and accessible format copies.

IV. Recommendations and Work Product

The intended product of the Advisory Committee is periodic reports containing recommendations setting forth the Committee's views on issues or proceedings before the Commission. The Committee shall also submit to the Commission an Annual Report, summarizing the CAC's actions over the previous year. Recommendations reflect the consensus of the Committee's members. Where consensus cannot be reached, any member may request that a vote be taken. The outcome of such vote will be determined by a simple majority of the members present. Nothing in these protocols shall require any member to agree on any specific issue. Any Committee member may prepare a minority report for the record. Minority reports will be incorporated into the body or appendix of the Committee's report(s) to the Commission.

V. Conflict with Law or Regulations; Protocol Amendments

To the extent any provision of these operating protocols conflicts with federal law or regulation or Commission policy, such provision shall not be effective.

By a majority vote of the Committee's membership the Committee may amend the protocols at any regular meeting of the Committee, provided that notice of intent to amend the protocols is given to all members at least fifteen (15) days prior to such meeting.

Consumer Advisory Committee

Goals & Objectives

The mission of the Consumer Advisory Committee (hereinafter the "Committee") is to make recommendations to the Federal Communications Commission (hereinafter the "Commission") regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations, such as Native Americans and persons living in rural areas) in proceedings before the Commission. Issues to be addressed by the Committee include, but are not limited to, those relating to consumer protection (such as cramming, slamming, and customer service); disability issues (such as telecommunication relay services and closed captioning); and affordability and availability issues (such as universal service and availability of broadband).

The goals and objectives of the Committee during its 1st year of operation are as follows:

Submission of Committee recommendations to the Commission in connection with at least three (3) open FCC proceedings;

Submission of at least one Committee recommendation regarding the Commission's processes or procedures, e.g., the informal consumer complaint process;

At least one recommendation of the Committee regarding the Commission's consumer outreach activities;

At least one recommendation from the Committee regarding new or emerging issues which the Committee believes should be addressed by the Commission;

At least one meeting with the Chairman, other FCC Commissioners or senior staff designed to promote a constructive dialogue between the Committee and the Commission regarding issues being addressed by the Committee;

Submission of an annual report to the Commission describing the Committee's activities.

Appendix B: List of ECFS Express Items with Docket Numbers

Email from: Scott Marshall
To: all CAC Members
Date: 4/29/03 2:51PM
Subject: docket numbers as requested

Hello Committee Members:

At our meeting on Friday, you asked me to provide the relevant docket numbers for the items contained in the ECFS Express system. As you will recall, if you wish to file comments on your own behalf on any of these items, you may do so by clicking on the appropriate topic in ECFS Express and filling out the template which appears. The url for ECFS Express is <http://www.fcc.gov/cgb>.

* Broadband over the traditional telephone network (02-33)

Broadband internet access service over your telephone line

* Broadcast Ownership (02-277)

Limits the number of radio/TV stations & other media one can own

* Digital Television Transition Periodic Review (03-15)

Should rules be adjusted to ensure introduction of DTV and recovery of spectrum serve the public interest

* Digital Television copyright protection (02-230)

Should FCC mandate standards

* E-911 Service (94-102)

Should rules regarding access to emergency services be revised

* High Speed Internet/Broadband by your cable company (02-52)

Receiving broadband/high speed internet from your cable company

* Plug and Play (00-67)

Ability of consumers to plug cable TV into digital TV sets without a set-top box

* Review of the FCC's Slamming Rules, 2nd Further NPRM (03-42)

Commission seeks comment on whether to expand the minimum content requirements for third party verifications

* Rural Wireless Services (02-381)

How effective is the delivery of service to rural areas

* Spectrum Policy Task Force Report (02-135)

How to increase the public benefits from the use of radio spectrum

* Telecommunications Relay Service (TRS) (98-67)

Comment on telephone services for hearing/speech disabilities

* Telephone Consumer Protection Act (02-278)

Whether to revise FCC rules governing telephone solicitations

* Uniform Complaint Process (02-32)

To standardize the informal complaint process at FCC

To obtain the FCC generated documents in each docket:

* Point your browser to <http://www.fcc.gov/cgb/ecfs>

* Click on "Electronic Document Management System (EDOCS).

* Type the docket number in the docket number edit field, and click on the "query" button

* You will then see a list of FCC generated documents associated with the particular docket number. Usually, you can download versions in Word, text, or PDF formats.

Tip: The document(s) you most likely will want to read are a Notice of Inquiry, Notice of Proposed Rulemaking (NPRM) or a Further Notice of Proposed Rulemaking (FNPRM). The public notices or press releases usually contain a summary of these longer documents. Occasionally, you will find orders, reports, or other documents included in the docket as well. You can also read the documents which other people have filed in a particular docket by using the expert version of ECFS.

If you have any problems or have questions, I'm here to help in whatever way I can.

All the best,

Scott

Appendix C: Donald Stockdale Presentation Slides
[See separate PowerPoint file]

I hereby certify that these minutes are true and correct.

Shirley L. Rooker
CAC Chairperson

date: July 11, 2003