

UNITED STATES OF AMERICA

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FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE

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INAUGURAL MEETING

+ + + + +

FRIDAY,
APRIL 25, 2003

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The Committee met at 9:00 a.m. in the Commission Meeting Room, Room TW-C305, 445 12th Street, S.W., Washington, D.C., Shirley L. Rooker, Chair, presiding.

PRESENT:

SHIRLEY L. ROOKER	Chair
THOMAS ALLIBONE	
MATTHEW D. BENNETT	
DEBRA BERLYN	
DAVID BRUGGER	
ANNETTE CLECKNER	
JIM CONRAN	
CINDY COX	
MICHAEL F. DeLCASINO	
MIKE DUKE	
RICHARD T. ELLIS	
LARRY GOLDBERG	
JOSEPH GORDON	
DAVID HOROWITZ	
VERNON R. JAMES	
BRENDA KELLY-FREY	
KAREN KIRSCH	
JEFF KRAMER	
CHERYL JOHNSON	
REBECCA LADEW	
RONALD MALLARD	
SUSAN PALMER MAZRUI	

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PRESENT: (Cont'd)

DAVID POEHLMAN
MARK PRANGER
JOY M. RAGSDALE
EUGENE SEAGRIFF
BYRON W. ST. CLAIR
DONALD SNOOP
CLAUDE STOUT
LINDA WEST
ANDREA WILLIAMS
DIXIE ZIEGLER
SCOTT MARSHALL

Designated Federal Officer

PRESENT FROM FCC:

KATHLEEN ABERNATHY	Commissioner
MARSHA MacBRIDE	Chief of Staff
K. DANE SNOWDEN	Chief, CGB
MARGARET EGLER	Deputy Bureau Chief, CGB
STEPHEN GOREY	Assistant Bureau Chief, CGB
DONALD STOCKDALE	Senior Legal Advisor, OSP
PAULA SILBERTHAU	Attorney Advisor, OGC

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P-R-O-C-E-E-D-I-N-G-S

(9:05 a.m.)

CHAIR ROOKER: We've given you five extra minutes. People will tell you from the last Committee that I'm not usually that generous. If we could take our seats, please. Thank you.

Good morning and welcome to this first session of the Consumer Advisory Committee under our new charter. I'm Shirley Rooker. I'm pleased to be chairing the group. We're going to have a jam-packed program today. We have several goals to accomplish throughout this meeting, and one of the things that I want you to be thinking about as you're hearing our speakers today is what are the working groups that we want to form to bring issues to the Commission. And we're going to talk about goals and objectives today.

You're going to hear from the FCC staff, and I think it's going to be very educational. And hopefully, you're going to be real participants in this.

I do have a few housekeeping things that I need to bring to your attention. Number one, when you're going to speak, would you please raise your hand for two reasons, so that I can recognize you, and also so that the people in the control booth can see where you are and turn your microphone on, because I

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1 know that you've got interesting things to say, and we
2 want to hear it, so if you would do that, please.

3 There's an exhibit booth outside in the
4 hallway that has some samples of the things that the
5 Consumer and Governmental Affairs Bureau does.
6 They're consumer educational materials, so I recommend
7 that you take a look at it when we have a break.

8 Also, I would like to -- I hope all of you
9 have had some breakfast. I'd like to thank MCI and
10 Annette Cleckner, a new member of our Committee, for
11 being so generous to sponsor our breakfast and lunch.

12 We appreciate that very much.

13 There's also about 20 people at the FCC
14 who were involved in making this Committee happen.
15 Betty Thompson, and we want to thank Betty. Is she
16 here? Where is she? Wherever she is. Betty, where
17 are you? Thank you, Betty. And, of course, there's
18 the person that really makes it happen too, and that's
19 Scott Marshall, to my right here. Scott is absolutely
20 wonderful. He does all the work hopefully to make me
21 look good. Sometimes even he can't work that hard,
22 but he tries really hard, so when I screw up, it's my
23 fault, not his.

24 I think we'd like to -- what we'd like to
25 do is to get acquainted. And we're going to have a

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1 little bit longer for lunch today so that you'll have
2 a chance to meet other people, because over half of
3 our Committee is new. And I will tell you, there were
4 over 100 people who applied to be on the Committee,
5 and so we're so delighted that you're here with us
6 this morning. And I think the first order of business
7 should be for us to go around the room and introduce
8 ourselves, tell us just a little bit about what
9 organization or company you represent, and what your
10 particular interest is in being on the Consumer
11 Advisory Committee, so let's start with Mike
12 DelCasino.

13 MR. DelCASINO: Thank you, Shirley. I'm
14 Mike DelCasino. I'm representing AT&T's Federal
15 Governmental Affairs organization right here in
16 Washington. Primary interests are, of course, the
17 consumer issues. We have some interest in working on
18 the issues associated with persons with disabilities,
19 as well.

20 I would like to also introduce my
21 alternate who is here with us today, Lynn Crofton.
22 Lynn, would you please raise your hand. Thank you.

23 CHAIR ROOKER: Cindy.

24 MS. COX: Good morning. I'm Cindy Cox.
25 I'm with BellSouth in our Regulatory Department in

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1 Atlanta, Georgia. I've been with BellSouth for about
2 19 years. I've been in -- the State Regulatory
3 Offices I've been in are Washington office here, and
4 now I'm back in Atlanta.

5 My particular interests are the new
6 technologies and emerging technologies, and how we
7 address various consumer issues that apply there. I
8 would also like to introduce -- my alternate is David
9 Hartington. David is sitting right there, and he's
10 also up from Atlanta. We thank you, and I look
11 forward to working with you all.

12 MR. CONRAN: Good morning. My name is Jim
13 Conran. I'm from the San Francisco area in California
14 and delighted to be here. I expect I'll learn a lot
15 and hope I can contribute something to the process. I
16 worked in the telecommunications industry for over 15
17 years, both for AT&T and Pacific Bell, and then ran
18 the California Department of Consumer Affairs for the
19 Governor, and since 1994 have been -- started
20 Consumers First.

21 I also am the Chairman of the Board of
22 Directors of the California Small Business
23 Association, so when I speak, I will speak on behalf
24 of both residential, as well as small business
25 consumers.

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1 CHAIR ROOKER: Mike.

2 MR. DUKE: My name is Mike Duke.

3 CHAIR ROOKER: Could we give him a
4 microphone there? We want to hear you, Mike.

5 MR. DUKE: Okay.

6 CHAIR ROOKER: There we go.

7 MR. DUKE: My name is Mike Duke. I'm from
8 Jackson, Mississippi. I represent blind and visually
9 impaired consumers, amateur radio operators, and
10 management of audio information services for the blind
11 and impaired.

12 I have worked my entire life in
13 broadcasting, and have had a radio license since I was
14 14, a long time ago. And my primary interest is
15 making sure that people with disabilities, especially
16 vision loss, are able to operate new technology as it
17 comes out, rather than after the fact.

18 CHAIR ROOKER: Thank you, Mike. David.

19 MR. HOROWITZ: My name is David Horowitz,
20 and I have been most of my life a communicator working
21 for the networks as a reporter, correspondent in Viet
22 Nam, and accidentally got into the consumer area after
23 my Viet Nam experience, and worked with some friends
24 that Shirley knows, put together something called
25 "Call for Action" in New York at WMCA, and then went

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1 back to NBC and got involved full time in consumerism
2 because they couldn't find anyone else who wanted the
3 job. So I took the job, and I took the complaints,
4 and did a television show for a long time. We still
5 do radio and television. I have a website that is
6 called "Fightback.com", which carries no commercials,
7 no ads of any kind. And our mission is basically to
8 watchdog the world, particularly the communications
9 area, because it's an area that I sort of accidentally
10 also fell into and learned a lot about while it was in
11 the making as far as the new law is concerned. And my
12 deepest concern about this whole area is that nothing
13 is moving, that consumers are still basically being
14 not listened to in terms of customer service at
15 utilities, lack of information as far as the public is
16 concerned about what's going on, lack of basic control
17 and oversight by many of the states who are just
18 letting some of the public utilities, particularly the
19 Telco people literally walk away with the store, and
20 not go after them.

21 CHAIR ROOKER And, David, we're going to
22 expect you to give us some of those suggestions.

23 MR. HOROWITZ: Oh, I'm going to end this.

24 CHAIR ROOKER: Okay.

25 MR. HOROWITZ: It's just that I'm sort of

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1 very into this area, and from a standpoint of fairness
2 and objectivity, not from the standpoint of being a
3 consumer person who's just looking to shoot an arrow
4 and try to get it right on the bull's-eye.

5 CHAIR ROOKER: Thank you.

6 MR. HOROWITZ: And I want to thank
7 everyone for letting me come here.

8 CHAIR ROOKER: Thank you. Andrea.

9 MS. WILLIAMS: Good morning. I'm Andrea
10 Williams, and I'm Assistant General Counsel with the
11 Cellular Telecommunications and Internet Association.
12 I know that's a mouthful, so we just say CTIA. I
13 have been at CTIA now it will be 9 years next month.
14 Boy, time flies when you're having fun.

15 My particular interest is accessibility
16 issues for wireless consumers, and also service
17 quality and wireless consumer complaints. That's my
18 latest topic that I've been taking up, and I've been
19 doing regulatory work now for about oh, since '92,
20 '94.

21 CHAIR ROOKER: Thank you, Andrea.

22 MR. BRUGGER: Hello, I'm David Brugger. I
23 spent most of my time in public broadcasting working
24 at local stations and Corporation for Public
25 Broadcasting, and then ran their national association

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1 when we handled all of the policy regulatory lobbying
2 functions for public television. And now I'm doing
3 consulting, a lot of it international at this point.

4 But my interest in being the -- one of the things
5 that I've always worked hard at is public
6 representation, and getting the voice of the public
7 into policy and regulatory issues. And I want to do
8 everything I can to make sure that happens. Thank
9 you.

10 CHAIR ROOKER: Thank you. Joy.

11 MS. RAGSDALE: Good morning. I'm Joy
12 Ragsdale. I'm representing the National Association of
13 State Utility Consumer Advocates, more commonly
14 referred to as NASUCA. I am with the local
15 Washington, D.C. office working with Elizabeth Noel,
16 who is the people's counsel for Washington, D.C. And
17 NASUCA primarily is interested in all
18 telecommunication issues on the state and local level,
19 representing our rural and major metropolitan consumer
20 constituents.

21 Primarily, we focus on rates to make sure
22 that they are just and reasonable, and to make sure
23 that state rights and laws are not pre-empted by
24 federal laws, and make sure that we continue to marry
25 federal laws with our state consumer issues.

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1 CHAIR ROOKER: Thank you. Joe.

2 MR. GORDON: Good morning. I'm Joe
3 Gordon. I'm here representing the League for
4 Hard-of-hearing. My interest is in accessibility for
5 hard-of-hearing consumers, to list a few, closed
6 captioning, open captioning, wireless phones. And
7 also accessibility on the web, and also it's important
8 to have an easy way for consumers to complain, and for
9 my organization and your organization to get a report
10 on compliance with the regulations. Thank you.

11 CHAIR ROOKER: Claude.

12 MR. STOUT: Hello, everybody. My name is
13 Claude Stout, and I'm an Executive Director with the
14 Communication Services for the Deaf. I represent
15 Communication Advocacy Network, CAN, and we work on
16 consumer advocacy. We've done that for 13 different
17 organizations, for individuals who are deaf or
18 hard-of-hearing, or late-deafened, and deaf-blind. We
19 appreciate the opportunity to serve on this Committee,
20 and now we're in our second term being here, and so
21 really want to focus on disability accessibility, and
22 captions, relay services, access to broadband
23 services, access on the Internet and those issues.
24 And I want you to know that we are not only concerned
25 with those issues, but we're also concerned about

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1 access for general consumer areas, telemarketing
2 problems and other issues that come up, and so we're
3 looking forward to -- I'm really looking forward to
4 working with all of you. Thank you.

5 CHAIR ROOKER: Thank you, Claude. Brenda.

6 MS. KELLY-FREY: Good morning. I'm Brenda
7 Kelly-Frey, and I'm with the Maryland Relay Service.
8 And I'm here representing the National Association of
9 State Relay Administration, which is the National
10 Organization of Administrators for the Relay
11 throughout the nation. And also, I am a Chairperson
12 of the TEDPA Organization, which is Telecommunication
13 Equipment Distribution Program Associations, and this
14 is the representatives who distribute equipment,
15 specialized telephone equipment to individuals who are
16 disabled throughout the nation, so I'm here kind of
17 wearing two hats, although my primary is towards
18 relay.

19 I've been an advocate for disability
20 rights for my whole life. My parents are both deaf,
21 and so I've been fighting for the rights of the deaf
22 and hard-of-hearing forever, and I'm not going to
23 mention how many exact years until you get to know me
24 a little bit better. And I'm just happy to be here.

25 CHAIR ROOKER: Thank you.

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1 MS. KELLY-FREY: Thank you.

2 CHAIR ROOKER: Next. I'm sorry. I
3 haven't met the gentleman to your right. Good
4 morning. Please introduce yourself.

5 MR. PRANGER: I'm Mark Pranger. I'm an
6 instructor at Rogers State University --

7 CHAIR ROOKER: We can't hear you. Just a
8 second. Start that all over again if you would,
9 please.

10 MR. PRANGER: Okay. My name is Mark
11 Pranger, and I'm an instructor at Rogers State
12 University. I'm representing the academics of the
13 world, if you want to say that. I'm also working on
14 my Ph.D. at Oklahoma State University.

15 CHAIR ROOKER: Thank you and welcome.
16 Debbie.

17 MS. LADEW: I'm Rebecca Ladew. I sit on
18 the Governor's Advisory Board for Telecommunications
19 Relay. I'm the speech- disabled representative. I am
20 here to represent speech-to-speech relay users, and I
21 have been asked to take over this position from Bob
22 Segalman, who's the founder of Speech-to-Speech, who
23 was also on this Committee for the past two years.

24 CHAIR ROOKER: Thank you, Rebecca.
25 Cheryl.

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1 MS. JOHNSON: My name is Cheryl Johnson.
2 I'm a member of the Lummi Tribe, which is located in
3 northwest Washington. I work for the Affiliated
4 Tribes of Northwest Indians Economic Development
5 Corporation. That's a mouthful. We're usually
6 ATNIEDC. We've had a tribal telephone outreach
7 program for the last year and a half, focusing on
8 getting people involved in the Lifeline Link-up
9 program for tribal lands. We've also worked on making
10 the consumer rules in the State of Washington a little
11 more user-friendly.

12 We've been very involved with several
13 other non-profits in the state. We formed the TCEC,
14 which is the Telephone Consumer Education Consortium,
15 and we worked together to lobby for changes to the
16 Washington Administrative Code. We have also
17 testified on behalf of our constituents, and we've
18 made a lot of strides in making some changes to make
19 things better for consumers, and we're honored to be
20 here. And even though it says ATNIEDC, I'm actually
21 representing all of those consumer groups of the State
22 of Washington. Thank you.

23 CHAIR ROOKER: Thank you. Pass the
24 microphone. Hi, Vernon.

25 MR. JAMES: Good morning. It's good to be

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1 here. My name is Vernon James, and I'm with the San
2 Carlos Apache Telecommunications Utility Incorporated,
3 another mouthful. We can it SCATUI, for short. I'm
4 the General Manager, and I'm pleased to be back here.

5 My mission is to educate the world as to what a small
6 telephone company is in rural America, rural Arizona,
7 and on a reservation. Thank you.

8 CHAIR ROOKER: Thank you. Hi, I'm Eugene
9 Seagriff. I'm Group Manager of the Accessibility
10 Program at Panasonic. For the past 20 years, I've
11 been involved in product development either as an
12 engineer, in sales and marketing, or in my current
13 responsibilities.

14 My personal interest is in accessibility,
15 obviously. However, here on the Committee, I'm
16 representing the Telecommunications Industry
17 Association, TIA, which is an association of telecom
18 manufacturers and carriers, both wired and wireless,
19 so I look forward to working with you all.

20 CHAIR ROOKER: Thank you. Rich.

21 MR. ELLIS: Good morning. I'm Rich Ellis
22 from Verizon, and my consumer's use go back to my
23 college days. My first job out of college was working
24 for Betty Furness, who was the consumer reporter at
25 NBC News in New York, and when Betty learned I was

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1 going to work for the telephone company, she accused
2 me of going to the dark side, but made me promise to
3 shake things up if I was going to stay there, so I
4 hope I've been doing that for the past 20 years.

5 I currently am doing tariff work, but also
6 am involved in consumer's use and disability issues
7 for Verizon, and a former member of Shirley's Board,
8 Call for Action, and am now a member of the board of
9 the American Association of People with Disabilities.

10 MR. ST. CLAIR: Good morning. I'm Byron
11 St. Clair. I'm President of the National Translator
12 Association. And first I must tell you that this has
13 nothing to do with languages. Translators are small
14 licensed television and FM stations that automatically
15 repeat free over-the-air television and radio signals
16 into areas that do not get direct reception. There
17 are some 6,000 translators, three-quarters of them in
18 the Western United States, and probably a comparable
19 number of FM translators.

20 We think inadvertently through neglect and
21 because we are in out-of-the way areas, the policies
22 of the FCC and other government agencies have
23 inhibited the full growth of this consumer-friendly
24 free over-the-air relay service, and I am here in
25 hopes that some people will listen to our problems.

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1 CHAIR ROOKER: Thank you. Ron.

2 MR. MALLARD: Good morning. I'm Ron
3 Mallard. I'm here representing, contrary to this
4 sign, the -- Brenda was wondering who was here on
5 behalf of the Relay Administration. I'm here
6 representing the National Association of Consumer
7 Agency Administrators. I've long been involved in
8 that organization in leadership positions. I am also
9 the past president of the National Association of
10 Telecommunication Officers and Advisors who I'm kind
11 of indirectly representing here in some subsidiary
12 fashion because they were interested in having a seat
13 at the table here.

14 With all of that local government
15 experience, and that is what I do, it's the local
16 government administration of consumer protection
17 functions and cable television regulation for the most
18 part, and telecommunications construction in local
19 government areas. I'm here pretty much representing
20 the consumer interest point of view, as well as
21 getting enforcement of telecommunication issues and
22 problems down to the proper level of local
23 governments, and the local franchising authorities.
24 And another obviously specific interest for all of us,
25 as it is high on our list, is increasing the

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1 competitiveness of the markets in telecommunications.

2 MS. KIRSCH: Good morning, everyone. My
3 name is Karen Kirsch, and I am Vice President of
4 Regulatory Affairs for the National Association of
5 Broadcasters. And contrary to my sign, I'm not with
6 the Media Access Group, even though Larry has told me
7 that I'm welcome to join.

8 Once again, I work for the National
9 Association of Broadcasters. We represent free
10 over-the-air radio and television broadcasters across
11 the country. I was a member of last term's Committee,
12 and so it's good to be back to continue our work. And
13 it's also good to see so many of the people that were
14 on the last Committee, so thank you very much.

15 CHAIR ROOKER: Thank you. Larry.

16 MR. GOLDBERG: Hi, I'm Larry Goldberg.
17 I'm Director of the Media Access Group at WGBH, Public
18 Broadcaster in Boston where closed-captioning was
19 developed, and video description. Interestingly,
20 David Brugger provided some of our first grants to
21 enable video description, so anyone who uses video
22 description should thank David.

23 We also have our National Center for
24 Accessible Media, which examines the issues of
25 accessibility of new and emerging media of all forms.

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1 CHAIR ROOKER: Thank you. Linda.

2 MS. WEST: Good morning. I'm Linda West.
3 I'm from Ronan, Montana, a member of the Confederated
4 Salish and Kootenai Tribes. I've been a member of
5 the Ronan Telephone Company's Consumer Advisory
6 Committee for the last 5 years, and I welcome this
7 opportunity from our part of the United States of
8 America to share our concerns and the problems that we
9 have with the Committee.

10 CHAIR ROOKER: Thank you.

11 MR. SNOOP: Good morning. Don Snoop. I'm
12 with Hometown Online, which is a subsidiary of Warwick
13 Valley Telephone Company, and we have just launched
14 about a year ago digital TV over telephone lines with
15 VDSL technology. And one of the gentlemen here
16 mentioned emerging technologies, which that is one of
17 them. And I want to make sure that there gets to be a
18 better understanding of the impact that it's going to
19 have, and how it can actually contribute in a
20 competitive world, actually competing against not only
21 the cable operator, but also Direct TV.

22 And by the way, I did come from the cable
23 TV industry. I spent 33 years in the cable industry,
24 so I have very well- rounded experience on that end,
25 and also now am learning on the telephone side.

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1 CHAIR ROOKER: Thank you.

2 MR. ALLIBONE: I'm Tom Allibone, President
3 of LTC Consulting, and also the Executive Director of
4 Auditing for Teletruth. LTC is involved with auditing
5 phone bills, so of particular interest for my
6 involvement with the Committee, especially seeing the
7 revision statement, I saw all these consumer issues,
8 truth-in-billing, bundling of charges, phone bill
9 related types of issues, that is my hot button, so I'm
10 looking forward to bringing my expertise to the table
11 and working with everybody on this Committee.

12 CHAIR ROOKER: Thank you. Annette.

13 MS. CLECKNER: Good morning. My name is
14 Annette Cleckner. I'm with MCI. I'm Senior Manager
15 of Consumer Affairs and Quality. We're particularly
16 interested in issues that affect competitive local
17 exchange carriers and long distance carriers, as we
18 are both of those. And interested in issues involving
19 telemarketing, slamming, cramming, and the various
20 issues that consumers face, and so I hope to be able
21 to contribute to the discussion now that I'm sitting
22 at the table. I was glad to join the Committee at the
23 table. I've been participating just in the audience
24 in the past, so I appreciate that. Thank you.

25 CHAIR ROOKER: Jeff.

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1 MR. KRAMER: Thank you. I'm Jeff Kramer
2 with AARP. I serve as AARP's liaison essentially to
3 the FCC. I, too, am a returning member, and very glad
4 to be back here. As you can imagine from AARP's
5 diverse membership, we're involved in quite a few
6 issues at the FCC. We care about wireless, wire line,
7 broadband, broadcast, just about everything that runs
8 the gamut of the issues at the FCC.

9 Our major concerns, as you can imagine,
10 center around accessibility, reliability,
11 affordability, those type of issues, and I look
12 forward to working with everyone. Thank you.

13 CHAIR ROOKER: Thank you, Jeff. Debra.

14 MS. BERLYN: Good morning. I'm Debra
15 Berlyn, and I'm President of Consumer Policy
16 Consulting. I've been working on telecommunications
17 and consumer's issues for about 14 years, starting as
18 Director of NASUCA, and then co-founding and directing
19 the Competition Policy Institution. And about a year
20 ago I went off on my own, and have been consistently
21 interested in bringing the benefits of competition to
22 consumers, and ensuring that the risks and
23 disadvantages of the competitive market are minimized
24 for consumers.

25 I'm looking forward to serving on this

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1 Committee. I'm also interested in new technologies
2 and advanced services reaching consumers so that they
3 can realize the benefits of those services, as well.
4 Thank you.

5 MS. MAZRUI: I'm Susan Palmer Mazrui, and
6 I work for Cingular Wireless as Director of Federal
7 Regulatory Affairs. Our interests are in consumer,
8 and also disability issues, and I'm excited to be on
9 this Committee.

10 MS. ZIEGLER: Good morning. My name is
11 Dixie Ziegler. I work for a company called Hamilton
12 Telecommunications. We are a small local telephone
13 company in Central Nebraska, but I'm actually here
14 representing Telecommunications Relay Providers, one
15 of the divisions of our company is relay services for
16 deaf, heard-of-hearing and speech-impaired, and look
17 forward to working on TRS issues. And I am very much
18 a new person to this Committee and look forward to
19 meeting all of you and getting to know all of you
20 better.

21 MR. BENNETT: Good morning. My name is
22 Matt Bennett. I'm with the Alliance for Public
23 Technology. APT is a broad-based consumer group
24 concerned with the universal deployment to and access
25 to broadband services, particularly to traditionally

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1 under-served communities, rural, people with
2 disabilities, low income, and so our interests lie
3 there. I'm looking forward to working on how this
4 Committee can work on the new and emerging
5 technologies.

6 CHAIR ROOKER: And David.

7 MR. POEHLMAN: I'm with you there, Matt.
8 This is David Poehlman with the American Council of
9 the Blind, a new member of AARP, a Cingular Wireless
10 and Verizon subscriber.

11 CHAIR ROOKER: Can you plug anyone else?

12 MR. POEHLMAN: And I hope to learn a lot
13 from the new faces here. I would like to say not only
14 good morning, but hello to those of you out there who
15 might be listening for whom it is not morning, and
16 sometime in the future for whom it won't be morning
17 when you dig out the archive and listen to it.

18 I am fond aficionado of the Internet and I
19 hope to further the Committee's prestigious work in
20 the past into the -- into and throughout the current
21 Committee. We've had a lot of very talented people
22 and we continue to have, and have talented people here
23 that really make things work well for us, and that I
24 learn from. So thank you all for having me again,
25 even though I am a troublemaker, and thank you all for

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1 being here who are here for the first time, and
2 welcome back.

3 CHAIR ROOKER: David, that's why we have
4 you sitting up here where I can just crack you in the
5 head. Right?

6 (Laughter.)

7 CHAIR ROOKER: Welcome, David. Thank you
8 so much. I'm Shirley Rooker. As I said, I'm the
9 Chair of the Consumer Advisory Committee. IN the real
10 world, I'm the President of Call for Action, which is
11 a 40 year old consumer group. Locally, I run the Call
12 for Action at WROP Radio and do consumer reports
13 there, and also do consumer reports on the AP radio
14 network. I chaired the Committee the last two years,
15 and I'm honored to be back. And among some of the
16 reasons that I find it a pleasure is our next speaker,
17 and he is really one of the great pleasures of serving
18 as the chair of this Committee.

19 He's active in all kinds of charitable
20 organizations. He has special interest in those that
21 address the needs of children and young people. He's
22 a volunteer with the Everybody Wins youth mentoring
23 and reading program, as if he didn't have enough to
24 do. He's Dane Snowden. He's the Chief of the
25 Consumer and Governmental Affairs Bureau. Thank you,

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1 Dane. Welcome.

2 MR. SNOWDEN: Thank you very much,
3 Shirley. That was unexpected and very, very nice.
4 Well, welcome everyone. I am proud to be here. I'm
5 happy to be here. I'm the Chief of the Consumer and
6 Governmental Affairs Bureau, and a lot of folks behind
7 the scenes are making me look good, so I want to thank
8 my staff for doing an excellent job of all the hard
9 work in putting this Committee together.

10 I have to say that we've been going
11 looking at your names for many, many months, so it's
12 great to actually finally see some faces. And as I
13 look around the room I see some new faces, and welcome
14 aboard. And some of you who were here last year,
15 welcome back. It's a pleasure to have you all here.

16 As Shirley mentioned earlier in her
17 opening remarks, we had 100 applicants apply to be on
18 the Consumer Advisory Committee, which is outstanding.

19 And, of course, it was very tough coming down to the
20 wire and figuring out who the 35 applicants were going
21 to be to actually receive the Chairman's nod to be on
22 this Committee. And one of the things as you all went
23 around the room and discussed what your interests are,
24 and why you applied, et cetera, you probably noted
25 what we were looking for, and it was very clear - our

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1 goal is very clear - we wanted to have a diverse group
2 of people around this table to help this Commission
3 make some tough decisions. And I think we have
4 accomplished that. Of course, these meetings are open
5 to the public, so we also have public participation as
6 we go forward. But this group here is very diverse,
7 and we're very fortunate to have all of you on board
8 with us.

9 We're looking forward to, of course, a
10 healthy, deliberate and productive conversations from
11 all of you throughout your two year term here. And
12 again, if there's anything that I can do for you,
13 please call on me.

14 Now before I ask some leadership from the
15 Commission to come forward, I want to just pause for a
16 second and say a special thanks to you, Shirley. As
17 you mentioned earlier, you did chair the former CDTAC
18 and now you're chairing the CAC, and this is not an
19 easy job because this is what's you're doing, and you
20 have a day job, and we recognize that. And you do
21 your day job very well. I've been on your show a
22 couple of times, and I do enjoy it, but I know this
23 takes a lot of time out of your schedule, and the
24 Commission really thanks you for all of your hard
25 work.

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1 Now it is my -- actually, let's give
2 Shirley a round of applause.

3 CHAIR ROOKER: Thank you. It would be
4 better at the end of the day if they really mean it.

5 (Laughter.)

6 MR. SNOWDEN: Now it is my pleasure to
7 bring to the podium the Chairman's Chief of Staff, Ms.
8 Marsha MacBride. Marsha keeps trains running on time,
9 she keeps all of us in line, and she is also the left
10 and right hands of the Chairman, so she has great
11 wisdom of all that goes on here at the Commission. In
12 addition to all of that, she's also in charge of our
13 Homeland Security Policy Council, so Marsha has a lot
14 on her schedule, and she's raising two boys and a
15 husband, so with that I say Marsha MacBride.

16 MS. MacBRIDE: I don't have a scorecard on
17 how I'm doing on that last, but we'll give it a shot
18 anyway. Well, thank you for being here. This is a
19 great organization. As Chief of Staff, I have
20 actually the pleasure of being able to work on a lot
21 of advisory committees, actually all of them, and the
22 work that's done out of this Committee is
23 extraordinarily impressive. And I'm so pleased that
24 we've been able to bring together such a good group,
25 and even expand the group from where we were last

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1 time, because I think there's so much that needs to be
2 done and can be done in the area for consumers.

3 If I can put that in a context for you, at
4 least from the Chairman's perspective, there's nothing
5 at the Commission that we don't do for consumers.
6 That is our soul here. It's not for business. It's
7 not for a special interest. It's not for anybody but
8 to make sure that we create an environment in
9 communications that gives the consumers the best that
10 we think American society can give them. And the
11 beauty of this organization is it helps us in that
12 measure. It helps us put kind of a fine point on
13 where the places where we really need to expand and be
14 doing more work, where are the places that our rules,
15 for instance, are not what they could be. And as Dane
16 said, which I think is probably the hardest one, to
17 help us make some of the tough decisions that we have
18 to make when we're making policy judgments that have
19 an impact on everyone, consumers all alike. And I'm
20 very pleased that this Committee on its own chose to
21 expand its mission a little bit to include all
22 consumers, because I think that there are lots of
23 issues that affect individuals throughout the United
24 States in terms of its diversity in other areas, and I
25 think this is really going to help us get a better

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1 handle on those larger issues, as well. So I won't
2 take a lot of your time. I'm so impressed that you're
3 running ahead of schedule already this morning.
4 That's a good sign, but I did want to say thank you,
5 and I'll look for the opportunity to come and speak
6 about specific issues as we get a little farther into
7 the end of the year. And the only really smart thing
8 I think I did was hire Dane, because I do think that
9 he is extremely dedicated to these issues, and I
10 really am pleased that Shirley and Dane are going to
11 be helping everybody pull this all together, because
12 as everybody knows, it takes a little bit of work to
13 do that. So thank you very much, and I appreciate you
14 being here.

15 CHAIR ROOKER: Thank you, Marsha.

16 MR. SNOWDEN: Thank you very much, Marsha.

17 I also want to acknowledge some of the other
18 Commissioner Officers that are here. Jordan Goldstein
19 is Commissioner Copps' Senior Legal Advisor. Jordan,
20 stand up a little longer for one second so we can get
21 a good look at you. Jordan handles the wireless
22 issues now for -- excuse me, the media issues now. He
23 just switched, for Commissioner Copps, who
24 unfortunately could not be with us today. And next to
25 him is Barry Ohlson from Commissioner Adelstein's

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1 office, and Barry handles the wireless issues on
2 behalf of Commissioner Adelstein. He and I also went
3 to college together, but that nothing to do with
4 anything here. Yes, we have stories. And
5 unfortunately, Commissioner Adelstein is traveling in
6 California today and cannot be with us.

7 Commissioner Martin hopefully will be down
8 at some point today. He is currently on Capitol Hill,
9 and Commissioner Abernathy is on her way, so while she
10 is on her way, I'm just going to go to some other
11 remarks that I wanted to make today, as well. So
12 thank you very much all of you. And actually,
13 Commissioner Abernathy has just arrived, and so I will
14 do another audible, and introduce Commissioner
15 Abernathy.

16 Commissioner Abernathy came to the
17 Commission in May, 2001 from a career in the private
18 sector specializing in telecommunications. In
19 addition to her other responsibilities at the FCC, she
20 also chairs the Federal-State Joint Board on Universal
21 Service. She had earlier served as telecommunications
22 legal advisor, much like Jordan and Barry, to then FCC
23 Chairman, Mr. James H. Quello, and a legal advisor to
24 Commissioner Sherry Marshall, and special assistant to
25 the FCC General Counsel. And with pleasure, my

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1 driving companion out west, Ms. Kathleen Abernathy.

2 COMMISSIONER ABERNATHY: Thanks, Dane,
3 very much. And thanks to all of you for coming here.

4 I promise the weather won't be too bad much until
5 later, but I do want to thank all of you for coming.
6 The work that you're going to embark on is very, very
7 important, and it's something that I think the FCC for
8 while we simply failed to appreciate just how
9 critical it was. We're fortunate now to have Dane and
10 his team on board who are very, very focused on
11 consumer issues. And that's why I wanted the
12 opportunity to talk today at this Inaugural Meeting of
13 the Consumer Advisory Committee.

14 I want to thank you, because what you're
15 going to allow us to do is to tap into the expertise
16 of diverse and highly respected representatives of
17 many companies and organizations, and consumer
18 representatives to learn what more we can be doing to
19 address consumer concerns, as well as to encourage
20 consumer participation in all of our proceedings.

21 I'm looking forward to learning from all
22 of you. We're doing what we can, but there's no way
23 that we can duplicate the knowledge-base that all of
24 you have. And I have every confidence that you will
25 do an excellent job, and I know it's not an easy task.

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1 The Commission's mission -- the Committee's mission
2 is monumental, and it cuts across numerous issues
3 involving consumers, access to telecom services by
4 people with disabilities, consumer protection and
5 education, increasing consumer participation in FCC
6 rulemaking proceedings, and the availability of new
7 technologies. But despite all these challenges, I
8 believe that you are absolutely up to this challenge,
9 and I look forward to your end-product.

10 I thought today what I might do is spend a
11 minute discussing two areas of interest to me that I
12 hope you will address since, you know, they said I
13 could talk, I thought well, I might as well lobby you.

14 The first issue is one that I've been increasingly
15 vocal on, and that is ensuring that information is
16 readily available to parents to help guide them in
17 their children's television viewing. As a working
18 mother of a 7 year old daughter who thinks she's in
19 charge, I know how difficult it can be to be proactive
20 about what your child watches. And this is even when
21 I know what programming is available. Too often we
22 simply turn on the TV and react to what's there.

23 So what I found is that when I talk to
24 broadcasters and cable companies and others, they are
25 delivering amazing new content that's focused on

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1 informing and educating our children, but as parents I
2 didn't know a lot about much of this programming. And
3 I didn't know how to access that programming, or where
4 to find it. So to that end, I've been working with
5 the Consumer and the Government Affairs Bureau to set
6 up a new parents page on the FCC website. And this
7 page will provide parents with a new tool to assist
8 all of us in determining is out there, and what
9 programming is appropriate for the age of the children
10 that we have. So specifically what we're going to do
11 on the parents page, is we're going to explain the
12 broadcaster's children's educational and information
13 programming requirements. They have these programming
14 requirements.

15 We're then going to provide links to the
16 stations that are willing to make their programming
17 schedules available right now, if you wanted to know
18 where to find this programming. You really have to be
19 very sophisticated to do that, so we're going to have
20 links to the programming schedules. We're also going
21 to have an explanation of the V-chip and other
22 blocking options that are tools for parents. We're
23 going to talk about what the rating systems are, what
24 our indecency rules prohibit, and how to file an
25 indecency complaint.

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1 I believe that having all this information
2 together on a single page that's focused on parents
3 will improve our ability to provide useful information
4 to the public, because it's only with knowledge that
5 the parents can make informed decisions, so I look
6 forward to any additional recommendations that you
7 might have about how to improve this page.

8 Again, the point is when you have 100
9 channels out there, or 150 channels, you just -- there
10 may be great programming coming up on Thursday that
11 you absolutely want your child to see but you don't
12 know it's there. So that's what we're really trying
13 to do, is take all this great information and make it
14 more accessible and manageable by parents.

15 Another area that I look forward to
16 hearing from the Committee on is Consumer Education
17 for Senior Citizens. We now know that with the
18 graying of the baby boom generation, that's me and my
19 husband, the population of senior citizens in this
20 country is only going to grow, and we know that.
21 Unfortunately, we also know here at the FCC that older
22 Americans are often the most susceptible to
23 unscrupulous tactics, or they are unaware of the
24 rights that they have because they just don't
25 understand, or they're not getting consumer

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1 information made available to them.

2 And in addition, many of these consumers
3 who are older don't have sufficient information about
4 the kinds of innovative telecommunication services
5 technologies or other programs that are available and
6 might assist them day-to-day as far as how they live
7 their life, and how they inform themselves, and how
8 they communicate with their families. So I'm also
9 extremely interested in hearing the Committee's
10 recommendations on how the FCC can ensure that senior
11 citizens have adequate information on which to base
12 their communications decisions, and that they're not
13 simply staying with a single long distance provider
14 because they've had that provider forever and they're
15 paying -- I found out my mother was paying so much
16 more than I ever paid for long distance, and so I had
17 to tell her that, you know, you can change. There are
18 many companies out there, mom. And here's what you
19 do. And she felt much more comfortable calling any
20 time of day or night to her children, and that was a
21 huge difference. So it's very small, but I'm assuming
22 that she was in the situation that a lot of other
23 consumers are in too.

24 These are just a couple of the numerous
25 issues, and I could go on and on, disabilities rights,

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1 access, you know, slamming complaints. There's so
2 many of these issues, so -- and they're just as
3 important, and I hope you cover all of them. I just
4 wanted to mention two because I've been working on
5 these for a while.

6 I look forward to reviewing your
7 recommendations on all the issues you discuss, and I
8 want to personally thank you for putting the time and
9 energy into this Committee. You know, I know it's a
10 personal commitment. You have to fly. You have to
11 get here some of you, and it takes time away from your
12 day jobs, but it is very, very important and we do
13 appreciate it, so thank you very much.

14 CHAIR ROOKER: Thank you.

15 MR. SNOWDEN: Thank you very much,
16 Commissioner Abernathy. I want to go over a few
17 things that we've learned from the Committee last
18 year. Basically, I like to call it being students of
19 history, and the importance of communication between
20 this Committee and the FCC as we go forward. And, of
21 course, you all have been introduced to Scott
22 Marshall, who's our Designated Federal Officer in
23 Charge of the Consumer Advisory Committee. And he is
24 tasked with making sure you all have information, all
25 the information you need that's going on here in the

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1 Commission.

2 The story I always tell, when I first came
3 on board to the FCC, was when I was talking with the
4 Chairman about coming on board, I was trying to
5 figuring out what exactly he wanted me to do by
6 leading this bureau, and so I went on the website and
7 I couldn't figure it out. I kept saying what exactly
8 does he want a non-lawyer to do at the FCC? And so,
9 when I got here, I realized one of the biggest holes
10 we had was to -- we didn't provide information in an
11 easily accessible format for consumers. And so that
12 is what a large part of our task has been, and what
13 Scott will do is ensure that you all have information
14 that you need, and vice versa. We will be calling on
15 you sometimes individually to get your opinion based
16 on your various roles that you have in "day jobs". We
17 will also -- we want advice, and if you see something
18 that we should be doing differently, please let us
19 know that. And you probably can tell by our website,
20 and I know a member of my staff, one of my senior
21 staff members will be down here later this afternoon
22 to talk about what we are doing on our website, et
23 cetera, to make sure it is not just accessible, but
24 also has information that is good for you to use. So
25 it's very important that we have two-way communication

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1 going back and forth.

2 As I mentioned earlier, we will also seek
3 to get your recommendations on how we should make a
4 policy cut. It's very important. Hopefully, we'll
5 take those recommendations every time you give them.
6 Sometimes we may differ, but it's important that we
7 hear that voice, and that is one of the central tenets
8 of why we need to have this advisory committee.

9 I also want to put a little plug in, if I
10 can, for something we created called "CGB News", which
11 is an e-mail service, much like -- it's not a list
12 serve because I found out that that is trademarked, so
13 I can't say that's what it is, but it works very
14 similar to that. And it provides information to you
15 about what's going on here at the Commission, and that
16 information is in your packets, and you can easily
17 sign up for it.

18 I also want to introduce you to my Bureau.
19 For some of you who are new, you may not know that we
20 went through a major reorganization here at the
21 Commission last March - excuse me - March, 2002, so
22 it's been a year now. And it has been a very
23 fruitful, very deliberate, very taxing - I'm not going
24 to kid you - process that we went through to get to
25 the Consumer and Government Affairs Bureau. And from

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1 that came some wonderful benefits to this Bureau, and
2 I mention this to you because it relates to the work
3 that you're doing on this Committee, and the work that
4 you do in your "day jobs".

5 We have three main divisions, our Policy
6 Division, our Consumer Outreach and Inter-Governmental
7 Affairs Division - excuse me - these are offices, not
8 just divisions. And also, an Inquiries and Complaints
9 Division. We added our Consumer Policy, which some of
10 you may say that's -- I thought you always had that.
11 Yes, we were always doing Consumer Policy within the
12 Commission, but the Chairman said we want to make sure
13 there's a central repository looking at all consumer
14 issues across the board with everything we do at the
15 Commission. And so we've created a Consumer Policy
16 Division within the FCC.

17 Of course, we have -- we've always had our
18 Disabilities Rights Office, which we like to say
19 started as a task force, and now it's a driving force,
20 to what we do here at the FCC regarding issues related
21 to people with disabilities. In addition, we have a
22 division that's dedicated to Consumer Outreach and
23 Inter- Governmental Affairs. This is the division
24 that actually, I like to say, makes us look the best.
25 They put out all the brochures, all the collateral

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1 materials that consumers need and use, and you all
2 will use that explains what the Commission does. It
3 takes some of those complicated complex issues and
4 breaks it down to something that is bite-size that
5 consumer, no matter if they follow telecom or not can
6 actually digest and understand.

7 In addition, that office also handles
8 Inter- Governmental Affairs, and this is a -- we've
9 traditionally always had Inter-Governmental Affairs at
10 the FCC since, of course, we report to the United
11 States Congress. And in our role, we decided to
12 increase our efforts in the areas of our federal,
13 state, tribal and local governments, and so we have
14 gone through a major task in the past year trying to
15 develop relationships with many organizations. Some
16 of you are represented here and others - for example,
17 I see some of my tribal friends over to my left here.

18 And I saw NASUCA - there you are, there. Our efforts
19 in working toward making sure that we understand how
20 our regulations affect those various entities. And I
21 like to say that if I have a state person calling me
22 saying they're happy, that means I'm probably going to
23 have a local person calling me saying they're not. So
24 I know I can't win in this game, but at least if we
25 have the relationships, and we can explain the

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1 rationale that we used to get to a decision, everyone
2 will get hopefully on the same page.

3 Now I know, as I can jump back to policy
4 for a second, I know one of my deputies, Margaret
5 Egler will be down later on to talk about some of the
6 consumer-related policy issues that are going on
7 before the Commission, because we wanted you all to
8 have an idea of the landscape that we're looking at
9 here at the FCC.

10 Now when we look at Consumer Outreach with
11 the recent war that I guess has not officially ended
12 yet, but we took it upon ourselves to relaunch a
13 military outreach campaign. And those are the type of
14 things that we do. We recognize for military
15 outreach, we call it "Calling Home", that so many
16 military personnel were being deployed and they were
17 not -- we had so many people making international
18 calls or long distance calls they weren't necessarily
19 used to doing, and so it was important that we capsule
20 all this information so that consumers could make
21 smart decisions. And so, particularly those who were
22 protecting our freedoms back abroad and away from
23 their friends and families. So you'll see programs
24 like that, that sometimes we'll bring to you to ask do
25 you think this will work? Do you have an idea how we

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1 can get this out into the mainstream? And we also
2 look to you to help us figure out what some ideas
3 might be that we could share, and we could develop for
4 the American consumer down the road.

5 Now I would be remiss if I didn't mention
6 the folks who are on the front line for the FCC and
7 those are the individuals in our Consumer Centers.
8 They take all the consumer complaints. They take all
9 the consumer inquiries, and we have two centers, one
10 here in Washington and one in Gettysburg,
11 Pennsylvania. And their task literally is to answer
12 any question that is posed, or take any complaint that
13 is posed by a consumer. That is not an easy job.
14 There are several members who do this. We call them
15 CAMS, which stands for Consumer Advisory Mediation
16 Specialists. They have a very tough job. Every so
17 often, I won't take a call because I don't have those
18 skills, but I will listen to some of the calls. And
19 it's amazing what consumers come up with. And
20 sometimes what we do with that information is we use
21 it to figure out how we should develop an outreach
22 program, or how we should do some type of policy cut
23 based on what consumers are saying, what they're
24 experiencing, be it slamming, be it the issue that
25 Commissioner Abernathy mentioned when she referred to

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1 the parents' page.

2 We started hearing consumers say, you
3 know, where do I go to find information what's good
4 for my child to watch on television. I have a 7 year
5 old niece, so this project was particularly fun for
6 me, and I was watching her one day. And she came
7 over, and of course, she knows how to turn the
8 television on. She was watching television and she
9 turned on a particular station which I frequently
10 watch. And for the first time, one I felt old,
11 because I kept saying she shouldn't be watching this.

12 I realized I love it, but it's not something for a 7
13 year old to watch. And when you look -- when we
14 release this Parents Portal, as I'm calling it, some
15 time in the next few weeks, it's a way for parents to
16 understand what they can do to help make sure their
17 kids have good enrichment through television. So
18 we're doing many things like that, and our Consumer
19 Outreach folks will be working very hard with the
20 Commissioner on those areas.

21 So we use the information coming into our
22 Consumer Centers in many different ways. It's an
23 informal process. The ultimate goal when we receive a
24 complaint into our Consumer Center, sometimes the
25 information does have to go a next level. We do share

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1 our trends in consumer complaints with our Enforcement
2 Bureau, because it's important that when we see bad
3 actors and some of the carriers in the room, they
4 know, not that they're bad actors, they know what this
5 process is like. I see Mike DelCasino over there
6 looking at me. Our goal though is to ensure that when
7 we see a trend, we can talk to the carrier and say
8 this is what we're noticing. Can you solve it before
9 we have to take some type of enforcement action going
10 forward. And it's been very helpful both to the
11 Commission and to the carrier, and ultimately, to the
12 consumer in the long run. So we're very proud of what
13 we're doing in our Bureau, and you'll hear more and
14 more about this as you're doing your tenure here on
15 the CAC.

16 I wanted to switch now to talk about some
17 of the priorities here at the Commission. And the
18 Chairman has outlined five particular goals, and I
19 call them -- we have six total, but he has five
20 central goals that are key to what we do here at the
21 Commission. And a lot of this information, again, is
22 in your packets.

23 The first is broadband. And as we talk
24 about broadband, the FCC's strategic goal for
25 broadband is to establish the regulatory policies that

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1 promote competition, innovation, and investment in
2 broadband services. You will hear a lot about
3 broadband. And one of the things that is important to
4 us, particularly as we look at this issue and this
5 revolution that is actually going on right now, is
6 that we want to make sure no consumer is left behind
7 in this particular process of having broadband
8 services.

9 Currently right now we have DSL. You also
10 have cable modem, you have some wireless
11 opportunities, you have some cellular opportunities,
12 and we've recently said that you have some powerline
13 opportunities. These are all different issues we're
14 going to make sure that we understand how they affect
15 consumers and that's all consumers, consumers living
16 on Indian reservations, consumers that are disabled,
17 consumers who are low income. So these are issues we
18 want to hear from this body on as we go forward.

19 Another priority for the Commission is
20 competition. And the strategic goal is for
21 competition to support the nation's economy by
22 ensuring that there is a comprehensive and sound
23 competitive framework for communication services.

24 It's interesting as we look at this, this
25 particular issue, we look at the long distance market.

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1 Who would have thought 10 years ago that the wireless
2 market would actually be competition to what's going
3 on to the long distance market. I know I look over at
4 Mike, and he's probably saying we probably didn't
5 necessarily want that, but it's working. And I know I
6 look at some of our wireless folks here and say that
7 it is -- this is exactly what we want. We want
8 consumers to have as much competition as possible,
9 because we know it does two things. It spurs
10 investment, and it also ensures that consumers get
11 ultimately what they want and need.

12 The next is our Spectrum Management. And
13 in this area, the FCC's strategic goal for spectrum is
14 to encourage the highest and best use of spectrum
15 domestically and internationally in order to encourage
16 the growth and rapid deployment of innovative and
17 effective communications, technologies and services.

18 Now when you look at the use of spectrum
19 management, it falls to the area that I was referring
20 to earlier with broadband and our wireless market.
21 You need spectrum to do a lot of that, so we need to
22 make sure we're managing that properly. We have
23 developed a spectrum task force, and all their
24 information can be found on our website, if you're
25 interested in that, as well.

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1 In addition, another goal is media. And
2 as we look at media, we're in the midst of right now
3 going through a major review of our media rules. And
4 the FCC's strategic goal for the media is to revise
5 media regulations so that the media ownership rules
6 promote competition, and diversity in a comprehensive,
7 legally sustainable manner, and facilitate the
8 mandated migration to digital modes of delivery.

9 Now I emphasize the word "legally",
10 because the courts have said to us you guys got to
11 figure this out, FCC. You have to figure out how you
12 can legally substantiate your rules regarding some of
13 the broadcast ownership rules that we have in place.
14 And we are currently doing that right now, and we
15 should have some decisions coming out, so I encourage
16 you to monitor that, as well.

17 And, of course, our fifth goal, which is
18 not necessarily our last goal, but it's our fifth goal
19 and priority, is Homeland Security. We learned a lot
20 after September 11th, much like the rest of the world.

21 And one of the things we learned was that we needed a
22 strategic goal that focuses on Homeland Security, that
23 will provide -- and our role is to provide leadership
24 in evaluating and strengthening the nation's
25 communications infrastructure. When we do this, we've

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1 created two other Federal Advisory Committees, the
2 Network Reliability Interoperability Council, that's a
3 lot to say so we just call it INRIC, and the Media
4 Security and Reliability Council, which is MSRC, and
5 our goal -- we're not too complicated over here. And
6 our goal with both of these committees, one focuses on
7 telephones and things of that nature and the other
8 focuses on broadcast, is to ensure that we have
9 continuity of service in the situation if we were to
10 have an emergency, so Homeland Security is a very big
11 issue for us.

12 Each bureau, each office has a member of
13 their staff who represents that particular entity on
14 the Homeland Security Policy Council that Marsha
15 MacBride oversees. My designee is my deputy for
16 Consumer Affairs and Outreach and Inter-Governmental
17 Affairs is Chris Monteith. And Chris is in the back.

18 I just want her to stand up real quickly. Chris,
19 stand up so people know who you are. Chris handles a
20 lot of our outreach efforts, our state efforts and, of
21 course, our Homeland Security efforts on behalf of the
22 bureau, and so I encourage you to get to know Chris as
23 the day goes on.

24 And I said earlier that there are five,
25 but really there are six goals. The other is DTV, or

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1 digital television. And we are in the process right
2 now of going through a digital television migration
3 effort, and by the end of 2007, we plan to have
4 digital television across the country. It's important
5 that we work to ensure consumers know about this
6 migration, know about this transition, and know why
7 it's happening, and so we are in the process of
8 working with our colleagues in the Media Bureau to
9 figure out how we roll out a strategy to work with
10 consumers, and also the National Association of
11 Broadcasters over here, to make sure consumers are
12 aware of what's going on in this transition, and how
13 it will affect them moving forward. So those are some
14 -- those are the top priorities here at the
15 Commission. We have a lot going on. It's going to be
16 a very, very busy year for us, as you might imagine,
17 and we are very excited about all the activities that
18 we have on our agenda.

19 Now I want to emphasize that the CAC is
20 something that our bureau is very proud to be involved
21 in, and we consider working with this Advisory Group
22 to be crucial to our own operation. We need to hear
23 from you as often as possible. I encourage you not
24 just to wait for this meeting to occur for you to
25 communicate with the Commission. I know some of the

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1 other -- as I look around the room, I see some in my
2 office, probably more than others. I see Claude over
3 there, and I meet with Claude regularly about
4 disabilities issues. We want to make sure that you
5 know that you have an avenue into this Commission, not
6 just on this body, so please take advantage of that.

7 And with that, I want to say thanks again
8 for your participation. I know all of you are
9 volunteers in this effort, and you're taking time out
10 of your very busy schedules, and I wish you all the
11 best for your service on the CAC. So thank you very
12 much, and have a good meeting.

13 CHAIR ROOKER: Will you take questions,
14 Dane, if we have questions.

15 MR. SNOWDEN: Sure.

16 CHAIR ROOKER: Does anyone have a question
17 for Dane? Yes, Mike. Could we get the microphone
18 there? Just a moment.

19 MR. DUKE: This is Mike Duke.

20 MR. SNOWDEN: Hi, Mike.

21 MR. DUKE: Are we working? Yes. Okay.
22 This is Mike Duke. What -- as the Commission seeks to
23 both hear from consumers and to regulate the various
24 licensees, and media and so forth that they're in
25 charge of overseeing, where do you see the balance?

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1 MR. SNOWDEN: You're referring to the
2 Media Ownership Rules?

3 MR. DUKE: Well, no. I'm referring to --
4 you know, the Commission has regulatory authority over
5 anyone who holds an FCC license for whatever a license
6 is required for. How is that role of being the
7 regulator balanced against the role of being -- of
8 seeking consumer input?

9 MR. SNOWDEN: Well, everything we do we
10 seek consumer input. The FCC -- we are proud that all
11 of our rule makings are open to the public.
12 Everything we do -- we have something called ECFS,
13 which stands for Electronic Comment Filing System. We
14 also have something called "ECFS Express". Again, we
15 try not to deviate too much from what works. And ECFS
16 Express is a tool that is used for the -- I call it
17 beyond the beltway consumer that is not necessarily
18 familiar with how to make an official comment within
19 -- with the Commission but they want to -- they've
20 heard we're looking at a proceeding. They can go to
21 that on our web, and make a comment. That is one
22 avenue that we hear from consumers.

23 The other, of course, is through our
24 outreach efforts that we do. No matter if it's
25 holding fora, which we do periodically across the

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1 country, and office members of my staff going out and
2 holding a meeting, or the meetings that we take. The
3 Commission is open. And one of the misnomers about
4 the FCC that I hear from time to time is that only the
5 lobbyist come into the FCC.

6 My office is -- my meeting schedule is
7 full of people who are coming into the FCC that are
8 not necessarily lobbyists in the traditional "K Street
9 Lobbyists" as we call it. There are consumer
10 advocates that come in, and we want to encourage that.

11 And the Commissioners, and the Chairmen and their
12 staffs, they encourage that, as well. So it's
13 important that individuals continue to come and meet
14 with members of the FCC, so how do we strike that
15 balance? We already have struck that balance in
16 essence, and that is, we are constantly hearing from
17 consumers, not just the ways I just mentioned, but
18 also through our consumer center. That's another
19 vehicle that we use, because we look at that
20 information to assess trends to understand this is
21 what's going on in the landscape with Mr. and Mrs.
22 Smith, so to speak, of using telecom services and
23 products, so it's important that as we go forward, we
24 make sure that no door is shut, that consumers know
25 that we're here. And that's one of the challenges

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1 that we have in my bureau is to make sure that
2 consumers across America know they can contact the
3 FCC.

4 CHAIR ROOKER: Debra.

5 MS. BERLYN: You mentioned that you watch
6 for trends at your Complaint Center, and then you
7 communicate those trends to the Enforcement Bureau.
8 Is there a mechanism for this Advisory Council being
9 apprised of various trends in terms of complaints, not
10 so much about individual carriers, but more in terms
11 of we're seeing an increase in this type of complaint,
12 or here's even a new situation that seems to be
13 arising in terms of complaints.

14 MR. SNOWDEN: Right. That's a great
15 question, and absolutely. One of the things that we
16 do do, in addition to sharing this information on a
17 real-time basis with our colleagues in the Enforcement
18 Bureau who do an excellent job of enforcing our rules,
19 we also work toward -- we release this information
20 quarterly on some of the major trends that we're
21 seeing across the country, in all of the various
22 industries, be it the telephony side, both wireless
23 and wire line, and also in the broadcast side.
24 Everything we do here at the Commission where we can
25 receive a complaint, we make sure that information in

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1 terms of the trends is released. And that is
2 information that is on our website. If you go to the
3 Consumer and Governmental Affairs page, on the
4 left-hand side, at the bottom left-hand side you'll
5 see the most recent reports that we have released. We
6 will continue to do that. This Committee obviously
7 can have that information.

8 In addition, part of our outreach efforts,
9 we have some -- we have a division or a branch called
10 the "Consumer Publications Branch", and they are
11 tasked with putting out alerts, putting out fact
12 sheets. And one of the things they do, what they do
13 so well is that when we see an issue brewing in
14 telecommunications somewhere, we make sure we get
15 those alerts out through our CGB news outlets, through
16 our website, and through the press, that this is an
17 issue that consumers should be aware of.

18 I know, thanks to Shirley, I have gone on
19 her show several times to talk about some of these
20 trends so that we cannot just take the reactive role,
21 we also take the proactive role to make sure we reach
22 out to consumers, as well. So that information is
23 available, and we will make sure that you all have
24 that. We can put that in your packets the next time,
25 or also you can go on the website and get it as soon

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1 as you get back.

2 CHAIR ROOKER: Okay. Susan Palmer.

3 MS. MAZRUI: Susan Palmer from Cingular
4 Wireless. I was just wondering if we could have
5 someone from the Publication Bureau come to one of our
6 meetings, because I think it's wonderful that they
7 take proactive means in terms of educating the public.

8 A lot of the information is extremely helpful.
9 Unfortunately, it's not in accessible formats always,
10 and I think that there's perhaps a lack of
11 understanding of the importance that, you know, in
12 terms of information, it's probably comparable to
13 having stairs to the building and saying you can bring
14 up a ramp because Brian Millin can put them in
15 accessible formats, so there's a means. But it really
16 is somewhat offensive, and it's probably turning
17 people away unnecessarily, when really it's a really
18 good job that they're doing in terms of information.
19 So I'm hoping that perhaps that can come to some
20 follow-up meeting.

21 MR. SNOWDEN: I will definitely ask
22 members of our outreach staff to come and speak to
23 this group. However, I don't want to wait that long.

24 If there's something that we're not doing that we
25 should be doing, I want to know today so we can solve

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1 that particular issue.

2 We do have a 504 Requirement which we are
3 very proud that we take seriously, and that is to
4 ensure that it's accessible. We just recently
5 released our 504 Handbook for our Commission Staff.
6 This is an internal document but we've made it public,
7 so that other agencies will also follow our lead and
8 do the exact same thing.

9 If it's on our web, it should be
10 accessible. If it's not, I want to know about it, and
11 we'll make that change immediately. I know if there
12 is a request for something that is made, for example,
13 may not be already made accessible, Brian Millin and
14 his wonderful skills will make it and get it out to
15 that consumer. I think what I'm hearing from you is
16 that we need to make sure we do that on the front end
17 versus the back end, and I will -- if there's a bigger
18 issue, please don't hesitate to let me know.

19 CHAIR ROOKER: Susan, do you have a
20 follow-up? Okay. All right. Do we have any other
21 questions for Dane? Yes, David.

22 MR. SNOWDEN: I haven't been on your show,
23 David, but members of my staff have.

24 MR. HOROWITZ: Oh, yeah. We use people
25 from the Commission all the time, because it's the

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1 only way really to explain this stuff, is to have a
2 Commissioner involved, and I'm delighted to be able to
3 do it. But one of the things I want to ask you about
4 is some of the things that have been presented are
5 really very positive going straightforward.

6 I work a lot with senior citizens, and
7 what I find the biggest problem with senior citizens
8 is communicating to them in a way that they can
9 understand it. And I'm not talking about simplicity,
10 I'm talking about explanation. And when you get into
11 television and trying to program television for senior
12 citizens, you're really sort of kicking a wall because
13 when it was announced several years ago that the FCC
14 was going to be able to get into this area, there were
15 a dearth of people going out there trying to start
16 senior programs. The most successful one, I think,
17 the most successful senior television that's on is the
18 stuff that the AARP does, because it's very
19 informational. They're really not selling anything
20 except information to an enormous audience. But then
21 these other people who were getting in were some large
22 television stations, small televisions, local
23 television stations, whatever, who were getting into
24 programs that were strictly advertising for senior
25 citizens. And the quality was awful. The oversight

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1 in terms of what was being advertised for them to buy
2 was -- there was no oversight. It was just a bunch of
3 people who were coming in and paying for time to do
4 it. And with a challenge like that, how do you get
5 together a group of people that are going to really go
6 out and investigate what is needed? And how are you
7 going to get the money to be able to put a station on
8 the air that's going to be able to deliver the
9 plethora of stuff that people need to know about?

10 I find that seniors are so at a loss in
11 terms of, first of all, reading their telephone bills
12 every month. You know, we must get I'd say three to
13 five hundred inquiries a month about what does this
14 mean on my telephone bill? And, obviously, we try to
15 answer that on our Internet site, on the Fight Back
16 site, but it gets to the point where it's just
17 overwhelming because of all the unbundling that's been
18 done in this area. So when I look at something
19 simplistic like let's get something for the seniors on
20 television, I say well, first of all, how are you
21 going to communicate with them? I mean, I know you
22 can have different groups, community groups and also
23 federal groups, and you could use other groups that
24 are out there. The AARP is notably the largest of all
25 of them, but it still doesn't seem to work. It

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1 doesn't seem to work, and the complaints get heavier,
2 and heavier, and heavier, particularly in the telecom
3 area.

4 MR. SNOWDEN: I think this is a perfect
5 body to tackle that issue, and that's exactly why we
6 have everyone here. And as I look around the room, we
7 have NAB, and we have AARP, and we have you raising
8 the issue. I suggest you all get together and try to
9 help us solve that particular issue.

10 Now I should caution you that we don't
11 regulate content, and we cannot regulate content.
12 There are some Constitutional issues with that, and so
13 we're not going to get into that. But I think this is
14 a great issue that should be tackled by this body.

15 We recognize clearly when we talk with
16 members who are members of the AARP or other
17 individuals, no matter if it's a young person or not,
18 or senior, we recognize that they have challenges
19 reading their telephone bills. We get over a million
20 calls to our Consumer Center each year asking
21 questions such as I don't understand this on my
22 telephone bill. And it's important that we begin to
23 explain that. That's why our Publications Branch has
24 wonderful information about how to read your telephone
25 bill. We also have it on our website, as well.

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1 We are taking those steps. If there's
2 more that can be done, we want to know about it. But
3 again, we need some ideas. We, of course, are
4 constrained by resources, but that doesn't mean that
5 this body can't come up with somewhat different ideas
6 that maybe collectively with various organizations we
7 can roll out a strategy and work together.

8 MR. HOROWITZ: Well, I think it's very
9 important. This is the first group that I've ever
10 been involved with that represents government,
11 business and the consumer area where you can sit down
12 and discuss things, because in the past, I always felt
13 that the consumer was considered -- the consumer
14 groups and the advocates were continued to be the
15 enemy, and business never wanted to really talk to
16 them, which is untrue. And you never get business,
17 government and the consumer groups together. This, to
18 me, is a real breakthrough to have a group like this
19 because you can be able to express an opinion, and
20 also get feedback from the companies.

21 But just on that one issue, that one issue
22 of the telephone bills, it's been around since before
23 the Telco Act. It's been around forever in terms of
24 people wondering where is our money going. And some
25 of the things that are being done on local and states

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1 now, as far as their local organizations are
2 concerned, state organizations, is requiring to print
3 certain things on the back in four point type. You
4 can't differentiate between the taxes and what they're
5 for because the abbreviations are there.

6 CHAIR ROOKER: David, I think we should
7 probably safe this --

8 MR. HOROWITZ: No, I just want to conclude
9 this. I just want to conclude this if I could,
10 Shirley, because it's important. And what I'm saying,
11 the issue has been around. When President Clinton got
12 into office, he promised a lot of things, and one of
13 the things he said he was going to do is to make sure
14 that everything that people get out of the government
15 is written in simple English. Well, that never
16 happened. But one of the areas that was singled out
17 was in big business, you know, the complaints about
18 not being able to read your telephone bills, aside
19 from not being able to read the text and understand
20 the laws that are passed.

21 Now I want to get into that and the
22 freedom that we're entitled to in this country. But I
23 think if you're going to take on an issue, it has to
24 be taken on also with this Committee and with members
25 of Congress who are capable of being able to write up

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1 some bill or something, not to regulate the fact that
2 you're in there and you have to say certain things but
3 to have guidelines.

4 There was supposed to be a telephone or
5 Telephony Bill of Rights that came out, and all it
6 basically did was to serve the interests of the RBOCs
7 and some of the other telcos out there. It never
8 really served the public's interest, so where do you
9 go with that, if I come to you and I ask you that
10 question, where do we go?

11 MR. SNOWDEN: Well, I think you go to this
12 Committee.

13 CHAIR ROOKER: That's why I was going to
14 say, I think some of the issues that you're raising
15 are things that we'd be more appropriately discussing
16 this afternoon when we get into our goals and
17 objectives for our working group, so anyway, thank
18 you.

19 MR. HOROWITZ: Okay. Good.

20 CHAIR ROOKER: Dane, thank you --

21 MR. SNOWDEN: Let me actually make one
22 more comment.

23 CHAIR ROOKER: Sure.

24 MR. SNOWDEN: I think, and David actually
25 brought this up about the make-up of this body is very

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1 rare, I think, as you said, that we would have
2 industry, we would consumer groups, we would have
3 various stakeholders at the table at one time. That
4 was not by mistake.

5 At one point last year, I was asked -- I
6 mean, I was doing a question and answer session for
7 the former Committee that was here, why do we have
8 industry on this group? And my response was what the
9 Chairman said to me, I want industry on there. I want
10 every single type of stakeholder we possibly can have
11 on this Committee, because this is how things can get
12 done. We don't want anyone to work in a vacuum, and
13 that is why we see the various myriad of stakeholders
14 on this particular body, because you all know what the
15 issues are from your point of view.

16 As you raise issues about reading your
17 telephone bill, we have carriers in this room who can
18 address what they are doing, or what they may not be
19 able to do right here, so we can solve this issue. So
20 I think this Committee will be very good to the
21 Commission and to itself by having that healthy
22 debate, and keeping the door open for all discussions
23 to happen on both sides.

24 CHAIR ROOKER: Dane, thank you so much for
25 your time. We really appreciate it. We have to talk

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1 about logistics and all of that sort of thing, and I'
2 going to turn the microphone over to Scott Marshall.

3 MR. MARSHALL: Thank you, Shirley. Good
4 morning. Hello to the returning members, and hello to
5 new members, and I look forward to meeting you all
6 personally. I sort of feel like I know you already
7 since I led the team that looked at the hundred
8 applications for membership on this Committee, so we
9 certainly have become acquainted, at least on paper.
10 And sometimes via e-mail or over the phone. I look
11 forward to really putting a person with that content.

12 I hope I'm not too late with this
13 information for some of you. We just got carried away
14 with events this morning, but a few housekeeping
15 matters. Rest rooms are just outside the door to my
16 right, the doors that you came in, down a short
17 corridor, and immediately to your left on the left.
18 It sounds more complicated than it really is, but
19 they're not far away at all. Similarly, telephones
20 are out in this main corridor right outside the
21 Commission Hearing Room, should you need those.

22 We have a full agenda today. I'm really
23 excited about the fact that we will be able to hear
24 from Margaret Egler this morning on potential issues
25 that you may want to consider getting into as a

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1 Committee. And we'll be taking that topic up in the
2 afternoon, so I just urge you to start thinking about
3 that in terms of what issues we should be addressing.

4 We don't have to address them all at this one
5 meeting, but it would be great at the end of the day
6 if we were able to establish a working group that
7 would -- or two, or three that would be able to start
8 the process of getting all the stakeholders, as Dane
9 has said, sitting down and discussing these issues so
10 that we can bring recommendations back to this Full
11 Committee, which in turn then is empowered to give
12 recommendations to the Commission. But Shirley and I
13 will be talking more about that shortly, and about our
14 whole operating guidelines for the Committee as we go
15 forward from here. Shirley.

16 CHAIR ROOKER: Okay. It's the minute you
17 waited for. It's break time. We're giving you a
18 break of three extra minutes, if you would be back at
19 quarter of 11, please. We will start promptly at
20 quarter of 11, won't we? Thank you.

21 (Whereupon, the proceeding in the
22 above-entitled matter went off the record at 10:26:54
23 a.m. and went back on the record at 10:53:11 a.m.)

24 CHAIR ROOKER: Scott has just reminded me
25 that I haven't done my "I'll-get-the hook" speech yet

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1 to you all. I'll get the hook, right? Well, I think
2 in view of the dialogue and the conversations that
3 we've had this morning, I think this is going to be a
4 wonderful group. We've got lots of ideas and
5 interests and things that we're going to be working
6 on, and it's kind of fun. But like any group, we have
7 to look at what guides us, our guidelines, our
8 protocols, our operating procedures, and some of our
9 goals, so Scott and I are going to take a few minutes
10 and talk about those. And I think you have -- is it
11 in their packet?

12 In your packet is a sheet called the
13 "Goals and Objectives of the Consumer Advisory
14 Committee". If you want to just take a look at them,
15 and we'll just kind of go through them, and give you
16 some information on kind of what we're planning on
17 doing over the next two years, besides having fun and
18 eating too many muffins for breakfast. If you found
19 it, it's called "The Goals and Objectives."

20 We're known as "The Committee". Doesn't
21 that make you feel good, "The Committee." You saw
22 that, the "X-Files." We get around.

23 These are some of the things that we're
24 looking to accomplish. Submission of recommendations
25 to the Commission in connection with at least three of

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1 the open FCC proceedings. And this is very ambitious,
2 because this is a lot of work if we're going to
3 accomplish these. We worked very hard last year. I'm
4 not sure that we met all of these goals. Did we,
5 Scott? Just about. We came close.

6 We've changed things a little bit since
7 last year. We started out with the idea of having
8 sub-committees, and we found that that was a rather
9 rigid way to proceed, so we basically ended up the
10 year deciding that the -- or the two years, deciding
11 that one of the best ways for us to work would be with
12 working groups on issues that you all decide, you
13 know. And certainly, this morning we've heard a lot
14 of things that are probably going to be working groups
15 that you will address. And we're not limited in the
16 number of working groups, or the issues. We're only
17 limited in the fact that we need to address the issues
18 that are, in fact, under the purview of the FCC.

19 We will try to submit at least one
20 Committee recommendation regarding the Commission's
21 processes or procedures. And, for example, one of the
22 things that we did last year was we had quite a bit of
23 information on the complaint process, the consumer
24 complaint process. We had a presentation from the
25 complaint handling office, and we came up with some

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1 suggestions on how it could be better, how it could be
2 more accessible. And I think the -- we actually had a
3 working group on that. Who chaired the working group?
4 Is anyone here who worked on it? Claude did it.
5 Yeah, yeah. So Claude worked on the complaint process
6 to make sure that it was accessible, that what they
7 were doing met the needs of consumers of a very
8 diverse group of consumers. And I think we came up
9 with something that was useful and recommended it to
10 the Commission.

11 At least one recommendation to the
12 Committee regarding the Commission's Consumer Outreach
13 activities. Now I think certainly Susan's suggestion
14 about the accessibility of publications, and having
15 the publications group, we've not done that, to have
16 that outreach group speak to us, I don't believe.
17 Have we, Scott? No, we have not. And so -- not
18 officially, so that will be something that we can
19 consider to look at. And I'm only making that as a
20 suggestion. Believe me, this is a wide open process
21 here.

22 Also, at least one recommendation from the
23 Committee regarding new issues with the Committee,
24 which we believe should be addressed by the FCC. Now
25 you're going to hear some of the issues that are

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1 pending in our next presentation from Margaret Egler,
2 some of the things that are before the FCC, and that
3 may be part of it, but also to looking at trends, and
4 what are some of the things that we see coming up,
5 some of the issues of accessibility, for example. So
6 at any rate, there's a lot of room for us to do some
7 interesting and constructive things.

8 At least one meeting with the Chairman and
9 other FCC Commissioners, Senior Staff and so on. Last
10 year, and the Chairman apologizes for being unable to
11 be here this morning. He's been extremely faithful in
12 coming to our meetings, and one of our meetings he
13 spent I think at least a half an hour talking and
14 taking questions from the Committee, which was a very
15 productive thing.

16 We also -- at most of our meetings, we
17 will have Commissioners here who will give you a
18 chance to address them, to ask them questions and so
19 on. Commissioner Abernathy this morning I think was
20 on a tight schedule, and didn't have time to take
21 questions, but normally we do have a Q & A process
22 that we can give you access to them, as well. So I
23 think you will find that there's going to be a lot of
24 people from the FCC, the Commissioners as well as some
25 of their key, key staff people, like Martha MacBride

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1 being here this morning. She's certainly one of the
2 leaders in the FCC, very, very great supporter of th
3 is Committee.

4 In addition, at the end of the year we
5 will submit an annual report. We will. We will.
6 We're going to do work to make sure we do this. And
7 so consequently, those are some of the things that
8 we're going to be looking at accomplishing as we go
9 through the next two years, and that's a lot.

10 Now our first meeting after this one, the
11 next meeting is in July, which means we've only got a
12 two month window to getting ourselves into gear and
13 getting going. And part of that has to do with the
14 process in terms of getting the members selected to
15 this Committee, so we've got a rather tight window
16 there, but we do have a good bit of time between July
17 and November. But I think certainly, our goal should
18 be in July to have some recommendations, or at least
19 some ideas of things that we want to recommend after
20 our July meeting, so we will hope to accomplish that.

21 Now do you have any questions for me in
22 terms of what we're trying to accomplish? Yes, Susan.

23 MS. MAZRUI: One of the things that's been
24 very helpful when we're working with our Advisory
25 Committee is to have a list of action items, and then

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1 follow-up, and to keep a chart of that ongoing. And
2 that way we can follow -- you know, the amazing thing
3 is you get a lot more done than you think.

4 CHAIR ROOKER: Yes.

5 MS. MAZRUI: But it also helps us to
6 revisit items that may have slipped in the urgency of
7 other issues. And I was wondering if we could have
8 that for this meeting, as well, so that we have action
9 items, and then follow-ups, and it's just kept as a
10 master plan. At the end of the year, it really helps
11 with the report, as well.

12 CHAIR ROOKER: Okay. I think that's a
13 great idea. We actually have information on the FCC's
14 website too, about what we've done over the last two
15 years, so maybe we could even get that put out in
16 printed form for those of you who didn't see it. But
17 Scott did send you information on what we've done, so
18 now let's look at what we need to do by keeping -- and
19 I think that's a great suggestion, to give us a
20 checklist, and we can see our accomplishments of what
21 we're doing, so we can start developing that as we go
22 through the day. Does that make sense? Okay.

23 Do I have any other comments or -- yes,
24 Larry.

25 MR. GOLDBERG: I had a question as to how,

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1 as the next meeting starts coming down our way in
2 July, the agenda is shaped for each individual
3 meeting? It was sort of a mystery to me in the last
4 round, sometimes there'd be presentations on various
5 issues, and sometimes there was a notion that more
6 subcommittee meetings were needed. I'm not exactly
7 sure how that agenda does get set.

8 CHAIR ROOKER: You mean in terms of the
9 agenda items?

10 MR. GOLDBERG: Yes.

11 CHAIR ROOKER: Well, the first agenda item
12 that we've done here, I have to say that we mainly did
13 that on our own, because we were trying to give
14 everybody -- bring everybody who hadn't been on the
15 Committee before up to speed with everyone else, in
16 terms of an overview of the FCC. But what we did last
17 year was we had telephone meetings, and look, we
18 welcome input on agenda items, but we had telephone
19 meetings with the subcommittee chairs, and from there
20 developed some of the items. Other people gave us
21 input, but that's what this group is about, is input
22 from all of you. So if you will let us know what you
23 want on the agenda, and if it's possible, we'll do it.

24 Many of the things that we had on our
25 agendas last two years came from suggestions that came

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1 from the group, and we would decide on something today
2 that we wanted to do in July, and follow-through on
3 that, as long as it was feasible. And, of course,
4 keeping in mind as long as it comes under the purview
5 of the FCC, and that's why we have some of the people
6 coming today, so that we understand what we can and
7 can't do in terms of this Committee. So any other
8 questions?

9 MR. MARSHALL: Larry, just one more
10 comment on the agenda. The agenda starts to sort of
11 fold together about six weeks out from a meeting, so
12 at any point, you know, prior to that time, I would
13 just encourage anyone to e-mail Shirley or myself with
14 those ideas. Shirley and I are in constant
15 communication, probably she wishes it were less, but
16 that certainly is the way that the agenda, as Shirley
17 has indicated, has been put together in the past, and
18 I imagine we'll continue that practice this go-around.

19 CHAIR ROOKER: Okay. Any other questions
20 on goals and objectives? Okay. If not -- okay, just
21 a minute. David.

22 MR. POEHLMAN: This is David Poehlman of
23 the American Council for the Blind. I'm sorry. My
24 question is, you know, since you're talking about the
25 agenda, as part of the evolution of the agenda, would

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1 it be possible to get a draft of the agenda early
2 enough for people to say, you know, I'd like to add
3 this or add that, instead of thinking about adding
4 things in a vacuum or whatever? Because I know that
5 you guys take a tremendous pile of suggestions and try
6 to weave them down into something that's, you know,
7 that's applicable for the meetings, but that might be
8 helpful as part of the process, if we could do that.

9 CHAIR ROOKER: I believe we did. Didn't
10 we before send out tentative agendas? I think --

11 MR. MARSHALL: We sent out a preliminary
12 agenda with the advanced materials packet. And we can
13 make changes from that for the final agenda. But a
14 preliminary agenda does go out with the advance
15 materials, and certainly, you know, comments on that
16 are welcome.

17 CHAIR ROOKER: I think we do have some --
18 do we have some restriction, Scott, in terms of us
19 having to do a public notice. Does that include the
20 agenda?

21 MR. MARSHALL: I'm sorry?

22 CHAIR ROOKER: Does the public -- he was
23 talking when I was talking. Can you imagine anybody
24 doing that? What was the question? Do we have
25 restrictions on changes to the agenda after it's gone

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1 into -- do we give public notice on the agenda?

2 MR. MARSHALL: We do. That's true, and we
3 can't sort of go too far afield from our agenda that
4 we publish in the Federal Register, which has to be
5 published 15 days prior to our public meeting. So
6 there's a little bit of a restriction there.

7 Paula Silberthau, who's from our office,
8 who's General Counsel, who keeps me honest on how to
9 run a Federal Advisory Committee, will be here this
10 afternoon, but that's a fairly flexible requirement.
11 But it is a notice requirement. We can't, you know,
12 put a totally new item on the agenda after we've
13 published in the Federal Register.

14 CHAIR ROOKER: So keeping that in mind
15 when you're thinking about it. Okay. Now I'm going
16 to turn it over to you.

17 MR. MARSHALL: Okay. On protocols, all
18 right. Just a couple of quick things I forgot to
19 mention earlier, and then I'll talk a little bit about
20 the protocols document that was distributed in your
21 advance materials.

22 This session, may I remind you, is being
23 televised on the Internet, which means Mark's telecom
24 students in Oklahoma are going to have an assignment
25 he tells me in July to watch us all, but wanted you to

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1 be aware of that so in case you want to wave to your
2 mother or something, you be discreet about it.

3 About your bios, I've been receiving your
4 corrections on those, and we're happy to make those
5 corrections. If you have any other additions or
6 revisions, if you could get them to me in about a week
7 or so, that would be great. Then we'll get another set
8 of those bios out to you in corrected form.

9 We're also -- now turning to the protocols
10 document. One of the issues that came up during the
11 prior Committee, and I'm sure you can understand that
12 it's an important issue, is the matter of attendance.

13 We have such limited time together, that your
14 attendance at each meeting is vital. And realizing,
15 of course, that we all have busy schedules and what
16 have you, if you're not able to attend, please do send
17 an alternate. You were asked during the application
18 process to give us an alternate to represent you in
19 such situations.

20 I am preparing that list. If we get it
21 done by this afternoon, I'll circulate it before we
22 leave today. Otherwise, I'll send it to you via the
23 e-mail so that we can update that information, and in
24 those situations where we don't have an alternate,
25 that you could give us that information. Yes, sir.

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1 Yes, Mr. Duke.

2 MR. DUKE: I was under the impression just
3 from the preliminary material that the alternates were
4 handled on a per meeting basis.

5 MR. MARSHALL: They can be.

6 MR. DUKE: Okay. I did not send one,
7 because I --

8 MR. MARSHALL: It's not carved in stone,
9 but we have had an alternates list in the past, so
10 that the hope is that there would be some continuity
11 from meeting to meeting, that the same alternate would
12 be representing you, and that you would have
13 communicated with that person about what we're doing
14 and all that sort of stuff.

15 MR. DUKE: So if we didn't send you an
16 alternate, we need to do that.

17 MR. MARSHALL: Yes.

18 MR. DUKE: Okay.

19 MR. MARSHALL: Yes, we'll appreciate that.

20 CHAIR ROOKER: Scott, there's a question.

21 MR. MARSHALL: Question, sure.

22 CHAIR ROOKER: Yes, Rich has a question.

23 MR. MARSHALL: You have three questions,
24 Mr. Ellis? Okay.

25 MR. ELLIS: I'll reserve my two later

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1 questions for later in the day.

2 MR. MARSHALL: Okay.

3 MR. ELLIS: But as someone who was on the
4 last Committee, I want to play schoolmarm and kind of
5 echo what you're saying about attendance at the
6 meetings. It also means staying from the start of the
7 meeting to the end of a meeting.

8 MR. MARSHALL: Thank you. That was going
9 to be my next subject, so go right ahead, Rich. Go
10 ahead and say it all.

11 MR. ELLIS: It was very frustrating the
12 last meeting that as the meeting went on the numbers
13 went down and down, so if we had an important item to
14 discuss, you made sure it got discussed the first
15 thing in the morning, because you might not have a
16 quorum by the end of the day. And it's very helpful
17 to have everybody there for the entire day. I put
18 that plug in, so if you're going to come, come for the
19 entire day.

20 MR. MARSHALL: And Mr. Ellis chaired a
21 working group that contributed to these protocols last
22 Committee, and he's right. If at all possible, we
23 would like you to stay the entire day, because we do
24 do programming late in the afternoon. We sometimes
25 even have speakers late in the afternoon, and are

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1 making policy-related decisions at that point in time.

2 So please do keep that in mind, and if all of this
3 becomes a problem for you, let's discuss it because we
4 really want this to be a successful Committee, and we
5 want you to be a successful contributing part of it.
6 So if a problem does arise in any of these areas,
7 please talk to us.

8 CHAIR ROOKER: We have a couple of
9 questions.

10 MR. MARSHALL: Okay. Sure. Go ahead.

11 CHAIR ROOKER: Okay. Don.

12 MR. SNOOP: A question on the timing of
13 the actual meetings themselves.

14 MR. MARSHALL: Yes.

15 MR. SNOOP: Friday, for those of us that
16 have to drive home on Friday night, leaving here at
17 4:30, 5:00 is -- any days besides Friday good days for
18 meetings?

19 MR. MARSHALL: Let me tell you the
20 rationale. It's a difficult situation for a lot of
21 folks. The reason why we generally have these
22 meetings on Fridays or Mondays is in order to give the
23 people from out-of-town the opportunity to have a
24 Saturday night stay-over so they could get the cheaper
25 airline ticket.

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1 MR. SNOOP: That makes sense.

2 MR. MARSHALL: That's one of the major
3 reasons for this. The meeting in November will be on
4 Thursday, unfortunately. And part of the problem
5 also, is this space, this Commission Meeting Room,
6 gets booked almost a year in advance. And it is
7 sometimes difficult, especially if we change dates, to
8 really lock in another date and have it available to
9 us all day. So I appreciate --

10 MR. SNOOP: Thank you. You answered my
11 question.

12 MR. MARSHALL: I appreciate your problem,
13 but I'm not sure I could help you much with the
14 traffic. Vernon, go ahead.

15 MR. JAMES: Thank you, Scott.

16 MR. MARSHALL: Sure. Hi. How are you?
17 It's good to see you again.

18 MR. JAMES: Good to see you too. Just
19 want to reiterate and emphasize Richard's statement
20 about leaving early. It was very frustrating to be a
21 part of a group that was working on issues, and during
22 the afternoon have those members walk out. Then they
23 would make comments on their return meeting.

24 CHAIR ROOKER: We're going to lock the
25 doors this time, Vernon. I think we'll lock the

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1 doors. They won't open until 4:30. Maybe bathroom
2 break but that will be escorted, so -- I think Debra
3 had her hand up.

4 MR. MARSHALL: Go ahead, Debra.

5 MS. BERLYN: A very quick question.

6 MR. MARSHALL: Sure.

7 MS. BERLYN: It may have been in the
8 materials. I apologize if it already was, but do we
9 have dates of the meetings?

10 MR. MARSHALL: We do, yes. July 11th, and
11 November 20th.

12 MS. BERLYN: Thank you.

13 CHAIR ROOKER: Okay. Jim.

14 MR. MARSHALL: Jim, go ahead. Hi, Jim.

15 MR. CONRAN: Hi, Scott. Thank you. A few
16 of us live on the West Coast and have a seven hour
17 flight ahead of us going home on a Friday night, and
18 there's a limited amount of flights to the city that I
19 live in, and so as I sent you a message, I can't stay
20 for any meeting later than 4:15 or I'm stuck here
21 another night. And as much as I like Washington, I'm
22 here enough that I can't plan on doing that. And I
23 know David probably has the same dilemma, and I think
24 there's somebody from the State of Washington, so my
25 preference would be to have a working meeting all the

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1 way through lunch and try to get out at 4, which might
2 help the people who have to drive home on a Friday
3 night. But I have to leave at a certain time, or else
4 I can't get home, and so I just want to be up front
5 about that.

6 CHAIR ROOKER: Susan, you have a comment?

7 MS. MAZRUI: There's some accessibility
8 issues with working through lunch, so I think that
9 would be inadvisable, but perhaps an earlier start
10 would be another alternative.

11 CHAIR ROOKER: Well, how do you feel about
12 that? We could start at 8. Do it from 8 until 4?

13 MR. MARSHALL: I think we can do that, but
14 I'd have to check. There are issues about how early
15 people are here in the building, and when we can get
16 in, and all that, so I can't commit to 8:00, but I'll
17 look into it.

18 CHAIR ROOKER: Larry.

19 MR. GOLDBERG: I have the same kind of
20 travel problem. Since I can only do this as a same
21 day trip, it's I don't think really possible for me to
22 get here at 8 in the morning, when I'm flying in that
23 morning. But it's, you know, half the people will
24 have that problem, and half will have a different
25 problem.

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1 CHAIR ROOKER: Well, if the issue is
2 people staying until 4, we do have public comments
3 that start around 4 or 4:30. And I respect and
4 understand that this is people giving their time to do
5 it. Let us address this and see what kind of a
6 solution we can come up with.

7 MR. MARSHALL: And if you have any other
8 suggestions please, you know, because we are aware
9 that it is a difficult issue for some people, so if
10 you have any suggestions about how we might be able to
11 address this, let us know. And we have had actually
12 some working lunches, as well, but we have not
13 generally done that as matter of course because you
14 all don't have very much time to talk to each other at
15 these meetings.

16 Ideally, you know, it would be wonderful
17 if we could have even a two-day meeting, so we'd have
18 more face time together to be able to get some of this
19 work done on a face-to-face basis rather than through
20 e-mail and all the rest, but that's not possible.

21 CHAIR ROOKER: I think one more. One
22 more.

23 MR. MARSHALL: Okay. Go ahead.

24 CHAIR ROOKER: Brenda.

25 MR. MARSHALL: Sure. Hi, Brenda.

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1 MS. KELLY-FREY: Hi, Scott. Not that the
2 input from the FCC is less important, but I'm
3 wondering have you considered putting the information
4 from the working groups in the morning, and
5 flip-flopping the whole agenda, morning to afternoon,
6 afternoon to morning?

7 CHAIR ROOKER: Well, we don't necessarily
8 have the FCC here speaking to us every time, and
9 usually it's a brief time. And usually if we're
10 having the Commissioners in, they are available more
11 in the morning, so that's kind of a time constraint.
12 But generally, you don't see the day packed with
13 people from the FCC, because we have all other kinds
14 of things that we address. But we will sit down and
15 talk about this, and figure out what we can -- how we
16 can resolve some of your concerns. Go ahead, Scott.

17 MR. MARSHALL: Yeah, that is an
18 interesting idea though. Lastly, and I know Margaret
19 is here, and I'm looking forward to that presentation
20 because Margaret has had a wealth of experience here
21 at the Commission, and knows these issues. She knows
22 more than I shall ever forget about all this stuff, so
23 I want to get her on here quite quickly.

24 I was asked a moment ago about minutes.
25 And yes, we do take minutes of this meeting. They're

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1 action-oriented minutes, not a verbatim who said what
2 to whom kind of summary. This is a written transcript
3 that's prepared, and that will be on the website, and
4 we will send you the minutes after each meeting. I
5 usually don't get the transcript for a good two or
6 three weeks after each meeting, and then I need some
7 time to prepare the minutes from them. But yes, we do
8 do the minutes, and a transcript is available.

9 I think in the interest of time and in the
10 interest of hearing from Margaret, I'll turn it back
11 to you, unless anybody have a final question? Or we
12 could talk more about this in the afternoon.

13 CHAIR ROOKER: Yeah, we'll have some time.

14 MR. MARSHALL: Yeah.

15 CHAIR ROOKER: In order for us to be an
16 effective Committee, it's very important that we
17 understand the issues that are pending before the FCC.

18 And I can tell you from past experience, there's no
19 one better to do that function than Margaret Egler,
20 who is the Deputy Bureau Chief for Policy in the
21 Consumer and Governmental Affairs Bureau. She's an
22 attorney with extensive experience in the FCC, and the
23 cable industry. And let's welcome Margaret Egler.

24 MS. EGLER: Thank you very much. That was
25 very nice, Shirley. It's nice to see you back. It's

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1 nice to see a lot of you back, a lot of the new faces,
2 I've actually seen in the past. I see a couple of
3 people I had phone calls to, so hopefully you'll get a
4 call from me soon.

5 One of the things we wanted to talk about
6 today is what's in front of the FCC, that's pending
7 now that affects consumers. And I think you can
8 easily say that everything that's in front of the FCC
9 affects consumers in one way or an other. But there's
10 a specific group of proceedings that we have put out,
11 and I just want to talk a little bit about them. And
12 then I'll talk more specifically about the ones that
13 have originated in our Bureau, and sort of what's
14 going on with them.

15 We have a system for public filing called
16 the "Electronic Comment Filing System", or ECFS, and
17 that's been a great system. It's been a real useful
18 thing for people here in the Commission, and people
19 outside the Commission. You can now pretty much read
20 any comment anyone else files, and you don't have to
21 come and get it copied. And it opens it up to
22 everyone outside of Washington, basically. It's
23 available over the Internet. And Bill Cline, who is
24 the Director of our Reference Information Center, who
25 is one of the people responsible for that. It's fairly

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1 complicated though, the actual system, because you
2 have to know the docket number, and you have to sort
3 of know whose comment you're looking for, or else
4 you'll get every comment in one docket. And there are
5 some dockets, for example, the Universal Service
6 Docket, which has thousands and thousands of comments
7 because so much has happened. That's also true for
8 the TRS docket, you just have hundreds and hundreds of
9 comments, I think it's over a thousand now. We're
10 actually just working on it now, because there are
11 just so many proceedings. So we're wondering how can
12 we make this easier for consumers, if they wanted to
13 file, because as we do the consumer rulemakings, we're
14 trying to figure out a way to make it easier to sort
15 of get comments. You don't have to hire an attorney.
16 You don't have to come to Washington. And hopefully,
17 you don't even have to mail something to us.

18 So what they came up with was something
19 called ECFS Express, and Steve Gorey, who runs the
20 Operation Support System, Office of Support Systems,
21 he's going to be here later to give you a real
22 technical overview of how that works. But basically,
23 it's on the front page of our website. You just click
24 on it, and there's a list of proceedings there that we
25 think are ones that, you know, consumers, not

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1 necessarily the industry, not necessarily advocate,
2 you know, groups or trade associations are the most
3 interested in, but things that we'd like to hear from
4 consumers on. And so we put that up, and these are
5 the proceedings that are actually there now.

6 A lot of these, the actual comment period
7 has closed, which means that there's a notice of
8 proposed rulemaking, or a further notice that is out,
9 but for -- and the time period, the 30 or 45 day, or
10 75 day clock has run, but we still accept comments,
11 late filed comments. Generally, we do try to get a
12 full record, so I'm just going to go through them real
13 quickly.

14 The first one, which is one that everybody
15 knows about is receiving broadband over the
16 traditional telephone network. This is what we refer
17 to as the wireline broadband proceeding that's
18 currently being worked on and active. There's
19 broadcast ownership, and that's the consolidation of
20 the sort of six different dockets that have to do with
21 radio, TV, newspaper, network, trusts,
22 ownership-to-ownership limits. That's also on there.
23 Digital television copyright protection, whether we,
24 the FCC, should mandate standards. E-911 Service,
25 which is whether the rules regarding access to

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1 emergency services should be revised. Obviously, an
2 important docket. High speed Internet broadband by
3 your cable company which is, of course, the other big
4 broadband proceeding. Last February and March we came
5 out with two notices, one was on cable, one was on
6 wireline. This is the cable one.

7 Plug-and-play, which is the ability of
8 consumers to plug cable TV into digital TV sets
9 without a set-top box. That's out for -- that's an
10 open docket right now. Rural wireless services, and
11 that's the effectiveness of the delivery of service to
12 rural areas. There are issues raised there. There's
13 the Spectrum Policy Task Force report, and that's a
14 report, but that's also available for comment. How to
15 increase the public benefits from use of the spectrum.

16 As more and more people use it, it's our job here at
17 the FCC to make sure correctly serving the public
18 interest.

19 The Uniform Complaint Process, and that
20 was something that came out of our Bureau. And the
21 question was whether or not we should enhance our
22 complaint process, and include non-carriers.
23 Currently, our complaint process is limited to serving
24 complaints and receiving complaints, or receiving
25 responses from carriers, so we only serve carriers

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1 where we receive responses, and the consumer who
2 complained gets that response, as well.

3 In the slamming context, it's a little
4 different because we have to do orders on those. But
5 that's another thing that's available for comment.
6 Your predecessor organization, CDTAC, filed comments
7 in that proceeding, so those are the ones that are out
8 there now, so we encourage any of you, or anyone you
9 know who's interested, to let us know by filing
10 comments. It's very easy. You click on whatever
11 proceeding. You don't need to know the docket number,
12 and we tried to make it as plain English as we get, as
13 far as what this is actually about. You just put in
14 your name, you know, who's it from, what your comment
15 is. It goes -- it is a public record, and that's like
16 everything that's filed with FCC, unless you ask for
17 confidentiality. It's probably going to be -- it's
18 going to be public, so we have that notice on there so
19 people don't think for some reason, you know, no one
20 else is going to read it. Once we get it, it's then
21 on the ECFS System, and everybody gets to read it,
22 which is, of course, the whole point.

23 But I want to talk today about the ones,
24 the sort of the big -- a couple of the bigger
25 proceedings that are going on and are active currently

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1 in the Consumer and Governmental Affairs Bureau. The
2 first one is slamming. I think we've been getting a
3 lot of press lately. We've been doing a lot of
4 enforcement for several years on slamming. Most
5 recently, there is the -- our Enforcement Bureau and
6 the Commission put a 1.2 fine against WebNet for --
7 \$1.2 million for slamming violations. The
8 significance of this particular forfeiture is that it
9 was something that we did with 14 states, so I just
10 want to talk a little bit about the slamming process,
11 how it's changed over the last couple of years.

12 In November of 2000, rules went into
13 effect that required us, the FCC, when we get a
14 slamming complaint, not just to accept the complaint
15 and serve it on the carrier like we do every complaint
16 we get against a carrier, and receive a response from
17 the carrier, but also to require that the carrier
18 provide information, specific information of whether
19 or not they had the requisite authorization to make a
20 carrier change. And there's a whole list of things
21 that they have to sort of say or do that verifies that
22 authorization. So we have verification rules. It can
23 either be in the form of a third-party verification
24 tape, which probably you're familiar with if you've
25 changed your phone service recently, or it has to be a

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1 letter of agency, a letter of authorization. We call
2 it LOA, and that has to have certain pieces of
3 information on it, name, address, the number you want
4 changed, you know, what specific services you want to
5 change, an acknowledgement that this could cost you
6 money, that they may charge you whatever to make the
7 actual physical change. Those pieces of information.

8 And then the carrier has to send that in to us, and
9 then we have to do an order on these, and these are
10 the individual slamming orders.

11 And we've done hundreds and hundreds of
12 these in the last two years. In particular the last
13 year, we've done close to a thousand. And the great
14 thing about this is that these rules require that if
15 we find a carrier liable of slamming, that they have
16 to credit or refund money to the consumer. That
17 wasn't happening in the past. Often the carriers
18 would sort of, you know, do it just as a goodwill
19 gesture or just to sort of clear up something, but
20 there was no requirement under the rules that they
21 give money back to the consumer.

22 The big forfeiture orders, like for
23 example the WebNet one I just mentioned for \$1.2
24 million, that's a fine. When that gets paid, it gets
25 paid to the U.S. Government, so the slamming problem

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1 was so significant that we put in effect these rules,
2 and they have been very successful.

3 We've gotten 36 states to also work with
4 us on these rules, and one of the interesting part of
5 the rules is that if the states want to, they can
6 opt-in and administer the rules. And 36 states have
7 opted-in to administer the rules, along with the
8 District of Columbia and Puerto Rico. So it's been a
9 great across-the-board enforcement because slamming
10 can happen, obviously with your long distance service,
11 which is what we're all familiar with. But also now
12 with more competition, with local service, and with
13 the sort of unknown quantity known as interLATA toll,
14 or local toll, which is something that people never
15 are really sure what it is. And often times, they
16 never really sure who their carrier is. And they're
17 really not sure who their carrier is once they get
18 slammed. So that's been the enforcement aspect of
19 slamming.

20 We just released an order on
21 reconsideration that was published Friday in the
22 Federal Register, so the time begins to run for
23 certain things. And in that order on reconsideration,
24 we clarified some things in these rules that I'm
25 talking about, but we also asked for comment. This

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1 will be put up on ECFS Express hopefully in the next
2 day or two. We asked for public comment on how should
3 we change the verification requirements.

4 There are certain things that we get these
5 tapes back from the companies, and they're not dated,
6 so we don't know what the date is. We're also not
7 sure what -- if the customer understands when the
8 carrier says do you want to change your intraLATA
9 toll, what does that mean? If there should be some
10 definition, if the carrier should have to explain it,
11 so the point of this further notice is to continue to
12 fine tune the verification rules, to make sure that
13 people understand what they're doing when they change,
14 or often what happens, you're making the phone call,
15 asking to change your service, but this is likely
16 you're getting a phone call. A carrier's got a great
17 deal for you. They're going to tell you all about it,
18 but then they have to make sure that you understand
19 what you're doing, and that's the point of asking
20 these questions, preserving these tapes, and sending
21 them to us when it turns out that you didn't actually
22 want that to happen. So that's what going on with
23 slamming.

24 The second big item we're working on is
25 the Telephone Consumer Protection Act item, and that's

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1 telemarketing. You probably have heard a good bit
2 about this. We opened up our proceeding last
3 September. Basically, the way that it works, the TCPA
4 as we call, it Telephone Consumer Protection Act, was
5 passed in 1991, and gave this Commission overreaching
6 authority to regulate marketing, solicitations that go
7 on using the telephone or fax machine, so in 1992 we
8 created rules. And those are the rules that you know
9 as the time of day rules, you know, they can only call
10 between 8 and 9. They can't leave pre-recorded
11 messages unless under certain situations. There's
12 prohibitions on automatic dialers and that sort of
13 thing.

14 We also have the prohibition on faxes.
15 You can't send unsolicited faxes to people without
16 express consent. We amended, did a reconsideration of
17 those rules in 1995, and then as the, you know, the
18 last couple of years we've seen that it seems the
19 technology may be overtaking some of these rules, and
20 we decided we'd open up a rulemaking. We've been
21 doing a lot of enforcement, particularly on the fax
22 side, and we've done millions of dollars of forfeiture
23 orders. So the other thing that the TCPA gives us, is
24 the opportunity, if the FCC chooses, to do a national
25 "Do Not Call List".

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1 In 1992, the Commission declined to do
2 that, and so but that's still in the statute, and
3 still was and is a possibility. We put out our notice
4 of proposed rulemaking in September. The FTC, which
5 also has authority over telemarketers in terms of, you
6 know, how it's fraud and deceitful advertising,
7 marketing, that sort of thing. They also have always
8 had a telemarketing sales rule, which is similar to
9 our's in some situations and they came out with
10 proposed rules, and then final rules announcing a
11 national "Do Not Call List", which they hope -- which
12 will go into effect on October 1st.

13 So what has then happened, our proceeding
14 remains open, and then as you probably know, what
15 happened is Congress passed a "Do Not Call
16 Implementation Act", which requires us to finish our
17 proceeding within 180 days of that Act, which turned
18 out to be September 7th. But it also instructs the
19 FCC to maximize consistency with the FTC rules, and it
20 requires us to file a report 45 days after we finish
21 our proceeding, and then annual reports. And the
22 reports are supposed to talk about how the enforcement
23 is going, and how consistent are the rules. And to
24 the extent they're not consistent, how are you going
25 to make them consistent? And so we put out a further

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1 notice in this proceeding in March, basically asking
2 people for comment. And that comment period closes on
3 May 5th and May 19th.

4 The significance of our actions are really
5 the fact that we have jurisdiction over all
6 telemarketing, whether intrastate or interstate, and
7 all industries that are doing it. The FTC's
8 jurisdiction is limited, first to interstate only, and
9 also they have exceptions in their jurisdiction where
10 they don't regulate common carriers, or airlines, or
11 banks, mortgage companies. And when you think about
12 it, that's because there are expert agencies
13 regulating a lot of these industries anyway. For
14 example, we regulate -- but we also regulate everybody
15 else in this particular statute. And that's why the
16 TCPA is sort of different for us, because our usual
17 regulatees are the media companies, and the phone
18 companies, and it's not usually everybody. But in
19 this particular situation, we have everybody.

20 So in order for the FTC's, for this
21 national "Do Not Call List" to work consistently
22 across the board, we're taking a very hard look at do
23 we need to do a national "Do Not Call List", what do
24 we need to do? How consistent are we going to make
25 it?

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1 The other interesting thing about the TCPA
2 is that it gives the states a big, big role. It
3 basically, you know, says the states can have rules
4 that are consistent with our's, but also more
5 restrictive to the extent that the call is affecting
6 -- you know, it's a call made to someone in their
7 state, so it gives the states a very, very big role.
8 And it also gives individual consumers a big role in
9 the sense that you can bring private rights of actions
10 for \$500 in state court for violations, if you get an
11 unsolicited -- a call outside the times specified in
12 the rules, or pre-recorded messages, or unsolicited
13 fax.

14 IN fact, a law firm in town just
15 successfully got I think over a million dollar
16 judgment for unsolicited faxes, and that's just times
17 500. It was Covington & Burling actually, I think.
18 So that happens, and so the TCPA is an interesting
19 statute. It's far-reaching. We've been working with
20 it for quite a while from the state of our
21 proceedings, so it's updated. We have the new act
22 from Congress, so we're working very, very hard on
23 getting this thing done, and we're looking forward to
24 getting more information.

25 Now just so you know just how the power of

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1 these sort of proceedings, we -- usually, you know,
2 most rulemakings, we'll get a couple of hundred
3 comments if it's a big proceeding, in the small
4 proceedings we may get 25. In the TCPA so far we've
5 gotten 6,200 and a lot of those are from individual
6 consumers. And that was one of the big reasons we
7 wanted to put ECFS Express up there, was so that
8 people could just write in and say, you know - - and
9 some of the comments, you can see them. I mean, just
10 go on and take a look at it, but some of the comments
11 are just pretty much, you know, you have to stop these
12 people from calling me.

13 I also -- it's also, if you ever want to
14 get the message out in terms of enforcement -- is
15 David Horowitz here? He -- David -- I was fortunate
16 to be on his show a couple of times answering
17 questions from consumers, and he put me on his website
18 as someone to contact. And just recently I got a pack
19 of 120 unsolicited faxes from a school in Arkansas
20 saying David Horowitz said to send these to you. So
21 we sent them to the Enforcement Bureau, and they're
22 going to get looked at, which is the appropriate thing
23 to do. And so when you, you know, you get that type
24 of thing, if you have any violation of our rules,
25 faxes or calls, people can file complaints. And, you

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1 know, we do enforcement. I mean, that's how it works,
2 but that's the kind of information we want to get
3 people to know, that that information is out there,
4 and they can file the complaints with us.

5 But just as important, and this is the
6 newer push, is where to get people to help us write
7 the rules, and tell us, you know, what's the
8 situation. Because we find that, you know, the people
9 in the industry will have their advocates and, you
10 know, there's some, like I said, advocacy groups and,
11 you know, a specific perspective, and they want
12 certain things to happen, and they're in here. And
13 they have the frequent visitor passes and stuff but,
14 you know, we don't hear a lot from people who aren't
15 in those situations, and that's why, you know, the
16 Internet being what it is, we want to hear as much as
17 possible, because this will all be noted when we
18 actually write up the final report and order. So
19 that's all being worked on, and we really want to
20 encourage you because this docket is open, and
21 especially because the comment period has not closed
22 for the most recent further notice, the Implementation
23 Act further notice, the requirement that we maximize
24 consistency. To consider it, just log it on yourself
25 and tell us, you know, what you think, or tell anyone

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1 else, or if this group wants to say anything,
2 obviously as a group, we'd be happy to hear it.

3 The final item that's in front of our
4 Bureau that we're working on is a docket that will
5 probably always be open, and that's the
6 Telecommunications Relay Service docket. That's TRS,
7 and that's Section 225. And there's a requirement
8 under 225 that we continue to sort of look at
9 technology and make sure that the technology is
10 available, and it's constantly updated.

11 The goal ultimately is to close dockets.
12 I mean, we do a rulemaking, we finish. In fact, the
13 most TCPA Further Notice, we closed the old TCPA
14 docket because it was finished. The orders were done,
15 the recons were done, everything was sort of over, and
16 so you do close dockets. Our Reference Information
17 Center is usually very happy when we close dockets
18 because we take away hundreds and hundreds of pieces
19 of paper, but the TRS docket is probably something
20 that will never be closed because we have the
21 statutory requirement to continually update, and to
22 make more functionally equivalent things available to
23 people with hearing and speech disabilities. So we
24 currently are actively working on an item.

25 We had a rulemaking that went out, I

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1 believe it was in 2000. It's what people refer to as
2 the Improved TRS Item, and that introduced a number of
3 mandatory minimum standards. It also had a notice
4 that asked for a lot more, and should we do a lot
5 more. I think this group would know -- the people who
6 were on the previous Committee would know that in the
7 Disability Rights Office, we've been able to staff up
8 with a good number of attorneys, and we've been able
9 to really focus some time on TRS, so we are actively
10 working on that particular rulemaking, and we're
11 hoping that things will be happening on that.

12 So that's ongoing. What people know, and
13 some people have done this, to the extent that you
14 don't know, one of the things we have encouraged in
15 the past on the TRS side, is for people to file
16 petitions when there are certain types of technologies
17 that we should consider, as to whether or not they
18 should be TRS, or whether they should not be TRS. So
19 that's the kind of thing that, you know, if you know
20 about that, or if you have an interest in it, to let
21 us know, because we put those things out for notice,
22 and then we get a sense from the different communities
23 what's happening. Especially if it's something that
24 -- if it's mandatory, we make it a mandatory TRS
25 requirement, then it's something the states have to

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1 do, as well, so it's always something we like to hear
2 from the states on. So we'd like -- you know, and
3 also sometimes the states are the people that come up
4 with the best ideas. Some of the states' mandatory
5 standards, you know, exceed our's, which is okay, as
6 long as they're not conflicting.

7 So that's the type of thing that we also
8 could use some input on, to the extent that this
9 Committee is interested in, or you in particular are
10 interested in, or your group is, because we need that
11 type of information. We need to hear from the
12 experts. We're not always the experts in some of
13 these situations, so we could use some help. And one
14 of the ways to do it is not just through ECFS, but
15 also more formal petitions, or just coming in and
16 asking for a meeting with us, and we can guide you on
17 what you need to file, if you want to file something
18 in a docket.

19 So those are the three big things that our
20 staff up in the Consumer and Governmental Affairs
21 Bureau are currently working on very diligently. And
22 I guess I can take questions. Okay. So did anyone
23 have any questions?

24 CHAIR ROOKER: Okay. Let me -- I'll play
25 traffic cop here. All right. I saw Larry's hand

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1 first, which may not have been correct. I was looking
2 in his direction, but Larry, you get it.

3 MR. GOLDBERG: Sure. Hi, Margaret.

4 MS. EGLER: Hello.

5 MR. GOLDBERG: One of the questions on the
6 ECFS which I find very, very useful, remembering the
7 days when I wanted to read anything I'd have to come
8 down here and look at the paper, is that your
9 information that you send out is being put out in at
10 least three formats every time.

11 MS. EGLER: Right.

12 MR. GOLDBERG: Word, PDF and Text, but
13 people who submit are not.

14 MS. EGLER: Right.

15 MR. GOLDBERG: And I'm wondering if you're
16 considering requirements for filing so that you can be
17 assured that if, in particular, a blind person wants
18 to read someone else's comments, that they won't be in
19 an inaccessible format.

20 MS. EGLER: Yeah, I mean, we can
21 definitely take that back. I don't know how we could,
22 just off the top of my head, require someone to file.

23 I mean, I think then you sort of raise barriers. I
24 guess the real question is would we consider taking
25 the filings and transforming them once they're filed.

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1 MR. GOLDBERG: Well, sometimes you can,
2 but sometimes you can't.

3 MS. EGLER: Yeah.

4 MR. GOLDBERG: I see documents filed by
5 law firms that clearly have an electronic version that
6 they then print out and scan, and turn into an
7 inaccessible PDF, when it started as an accessible
8 one. They just didn't want it out there in a
9 transformational format.

10 MS. EGLER: Right.

11 MR. GOLDBERG: I do know that various
12 federal agencies have requirements to submit documents
13 in certain ways. If you want to submit a grant
14 application to the National Science Foundation these
15 days, you are required to do it in exactly a
16 particular way, so I think you might be able to ask
17 for a Word or some other format.

18 MS. EGLER: Right. I can take it back.
19 The goal is to get as much information in as possible,
20 so I think -- I mean, if you're talking about grants
21 then that's something that you're getting a direct
22 benefit from. Whereas, if somebody just wants to file
23 a comment that's four or five sentences long, what
24 kind of burdens we can put on that individual person,
25 especially if it's not a lot.

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1 MR. GOLDBERG: Well, you can put it on law
2 firms instead of consumers.

3 MS. EGLER: Well, yeah, there you go.
4 That would pass scrutiny. Right?

5 CHAIR ROOKER: Okay. Now we have a number
6 of people who put their hands up. Does someone else
7 have a follow-up on what Larry just said? I think
8 Susan Palmer over in this corner has a comment on what
9 Larry just said, and then we'll go around the room.
10 Okay?

11 MS. MAZRUI: I agree that you don't want
12 to limit participation by consumer and other groups.
13 I do think minimally guidelines could be established,
14 because I suspect that there are organizations and
15 companies that would be more than happy to provide
16 things in a format that's accessible if they really
17 understood, and so it really requires the FCC to take
18 a leadership role, and help define what that might be.

19 I also believe that some of the comments
20 that are being filed through the Complaint Offices are
21 not put in accessible formats, but they are actually
22 scanned. And I could be wrong, that could be old
23 data, but that had been my experience before. But I
24 think certainly the FCC could develop guidelines for
25 filing. I'm sure they're not taking something and,

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1 you know, in some obscure electronic format that
2 nobody can open at this point, I would think, so they
3 could take a leadership role. And I think there's
4 been so much work to make things accessible that this
5 would be a natural next step for the organization.

6 CHAIR ROOKER: Okay. Now do we have other
7 comments on this issue? All right. Claude has a
8 comment on this issue.

9 MR. STOUT: I wanted first to commend --
10 to applaud the FCC for keeping up with the TRS issue.

11 And as you see, over time there are changes from the
12 traditional TTY and the Relay Service, and now we have
13 various options. There's TRS opportunities on the
14 computer. You can use the Internet Relay, or you can
15 use a video relay service, so it's very empowering to
16 us as consumers. And you provide us with more choices
17 on different opportunities with the Relay Service, and
18 that's a big benefit to us, so I want to applaud the
19 FCC with that. And as well, I want to encourage you
20 and your staff to continue to speed up the CapTel
21 issue.

22 We have lots of hard-of-hearing people
23 throughout the United States who benefit with this
24 CapTel Service. CapTel is -- benefits hard-of-hearing
25 people who don't really benefit so much from a Relay

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1 Service or a video relay service, so I want to make
2 that comment to have it placed in the record.

3 CHAIR ROOKER: Thank you, Claude. Do we
4 have other comments on this issue? David, yes.

5 MR. POEHLMAN: Hello. This is David
6 Poehlman with the American Council of the Blind.
7 Google has a thing, Margaret, where you can click on
8 -- it'll say PDF or Text, PDF To Text, or something
9 like that. For each document that they find that's
10 PDF, you can actually click on the Text link for it,
11 and it will automatically translate that PDF into
12 Text, if it's translatable into text, so that might be
13 another alternative, you know, in addition to
14 requesting that people file in, you know, XYZ formats,
15 you know, as part of your filing guidelines. That
16 could be helpful, that way it would lessen the work on
17 your staff and, you know, maybe help streamline things
18 for others.

19 CHAIR ROOKER: Okay. Thank you, David.
20 All right. Now I believe we have other questions. I
21 know, Jim, you had your hand up.

22 MR. CONRAN: Thank you, Shirley. I just
23 wanted to make actually a compliment to the process.
24 I think the FCC's on-line process is certainly by far
25 the best of any federal government agency, and it's

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1 nice to be able to make brief comments on issues that
2 are important. And unlike other agencies, not worry
3 about getting back tree size filings from all the
4 other parties. I know on some FERC issues that I
5 filed on, just a simple comment, the rest of my life
6 is inundated with mail that I really don't care to
7 get. I don't even read it. I throw it away. And so
8 I think the process that the FCC uses is very
9 efficient, and it works well for people who just have
10 a thought that they think should be part of the
11 record. It's something that people should take into
12 content, so I just wanted to compliment the process
13 that the FCC is using, and I have recommended it to
14 FERC, that it would be a model that they would be wise
15 to use if they really did want to get consumer input.

16 Thank you.

17 CHAIR ROOKER: Okay.

18 MS. EGLER: Let me just -- I just want to
19 give a plug again. Bill Cline, who runs our Reference
20 Information Center, has spent so much time on this,
21 and I just want to get his name out there, because
22 when you do the Reference Information Center, you
23 don't get a lot of glory, and it can be somewhat
24 painful at times. But he really masterminded this,
25 and I think it's worked out well. Thanks.

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1 CHAIR ROOKER: Okay. David, I think you
2 were -- you have a --

3 MR. HOROWITZ: What I'm interested in is
4 new telemarketing law. Why the exclusions, Margaret,
5 were not really published along with the stories. In
6 other words, the exclusions that were published were
7 done in such a general way that no one can understand
8 them. Like, for instance, they said well, charities
9 are going to be excluded. And then they said
10 insurance is excluded, and they went this whole list
11 of exclusions.

12 Well, if you exclude charities from the
13 telemarketers, you know, telemarketers I think
14 probably about maybe 10 percent or 15 percent of the
15 calls are for some unknown charity. And I could say
16 very easily this charity is, you know, a tax-exempt
17 charity, or it's a charity from an organization that
18 will give you a tax deduction on it, but that was
19 never really explained. So when we did a segment with
20 folks on the other agency discussing this, they didn't
21 really have the list in tact, and we got inundated
22 with e-mail stuff saying what are the exclusions for?
23 And my feeling is, if you're doing any kind of a
24 regulation that has exclusions, they should be
25 explained bit by bit so people understand it.

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1 Now I don't know what's going to happen
2 with your side of the telemarketing issue, but I think
3 it would be important for anything that you do from
4 the FCC on this issue, that those exclusions really be
5 explained, because some of those exclusions make no
6 sense. Insurance, do you know why they would exclude
7 insurance? I know why they're saying they're
8 excluding insurance.

9 MS. EGLER: The FTC? I'm assuming they
10 don't have jurisdiction.

11 MR. HOROWITZ: Yeah.

12 MS. EGLER: Let me respond to -- first of
13 all, it's two different questions. One is, what are
14 the exclusions? The other is, the charitable,
15 non-profit. We are prohibited by statute from
16 including non-profits, so that's written into the Act,
17 so our rules will not include non-profits. That's up
18 to Congress, they made that decision, so that's -- you
19 can talk to them.

20 But as far as the exclusions, and I think
21 this is one of the reasons Congress passed the bill
22 they did, was that there are a number of exclusions
23 because the FTC just doesn't have jurisdiction over
24 certain industries. If we acted, every industry would
25 be covered because we have jurisdiction over industry

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1 that uses the telephone and fax machine in the market.

2 MR. HOROWITZ: But they even excluded
3 medical. And do you know how many calls people are
4 getting now to buy everything from sexual drugs to God
5 knows what, which are considered medical, so these
6 people can still make those calls.

7 MS. EGLER: Right. Well, again the list
8 is not in effect yet. I mean, the list is not going
9 to go into effect, the FTC's list will not go into
10 effect until October 1st. Yeah, it's actually going
11 into effect October 1st. I think you can start
12 signing up and then they can start downloading the
13 list to telemarketers in September. I think that's
14 sort of where they're going, so I don't -- I'm not
15 sure about what the medical exclusion is.

16 All I can tell you is that if we go
17 forward, there won't be any exclusions for industries.

18 There will be an exclusion for non-profits under the
19 statutes.

20 MR. HOROWITZ: Why is there an exclusion
21 for the non-profits, because on the telephone --

22 MS. EGLER: Talk to Congress.

23 MR. HOROWITZ: -- they'll say we're a
24 non-profit. And you're going to say to me send me
25 your charter so I can see that you're a non-profit.

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1 They're going to ask for a credit card number, and
2 they're going to charge, if you want to give this.
3 You will give a donation. You give a credit card
4 number and it could be a non-profit or not. People
5 have to be able to check that out, or the company
6 itself, or the charity itself should be able to supply
7 something.

8 In some cities, you're not allowed to
9 solicit for any charities unless you get a
10 certification from the city. They do that in Los
11 Angeles, which kind of works because you can say do
12 you have a certificate? What's the certificate number
13 in those cities, but nationally it's almost impossible
14 to find out with all these charities, unless you go to
15 the Better Business Bureau and you look at their
16 charitable ratings, and who is and who isn't, and what
17 they do.

18 CHAIR ROOKER: But that doesn't give you a
19 whole list, David.

20 MR. HOROWITZ: No, it's just the ones that
21 they have checked out.

22 CHAIR ROOKER: Right. Exactly. I want to
23 ask a follow-up question to that, if I may. And that
24 is, there are the so-called callers from the fire
25 department, and the police department, and all these.

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1 And, in fact, these are commercial organizations that
2 give a very small percentage of what they get from
3 consumers to the stated organization, the Police and
4 Fireman's Fund, and this sort of thing. And those
5 calls, are they exempt?

6 MS. EGLER: Well, let me just get back to
7 the -- the first point is that we work for Congress.
8 Congress said non-profits are exempt.

9 CHAIR ROOKER: Right.

10 MS. EGLER: Non-profits are going to be
11 exempt, so the question of whether or not the people
12 marketing for them -- I mean, obviously that's
13 something, the FTC has said something on, we will say
14 something on. I can't tell you at this point what
15 that's going to be. You do know that the Supreme
16 Court just looked at this issue, and I guess there's a
17 case in Chicago, I think it's Illinois, that they
18 brought the exact sort of same -- this company was
19 telemarketing for Viet Nam Veterans or Veterans of
20 Foreign Wars, and they were taking 95 percent of the
21 dollar, and so the question, you know, is that too
22 much. And the questioning from the Bench - again,
23 there's no opinion out yet - and that will give us all
24 some guidance from the U.S. Supreme Court - didn't
25 seem to think that that was necessarily the worst

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1 thing in the world, that maybe there are reasons you
2 do this sort of thing. Maybe this gets the name out
3 for the particular organization, and 95 percent isn't
4 too much, so I don't know. It's an open issue.
5 However, we take very seriously the requirement from
6 Congress that non-profits are exempt, and so that will
7 be guiding us as we go forward.

8 CHAIR ROOKER: All right. Joy.

9 MS. RAGSDALE: I'm Joy Ragsdale
10 representing NASUCA. A different question, but in
11 regards to slamming. Many of our offices, in fact,
12 all of our offices are statutorily authorized to
13 handle consumer complaints. Some offices have a
14 Consumer Complaint Division and some do not, so when
15 your slamming rules came out, it was not clear whether
16 a People's Counsel's Office investigation of a
17 consumer slamming complaint would trigger the payment
18 process that the carriers have to refund the money.
19 So what is the appropriate vehicle to seek a rule
20 clarification on how the consumer offices fit within
21 the slamming rules?

22 MS. EGLER: Well, you can always file a
23 Petition for Declaratory Ruling, and that's actually
24 in the slamming docket, if you want to find out. It
25 might be more though easily explained -- are you from

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1 a particular state or no?

2 MS. RAGSDALE: Well, NASUCA is an
3 international office, but I'm with the D.C.'s People's
4 Counsel, and we do have a consumer division. We
5 handle a great deal of consumer complaints, so it's --
6 trying to work in a cohesive fashion with the Public
7 Service Commission of D.C., who has volunteered to
8 handle complaints, and we often find ourselves
9 handling the same complaint. The consumer doesn't get
10 action from one agency, they'll call the other.

11 MS. EGLER: Right.

12 MS. RAGSDALE: And we just need to
13 understand if our investigative authority will trigger
14 the rules under the --

15 MS. EGLER: Well, the way it works -- I
16 mean, we don't tell the states, and D.C. would be a
17 state in this context, what agency does it. They just
18 have to sort of opt-in and they administer the rules.
19 And administering the rules means they've been using,
20 you know, the Section 258 Rule, Section 258 of our
21 Act. And then the procedure is file a complaint, get
22 the response to the order, the determination. And
23 then the remedy is specific in the rules in terms of
24 whether it's a credit or 150 percent of the amount
25 paid. Those are the two remedies, so if you're doing

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1 that, you're doing them under our rules, so whoever
2 opted-in gets to do that.

3 If for some reason D.C. and a lot of the
4 states have their own statutes, and it's calls within
5 their state, an intrastate call, they may have other
6 authority to impose fines or forfeitures that don't
7 derive from our Section 258, but derive from their own
8 statutes. And as long as it's intrastate, they can go
9 forward and do that.

10 In terms of who's handling the complaints
11 and who gets to administer the rules, it's really your
12 choice. So maybe what you should do is why don't you
13 give me a call and we can just sort of talk about it
14 with both groups in D.C. and probably work it out
15 easily.

16 MS. RAGSDALE: Also, my other question,
17 the D.C. Circuit has just issued a ruling in the AT&T.

18 MS. EGLER: Yes.

19 MS. RAGSDALE: Now how does that affect
20 your third- party verification process?

21 MS. EGLER: Okay. Let me explain. The
22 case she's talking about is an AT&T case. And
23 basically, what happened was we did a forfeiture, the
24 FCC did a forfeiture against AT&T for nine counts of
25 slamming, and they appealed two of them. And this is

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1 what the third-party verification tapes -- this is
2 also, by the way, prior to the individual slamming
3 liability rules coming into effect. But the process
4 in terms of what was -- what the companies had to do
5 was pretty much the same, so the company was making
6 telemarketing calls telling people -- asking do you
7 want to change your service. We've got great service,
8 et cetera, et cetera. Okay. We're going to start --
9 we're going to basically now ask you these questions.

10 So they ask the questions, you know, what is your
11 name, you know, do authorization, what's your address,
12 what's the phone number, what service do you want? I
13 mean, there's a little laundry list of about nine
14 questions you're supposed to ask, so in these two
15 counts they actually asked all the right questions and
16 they had answers, so AT&T switched the person, the
17 line to AT&T, thinking they had valid authorization.

18 Well, we got complaints from these two
19 people saying we didn't -- you know, either that's not
20 us on the tape, or I didn't give that authorization,
21 or that's not me. And so the -- there's a Petition
22 for Reconsideration AT&T filed. We supported the
23 order, the original enforcement order. They filed an
24 appeal, and the D.C. Circuit said that we, the FCC,
25 cannot require actual, what they're calling actual

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1 authorization, which means the way we're sort of
2 reading it, is that if AT&T calls up somebody on the
3 other end of the line and they say I'm Margaret Egler,
4 they answer all the questions correctly, then AT&T
5 changes my long distance, but it wasn't me, we can't
6 require AT&T to know something in the court's phrase,
7 "the impossible." How could AT&T know it's me on the
8 other end of the line if there's someone answering the
9 phone?

10 Our subscriber rules, or the definition of
11 subscriber in our slamming rules is someone who is an
12 adult in the household authorized to make the change,
13 so the question is who's got the burden to prove
14 they're authorized. And what the court said is that
15 if the person on the other end of the line says
16 they're authorized, then AT&T or any of the carriers
17 who follows all the verification rules verifying the
18 authorization, asking all the right questions, you
19 know, has the evidence they need to support the
20 carrier change.

21 The court said that two -- and it goes
22 back to our specific statutory authority under Section
23 258 which is, you know, we can have a verification
24 process and enforce a verification process, as long as
25 the carriers are complying with the verification

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1 process, that's enough. So that's what they said, so
2 where does that leave us? I mean, it leaves us in a
3 situation -- and we don't get a lot of these
4 complaints, so where -- I mean, we do these, like I
5 said, the individual orders and these individual
6 liability we've done hundreds. And I can only think
7 of a couple where this scenario actually came up,
8 where you have someone who is -- they have a tape and
9 it's got all the right answers, and all the right
10 questions, but the complainant says, you know, that's
11 not me on that tape. And so the situation for that is
12 then the consumer is left with well, someone in your
13 household did this, and you've got to -- you know,
14 you're not going to be able to -- we cannot say that
15 that is a slam now, given what the D.C. Circuit said.

16 MS. RAGSDALE: So I placed a call with
17 your General Counsel's Office, is there any appeal, or
18 any further action?

19 MS. EGLER: The mandate for this
20 particular order -- I mean, what I've basically just
21 said to you is what the opinion said. The actual
22 mandate, which is when it becomes effective, it hasn't
23 issued yet, and we don't determine whether or not
24 we're going to appeal until we see the mandate, and
25 then we have time after that, so the people upstairs

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1 are looking at it.

2 CHAIR ROOKER: Brenda.

3 MS. KELLY-FREY: I'm Brenda Kelly-Frey.
4 I'm with the State of Maryland, Maryland Relay. Hi,
5 it's good to see you again. I have two points. One
6 is, I would like to ditto what Claude just said, and
7 ask the FCC to consider CapTel as an enhanced VCO
8 feature for relay and allow payment for that, and
9 allow that to be a mandatory --

10 MS. EGLER: Can I just interrupt you for a
11 second, just so everyone knows what's going on.

12 MS. KELLY-FREY: Yes.

13 MS. EGLER: There's a petition in front of
14 us, this is what Brenda and Claude are referring to,
15 that there's a service called -- by Ultratec called
16 "Captioned Telephone" or "CapTel". Basically, it
17 allows someone who has hearing loss but not complete
18 hearing loss, to use the telephone and also to read,
19 and to communicate in a much sort of quicker way than
20 a TTY would necessarily do it. And now we're getting
21 too much into the technicalities, but this petition
22 was filed. We've got comments on it, and we're
23 currently, you know, working on it right now, so it's
24 being actively considered, and you guys are going to
25 have to file something on the record because you sort

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1 of made this presentation. But basically, this is the
2 kind of thing I was talking about, where we ask people
3 to send in, you know -- TRS has been for several years
4 now, as far as the FCC is concerned, more than just,
5 you know, a TTY. And I think we've seen that with IP
6 Relay and VRS. And CapTel is just sort of another
7 step in, you know, how do we make it work? How do we
8 implement the requirement of 225 to enable speech and
9 hearing disabled people to fully enjoy the benefits of
10 the telephone network. So that's what they're talking
11 about.

12 MS. KELLY-FREY: Right. I'm sorry for
13 those of you that didn't understand what we were
14 talking about. But CapTel is a full duplex-type
15 telephone which is more functionally equivalent to
16 what you and I as hearing people use on a daily basis,
17 so thus the reason for the request.

18 The second question I have for you is the
19 electronic filing system that you have, that I've
20 heard is absolutely wonderful. When people file a
21 comment that way, do they receive some kind of
22 acknowledgement that you've received it? And then, do
23 they get a letter back or anything?

24 MS. EGLER: No.

25 MS. RAGSDALE: No. So if they file it

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1 that, it's assumed that they get an acknowledgement
2 and that's it. They don't --

3 MS. EGLER: Right. We don't harass you
4 with letters like this other agency, apparently. We
5 basically -- we'll send you an e-mail confirming, just
6 so you know you don't have to send it again, and
7 that's pretty much it. We don't keep a spam list or
8 anything to go after people. We just accept it.

9 MS. RAGSDALE: Okay. Thank you.

10 CHAIR ROOKER: Well, Margaret, thank you
11 so much. As usual, you've been excellent.

12 MS. EGLER: Thank you.

13 CHAIR ROOKER: We would like to invite the
14 members of the Committee. We do have MCI and Annette,
15 thank you very much. For those who are our public
16 members who are attending as part of the public, there
17 are cafeterias, and I think I'll let -- Courtyard
18 Level Cafeteria one level up from here. I'm sorry
19 that we can't include you, but we just can't ever
20 figure out how many public members are going to be
21 here, but there is a cafeteria on the second level,
22 the Courtyard level that you can use.

23 We're planning to be back here at 1:15,
24 and I ask you let's please make it prompt. My one
25 concern, and may I just have your attention, please,

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1 before we adjourn. Since we have some members, Jim
2 and Dave, both you need to leave at 4. You can be
3 here until 4. Okay. It's going to be our challenge
4 to see that we move through this afternoon's program
5 efficiently so that we can get to the part of setting
6 up the working groups. And I'm a little concerned
7 that we don't run over time, so do you think that
8 works? Okay. 4:00. Okay. We'll eliminate the break
9 or take a very short break if we have to in the
10 afternoon, because I really want to get these working
11 groups established, and I really want your input.

12 Okay. Let's go have lunch. I'm sorry that
13 I didn't get to you, Rebecca. May I have your
14 question? Could I have your attention, please. I
15 have one question waiting from the panel.

16 MS. LADEW: I have to go at 4:00, also.

17 CHAIR ROOKER: Okay. All right. Okay.
18 Thank you. If any of you have to leave, I may let the
19 door be unlocked, but if any of you have to leave, and
20 you have suggestions for working groups, please give
21 them to Scott or me during lunch so that we can make
22 sure that those suggestions are input into the
23 discussion this afternoon. Okay. All right. Thank
24 you, and we'll adjourn until 1:15 promptly.

25 (Whereupon, the proceeding in the

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1 above-entitled matter went off the record at 12:04:57
2 p.m. and went back on the record at 1:18:19 p.m.)

3 CHAIR ROOKER: Okay. Let us come back to
4 the business at hand. Continuing our educational
5 process, our next speaker is Paula Silberthau. She's
6 responsible for administering federal advisory
7 committees within the FCC. In other words, she's
8 going to see that we're doing things properly. She's
9 going to see that the Is are dotted and the Ts are
10 crossed. She's not going to let you get out of line.
11 She is the Attorney Advisor in the Office of the
12 General Counsel. Please welcome Paula.

13 MS. SILBERTHAU: Good afternoon. I'm not
14 really a policeman. That made me sound a little bit
15 -- but I'll give you a little bit of the framework of
16 the Federal Advisory Committee Act, which sets the
17 parameters under which your FACA and other groups like
18 you would operate.

19 Keep in mind that the guiding principles
20 under the Act are openness in government, diversity in
21 membership, and public accountability. And if you
22 keep those three things in mind, openness, diversity,
23 public accountability, some of the rules that the
24 statute sets out make a lot of sense.

25 The first requirement is that the meetings

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1 must be open to everybody, and can be held only after
2 timely notice. Usually, that's in the Federal
3 Register. And frequently because not everyone reads
4 the Federal Register, there are other public notices
5 the FCC will put out in the Internet, in media, in
6 various types of press releases.

7 One thing that is worth keeping in mind as
8 you proceed though is that meetings doesn't just mean
9 a meeting like this one with everyone present in the
10 room. A meeting could be held by a teleconference on
11 the phone. It could be held by a video conference.
12 It could be held through chat rooms on the Internet.
13 Obviously, not every time a couple of members of the
14 Committee get together, it won't always be a meeting.

15 But if you do schedule something for which there's a
16 quorum, a majority of the people, that could very well
17 push you into a meeting situation, so if you're
18 thinking of doing something by any of these other
19 means, and you have questions about whether that is a
20 meeting or not and, therefore, needs public notice,
21 please consult with Scott or with me.

22 The second requirement is that there just
23 be minutes of meetings. People who cannot attend the
24 meeting because they can't make it, they're busy,
25 whatever, are entitled to be able to look up in some

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1 sort of public record and just get a sense of what
2 your group has done. The minutes don't have to
3 reflect everything that happens, but they should be
4 detailed enough to show what people are -- what
5 members are present at the meeting, and generally what
6 matters have been discussed. The Chairperson has to
7 certify to the accuracy of the minutes.

8 Closure of meetings is a real exception.
9 If any of you feel in advance of a meeting that you
10 anticipate something that's going to be discussed
11 that, for example, might be a trade secret, would
12 affect national security, that type of thing, would
13 involve classified material - that's unlikely, but
14 it's possible - then you should check with Scott or
15 whoever else at the agency is your liaison in advance
16 and discuss the possibility of closing that part of
17 the meeting that would be getting into that classified
18 type of material.

19 It's not good enough to sort of get to
20 that point in the meeting and say oops, we're just
21 going to sort of go to the back room. You can't do
22 that. It has to be done in advance, and it has to be
23 okayed by the agent's head, and it has to actually be
24 part of the notice that's published in the Federal
25 Register, and in the other media.

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1 Records are open, and FOIA requests can be
2 made for the materials that your group generates, so
3 the records need to be available for public inspection
4 and copying. And the same exemptions that would be
5 applicable under the Freedom of Information Act would
6 cover this too, and it tends to be the same type of
7 thing, trade secrets, things that are classified or
8 that involve national security.

9 One thing that's important going forward
10 is the distinction between the full group, the full
11 advisory group and working groups, because usually
12 people do organize themselves into sort of practical
13 working groups so that you can actually get a lot of
14 work done, and then bring it to the full committee.
15 If you are a working group as opposed to a full FACA
16 group, then you don't have to -- then the FACA
17 requirements of openness and the recordkeeping, and
18 all of the things I just mentioned don't apply to the
19 working groups.

20 So to determine whether you're a working
21 group as opposed to a full committee, typically in
22 court cases, people look at what the working group is
23 doing. If it's just getting information, performing
24 studies, drafting reports or discussing preliminary
25 findings that you want to make to the full group, then

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1 you would be acting as a working group. You wouldn't
2 have to announce your meetings in advance. You
3 wouldn't have to take minutes, that sort of thing.

4 Here are some of the things that a working
5 group could do that would convert it into a full FACA
6 group. You can't function as the actual parent
7 committee. You can't speak on behalf of the committee
8 because it's just a working group. You can't make
9 direct recommendations, say to the FCC.
10 Recommendations have to come from the group as a
11 whole, not just from the working group. You can't
12 make decisions that would be binding on the full
13 committee, so if you do any of those things, you're
14 essentially -- the working group starts acting like
15 the full committee, then it gets nabbed with having
16 the responsibilities that are binding on the full
17 committee. Again, if you have any questions about
18 that, you know, see your Designated Federal Officer to
19 keep you on the straight track there.

20 I think it's just worth pointing out why
21 these requirements matter. The goal at the end of the
22 day for groups, and I don't know all the details about
23 your group, but it's often to make advisory
24 recommendations for rulemakings and for other
25 improvements to the FCC. If there have been breaches

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1 of the requirements of open meeting, recordkeeping,
2 this working group thing I was just mentioning, then
3 -- and someone were to raise a protest, then the
4 agency's hands would be somewhat tied in being able to
5 rely upon the recommendations of the group, because
6 they would have done things that didn't comply with
7 the openness requirements of the law. So, you know,
8 at the end of the day, you want your work to be
9 productive, and that's why it's just good to stay on
10 the safe side of these issues.

11 The only other thing I'd mention is our ex
12 parte rules. At the FCC, anyone who speaks,
13 communicates with either the staff or the
14 decision-makers on something that goes to the
15 substance of a rulemaking, needs to put that into
16 writing. And this is just a reminder that this
17 applies to informal contacts between any of you and
18 any FCC staff when going to the merits of a
19 proceeding. It's not that you can't communicate your
20 ideas. It's that if you do so, then you need to
21 comply with the ex parte rules, which basically means
22 within 24 hours, if you make a recommendation, you
23 have to write down the gist of what you said, label
24 the rulemaking and file that with the Secretary's
25 Office, just so that there's a public record for you

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1 folks, just like everyone else, as to what the
2 communication was. And that's really about it.

3 MS. MAZRUI: When filing the ex parte, is
4 it from the committee, or is it from the individual
5 that made the comment on the committee?

6 MS. SILBERTHAU: Either one. If it's by
7 you individually, in your individual capacity, then
8 you'd sign it, you know, so and so, you know, just
9 with your own name. If it were on behalf of the full
10 committee, which is usually a more formal
11 communication in any event, there just has to be
12 something put in the record, you know, on such and
13 such a day we filed, you know, a report about whatever
14 the topic was. See attached, and then that would
15 become part of the formal record of the rulemaking
16 proceeding.

17 CHAIR ROOKER: Any other questions for
18 Paula? Okay. She'll keep watch over us, and keep us
19 on the straight and narrow.

20 MS. SILBERTHAU: Okay.

21 CHAIR ROOKER: Thank you, Paula, very
22 much. Is Steven Gorey here? Okay. Great. Let me
23 just introduce you. We're going to see a live demo of
24 the CGB's web page. Steve is the Assistant Bureau
25 Chief of CGB in the Systems Support Office, and thank

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1 you. Welcome.

2 MR. GOREY: Okay. Thank you very much. I
3 appreciate the opportunity to discuss the CGB website
4 today, and our ongoing efforts to make it a more
5 useful and effective tool. During the next 30
6 minutes, we'll step through the site, and I'll give
7 you some insight into what we hope to achieve in the
8 future, as well as what we're doing right now.

9 To set the stage, I thought it would be
10 useful to look back a few years, and see how far the
11 FCC has come as a Commission, and with the other
12 Bureaus in its website development activities. I
13 don't know how many of you ever visited the old site,
14 or remember --

15 CHAIR ROOKER: We're kind of losing you,
16 Steve.

17 MR. GOREY: Pardon me?

18 CHAIR ROOKER: We need to get you a little
19 closer to the microphone.

20 MR. GOREY: Okay. I don't know how many
21 of you remember the old website, or even visited it.
22 But if you do, you remember something that looks like
23 this. It's a page that's dominated by a picture of
24 the Portals Building, obviously, and there's other
25 things arrayed around the edge. In addition, if I

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1 could show you the old Bureau pages, you would see
2 that they were all completely different. And judging
3 from the Internet alone, you would have no sense that
4 the FCC was an integrated entity.

5 So against this backdrop, we realized that
6 we had to do something about the FCC sites, and Bureau
7 sites. And so in 2000, we contracted with a company
8 called "Human Factors International", and HFI
9 conducted a series of interviews with website
10 visitors, and established that we have two major user
11 groups. One of the user groups was, and continues to
12 be, professional users, people like in law firms and
13 associations and the like that know exactly what
14 they're after, and know exactly where to go in the FCC
15 to get it. They don't have to hunt around.

16 The other class of users are regular
17 consumers who often have never been to our site
18 before, and have no idea of where to go to find what
19 they're looking for. So in short, the contractor
20 confirmed a lot of our own conclusions about the
21 shortcomings of our sites, and also identified many
22 other issues that we needed to address to improve our
23 site.

24 For example, the Portals Building is a
25 very nice place to work. I can ensure you of that,

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1 but it really doesn't do much to establish the FCC's
2 brand identity. Why would anybody throughout most of
3 the U.S. look at the building and connect it in any
4 meaningful way with what the FCC does? So in the new
5 design, we decided we're going to get rid of the
6 Portals Building.

7 Also, at that time, consumers and other
8 visitors complained a lot about the fact that they had
9 trouble finding what they were after, and that was
10 largely due to the fact that we had so many search
11 tools that were linked to individual pages. So as a
12 result of that, in the intervening two years, we found
13 a powerful single -- a single powerful search engine
14 we called Inktomi. I mean, we've got that available
15 now so that any time anybody comes to our site and
16 searches for anything, it's Inktomi that's doing the
17 work behind the scenes.

18 And also, because of the lack of standard
19 look and feel, some people even said that they didn't
20 know when they had left the FCC site. No sense of
21 when they were still within the domain of the FCC,
22 which was a major problem in and of itself. And so
23 perhaps that's the biggest single change we've made,
24 designing the now familiar blue and gold template that
25 we use today. So if we go to the new FCC home page,

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1 it looks like that. And at the outset, you might
2 think well, maybe I like the Portals Building, but
3 what we did here, we republished all 11,000 plus of
4 our pages in this format. And so with that standard,
5 and the ability to find things, certain common things
6 on every single page, it seemed to help quite a bit.

7 Well, the evidence suggests that it really
8 was well- received, because in the Fall of 2001, the
9 FCC placed third in Brown University's annual study of
10 state and federal websites, and then last year we
11 jumped to number one, so this is the number one
12 federal and state website according to Brown
13 University.

14 In CGB, we like to think that some of the
15 things that we've done, and I'll show you in a few
16 minutes, helped with the number one ranking. And
17 we've already received word from the Chairman, he
18 expects us to retain the number one ranking for this
19 year. And you know what they say about being number
20 one, there's only one way to go.

21 All right. So now let's look at the CGB
22 site. Okay. What you're looking at right now is our
23 interpretation of the standard format for the FCC.
24 And one of the things you'll notice right off the bat,
25 is that we've taken the standard template and

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1 implemented it somewhat differently. The center main
2 section that is generally used for headlines, we have
3 relegated that real estate to something we think is a
4 bit more important, which is targeting stakeholder
5 groups. And you can see the main headlines on the
6 right-hand side, and then there's another section
7 we'll show you in a minute for media that contains the
8 connectivity for the rest of the headlines.

9 The other thing that I should draw your
10 attention to is the fact that we don't emphasize our
11 organizational structure on our website. We feel that
12 if you're looking for something, you should be able to
13 find it without knowing who we are. And while you
14 will be able to find out about our organizational
15 structure, you'll have to look a bit.

16 Okay. So getting back to the center
17 portion of the page, at the very top we have what we
18 call the "Blue Box". And the Blue Box is a place
19 where we put things of particular interest or moment
20 in terms of what the FCC is involved with at any given
21 time.

22 Until recently, we had -- with the
23 prominence of the Iraq War, we had our Calling Home
24 Program featured in there, which tells about the
25 program for the servicemen and women who are overseas,

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1 and ways to save money in their telecommunications
2 needs. Right now we have wireless 911 feature, but
3 that will change. That's probably the thing that you
4 should look to, or our visitors should look to when
5 they first come here, and want to see what we think is
6 the -- some major issues that are going on.

7 Dropping down below that, we have probably
8 our single largest stakeholder group represented in
9 this next box. That's, of course, consumers. And if
10 you go to that page, what we've done is grouped things
11 together under major headings, which you can get to
12 via either an icon if that's your preference, or
13 through text links. And what that allows us to do is
14 to provide information in plain English language, we
15 hope, concerning any of those different major
16 categories. And then all of these things are
17 associated with certain fact sheets the FCC maintains,
18 and this is part of the fact sheet directory that
19 anyone can access for any of these things.

20 The other thing that I really want to tell
21 you about is a brand new page called, "The Consumer
22 Advisory Committee Page", and this is a brand new
23 page. It's a new design theme that you're going to
24 see more of in the future, but the content is somewhat
25 sparse right now, but we think that you'll help us

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1 fill it out over the coming months. And, in fact
2 we're really serious about that. I know that we'd
3 like you to give us plenty of feedback on the site,
4 and use it any way you want.

5 You will see that we have initially
6 information on the mission of the CAC, the Committee
7 membership, the charter, press releases, et cetera.
8 And then you'll also be able to find the old CDTAC
9 archive information at the bottom. So again, it's
10 somewhat sparsely populated right now, but please give
11 us your feedback.

12 Below that, and in recognition of our
13 special responsibilities in the area of disability
14 rights, we have another page which groups together
15 again all of the disability issues that we have
16 responsibility for, or something to do with. We have
17 disability headlines, TRS, Section 255, and you can
18 blow up all of these different sections and get quite
19 a bit of detailed information. But again, you don't
20 have to hunt around. If you're interested in Section
21 255 or closed captioned, all you've got to do is find
22 your way to this site, and then you'll be able to
23 drill-down and get to it with a minimum amount of
24 trouble.

25 And while I'm at it, I should probably

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1 mention that we take accessibility and website design
2 very seriously in the FCC as a whole, and certainly in
3 the CGB. We've tried very hard to provide accessible
4 versions of all materials provided on our website,
5 which means that if you see PDF, nine times out of ten
6 you're going to see HTML or Word, or a Text version
7 that is more accessible than PDF. PDF, obviously, is
8 good for downloading and printing. It's a nice tool
9 for that, but there are problems with it. Everybody
10 acknowledges that there are problems with regard to
11 screen readers in some cases.

12 It's also worthwhile noting that there was
13 a conscious effort to pick the template colors for the
14 FCC page. This blue and gold, with accessibility in
15 mind, so not that we're perfect, but we're making an
16 honest effort.

17 The next page I want to show you is the
18 Tribal State and Local Government's page. This is in
19 recognition of the fact that we have
20 government-to-government relationships. If you go to
21 this page, you'll find information about the Local and
22 State Government Advisory Committee. And another
23 page, which is relatively new, that we're really proud
24 of called "The Tribal Initiatives Page", and here we
25 are featuring our Tribal Initiatives activities, and

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1 talking about our special responsibilities in meeting
2 the needs of Native Americans, the telecommunication
3 needs of Native Americans. And here at the bottom of
4 the page, we're going to chronicle our activities on
5 this map, which if you click on it, you can find a map
6 of the United States, and these purple areas, some of
7 them will tell you about events that we've attended,
8 such as this one, the Chehalis Reservation meeting of
9 last year, July of '02. That's another little device
10 that we're starting to use.

11 Okay. Going down still further, we have a
12 page for industry, which it's obviously another major
13 stakeholder in the complex relationship between
14 consumers and industry, and other parties. What we've
15 done here again is we've tried to reduce to plain
16 English language, the way in which industry can deal
17 with the informal complaint process.

18 Now you'll notice this disclaimer we have
19 right at the top. And it says, "The information
20 provided in connection with these frequently asked
21 questions does not purport to identify all of the FCC
22 rules, regulations or orders that may apply to a
23 particular matter or situation. Each entity regulated
24 by the FCC has an affirmative obligation to be
25 informed and comply with the applicable rules,

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1 regulations and orders of the FCC."

2 When we came up with that page, that
3 disclaimer wasn't in there. But when we showed it to
4 our lawyers, they wanted to make sure that in our
5 attempt to reduce things to plain English language,
6 that we didn't do any damage to the process. And so
7 in other words, we're telling industry okay, we may be
8 talking in plain English language, but in so doing, if
9 we mess anything up, you're still liable, kind of like
10 what the IRS used to do.

11 Okay. We also have a military site. This
12 came into being in May of 2002 with the FCC's Calling
13 Home campaign for military personnel and their
14 families. In the center piece of this site is the
15 Calling Home guide, which tells servicemen and women
16 all the things that they can do to reduce their
17 telecommunications cost when they're overseas. Again,
18 we thought it was a real good idea to have such a
19 page, and we're getting quite a few hits on this page.

20 And then finally at the bottom of the pile
21 is media. And as I mentioned a while ago, that's
22 where we put all the headlines that if you go to the
23 FCC home page, it's right smack in the middle. And so
24 what we did is essentially invested a lot of the space
25 for other things, as I said at the outset.

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1 Okay. Now let me take you to a couple of
2 other pages. I think I heard some people talking
3 about our rulemaking process throughout the day, and I
4 don't know if there was some reference made to ECFS
5 Express. I just wanted to show you kind of the
6 rationale for this little system that we've come up
7 with. And basically, that is the fact that the
8 industrial strength Electronic Comment Filing System
9 is for the uninitiated, kind of daunting. In other
10 words, you've got to know the docket number, and
11 you've got to think -- there are proceedings that
12 don't have clear titles, at least to people who aren't
13 lawyers. And so if you're looking for something that
14 you want to comment on, it's kind of a problem. And
15 so to answer this concern, we came up with a shorthand
16 system.

17 We don't have to know any docket numbers
18 at all. And what we do is, we provide the hot issues
19 in shorthand, and then we, behind the scenes when
20 somebody selects one of those, and gives us a comment,
21 we link it up with the docket. So, for example, if I
22 picked Uniform Complaint Process, and I go to
23 continue, then all I have to do is fill in these seven
24 fields, and I can make a comment. And it sends back a
25 confirmation that you've successfully commented. And

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1 this, to us, goes a long way towards answering a lot
2 of the problems that we know people have had who,
3 again, are people that don't do this on a regular
4 basis, in commenting on proceedings at the FCC.

5 Another page I'll just draw your attention
6 to is the Rural Telecommunications page, and that also
7 has a new design. And this has information about
8 programs to get connected and affordable phone service
9 that's available, programs that are available for
10 people who live in rural parts of the country. And a
11 whole bunch of other information, but you can see that
12 if you go here, again we're trying to group as much
13 information for those people interested in this sort
14 of subject matter as we can.

15 And I should say, when we won first place
16 last year, most of that which I'm showing you wasn't
17 there, so there is a chance we could retain that
18 ranking, but we'll see. And -- oh, I know. The other
19 thing I wanted to show you, I think I also heard some
20 talk about the phone bill and how confusing they are.

21 And we certainly get a lot of complaints and
22 inquiries about phone bills, and trying to figure out
23 what people are being charged, ripped-off or what have
24 you, so we came up with another little device called
25 the "Virtual Phone Bill", and it looks like this.

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1 What you have is a phone bill that's for both wireless
2 and wire line, that let's you scroll down. And we
3 have certain lines that people often talk about with
4 the little bubbles over them. And if you run the
5 cursor over the bubble, it'll explain and give you a
6 definition of the charge to the extent that we can
7 provide it in this small space. And we've heard from
8 people that they really like this, and get some use
9 out of this. And again, we've done this for both wire
10 line and wireless.

11 Okay. Looking to the future, here's what
12 you can expect to see in the future. We've got a
13 52-week plan started. The idea being that only sites
14 that change on a regular basis get visited. I don't
15 think any of us in the room here go back to sites that
16 don't change ever. It doesn't make sense. So what
17 we're going to do is change something in that blue box
18 once a week. And not just change for change sake but,
19 you know, try to make it relevant to things that we're
20 getting asked about on the phone, or proceedings that
21 are going on in the FCC, et cetera.

22 The other thing is, we're going to
23 continue to experiment with balancing text and
24 graphics. You can see that we kind of have a lot of
25 graphics on here right now. We also make use of tags,

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1 so that screen readers can deal with the graphics, but
2 we have learned through experience that if you bombard
3 a visitor with too much text, it tends to camouflage
4 what they're looking for. And so we're trying to use
5 graphics to kind of lighten that effect up somewhat.

6 And the other thing that we're going to do
7 more of in this era of E-Government is provide more
8 opportunities for on- line self-service. We have a
9 big project right now called "The Consumer Information
10 Management System", and we're re-engineering all of
11 our processes in terms of the informal complaint and
12 inquiry process, as well as modernizing our
13 technology. And one of the things that we know people
14 would like to be able to do is, if they have their
15 complaint number, they filed a complaint and they have
16 their number, we know they'd like to be able to go on
17 the web sometime and be able to enter that number and
18 get a status back, rather than calling somebody. It
19 would benefit them, and it would benefit us, because
20 we'd be spending less time on the phone. So that's
21 something else we'll be doing.

22 So anyway, this gives you an idea of what
23 we've done. I would welcome your comments and
24 suggestion now or later, and especially on the CAC
25 page.

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1 CHAIR ROOKER: Does anyone have questions?
2 David, you're next.

3 MR. POEHLMAN: Hi, this is Dave Poehlman
4 with the American Council of the Blind. And I'm a
5 technology consultant, and I do a lot of looking over
6 the shoulder of webmasters at what they've produced,
7 and what they're producing. I hadn't prepared myself
8 for this meeting by going through the FCC pages, but I
9 have visited them quite often over the past several
10 years, and I have noticed some changes. I just had a
11 couple of things I wanted to look at with you. Thank
12 you, by the way, for sharing this with us. This looks
13 like a very exciting electronic interface for the FCC.
14 It's one you should be proud of.

15 Is there any other way to identify the
16 blue box besides the color of the box?

17 MR. GOREY: Well, in fact, I didn't
18 mention this, but we have another prototype version of
19 this page that probably will appear a bit less heavy
20 to you with that splash of blue at the top. We're
21 looking at it right now. We're thinking about putting
22 it up in the near future. What do you suggest?

23 MR. POEHLMAN: Well, I was just -- I guess
24 the color is saying to people this is something you
25 should look at.

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1 MR. GOREY: Right.

2 MR. POEHLMAN: So, you know, what we
3 usually try to strive for in a situation like that is
4 to put some kind of permanent title on that section,
5 like a header that says this week's important info, or
6 this week's info you should look at, or something like
7 that. That would identify the blue box. You don't
8 even have to say it's blue.

9 MR. GOREY: Right.

10 MR. POEHLMAN: Just say, you know, this is
11 something we think is important enough, you know, to
12 draw your attention.

13 MR. GOREY: Okay.

14 MR. POEHLMAN: So that's, you know --

15 MR. GOREY: Good comment.

16 MR. POEHLMAN: The blue is great. Now
17 here's the other thing I have. You talked about the
18 Virtual Phone Bill. I got all excited until you said,
19 you know, when you move the cursor over and it
20 changes, and I went wait a minute. Okay. How can I
21 do this with a keyboard, if I'm tabbing through it, or
22 if I'm -- you know, if I've got it in my virtual
23 buffer, you know, how can I get the same information
24 out of that virtual phone bill that, you know, that a
25 person who's using a mouse can get?

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1 MR. GOREY: Okay. Yeah. What I meant to
2 say is when you move the cursor over certain line
3 items in the phone bill, it comes up with a dialogue
4 box.

5 MR. POEHLMAN: But that's the mouse.
6 Right?

7 MR. GOREY: Yes. Okay. And you were
8 saying what?

9 MR. POEHLMAN: Right. So how can I get
10 that information, since I don't use a mouse.

11 MR. GOREY: Okay. I don't know. I'm
12 going to have to look at that.

13 MR. POEHLMAN: Okay.

14 MR. GOREY: I'm going to have to figure
15 that out.

16 MR. POEHLMAN: Actually, the way that some
17 websites do it, is they allow you to put in
18 information that would make things more specific.
19 Like you could put in your zip code, for example, and
20 your state and that kind of thing, and it will
21 actually give you a virtual phone bill, you know, for
22 your particular circumstances.

23 MR. GOREY: Right. Right. Okay.

24 MR. POEHLMAN: So, you know, you might be
25 able to do it that way, because I'm not sure what

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1 those dialogue boxes contain but, you know, it might
2 be just as simple as doing something like that.

3 MR. GOREY: Okay.

4 MR. POEHLMAN: Simple but, you know -- and
5 the other -- the final thing I have for now is do you
6 still use real -- this might be a little off the way.

7 Do you still use Real Media only for your --

8 MR. GOREY: As an FCC standard?

9 MR. POEHLMAN: Yeah. Right.

10 MR. GOREY: You know, I believe we do
11 right now. Yes.

12 MR. POEHLMAN: Because it would be really
13 great if we could have at least one more, or an
14 additional one, like Windows Media for the simple
15 reason that there are a lot of situations where Real
16 Media just doesn't work.

17 MR. GOREY: Right. Right. Okay. I can
18 take that up with the FCC webmaster too, that topic.

19 MR. POEHLMAN: Thank you, and I look
20 forward to the continuing evolution. And if I can
21 help in any way, let me know.

22 MR. GOREY: Okay. Thanks.

23 CHAIR ROOKER: Thank you, David. Do we
24 have other questions? Susan Palmer.

25 MS. MAZRUI: I also want to say that I

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1 think there has been a lot of progress. And I think
2 that there's a lot of good things that have happened.

3 I do have a question about what processes you have in
4 place to make sure that the website is 508- compliant,
5 not 504, but 508. And also, following the way
6 guidelines. And if there's a testing process that
7 looks at the needs of people who are using screen
8 readers, but also people who are seniors. And things
9 like time-outs and things that can be problematic.

10 MR. GOREY: Right. Sure.

11 MS. MAZRUI: And, you know, I do commend
12 the fact that you're putting many documents in
13 multiple formats, but I would really like to see some
14 kind of a policy in place that it doesn't go out until
15 it's available to everyone. Just as you don't open
16 the doors to a building when it just has stairs, you
17 want until there's a ramp.

18 MR. GOREY: Right. Right. The answer to
19 your first question is probably multi-faceted. We
20 have a 508 office here that operates out of our Office
21 of the Managing Director. And they set policy and,
22 you know, they have a certain role to play FCC-wide.
23 Now within the CGB, there's formal and informal
24 processes. One of my favorite informal processes is
25 going to Scott Marshall and saying Scott, does this

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1 work for you, you know. So that's one thing that I
2 do, but we also do converse pretty carefully with our
3 Disability Rights Office, as well, and make sure that
4 we're on solid ground, so those are a few examples.

5 CHAIR ROOKER: Follow-up, Susan.

6 MS. MAZRUI: Do you have people who use
7 screen readers in the Disability Rights Office? And
8 also, I have to warn you about Scott, because he's
9 incredibly bright and adept, so he may have some
10 more problem-solving skills than some lowly person
11 like me.

12 MR. GOREY: All right.

13 MR. MARSHALL: I'm not a computer expert
14 either.

15 MR. GOREY: You know, I'm not certain how
16 many people - - yes, we have Arlene. Does Arlene have
17 -- Scott, does Arlene have screen reader? Okay.
18 Yeah, I'm not sure that we do have anybody in the
19 Disability Rights Office with a screen reader, so all
20 the more reason for me to go to Scott.

21 CHAIR ROOKER: Okay. I think Claude had
22 his hand up next. Then we have some questions here.

23 MR. STOUT: I also wanted to compliment
24 your work on the website along with everybody else
25 here. Two considerations for you to think about in

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1 the site. If you've added information about Video
2 Relay Services, if there are videos on there, to
3 caption those videos on the website, and not only
4 streaming videos but, you know, like Chairman Powell's
5 speeches before, you know, some type of audience in a
6 conference. Not just those, but it would be neat to
7 have infomercials, perhaps. There are a lot of people
8 on the street throughout America that look at, you
9 know, different features, and they look at the
10 information and say that's it? Oh, wow, it takes such
11 a long time to read all this stuff, you know. I'll
12 read it later. But if you have streaming video with
13 captions or somebody doing sign language, it would be
14 even better. There would be a lot more people who
15 would be willing to get access to that information,
16 and if you can keep it short, then it's great for
17 people to look at it, and some video to go along with
18 your text would be a great thing to have.

19 MR. GOREY: Okay. Good idea. We'll think
20 about that.

21 CHAIR ROOKER: Yeah. Thank you, Claude.

22 MR. GOREY: See what it takes for that.

23 CHAIR ROOKER: Okay. I think we had two
24 comments. Mike, you had one, and then David.

25 MR. DUKE: Wandering microphone.

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1 Especially for pages which do not, because of the
2 nature of their content, do not have to change very
3 often, is there somewhere on that page last updated on
4 April 25th, whatever?

5 MR. GOREY: Yes, there is.

6 MR. DUKE: Okay. Because that's a great
7 -- that's one of the first things I look at when I go
8 to a site, is to (a) not only to see how current
9 they're keeping the site, but --

10 MR. GOREY: Right.

11 MR. DUKE: -- if I just looked at it two
12 weeks ago and, you know, and it hasn't changed, I
13 don't need to waste my time looking there today.

14 MR. GOREY: Exactly. Especially when
15 there's a lot of text.

16 MR. DUKE: Right.

17 CHAIR ROOKER: That's a good point.

18 MR. DUKE: Okay. Thank you.

19 CHAIR ROOKER: David's next.

20 MR. HOROWITZ: It's funny. I was going to
21 ask a question like that, but make a suggestion. And
22 that is, on the page, on the home page that they have
23 the date everyday, because people go to a website and
24 they look and say oh, that thing is four days old,
25 three days old or whatever. And it's not trying to

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1 fool anyone, but just have a date.

2 MR. GOREY: Right.

3 MR. HOROWITZ: You know, this is today,
4 whatever, whatever, Washington, D.C. You can have a
5 little box. And the other thing is what about doing
6 some things that are bilingual? I mean, we have --
7 everything is English here, which is fine, but --

8 CHAIR ROOKER: No, it's in Spanish.

9 MR. GOREY: No, we have quite a bit of
10 Spanish.

11 CHAIR ROOKER: It's in Spanish. A lot of
12 it is in Spanish.

13 MR. GOREY: I didn't cover that, but we do
14 have a lot of Spanish in the FCC --

15 MR. HOROWITZ: Is Spanish the only
16 language?

17 MR. GOREY: Pardon me?

18 MR. HOROWITZ: Is Spanish the only
19 language?

20 MR. GOREY: No, it isn't.

21 MR. HOROWITZ: What other languages are
22 there?

23 MR. GOREY: We have done some things in
24 about 13 different languages. There was one brochure
25 that we did in 13 different languages.

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1 MR. HOROWITZ: How will they access it
2 then if they went to the home page? Say they want to
3 do something in Vietnamese or --

4 MR. GOREY: Yeah. I'm not going to sit
5 here and tell you that we do a vast amount of things
6 that are not in Spanish. But we have dabbled with
7 other languages. In fact, it's surprising, some of
8 the languages we got the most interest in, and one of
9 which was Tagalog.

10 MR. HOROWITZ: Really?

11 MR. GOREY: Right. At least with regard
12 to the --

13 MR. HOROWITZ: Well, the Philippine
14 population in this country --

15 MR. GOREY: Right. At least with regard
16 to the brochure that we did. But we are talking at
17 the FCC about a commission-wide contract with a web
18 translation service that specializes in a number of
19 different languages.

20 MR. HOROWITZ: That's a good idea. What
21 about font sizes? The font sizes seem to be, you
22 know, pretty much throughout the website, they're
23 pretty much the same. I mean, you have what, 12 point
24 or 10 point, or maybe 8 point some places.

25 MR. GOREY: Right.

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1 MR. HOROWITZ: But for seniors again, you
2 know, a lot of seniors, they have their dictionaries
3 now in large type. I'm not saying go to 18 or 14
4 type.

5 MR. GOREY: Right.

6 MR. HOROWITZ: But go to something that's
7 over 10, and also -- and I know there's a way to do it
8 where you can just push a button and you can pick out
9 the size you want. In other words, if you can't read
10 it, you can adjust it to -- if it's 10 you can go to
11 12 or 14.

12 MR. GOREY: Right. And a lot of that,
13 again, keeping in mind that we're responsible for one
14 Bureau page. A lot of that is in discussion
15 throughout the FCC through the webmaster and certain
16 groups that we have, and going to maintain the entire
17 site.

18 The other thing is, I mean, the thing you
19 always struggle with in a website is how do you meet
20 the needs of the widest array of people with different
21 issues, and it is a problem.

22 CHAIR ROOKER: Thank you. Eugene, last
23 question.

24 MR. SEAGRIFF: Hi, Steven. I've only been
25 involved in policy kind of stuff for the past two

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1 years, and I have to tell you that yesterday I had to
2 a research project that involved calling a lot of
3 information form the FCC site, and it was remarkably
4 better than the first time than I had to do it two
5 years ago.

6 MR. GOREY: Good. Good.

7 MR. SEAGRIFF: And the user experience was
8 very positive, and I was able to much more quickly and
9 easily find much of the data that I was looking for.
10 I have two suggestions, perhaps. I love the idea of
11 the ECFS Express, and I have a question. I was
12 wondering if you do submit a comment, when you get a
13 confirmation, does it then include the docket number
14 for future reference?

15 MR. GOREY: I think it does, actually. It
16 gives you a confirmation number, as well.

17 MR. SEAGRIFF: Right. And the other thing
18 I was wondering about is also related to docket
19 numbers. Since I'm not a policy kind of guy, I don't
20 often know the docket that I'm looking for. And I
21 haven't found the search portion of ECFS to be all
22 that useful if you don't have the docket number.

23 MR. GOREY: Right.

24 MR. SEAGRIFF: And that's an area that
25 would be worth looking into.

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1 MR. GOREY: Right.

2 MR. SEAGRIFF: I know it's a difficult and
3 complex problem to solve in the database, but if there
4 was some way that -- I mean, I think that would even
5 further elevate the usability of the site. Already,
6 I'm really thrilled with all the things you've done,
7 but that may be another place to work on to keep your
8 number one position.

9 MR. GOREY: Right. It is a thing to work
10 on, and I should mention that in some ways, ECFS is a
11 stop-gap measure, because we have requested funding to
12 completely re-engineer ECFS, and to address some of
13 the things you just mentioned.

14 CHAIR ROOKER: Well, that was a nice way
15 to end it, with a compliment.

16 MR. GOREY: Yes. Thank you.

17 CHAIR ROOKER: Thank you, Steven, very
18 much.

19 MR. GOREY: Thank you very much.

20 CHAIR ROOKER: Joining us next, our
21 educational process continues. We're going to take a
22 look at the way the FCC works, what it does, how it
23 does it, the decision-making process structure. We've
24 got a lot of work ahead of you, and the person who's
25 going to do this is Donald Stockdale, who's a Senior

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1 Legal Advisor for the Office of Strategic Planning of
2 the FCC. Donald, welcome.

3 While Donald is getting set up, Byron
4 asked if he could just make one comment about
5 something.

6 MR. ST. CLAIR: Yes. The National
7 Translator Association has a proposal before the FCC
8 which we think is consumer-friendly, particularly for
9 people who live in rural areas. We have asked the FCC
10 to streamline the application procedure for
11 translators. The Commission has come out with a
12 notice acknowledging that we've asked for this, and
13 basically saying should they do anything about our
14 request. I would be glad to tell anybody, provide
15 more details to anybody who thinks they might be
16 interested, and just even some minimal supporter
17 saying they don't understand the technical aspects,
18 but the whole idea seems like a good thing. So I
19 solicit the support of anybody who is concerned about
20 free over-the-air television in rural areas. Thank
21 you.

22 CHAIR ROOKER: You're welcome. And sorry
23 to take your time.

24 MR. STOCKDALE: No problem. Thank you.
25 I'm pleased to be able to talk with you today, and to

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1 present a brief introduction and overview of the FCC.

2 I'll basically try to describe the
3 organization of the Commission, its procedures, and
4 its functions. Now the slides I'll be using today
5 were prepared for a new course that the Commission has
6 begun offering to new FCC employees, so you're going
7 to be receiving the same kinds of information all our
8 new employees receive. Now these slides should be
9 available in your materials. And Scott tells me that
10 for those of you using Braille, the slides begin on
11 page 45. And for others, the slides begin on page 17,
12 so you may want to refer to that.

13 Because this introductory course was
14 actually designed for a longer period than I have
15 today, I may -- I will be skipping over some of the
16 slides. But if I skip over something that interests
17 you, you should feel free to raise your hand and
18 interrupt, and we can discuss it. I also encourage
19 you to ask questions throughout the presentation. As
20 a regulator for several years, I have an unfortunate
21 habit of lapsing into the use of acronyms which normal
22 people would not know. And if I do, remind me so that
23 I can explain it, and I hope that that will liven the
24 presentation a bit.

25 Finally, at the end of my slides, you'll

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1 see my e-mail address. And I do encourage you after
2 this session, if you have suggestions on how the
3 presentation can be improved, or if you have
4 additional questions you'd like me to answer, feel
5 free to contact me.

6 Okay. Now this is a basic outline of the
7 talk. And I'm going to start by talking about the
8 legal framework within which the Commission operates,
9 since clearly, we must comply with the laws that
10 Congress passes. Then I'll briefly talk a little bit
11 about the communication, the market framework, and the
12 growing size of the communications industry within the
13 U.S. economy. Then I'll turn to organizational,
14 administrative framework, the decision-making process,
15 and finally talk a bit about external influences and
16 the various stakeholders to the Commission. And the
17 issue of public trust safeguards is primarily an issue
18 that is relevant to employees, but we may touch on
19 that if we have time.

20 Okay. Now as a bit of brief history. In
21 1887, Congress passed the act to regulate commerce,
22 which created the Interstate Commerce Commission.
23 This Commission was the first independent regulatory
24 commission, and it was created initially to regulate
25 railroads. Now the ICC became the model for

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1 independent regulatory commissions. And I think it's
2 useful at this point to briefly note that in the
3 United States, the Congress has developed basically a
4 two-pronged approach to regulating industries.

5 Where Congress believes that an industry
6 is or can be effectively competitive, or workably
7 competitive, it will rely on the Anti-Trust laws, the
8 Sherman Act, and the Clayton Act. Where, however,
9 Congress believed that in industry, that competition
10 might not work, either because it believed an industry
11 was a natural monopoly, or because it believed that it
12 was subject to what used to be called destructive
13 competition, it would frequently create an independent
14 regulatory commission, and subject the industry to
15 industry regulation.

16 Okay. Now by 1910, Congress passed the
17 Mann-Elkins Act, which brought interstate
18 telecommunications within the jurisdiction of the ICC,
19 so this was the first time that Congress began to
20 believe, or expressed its belief, that
21 telecommunications was a natural monopoly.

22 Okay. Next 1912, Congress passed the
23 Radio Act following the sinking of the Titanic. And
24 apparently, during -- as the Titanic was sinking, the
25 radio operator was trying to radio a distress call,

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1 and its location, and unfortunately, the receivers in
2 I think it was Newfoundland, were unable to clearly
3 hear it because of interference by amateur radio
4 operators, so this made Congress recognize the need to
5 regulate the radio spectrum, and it initially gave
6 responsibilities for that to the Secretary of Commerce
7 and Labor.

8 Okay. Then in 1927, Congress passed the
9 Radio Act, which created the Federal Radio Commission
10 with authority to issue radio license, and to assign
11 specific frequencies. Okay. Then it was in 1934 that
12 Congress passed the Communications Act, which created
13 the FCC, and which gave FCC basically the powers to
14 regulate not only telecommunications, but also the
15 spectrum and media.

16 Now I think it's important to mention sort
17 of a non- statutory event, which was the Sherman Act
18 suit brought by the government against AT&T. In 1974,
19 the Department of Justice, Anti-Trust Division, sued
20 AT&T for monopolization. And this suit dragged on for
21 seven years until trial begin in 1981. And after
22 government presented its case, the parties agreed to a
23 settlement which was confirmed by, or approved by
24 Judge Green, the Federal District Court judge in 1982.

25 This settlement, called the Modification of Final

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1 Judgment, basically provided for the divestiture of
2 AT&T. AT&T's long distance operations were separated
3 from its local exchange operations, and those local
4 operating companies were reorganized into then seven
5 regional Bell operating companies. And the Bell
6 operating companies were required to inter-connect
7 equally with all long distance carriers, and were
8 prohibited from competing in the interstate long
9 distance market, or from providing information
10 services, or from manufacturing telecommunications
11 equipment. But on the other hand, AT&T was free from
12 similar prior restrictions under a 1956 decree, so one
13 of the reasons I mention this is because this ended up
14 being a crucial event in the sort of development of
15 competition in telecommunications.

16 Okay. Three other statutes that are worth
17 mentioning. The first is the 1984 Act that Congress
18 passed called "The Cable Communications Policy Act",
19 which pre-empted rate regulation, which had been done
20 at the local level, where the Commission found there
21 to be effective competition.

22 Now unfortunately, the FCC implemented
23 this law and adopted a standard under which if there
24 were three over-the-air television broadcast stations,
25 it found there to be effective competition. After

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1 this implementation, much of the U.S., or cable rates
2 in much of the U.S. were deregulated, and this
3 generated consumer complaints. So in 1992, Congress
4 revisited cable regulation, and basically required
5 cable companies to offer a basic tier, and it allowed
6 local authorities to regulate rates in certain
7 circumstances.

8 Okay. And then finally, in 1996, Congress
9 passed the Telecommunications Act of 1996, which was a
10 most substantial revision of the Communications Act of
11 1934, and which was designed to promote competition in
12 all telecommunications markets, but particularly in
13 local telephone markets.

14 Okay. So that's a brief history. Now
15 what are the two main governing statutes? They are,
16 first, the Communications Act of 1934 as it has been
17 amended many times. And second, is the Administrative
18 Procedure Act of 1946, which has also been amended
19 many times.

20 Now this latter Act, which I'm not going
21 to spend much time on, because it sets the general
22 procedural rules with which the FCC must comply, and
23 these rules govern not only rulemaking procedures, but
24 also adjudications. And the rules, in essence, are
25 intended to ensure that all the Commission and all of

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1 any federal government agency's procedures are open,
2 that they are accessible for public comment, and that
3 they will ensure a reasoned decision-making.

4 Okay. Now I'm not going to spend a lot of
5 time on the Communications Act, but I will just cite
6 -- mention Title I, because it indicates the general
7 purpose of the FCC, which is to regulate interstate
8 and foreign commerce in communications by wire and
9 radio, so as to make available to all the people of
10 the United States, without discrimination, a rapid,
11 efficient nation-wide wire and radio communications
12 service at reasonable rates. So clearly here, and the
13 fundamental purpose of the Communications Act is a
14 goal to sort of -- is basically a consumer welfare
15 standard.

16 Okay. The second point that's worth
17 making is the Act applies to all interstate and
18 foreign communications by wire or radio, but it
19 generally does not apply to intrastate communications.

20 And this is important, because in the U.S., there has
21 traditionally been a split of regulatory
22 responsibility between the federal government, i.e.,
23 the FCC, and state regulatory commissions. And so
24 that frequently we, at the FCC, will get questions
25 from consumers. And unfortunately, many of those

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1 questions relate to issues that are within the purview
2 of state regulators and, you know, we will try to
3 provide information, but I think it is important to
4 recognize the sort of limited responsibility of the
5 Commission.

6 Okay. Now I'm not going to go through all
7 the titles of the Communications Act, but I will note
8 just three of those titles, which are substantive
9 titles. The first is Title II, which regulates common
10 carriers. And it basically is the title that gives us
11 regulatory authority over telephone companies that
12 provide interstate or foreign communications by wire
13 or radio.

14 Title III contains the provisions relating
15 to radio, and it gives the FCC jurisdiction over radio
16 stations, television stations, satellite operators,
17 wireless communications companies, and private
18 wireless providers. And then finally, there's Title
19 VI, which discusses cable communications. And it
20 basically defines the relative roles and relative
21 regulatory authority of the FCC on the one hand, and
22 local franchise authorities on the other over cable
23 television companies. Okay. Any questions on this
24 general legal background?

25 Okay. Let's talk a little bit about --

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1 I'd like to give you just a sense of the size of the
2 communications sector. And the first slide basically
3 indicates that the communications sector defined
4 broadly, basically now represents 15 percent of U.S.
5 GDP. This is as of the year 2000, which is the last
6 year for which we have detailed statistics,
7 unfortunately. And this percentage has been growing
8 steadily over time.

9 Now I should note that, and as you can
10 see, this pie chart has three slices, sort of
11 non-communications, a yellow slice that is other
12 communications, then a pink slice that is the
13 telecommunications sector that is directly regulated
14 by the FCC. Now other includes such things as
15 information services, including computer and data
16 processing. It includes, also includes telecom
17 apparatus and radio and TV communications equipment,
18 fiber optic cable and equipment, services and support
19 of voice and data communications equipment, and
20 services and support of network infrastructure
21 equipment.

22 Okay. But what the Commission is directly
23 responsible for, represents about 413 or 414 billion,
24 and of those, they basically are split into three
25 large groups. The largest is telecommunications

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1 itself, which is about 291 billion in 2000. Second is
2 services provided by multi-video programming
3 distributors, and these include cable companies and
4 direct broadcast satellite firms, among others. And
5 they represent about 63 and a half billion. And then
6 there are broadcast TV and radio industry that
7 represents about 60 billion.

8 Okay. And finally, with respect to
9 telecommunications itself, which is the largest part
10 of the communications industry that the Commission
11 regulates, the primary segments there are local
12 exchange at 116 billion, long distance at about 87,
13 and wireless at about 63.

14 I guess it's worth noting that the long
15 distance segment has been declining recently, while
16 wireless has been expanding. In fact, I'm sure many
17 of you now have cell phones, and you probably take
18 advantage of the free buckets of minutes on evenings
19 and weekends, and that's one of the reasons long
20 distance revenues are dropping. So we're soon going
21 to see wireless, I think displace long distances, the
22 second largest source of revenues, if it has not
23 already done so.

24 Okay. Now let's get to the meat of the
25 talk, and talk about the organization of the FCC.

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1 Well, the FCC actually is a commission that currently
2 employs about 2,000 employees, of which about 900 are
3 attorneys, engineers and economists. In the federal
4 bureaucracy, that isn't particularly large, though it
5 is quite large if you compare it to telecommunications
6 regulators in some other countries.

7 The Commission's budget for Fiscal Year
8 2002 was approximately \$245 million. Most of the
9 activities are funded by regulatory fees at levels set
10 annually by Congress. And the Commission also
11 collects application fees and, in particular, auction
12 revenues, but we don't get to keep those. Those go to
13 the U.S. Treasury, so we help the Treasury even though
14 we can't help ourselves.

15 Okay. Now the Commission is headed by a
16 Chairman and four Commissioners, and I'll talk more
17 about those in a second. It then has six operating
18 bureaus that are organized either by technology or
19 major function, and these operating bureaus are then
20 sub-divided organizationally into divisions and
21 branches. There are also 10 offices that provide
22 support in key areas.

23 Okay. Let's talk a little bit about the
24 Chairman and the Commissioners. And again, this
25 organization or the rules governing the Chairman and

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1 the Commissioners sort of harkened back to the
2 original Interstate Commerce Commission, and to the
3 general template for all independent regulatory
4 commissions, so there are an odd number of
5 Commissioners. There are five including the Chairman.

6 They are appointed by the President. They are
7 confirmed by the Senate. They have staggered terms so
8 that there's one Commissioner each year whose term
9 expires. And by statute, no more than three
10 Commissioners can be from any one party. In fact,
11 it's always the three Commissioners are from the party
12 that occupies the White House.

13 Okay. Now each Commissioner under the law
14 is entitled to be assisted by three legal advisors.
15 In recent years, those legal advisors have generally
16 specialized, so one will deal with wire line
17 competition issues, one will deal with media issues,
18 and the third will deal with wireless international,
19 and the issues that come up before the Office of
20 Engineering and Technology.

21 Okay. So the current Chairman and
22 Commissioners, the current Chairman is Michael Powell.
23 He's a Republican since the White House is occupied
24 by a Republican, and his term extends until June of
25 2007. The remaining four Commissioners in

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1 alphabetical order are Commissioner Abernathy, a
2 Republican; Commissioners Adelstein and Copps,
3 Democrats; and Commissioner Martin, a Republican. And
4 as you see on this chart, their terms, as I indicated
5 before, are staggered.

6 Okay. Now let's turn to the Bureau. And
7 the first Bureau, as I said before, there are six
8 operating Bureaus. The first is the Consumer and
9 Governmental Affairs Bureau, and I gather they've
10 spoken to you already. This Bureau handles consumer
11 inquiries and complaints, and conducts consumer
12 information and education campaigns. It also
13 coordinates policy efforts with industry and other
14 governmental agencies, including federal, state, local
15 and tribal agencies.

16 Okay. Next is Enforcement Bureau. The
17 Enforcement Bureau, as the name suggests, enforces the
18 Communications Act, as well as the Commission's rules.
19 Among other things, it resolves complaints by
20 carriers against carriers, by customers against
21 carriers, as well as complaints relating to spectrum
22 interference, radio transmitting towers, and media
23 programming. Now it's probably worth taking a minute
24 or so to talk about the relative responsibilities for
25 the Consumer and Governmental Affairs Bureau and

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1 Enforcement Bureau, because both of them handle
2 consumer complaints, but they do it slightly
3 differently.

4 Informal complaints generally go to the
5 Consumer and Governmental Affairs Bureau. So if
6 someone writes a letter complaining about being
7 slammed by their long distance carrier, that will go
8 to CGB. If, however, someone were to file a formal
9 complaint, that would go to the Enforcement Bureau.
10 Now the Enforcement Bureau, in addition, will sort of
11 monitor all the informal complaints that CGB receives,
12 so that if it sees a pattern of abuses of consumers,
13 it can then -- it may then decide to file its own
14 enforcement action, a formal enforcement action
15 against a particular carrier.

16 Now I should also note that both the CGB
17 and Enforcement Bureaus are relatively new bureaus,
18 and they sort of reflect the increasing
19 competitiveness of telecommunications markets. In
20 prior years where you had one carrier, there probably
21 were in some sense fewer complaints. Now that there's
22 more competition, more carriers, there's at least the
23 potential for greater consumer confusion and abuse,
24 and the Commission has responded by creating these two
25 new bureaus. Okay. Any questions about the relative

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1 functions of those two bureaus? Okay.

2 The next bureau is the International
3 Bureau. It regulates international satellite and
4 telecommunications services, and it also represents
5 the Commission on satellite and international matters
6 at domestic and international conferences, so it's the
7 people in the International Bureau that get the good
8 trips. Okay.

9 Next is Media Bureau. The Media Bureau
10 regulates and licenses inter alia, A.M./F.M. radio and
11 television broadcast stations, and it also regulates
12 cable television operators, and it regulates providers
13 of direct broadcast satellite service.

14 Okay. Fifth Bureau is Wireless
15 Telecommunications. It regulates fixed and mobile
16 one-way and two-way terrestrial wireless
17 communications, including communications provided by
18 cellular and PCS phones, pagers and two-way radios.
19 It also regulates the use of radio spectrum by
20 businesses, state and local governments, public safety
21 providers, aircraft and ship operators, harkening back
22 to the Titanic, and individuals.

23 And then finally, there's a Wire Line
24 Competition Bureau that basically regulates telephone
25 companies that provide interstate telecommunications

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1 services to the public using wire- based transmission
2 facilities.

3 Now as you probably recognize,
4 particularly now with the growth of wireless, there
5 are issues that relate -- I mean, wireless actually
6 does compete with wire line companies, so the Wireless
7 Bureau and the Wire Line Competition Bureau frequently
8 have to cooperate on policy issues that are relevant
9 to both industries.

10 Okay. How are bureaus organized? Well,
11 I'm going to just describe a certain typical
12 organization, and individual bureaus may vary slightly
13 from that. Bureaus tend to be run by the front
14 office, and the front office is headed by the Bureau
15 Chief, who is assisted by varying numbers of Deputy
16 Associate and Assistant Bureau Chiefs. Each bureau
17 also has a Chief of Staff, which is in charge of sort
18 of not only staffing, but certainly administrative
19 areas. There will be legal advisors. Most bureaus
20 also have a Chief Economist, a Chief Engineer, and
21 then they will have an Administrative Staff. They will
22 then also have various divisions, and under the recent
23 FCC reorganization, most of the bureaus have a Policy
24 Division, a Licensing Division, and an Industry
25 Analysis and Technical Division.

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1 Okay. And I don't recall the -- I'll just
2 add that the bureaus tend to be the largest
3 organizational bodies within the Commission. Okay.
4 Now what about the offices? Well, there are ten
5 different offices that basically perform more
6 specialized functions. There's the office of -- and I
7 will go through these quickly, and then just talk
8 briefly about two of them. And if you have questions,
9 feel free to ask.

10 The first is the Office of Administrative
11 Law Judges, ALJs will preside over any hearings that
12 the Commission might hold. For example, last year
13 when EchoStar tried to acquire DirectTV, the
14 Commission found that there were substantial issues of
15 fact about whether such an acquisition would be in the
16 public interest, so it designated that application for
17 a hearing before an ALJ. Now it turns out the parties
18 abandoned the transaction before we held the hearing,
19 but if they had not, we would have conducted a
20 hearing, and the ALJ would then have issued an initial
21 determination, which then would have been reviewed by
22 the Commission.

23 Okay. Second office is the Office of
24 Communications Business Opportunities. And it
25 provides advice on issues and policies concerning

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1 opportunities for ownership and contracting by small
2 minority and women-owned communications businesses.

3 Third is the Office of Engineering and
4 Technology. It allocates spectrum for non-government
5 use, and provides expert advice on technical issues
6 before the Commission. Now it turns out that a
7 separate government body, the NTIA, National
8 Telecommunications and Information Administration,
9 which is part of the Department of Commerce, is
10 charged with allocating spectrum for government uses,
11 but NTIA and FCC cooperate closely on spectrum issues,
12 in general.

13 Okay. Fourth is the Office of General
14 Counsel. They are the Commission's lawyers. And
15 fifth is the Office of Inspector General, which
16 conducts and supervises audits and investigations
17 relating to the operations of the Commission.

18 Now I'll just briefly note that one of
19 Chairman Powell's initiatives was to try to improve
20 the sort of technical expertise of the Commission, and
21 as a result of this initiative, we've hired a number
22 of new and very talented engineers. And I think that
23 the Commission's sort of ability to understand
24 technical issues, and particularly spectrum issues,
25 has improved significantly under this initiative. And

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1 much of the expertise is contained within OET.

2 Next about the Office of General Counsel,
3 they are the Commission's lawyers, and they represent
4 an incredibly talented group of lawyers. And the
5 Commission and Bureaus need and generally clear all
6 initiatives through them, so that I can't
7 over-estimate both the importance and the sort of
8 comfort that having good lawyers to advise gives the
9 staff.

10 Okay. And then Office of Inspector
11 General, my view is I hope I don't have to get to know
12 them very well, so can go from there. Next, Office of
13 Legislative Affairs. They act as a main contact point
14 with Congress. Office of Managing Director functions
15 as the Chief Operating Official, serving under the
16 direction and supervision of the Chairman. Office of
17 Media Relations is the main press contact. Office of
18 Strategic Planning and Policy Analysis, which is the
19 office with which I'm associated, helps the Commission
20 develop a strategic plan identifying both short-term
21 and long-term policy objectives, and it also engages
22 in some sort of research related to telecommunications
23 regulatory issues. And then finally, there's an
24 Office of Workplace Diversity, which advises the
25 Commission on issues related to internal workforce

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1 diversity, affirmative recruitment, and equal
2 employment opportunity.

3 And then, of course, there are also
4 multi-bureau task forces and working groups, some of
5 which are wholly internal to the Commission, such as
6 the Media Ownership Working Group, which had -- was
7 staffed from different bureaus and offices, but it
8 also includes some outside councils, such as this one
9 and the Technical Advisory Council. Okay. Any
10 questions to date about the organization?

11 Okay. Let's talk a little bit about the
12 decision-making framework. In general, the
13 Commission conducts two basic types of proceedings.
14 They are first, general rulemaking proceedings, which
15 are really a -- represents a quasi legislative
16 function of the Commission. And then there are
17 adjudications, which sort of represent a quasi
18 judicial function by the Commission.

19 Rulemaking proceedings may be initiated
20 either by a party filing a petition for a rulemaking,
21 or by Congress telling us to initiate a rulemaking, as
22 it did in 1996 when it told the Commission that it had
23 six months to implement and adopt rules implementing
24 the 1996 Telecommunications Act, or it can be
25 initiated on FCC's own motion.

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1 Adjudications, in contrast, are initiated
2 either when a party files a petition for waiver of a
3 Commission rule, or files an application for a license
4 or a license transfer, or files a complaint, or
5 requests a declaratory order, or if the Commission
6 files an enforcement action. So both types of
7 proceedings then can be initiated either by the
8 Commission itself, or by outside parties.

9 Okay. What is the general process? Well,
10 for both rulemakings and adjudications, there will be
11 an initiating document. In the case of a rulemaking
12 proceeding, there will be a notice of proposed
13 rulemaking. In the case of say an application for
14 license transfer, the parties will file an application
15 for transfer, or parties may file a formal complaint.

16 The Commission will then issue a public notice
17 seeking comment, whether it's on the NPRM or the
18 complaint, or the application, and giving the public
19 an opportunity to comment.

20 In general, now the length of time that
21 the public notices gives for public comment may vary
22 depending upon the complexity of the issue, the
23 urgency of the issue. My guess is the most typical
24 comment periods are 30 and 15, but it's frequently
25 longer than that, and on occasion, it can be shorter.

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1 Okay. Following the public notice, the
2 Commission will receive public comments, and then
3 replies. After this comment cycle, then there's
4 normally a period in which interested parties come in
5 and make ex parte presentations both to Commission
6 staff and to the Commissioners.

7 Now under the APA, whenever an interested
8 party comes in to make a presentation, it must within
9 24 hours file a written ex parte notice, which is then
10 filed in the record, that informs the public about
11 exactly the names of everyone at the Commission with
12 whom they met. And basically, what they told those
13 people, so that we try to keep it as open as possible.

14 And, in fact, in major proceedings what you'll see is
15 there's almost a battle of ex partes as people will
16 come in and present say, an economist's analysis of a
17 particular issue, and then two weeks later an opposing
18 group will come in with their own economist and
19 opposing analysis, and this is very much a part of --
20 an important part of developing a good record for
21 Commission decision-making. So the extent you become
22 interested or involved in Commission proceedings, you
23 can't just read the comments and replies. You need to
24 go to all the ex partes, as well.

25 Okay. Now once those comments and

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1 replies, and ex partes have been filed, it's then up
2 to the staff to review them, and that can be quite an
3 arduous task. In implementing the 1996 Telecom Act, I
4 think there were 17,000 pages of comments filed, and I
5 believe there were even more filed this past year in
6 the tri-annual review because they didn't set a page
7 limit. So it's actually quite a task for the staff,
8 and the ability of some of these young lawyers to
9 actually remember what's said in all these filings is
10 quite impressive.

11 Okay. So the record is reviewed initially
12 by staff, and later by higher level staff on the
13 eighth floor. And then the staff who are involved in
14 a proceeding will prepare Options Memos and
15 Recommendations for review initially by Branch
16 Managers, and then Division Managers, and then the
17 Bureau Front Office, and then it will go from there.

18 Okay. And then with drafting, likewise
19 you have the similar process of multiple levels of
20 reviews. The staff attorneys and economists and
21 engineers are working who are working on a particular
22 proceeding will do an initial draft, which will then
23 be reviewed and edited by a senior attorney, and then
24 by branch management, or division management, and
25 finally the front office. And then generally an item

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1 will go to the Chairman first, and after the Chairman
2 has reviewed it, it will then be distributed to other
3 Commissioners.

4 Now items when they get to the Commission
5 may be, some of them may be scheduled for a Commission
6 meeting. If you are scheduled for a Commission
7 meeting, then there is what is called a Sunshine
8 Period. And basically, one week before a Commission
9 meeting you'll see a notice being posted on our
10 website that lists all the proceedings or orders that
11 will be taken up at the next Commission meeting. And
12 as soon as that Sunshine notice is released, all ex
13 parte contacts must cease. So in case you're involved
14 in any of these proceedings, once you see the Sunshine
15 Notice, the Commission staff can no longer talk to
16 you.

17 Besides that, it's a very open process and
18 the Commission had made every effort to try to
19 increase the openness. And I think the previous -- I
20 wasn't able to hear the entire previous session, but
21 the Commission has spent a lot of effort to try to
22 improve its website so that you can actually easily
23 find - that's too strong. We've tried to make it as
24 easy as possible to identify comments and replies, and
25 ex partes, but I'm sure that there's much more than we

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1 can do to improve that.

2 Okay. What about voting? Well, the
3 Chairman and Commissioners can either vote to approve
4 an item, they can dissent either in whole or in part,
5 or they can concur in part or in the result.
6 Frequently, if you listen to Commission meetings, when
7 the Commission votes for an item, they will allow for
8 post adoption edits so that the staff can fix typos
9 and little mistakes. And frequently, the
10 Commissioners and the Chairman may issue separate
11 statements that will be released with an order or
12 notice. And then finally, with varying periods of
13 time, the item will be released.

14 Okay. Now slide may be more important for
15 staff, but it's probably useful to discuss it briefly
16 here, because the professional staff at the
17 Commission, when we're working on items, are really
18 hounded by the Office of General Counsel, and by more
19 senior attorneys to follow certain rules so that
20 Commission orders when they're released will actually
21 be able to stand up to court challenges. And among
22 the principles, young lawyers are told that a
23 Commission order must explain and justify the
24 Commission's decision, and it must be based on the
25 record, and on public policy factors.

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1 Importantly, it must address all
2 significant issues raised in the record, particularly
3 those raised by parties whose views the Commission is
4 rejecting. And that's one of the reasons we can get
5 400, 500, 700 page orders, is we need to address all
6 those issues, or we may be reversed.

7 A third, we must either follow Commission
8 precedent, or we must explain why we are not following
9 it, and how our order differs from existing Commission
10 precedent. And we must explain how the order is
11 consistent with governing statutes and case law.

12 And then finally, and this is sort of what
13 we call an Administrative Procedure Act Notice Issue,
14 is that any decision the Commission makes must have
15 been a logical outgrowth of a proposal on which
16 comment was sought in the NPRM. Or to put it another
17 way, if the Commission issues a notice, it has to give
18 people enough of an idea about what it is considering
19 doing. And if it comes out with something completely
20 different, that will be deemed as not giving the
21 public enough notice, and we can be reversed for that.
22 Okay. And then finally, at least a summary of all
23 Commission orders must be published in the Federal
24 Register.

25 Okay. Questions at this point about

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1 procedure? Okay. Let's talk a little bit about
2 external influences. And there are a number of what
3 are called stakeholders. And by the way, this is an
4 aside, but the term "stakeholder" was first coined in
5 a 1956 Stanford Research Institute memorandum, and
6 sort of lost there for a decade or so. And then it
7 popped up in the sort of academic literature on
8 business and public policy beginning in the late 60s,
9 but then more prominently in the 1970s. And the basic
10 idea of a stakeholder is that that is a person, group
11 or entity that may affect or may be affected by an
12 organization that is being studied. And it's become
13 -- corporations are recognizing more these days that
14 they must consider the interests of various
15 stakeholders, including not only consumers, but also
16 their shareholders, or bond holders, regulators. And
17 similarly, government agencies are being -- coming to
18 recognize that they need to consider the interests and
19 influence of various stakeholders.

20 And so what are some of the stakeholders
21 that affect or may be affected by the FCC? Well, the
22 first is consumers. And if you go back to that slide
23 where I described Title I of the Communications Act,
24 it's clear that the sort of primary function of the
25 Commission is to serve the interests of consumers.

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1 And so that is one of the paramount concerns in any of
2 the Commission's proceedings. Second and very
3 influential stakeholder is Congress, because Congress
4 can affect us either through oversight hearings,
5 through the appropriations process, or through
6 legislation. Third is the courts.

7 During the time I was in the Common
8 Carrier Bureau, all but one of the proceedings I
9 worked on was appealed, and if you make a mistake, the
10 courts will reverse you. And so the courts have
11 enormous impact on Commission precedent.

12 To give you another example, when the
13 Commission implemented the 1996 Act, we adopted rules
14 which were almost immediately vacated by the Eighth
15 Circuit, and it took until was it January of 1999 or
16 June of 1999, basically three years until the Supreme
17 Court finally reversed the Eighth Circuit, and said
18 that the Commission had authority to issue those
19 rules. And a few months later, the Eighth Circuit
20 came back and invalidated our pricing rules on
21 substantive grounds, not on jurisdictional grounds.
22 So those were again vacated until June of 2002. So
23 basically, for seven years some of our rules were not
24 in effect, so courts are incredibly important.

25 You also obviously need to consider

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1 industry and other interested parties. If you look at
2 Commission proceedings, you'll find that not only will
3 the particular regulated entities file comments, but
4 also other entities, such as firms that are supplying
5 equipment, or other firms that use facilities that may
6 be affected. And then there are other groups that will
7 file, for example, Consumer Federation of America
8 frequently files comments in Commission proceedings.

9 Next there are other federal departments
10 and agencies with which the Commission interacts, and
11 which can affect the Commission. Department of
12 Justice, Federal Trade Commissions, MTIA and State.
13 In the case of the Department of Justice and the
14 Federal Trade Commission, we cooperate with them
15 extensively in reviewing mergers. In cases of, and
16 I'm being a bit loose here so I hope you won't
17 criticize me for being too imprecise, but basically,
18 for mergers involving common carriers, and for mergers
19 that involve a transfer of a wireless license, those
20 must receive approval from the FCC, and in most cases,
21 they must also, if they exceed the Hart-Scott-Rodino
22 Anti-Trust thresholds, they must be notified both to
23 the FCC and the Department of Justice Anti-Trust
24 Division. And one of those two Anti-Trust agencies
25 will then review the transaction.

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1 Typically, we obtain from the parties a
2 waiver of the Hart-Scott-Rodino confidentiality rules
3 so that we can talk with lawyers at the Department of
4 Justice of the FTC, and discuss issues raised by the
5 merger, so we cooperate very closely on this, and this
6 is something that's -- I think the Commission has made
7 a great deal of effort on over the past few years, and
8 I think the level of cooperation has increased.

9 As I indicated before, we also work with
10 and cooperate with NTIA in many spectrum issues, and
11 at various points, this varies somewhat with the
12 administration, but NTIA frequently will file comments
13 in proceedings, and we will generally give
14 considerable deference - deference isn't the right
15 word, but we will certainly consider seriously those
16 comments. And we also work with the State Department
17 in many instances.

18 Okay. Next stakeholder group are states
19 and state regulatory commissions. As I indicated
20 early-on, since the early 20th Century, responsibility
21 for regulating telecommunications companies has been
22 split between the states and the federal government.
23 And it has been important that the two regulatory
24 bodies communicate and cooperate.

25 Now almost necessarily, there are tensions

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1 at times, but I think the Commission and the states
2 have generally made real efforts to try to develop
3 policies, work together and develop policies that
4 further consumer interest, though that obviously can
5 always be improved.

6 Okay. We also work with the international
7 organizations. And finally, of course, we need to
8 deal or we need to work with, and we recognize the
9 importance of the press.

10 Okay. Now there are also sort of specific
11 checks on FCC authority. I mean, before we were
12 talking about sort of stakeholder groups. Here are
13 groups that can actually really affect us, and the
14 first is judicial review. Courts can, or parties that
15 disagree with FCC decisions can appeal them to Federal
16 Courts of Appeal, and if we haven't adequately
17 justified them, the court will reverse, and frequently
18 vacate the Commission's decision.

19 IN some cases where a Federal Court of
20 Appeals has vacated the decision, or even if they've
21 affirmed it, aggrieved parties may then petition the
22 Supreme Court to take the case. And I believe there
23 have been over four different Supreme Court cases that
24 have just involved implementation of the 1996 Act.
25 And then, of course, there is also legislative review

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1 and oversight, and this can be direct; such as,
2 Congress can pass an act like the Telecommunications
3 Act, which the Commission will then implement. But
4 it's also indirect in the sense that Congress can
5 change our budget, and so we certainly cannot ignore
6 the interest of Congress.

7 Now this last section on public trust
8 safeguards was intended primarily for the new
9 employees, but I'll just briefly touch on it because I
10 actually think it's an extremely important part of
11 maintaining the integrity of a regulatory process.
12 All sorts of rules that apply to employees that are
13 intended to ensure that they aren't unduly influenced
14 by outside parties, or that they won't be bribed, or
15 influenced by the prospect of a job on the outside.
16 So, for example, there are specific rules limiting
17 gifts from outside sources, and a prohibition on
18 bribery. There are rules that limit the ability of
19 Commission staff to invest in companies that are
20 regulated by the Commission, because that might affect
21 our decisions. And even, there are also rules
22 regulating the investment by family members. There
23 are also rules affecting both the work that a new
24 employee can do, if he or she were previously in the
25 private sector, or what work they can do if they leave

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1 government and go to a company that is regulated by
2 the Commission.

3 And then probably most importantly from -
4 I shouldn't say most importantly from an ethical
5 basis, but most relevant to you, is that there are
6 various rules that require employees to keep
7 Commission deliberations confidential. And so, for
8 example, pre-decisional Commission documents and
9 decisions are not public, options, memos, drafts, that
10 kind of stuff.

11 In addition, certain documents filed by
12 parties may be subject to confidential treatment
13 and/or protective orders. So, for example, in many
14 proceedings, parties may have information that's
15 highly relevant to a Commission decision, but on the
16 other hand contains sensitive business information
17 that they would not want to disclose to competitors,
18 so we have various procedures where we can allow
19 access on a limited basis that's intended to protect
20 the business that is sensitive, the business
21 sensitivity of the documents, but that allows both the
22 Commission and public to comment on.

23 Okay. We also have internal procedures
24 that govern certain highly sensitive proceedings, and
25 that the employees are frequently reminded about the

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1 importance of complying with. Now these procedures
2 are sort of inculcated constantly by managers on the
3 staff saying - and I think it's very important. At
4 times though for outside parties, it can be
5 frustrating because there are certain times where an
6 outsider calls us and asks for information, we simply
7 can't respond because it would be revealing some
8 information that we're prohibited from revealing, so I
9 think the Commission staff generally tries to be as
10 open with the public as possible, but we are
11 constrained by these confidentiality requirements.

12 Okay. I'm actually a little bit ahead of
13 time, so we do have some time for questions. But I
14 did want to mention the Internet site. The Commission
15 has put a lot of effort into it, and there's a lot of
16 information there. To the extent you have suggestions
17 on how to improve it, I think they'd be welcome. And
18 then my contact information is at the bottom of the
19 last page, and again, I'd be happy to have you e-mail
20 me any questions you might have, and certainly any
21 suggestions on things I could do to improve this
22 presentation.

23 CHAIR ROOKER: I do have a question. This
24 is the Chair. Can I ask a question? May I ask a
25 question?

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1 MR. STOCKDALE: Please, feel free.

2 CHAIR ROOKER: Early on you mentioned the
3 difference between an informal complaint and a formal
4 complaint. This is rather confusing to consumers,
5 because we usually send people here if they have
6 something that has to do with communications, because
7 we feel it's important for them to register a
8 complaint with you, even though we may be handling it
9 ourselves.

10 We've had people come back to us and say
11 well, I followed -- they told me it was an informal
12 complaint. What does that mean? Can you define the
13 difference? You mentioned it. Shame on you.

14 MR. STOCKDALE: I know. It is a shame on
15 me. I knew this was going to happen.

16 CHAIR ROOKER: Well, that's okay. Maybe
17 we should -- I can ask that question of someone else.
18 I didn't mean to put you on the spot.

19 MR. STOCKDALE: I think probably someone
20 from the Consumer and Governmental Affairs Bureau can
21 better do it. My understanding is that with informal
22 complaints, it's basically very - as the name suggests
23 - it's informal. People can simply write a letter in
24 explaining the problem. It will go to Consumer and
25 Government Affairs Bureau, someone will handle it.

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1 Depending upon the nature of the complaint, they may
2 contact the carrier and try to resolve it.

3 Formal complaints are basically subject to
4 the full APA requirements for an adjudication, and
5 then you're subject to all the rules about filing
6 requirements and things like that.

7 CHAIR ROOKER: I think, unfortunately, and
8 maybe this is what we should discuss at another point
9 as Scott said, but I think sometimes consumers think
10 an informal complaint means you're not really taking
11 it seriously. So perhaps -- I mean, that's the
12 feeling that we've gotten from consumers, so perhaps
13 we should address this at another meeting, so let me
14 just withdraw that. Okay.

15 MR. STOCKDALE: Okay.

16 CHAIR ROOKER: Does anyone else have
17 questions? No. Well, we would like to thank you
18 very, very much for give us insight into the
19 Commission. I think what we can do then, let's take
20 an early break. Be back here at 20 after, so that we
21 can start working on our working groups. Oh, that was
22 kind of redundant, wasn't it? Anyway, please be back
23 at 20 after 3. That gives you 10 minutes.

24 (Whereupon, the proceeding in the
25 above-entitled matter went off the record at 3:09:01

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1 p.m. and went back on the record at 3:23:37 p.m.)

2 CHAIR ROOKER: We have a number of
3 important items we need to take care of, and the most
4 important one is for us to identify some of the issues
5 that we want to address over the coming months. And
6 our working groups can be quite flexible in terms of
7 the length of time they stay in existence. A working
8 group could be from just now until July, or it could
9 be from now until the end of the charter runs out, so
10 it will depend on the complexity of the issues that we
11 choose to address.

12 At any rate, I've heard a lot of things
13 from a number of you today. I'm hoping that you're
14 eager to jump in and start forming some working
15 groups. The working groups can -- we would like to
16 start out at least with three of them, and they can be
17 composed of five or six people. You can designate
18 your own chair of the working group, if you wish,
19 however you want to do that. But the main idea is for
20 us to identify issues that we want to bring to the
21 Commission, issues that we think need addressing. I,
22 for one, am going to volunteer to see if we can get
23 the name of the -- to change the names of the
24 complaint process, because consumers are very confused
25 when they call here and say -- and they've been told

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1 they've filed an informal complaint, and they think
2 that means it's not going to be taken seriously. And
3 that is not what it means, so that's going to be one
4 of the things, and that's just a minor issue. So what
5 I'd like to do is to open the microphones. Just hold
6 your hand up, and give us your name before you make a
7 -- and that's for the transcript, folks. I know who
8 you are now. You can't hide, but I need that for the
9 transcript, and so that we can get this process
10 started. So does somebody want to jump in? Oh, Scott
11 wants to make some comments. Do you think we should
12 let him talk? Okay.

13 MR. MARSHALL: Just a couple of logistical
14 comments about how the working groups have worked in
15 the past, and how we would be able to support you in
16 this endeavor. In the ideal world, it would be
17 wonderful to have travel money to bring groups to town
18 to have face-to-face time, but unfortunately that's
19 not possible.

20 What we've done in the past is these
21 groups have worked primarily via e-mail, and we can
22 set up a private e-mail discussion list for your
23 particular group so that this will facilitate your
24 e-mail communication. We can also have conference
25 calls, if that's appropriate. That sometimes can be

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1 difficult though, for people who are deaf or hard-of
2 hearing, but again, we can work on that issue, and the
3 possible way of getting time for your group to work
4 together.

5 If you're local here in Washington, you're
6 certainly welcome to have a meeting here, and I'll try
7 to facilitate that. And as always, if a working group
8 needs a resource person from the Commission to help
9 provide some information, I'll do my best to find that
10 right person so that the working group can have that
11 technical expertise at its disposal while you're
12 developing recommendations.

13 And as Paula said earlier, and I think we
14 mentioned this morning briefly, the working groups
15 have to come up with the recommendations, which then
16 go to the full committee. And only the full committee
17 then can comment to the FCC or provide recommendations
18 to the FCC.

19 And as Shirley indicated, we'd like to get
20 these working groups started. We don't have to have
21 all of them done today. We could develop them on an
22 ad hoc basis as issues come up, but it would be great
23 if we could get something working so that we could
24 have a couple of reports back in July, realizing that
25 that's only going to be a couple of months away. But

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1 we're ready to roll up our sleeves and help you in
2 whatever way we can. That's it.

3 CHAIR ROOKER: Oh, very well, Scott. You
4 helped make us much more informed. Thank you. He
5 always makes me more informed. I do know that a
6 couple of people left early, did have some comments.
7 I think Dixie was wanting to be on something, did she
8 not, Scott? TRS, so she's interested in starting a
9 TRS working group.

10 MR. MARSHALL: She doesn't want to chair
11 it.

12 CHAIR ROOKER: So anyway, is there someone
13 else interested in participating in a working group on
14 TRS? Rebecca. Who else, anyone? Brenda. Joe.

15 MR. GORDON: May I suggest that a TRS
16 working group might be part of a disability access
17 group, and more than one topic be covered?

18 CHAIR ROOKER: Well, I'll tell you, we
19 tried that last term. We had subcommittees set up for
20 disability access, and that was the title of the
21 subcommittee. We found that it was not terribly
22 effective to do that, that we really needed to focus
23 on issues. That's why we've given up on the concept
24 of putting together subcommittees because they just
25 didn't work. Some of them worked better than others.

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1 But what we found was when we gave a group of people
2 a specific charge to work on a specific issue, it was
3 much more effective. I mean, how do the rest of you
4 feel about it? Claude.

5 MR. STOUT: Shirley, I have to politely
6 disagree with you. I feel that we should have a
7 disability access group, the reason being is say if we
8 start with the Commission today, we make a list of
9 main concerns or issues, and we have two years to work
10 with that Commission and also with the FCC. If we
11 have a work group that only has one issue, it kind of
12 delays actions, or research, or analysis on other
13 issues.

14 CHAIR ROOKER: Okay.

15 MR. STOUT: And besides that, we're going
16 to be discussing general consumer issues. Do you kind
17 of see the point I'm trying to make?

18 CHAIR ROOKER: I do, Claude. Actually, I
19 do see what your point is. I think what - are you
20 saying that by having the broader group - well, let me
21 - Rich has got something to comment. See if he can
22 help me.

23 MR. ELLIS: The problem that we had last
24 time around was we had one committee that had such a
25 big basket of issues to study, that we kind of didn't

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1 make a lot of progress in a lot of areas. And I think
2 what Shirley's aim is this time, if I understand it
3 properly, is to have more groups more focused in.

4 CHAIR ROOKER: Yes.

5 MR. ELLIS: So you could have more than
6 one working group addressing disability issues. It
7 doesn't mean because you're doing one, you can't do
8 another. It just means that you have people who are
9 tasked to study specific topics, as opposed to the
10 whole general concern. I think last time what
11 happened was the committees got so over-extended that
12 nothing got done.

13 CHAIR ROOKER: Yeah. That's exactly
14 right. And thank you, Rich, for clarifying that,
15 because that is really what we're saying, is that
16 there could be multiple groups working on multiple
17 disability issues. Nothing is going to get missed by
18 us if it's important to you, because that's -- our
19 goal is to listen to what you're saying. But what we
20 found is that it just didn't function very well that
21 way, when we had this charge of broad issues. So
22 perhaps what we should do is, if you want to set up a
23 disabilities committee and identify some priority
24 items, but we tried that last time and it just simply
25 didn't seem to work.

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1 Now let me hear from others about it.
2 Larry had his -- stick your hand up, Larry, so the
3 microphone will know where you are. Okay. Give us
4 your name.

5 MR. GOLDBERG: Larry Goldberg. I think
6 those of us who did work on disabilities issues last
7 time were exactly frustrated the way you said. A
8 thousand issues, and through no fault of our own
9 except multiple pregnancies, the chairman of that
10 group just didn't have the time to put the time into
11 it. And the returning members or the people who were
12 watching last time absolutely agree, they want to see
13 more traction on the key issues. It could be done
14 vertically with a lot of disability issues, but
15 knowing full well that we would absolutely have to
16 narrow those rapidly down to the five or six we have
17 to deal with. And I think we are prepared to do that.

18 We could go for multiple groups, as well, and maybe
19 they -- if we could actually rapidly deal with one in
20 three months and be done with it, but I think we're
21 already so focused since the last two years, we
22 learned a very big lesson then.

23 CHAIR ROOKER: Yes.

24 MR. GOLDBERG: And David will probably
25 have some comment, as well.

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1 CHAIR ROOKER: Yeah, a lot of comments
2 here. I saw Joy's hand, and I saw Eugene's, and then
3 David's. Okay. Joy, over here.

4 MS. RAGSDALE: I wasn't part of the
5 Committee last year, and I'm thankful to have the
6 opportunity now, but when reviewing the archives of
7 the formal organization, I believe there were only two
8 filings and one ex parte communication with the
9 Commission. And I thought if we could narrow and
10 focus our goals, then we might find we're more
11 productive, and really make a difference and are more
12 active before the Commission, and can address a number
13 of issues.

14 CHAIR ROOKER: You're right, Joy. That's
15 exactly what we thought with the idea of doing
16 subcommittees. We found nothing was happening, and
17 that was where we were. Thank you. Eugene.

18 MR. SEAGRIFF: Eugene Seagriff. I
19 participated as a member of the public on the
20 disability committee last year, and what I'd like to
21 suggest as a possible opportunity is, you know, today
22 the FCC laid out for us the goals that are most
23 important to them, you know, broadband, spectrum,
24 media. And I think (a) our input would be more
25 valuable if we also aligned ourselves with the things

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1 that they're currently considering. And in each of
2 those, of course, there are disability issues that
3 need to be addressed. And perhaps we can be more
4 effective if we break it into the pieces that match
5 the way the FCC is thinking about things, and include
6 disability issues in our deliberations of those items.

7 CHAIR ROOKER: I think that makes sense to
8 look at what the FCC has on its plate right now, and
9 look at areas that we might be able to make some
10 contributions. Did I read that right? Yeah. Okay.
11 Thank you. David. Hold your hand up so she knows
12 where you are. If you all see me doing pointing, it's
13 because -- so they can turn the microphones on for us.

14 MR. POEHLMAN: This is David Poehlman with
15 the American Council of the Blind. Sort of keying off
16 what Larry said, and a couple of other things gone on
17 here. One thing, I think that we might want to keep
18 in mind is if we break up into smaller groups,
19 historically smaller groups get more done. But
20 there's nothing to say that you can't join more than
21 one group at a time. The only conflict might be is if
22 both groups are meeting on the same day, at the same
23 time. You might have to decide which one you want to
24 go to.

25 CHAIR ROOKER: Scott's a good traffic

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1 manager.

2 MR. POEHLMAN: Now on the other side,
3 there's a couple of things. One of the things that we
4 asked for last time, and we're getting it now is more
5 clear direction from the FCC as to what they'd like to
6 see from us, and what their plans are, and what issues
7 concern them, you know, most, or what they've
8 received, and what's on their plate. And I think we
9 saw a good bit of that today, and I imagine that we'll
10 see a lot more of that kind of communication in the
11 future.

12 There has been a very strong interest from
13 the Commission in what we have to say, and what we
14 would like to see done, and input to them, to the
15 Commission concerning the issues that -- not only the
16 issues that they are dealing with at this point in
17 time, but also as things go forward, and also from our
18 perspective.

19 I've been reading over the charter, and
20 all the related materials that form the foundation for
21 the CSE, you know, I see that there is a lot of work
22 to be done. So to bottom this out, we also learned
23 some lessons from the last round. And one of the
24 lessons, or the key lesson that we learned is that,
25 you know, we really do need to be as clear as quickly

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1 as possible in determining and, you know, setting our
2 priorities and agendas and process management, and
3 just going forward with it. So I can see the benefit
4 of having several, you know, two or three large groups
5 and small groups, and I can also see the advantage of
6 having just small groups. So, you know, I liked the
7 idea last time of having large groups. One of the
8 things I like about the small group approach though,
9 is that we can get a wider mix of people across
10 stakeholder lines involved in some of the different
11 issues, because I know that some of us around this
12 table, some of us in this room have our feet in
13 several houses. And, you know, wear several hats and,
14 you know, are involved in several things. You know,
15 some of us who are involved with disabilities are not
16 just involved with disabilities, so I think that
17 characterizes the group. And I think it could be, you
18 know, very effective to utilize small groups.

19 CHAIR ROOKER: Well, some of the things if
20 we -- just a minute, Joe. Some of the things, if you
21 go back and look at -- I mean, I have a list here of
22 what's on the Express page of the ECFS, and some of
23 the things that you're mentioning, like the TRS,
24 people already interested in forming a working group.
25 There's the broadband, plug-and-play, E-911 Services

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1 which is a critical issue for many, many of us. Also,
2 the rural wireless service, so there's a lot of issues
3 here, going back to Eugene's comment, that is before
4 the FCC right now that we could work on.

5 For example, they're looking at the
6 telephone solicitations. Now we did make
7 recommendations to the Commission on that issue last
8 year. So now who else has a comment they want to
9 make? Joe. Stick your hand up so she can find you.

10 MR. GORDON: Hi, Joe Gordon. The only
11 suggestion I make whether you have one large committee
12 or smaller committees, that enough time on future
13 agendas be left open for these committees to make
14 presentations.

15 CHAIR ROOKER: Oh, yes.

16 MR. GORDON: I think that might have been
17 lacking in the past.

18 CHAIR ROOKER: Well, we're tried to have
19 feedback. Sometimes we didn't have reports from the
20 subcommittees, so it was kind of hard to get some of
21 them. But at any rate, what we really want to do is to
22 get everybody's voice in here, and to get something
23 that's productive. It took us a while last year, the
24 beginning of our two years before, to figure out what
25 we were doing and how to do it, and I think we learned

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1 some valuable lessons. And hopefully, we'll benefit
2 from that. Larry, stick your hand way up so she can
3 see you. There you go. Oh, I'm sorry. Claude's
4 next. Okay.

5 MR. GOLDBERG: As a suggestion then, to
6 perhaps not -- if it's desired not to have a vertical
7 group that's just about disability issues, I think
8 there are three issues that do cut across everyone's
9 concerns. One of them is broadband. It's of deep
10 concern to the disability community. Access to
11 broadband content and services, and I'm guessing lots
12 of people here are interested in broadband. The
13 second one is the complaint process. Everyone is
14 concerned about this complaint process, and finding a
15 way to streamline it. And the third one is
16 enforcement of existing rules.

17 There's a lot of rules on the books
18 already that don't seem to be enforced. And it
19 doesn't take a new rule to take a look at what we
20 could do to recommend to the Commission that some of
21 these existing rules have enforcement.

22 CHAIR ROOKER: Okay. Claude, you had a
23 comment. Claude, you had your hand up.

24 MR. STOUT: I want to just support what
25 Larry just said. If you set up those three groups,

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1 then we could have a disability access filter type of
2 arrangement where, you know, we can work on each of
3 these areas like he said, enforcement, compliance and
4 broadband. What was your third one, Larry?

5 CHAIR ROOKER: Complaint process.

6 MR. STOUT: And complaint. Okay. Right.
7 So the disability group, we could work on each,
8 conclude from each of these issues how to apply
9 disability access into those issues and, you know,
10 verify that information. But I'd like to know what
11 other general consumer issues are concerns of the rest
12 of the Committee.

13 CHAIR ROOKER: Okay. Good question.
14 Let's get comments here. Susan had her hand up.

15 MS. MAZRUI: This is Susan Palmer from --

16 CHAIR ROOKER: Oh, I'm sorry, Vernon.
17 You're next.

18 MS. MAZRUI: Oh, I'm sorry.

19 CHAIR ROOKER: Go ahead. Go ahead.

20 MS. MAZRUI: Me?

21 CHAIR ROOKER: Go ahead, yeah.

22 MS. MAZRUI: I'm from Cingular Wireless.
23 I think there's also a consumer participation or input
24 issue in terms of the electronic filing. And I think
25 we need to look at it. I'm assuming there may be an

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1 issue. I think it's something we need to examine, how
2 are seniors participating and taking advantage of the
3 Express. How are people with disabilities who are
4 using screen readers or other electronic access modes
5 interacting with that? And how are they getting
6 information, so I think that's a general one that
7 covers both seniors and people with disabilities. And
8 maybe it's even broader than that.

9 CHAIR ROOKER: Okay. Vernon, down here at
10 the end. There you go. Thank you, Vernon.

11 MR. JAMES: Thank you, Shirley. This is
12 going to be difficult for me to explain. Maybe it
13 won't be if I take Larry's example, and Eugene's
14 statement about the strategic goals that the FCC wants
15 to address, broadband competition, spectrum, media,
16 Homeland Security, modernizing FCC. We have all the
17 interests in rural America. Our reservation has a lot
18 of interest in these areas. Unfortunately, many
19 reservations, including rural America, don't have the
20 services that are enjoyed in populated cities or
21 larger towns. I propose to address those issues as
22 far as rurality.

23 The problems of the western half of the
24 United States as it relates to geography and some of
25 the natural barriers to wireless, to wire line, the

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1 cost of wire line per mile, the cost of infrastructure
2 to provide communication services in general. Rural
3 America does not always get addressed, and I would
4 like to champion that cause, if I may, as part of any
5 committee. Thank you.

6 CHAIR ROOKER: Well, there is -- the rural
7 wireless service is one of the issues that's before
8 the FCC right now, which fits into what your comments
9 are. We're going to have to at some point making some
10 progress on forming working groups. I mean, from your
11 comments, I have a feeling that that is the way you
12 tend to go. Am I wrong? I know that Claude disagrees
13 with that, but from my experience as the Chair of this
14 the last two years, the working groups are just -- the
15 subcommittees were just not effective. I take that
16 back. Some of them were, but overall it was generally
17 a lot of effort on our part to try to get reports put
18 together, and some of them did a really good job.
19 Andrea's group did a really good job. Thank you. But
20 it was hard, because they were too large, and they
21 just were not effective. They just weren't focused.
22 And some of them would spend hours trying to get
23 focused and it never happened. That's why I really
24 believe if we can give this concept of working groups
25 a chance, because I think we'll be able to accomplish

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1 a lot more because we can address disability issues,
2 consumer issues, all kinds of issues within small
3 working groups, put together recommendations to the
4 Commission, which is what we are charged with doing,
5 and be much more effective. So is it agreeable with
6 you if we move in that direction? Okay.

7 All right. Having said that, we already
8 have formed a -- yes, Claude.

9 MR. STOUT: I think you and I don't
10 necessarily disagree on how we arrive at a solution,
11 and I just want to make that clear. I think you want
12 to see the working groups work, you know, on
13 everything, you know, and progress and that's great.
14 I agree with you on that. But I'm thinking if we had
15 a disability access subcommittee we could come up with
16 the issues that way. But that subcommittee, for
17 example, to make work -- could have its own working
18 groups as a part of it. I think in the past, the
19 Disability Access Subcommittee didn't have working
20 groups to accomplish anything of the big initiatives
21 it wanted to. I remember in the first two years, the
22 subcommittee was trying to identify itself, to figure
23 out the purpose of its work and its functions, and so
24 I don't know. My suggestion would be that we continue
25 with working groups and that's fine, but also have the

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1 Disability Access Group have a subcommittee where they
2 have several working groups as a part of that
3 subcommittee.

4 CHAIR ROOKER: The only problem with that
5 is then you have a little group on their own working
6 on issues that may be worked on with the rest of the
7 organization, of the committee, so I'm not sure that
8 that would really work, Claude. I respectfully
9 disagree with you, and I believe that we have a
10 consensus here that we should move forward with the
11 working groups. If we don't find out that's working,
12 we'll come back to you, Claude, and apologize, and do
13 something different. But I respect your input on
14 this, but I feel that we're going to accomplish what
15 you want to accomplish, which is addressing disability
16 issues in a more effective way because we'll have
17 input from the entire Committee. The groups will be
18 formed, the working groups will be formed from the
19 entire Committee, which I think is more valuable than
20 just a subcommittee.

21 All right. Let's -- can we move forward
22 then in determining what are the things that you would
23 like to see the Committee working on, our working
24 groups working on? That I need to hear from you.
25 Don. Stick your hand up. There you go.

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1 MR. SNOOP: One of the things that I
2 mentioned when I first came in, and I think that's
3 going to be more and more prevalent to the consumer is
4 digital issues, broadband issues, technology, emerging
5 technology. Like I'm using right now VDSL, absolutely
6 nothing about it. Small phone companies are getting
7 into it, the RBOCs haven't really addressed it, except
8 for Qwest, and they kind of put it on the back burner,
9 so there's a lot that the Commission can do to
10 influence the growth of this part of the industry,
11 which is part of broadband. And at some point, I
12 think that should be one of our goals.

13 CHAIR ROOKER: Okay. So Don is suggesting
14 that we set up a broadband working group. Do you want
15 to -- should we be more specific and give them
16 something -- broadband is a very large issue. Some of
17 the things before the Commission right now are the
18 broadband access over telephone networks and Internet
19 access service over the telephone lines. I don't
20 know. What are your thoughts? I mean, I'm not an
21 expert on broadband.

22 MR. SNOOP: If we could just add digital
23 TV and all the things going on with that, like HDTV
24 right now is a big issue with the FCC. They don't
25 quite know how to deal with that, especially on the

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1 must-carry side.

2 CHAIR ROOKER: And how would you focus
3 this group? Give me some key words as to what we're
4 asking people to participate in. I think it's a great
5 idea. Think about that. Eugene has a comment. We'll
6 come back to you.

7 MR. SEAGRIFF: Actually, it's a request.
8 The things on the ECFS Express and the strategic goals
9 list that Margaret reviewed today, could we get the
10 docket numbers that go with those things so we can
11 look into the angles that need to be addressed, and
12 then we can perhaps be better informed about how to
13 divide up and target, because there will be areas. As
14 you pointed out, each area is rather wide, and there's
15 a lot of facets to it. And my strong feeling is if we
16 really want to influence the FCC's current activity,
17 we've got to align our activity with the way they're
18 going.

19 CHAIR ROOKER: Right. Exactly.

20 MR. SEAGRIFF: And along the way, address
21 the rural issues, address the disability issues,
22 address the issues of this wide variety of
23 stakeholders that they've consciously assembled to
24 help them deliberate about these very issues.

25 CHAIR ROOKER: Right.

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1 MR. SEAGRIFF: If we can get that
2 information --

3 CHAIR ROOKER: May I make a suggestion?

4 MR. SEAGRIFF: Yes.

5 CHAIR ROOKER: Can we form a broadband
6 working group and let them decide which issues they
7 take in priority.

8 MR. SEAGRIFF: Sure, and I'd like to be on
9 that group.

10 CHAIR ROOKER: Based upon the docket
11 information that we will get to you via e-mail. Does
12 that work? All right. Who would like to be -- and
13 I'll come back to the people who have their hands up.
14 Ron and Matt are next, and Susan and -- let me get a
15 little progress here if I could.

16 All right. So who wants to work on the
17 broadband working group? Okay. We've got Eugene,
18 Matt, Cindy, David, sorry. I don't even know who I
19 am. David Poehlman and David Brugger. Two Davids.
20 Okay. And are all you wanting to be on the broad --
21 okay. Vernon, Rich, Ron, Larry, Don and Debra. Won't
22 work. There's too many people, and Karen. Okay.
23 I'll tell you what I suggest. I love the interest in
24 this, and it really is a compelling topic. I think
25 why don't we do this? Why don't we come up with the

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1 docket information. Is one of you willing to act as
2 the point person or chair of this? Not to pull the
3 documents together, but to just coordinate the e-mails
4 and get people signed up to the various aspects within
5 this group. Larry would do that. Thank you, Larry.
6 We love people who volunteer.

7 Okay. My goodness. I love this. So what
8 you can do is within your own self, much as Claude was
9 suggesting, you can form some of the working groups
10 that you want to deal with in terms of broadband, or
11 whatever, or if you want to work on one issue as a
12 whole group. I think that would be up to you.

13 Now I apologize to the people who had
14 their hands up before we were trying to do this. Ron,
15 you had a comment. You want to stick your hand up so
16 we can identify you.

17 MR. MALLARD: Actually, you've kind of
18 answered my question, because you've given us as a
19 Committee the opportunity to kind of create our own
20 agenda, and one of those things that I was going to
21 suggest when you were looking for examples is the
22 protection of consumer -- customer service standards
23 for cable modem services offering high speed data.
24 And that's no longer a cable service; therefore, it is
25 outside of the authority of local governments to

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1 provide any kind of protection to customers, or
2 guarantees of customer service standards. And that's
3 certainly something that the Commission, I'm sure, is
4 looking into, but it's also a very high agenda for
5 most local governments throughout the United States.

6 CHAIR ROOKER: Okay. Thank you. I want
7 to just go over and make sure that I didn't miss
8 anyone who is interested in being in broadband. Let
9 me just read it now, and if I missed you, holler.
10 Eugene, Matt, Cindy, David P., David B., Vernon, Rick,
11 Rich, Ron, Larry, Debra, Don and Karen, and Tom.
12 Okay. All right. That's half the group. And Mike,
13 you have a comment or you want to volunteer for
14 something? Okay. Go ahead.

15 MR. DUKE: It would be good to form the
16 groups and then let us figure out where we can best
17 serve, I think. I mean, I would like to serve on the
18 broadband group, but there's quite a few people on
19 that already, but I'd also like to know what else is
20 coming up.

21 CHAIR ROOKER: Well, that's what we're
22 trying to do. So what do you suggest? Put you on the
23 spot.

24 MR. DUKE: Well, yeah. I don't know that
25 I have a suggestion at this point, other than I'd like

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1 to know what the other groups are, so I have to pick
2 where I want to work.

3 CHAIR ROOKER: Okay. That's what we're
4 trying to accomplish today. Susan, I think you had
5 your hand up a while ago, and I totally ignored you,
6 and I'm sorry.

7 MS. MAZRUI: Actually, you answered my
8 question, so you didn't.

9 CHAIR ROOKER: Okay. All right. Let's
10 see. I think Rich had his hand up, and then Tom.

11 MR. ELLIS: Shirley, it might make sense
12 in the short term to focus ourselves by going by what
13 the Commission sees as priorities right now, rather
14 than bringing all kinds of new issues in. If we want
15 to make a quick start and then get something done
16 fast, it might make sense to talk about the things
17 that Margaret discussed this morning --

18 CHAIR ROOKER: Right.

19 MR. ELLIS: -- that the Commission is
20 seeking input on, and focus on those initially, and
21 then branch out afterwards on other issues.

22 CHAIR ROOKER: Okay. I think that makes
23 sense. And yeah, that's kind of where we were
24 focusing here for a minute. Susan.

25 MS. MAZRUI: Yeah. I'd like to respond to

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1 that. This is Susan Palmer. I think that's a good
2 idea, but I don't want to exclude other groups because
3 I think that there's a situation like Vernon brought
4 up where it's not going to fall into what their
5 priorities are, but are very separate from what we're
6 going to see in those four categories.

7 There's a serious issue that I perceive in
8 terms of consumer participation in the process. I
9 mean, we're talking about looking at the Express, you
10 know, looking at information through that, and that's
11 not accessible. And so I think that that's another
12 issue that's a broad one, that's not going to be on
13 their priorities, but maybe the information or the
14 issues around it need to be brought to their
15 attention, since part of what we're doing is bringing
16 to their attention things they're not aware of.

17 CHAIR ROOKER: Well, would you like to
18 suggest that we do a working group on this access and
19 the consumer participation?

20 MS. MAZRUI: Yes. I would say consumer
21 outreach and participation would be another
22 subcommittee.

23 CHAIR ROOKER: Okay. Consumer --

24 MS. MAZRUI: And I think there are some
25 rural issues that I can't speak to.

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1 CHAIR ROOKER: Okay. Consumer knowledge
2 and participation. Okay. So -- knowledge and
3 participation? Consumer outreach. Okay. Yes, and
4 you all brought up some excellent things today I
5 thought during the website presentation. Okay.
6 Susan, we're going to sign you up for that. Who else?
7 Okay. Hang on a minute. Who else wants to be --
8 Linda, David P. Cheryl, are you signing up for that
9 one, or you want a question? Okay. Cheryl. Okay.
10 Consumer Outreach and Participation, we're looking at
11 right now. Who else wants to be on that working
12 group? Okay. Mike and Jim, and who else? Claude.
13 Annette. Okay. All right. Debra. My God, Debra and
14 Joe. Okay. Okay. Let me see if I've got this.

15 MR. GOLDBERG: Can I ask a question?

16 CHAIR ROOKER: Sure.

17 MR. GOLDBERG: Are those who are signing
18 up interested in including the complaint process as
19 part of this topic?

20 CHAIR ROOKER: Well, you know, we did -- I
21 need to send you back to review, because Claude
22 chaired a complaint process working group that came
23 out with some recommendations which were great. And
24 you may want to go back and review those. They are in
25 the archived website at the FCC and see what they have

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1 done. But yes, then I'd like to make changes in their
2 terminology. That's the only part that I'm really
3 concerned about. So at any rate, that could be
4 something that you would go back and look at, if you
5 want to set up a complaint form. Should that be part
6 of the outreach? Okay. Okay. So now let me --
7 consumer outreach, complaints and participation.
8 Okay.

9 Now let me just go through and see if I've
10 got -- is anyone else joining that subcommittee?
11 Okay. Ron and Debra. Is that what you --

12 MS. BERLYN: At some point I want to ask a
13 question about what this group is going to do, because
14 I'm not sure if it covers one of the topics
15 adequately.

16 CHAIR ROOKER: well, go ahead and ask.
17 You've got the microphone.

18 MS. BERLYN: Well --

19 CHAIR ROOKER: No better time.

20 MS. BERLYN: Commissioner Abernathy this
21 morning talked about consumer education. She
22 mentioned a specific community of senior citizens, but
23 I think consumer education generally is critically
24 important for beyond senior citizens, all consumers.
25 And I'm not sure whether or not this working group

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1 encompasses that element of outreach, education,
2 ensuring that consumers have the information they need
3 to make the right choices, that type of information.

4 CHAIR ROOKER: I think this is what we're
5 discussing, yes.

6 MS. BERLYN: Okay.

7 CHAIR ROOKER: Yes. Okay. Now let me go
8 back and recap to make sure that I've got -- Andrea,
9 you want to be on that, or you want to ask -- you want
10 to be on it? Okay. Andrea, Joy, okay. Tom. My God,
11 I love you. You're wonderful. You had dreams about
12 this? You dreamed that nobody was going to volunteer.

13 Well, this is great. I mean, look, we'll get this
14 process down right yet. Okay. Let's recap on this.
15 We have the complaints, the consumer complaints,
16 outreach and participation working group which
17 consists of Andrea, Joy, Tom, Susan, Linda, David P.,
18 Cheryl, Mike, Jim, Claude, Annette, Debra, Joe and
19 Ron. Did I get it right? Did I miss you, Rich? Oh.
20 Did I miss anyone? Oh, let's see. Wait a minute.
21 Mike D. Okay. They're both Mike D. Mike DelCasino.
22 Mike Del. We've got two Mikes.

23 Now let's go back. Do we have it? Okay.
24 Rich has a question. Stick your hand up, Rich.
25 There you go. We're training everybody.

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1 MR. ELLIS: Just a comment. It sounds
2 like we're sort of starting at one spectrum and then
3 going back to the old way.

4 CHAIR ROOKER: I know. I'm worried about
5 that, but --

6 MR. ELLIS: I think we might be closer to
7 what Claude is thinking about. And maybe what we
8 ought to do is get the broader topics today, and then
9 appoint somebody to kind of oversee those broad
10 topics, and be in charge of coming --

11 CHAIR ROOKER: Well, that's kind of what
12 we're doing.

13 MR. ELLIS: -- who's in charge of coming
14 back next time and saying the broadband group is going
15 to work on these topics, and the work groups are
16 these, these, and these.

17 CHAIR ROOKER: That's exactly -- that is
18 really I think what is going to have to happen,
19 because you can't have all of these people working on
20 the same issues. And you're going to have more than
21 one topic.

22 MR. ELLIS: Right.

23 CHAIR ROOKER: That's why we're going to
24 provide you, for example, with the information, the
25 docket numbers that was asked for, I think, that

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1 Eugene asked for.

2 MR. ELLIS: But I think it would be good
3 also as we go through that process of whittling things
4 down, to keep going back to the strategic goals of the
5 FCC and say this refers to --

6 CHAIR ROOKER: Exactly. Now I need to ask
7 if someone will be the point person on this committee
8 that would be willing to -- Joy. Okay. Joy is going
9 to be our point person. Okay. Yeah.

10 MS. RAGSDALE: My concern about waiting
11 until the next meeting, July --

12 CHAIR ROOKER: We're not going to wait.
13 I'm going to talk about that.

14 MS. RAGSDALE: In a number of the
15 proceedings, the closing of comment periods are really
16 now.

17 CHAIR ROOKER: Exactly. And Joy's point
18 is so well taken. We really need to get moving on
19 this. That's why those of you, Joy and Larry who have
20 agreed to be the point persons for these two working
21 groups, we will get the docket information to you all.

22 Anything else that you need. The members -- okay,
23 yes. Yes, we will get that. Can we get that off to
24 them via e-mail within the next day or so? Yeah, next
25 week early in the week. And your charge is to come up

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1 with a list of the issues, and then not come back to
2 us, but let us put them out over the Internet to the
3 rest of the group to see who else wants to work on the
4 subgroups. Does that make sense? You can get some
5 input before the July meeting. That was our goal, and
6 we'd really like to have something before the July
7 meeting.

8 Now, Andrea, you had a question. She's
9 over here.

10 MS. WILLIAMS: Andrea Williams. I guess
11 I'm a little confused in terms of what our goal is
12 --**CHAIR ROOKER: Oh, good.

13 MS. WILLIAMS: -- for the next meeting and
14 all these working group, subcommittee. What is the
15 action item? What do you want us to deliver at the
16 next meeting?

17 CHAIR ROOKER: I think that's a very good
18 point. What I would hope that you would do is over
19 the next two weeks, is to set up the items that you
20 think should be action items, since we -- I think the
21 education one is going to be easier than the
22 broadband. I think the broadband is going to be a
23 real challenge to come up with the action items.
24 Maybe not, I'm not -- I don't know, but I would like
25 to see within a two week period that you all have

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1 maybe three of those things that you want to break
2 into sub-working groups to address. Let us know what
3 they are, so that other people on the Committee, if
4 they want to participate, can participate. Is that
5 possible? Okay. All we need is agreement from Joy
6 and Larry that that will happen, and that will happen.
7 Okay.

8 Then within that group, we would like for
9 you to start addressing the issues that you feel,
10 especially if they are issues that are now before the
11 FCC, how you feel the comments should come in, what we
12 should be looking at, what the issues are. If you can
13 get organized enough and do anything, even to come
14 into recommendations for discussion at our next
15 Committee meeting. Does that help clarify it?

16 I don't know what the action items are
17 because they're going to have to determine that within
18 the subcommittees, within their working groups.

19 MS. WILLIAMS: Right. If the Commission
20 -- I know the issue was brought up in terms of some of
21 these issues are being before the Commission right
22 now, I just want to make sure everyone on the working
23 group understands that the working group cannot make
24 recommendations.

25 CHAIR ROOKER: That's right. They know

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1 that.

2 MS. WILLIAMS: That this will --
3 everything will still have to come back --

4 CHAIR ROOKER: To July.

5 MS. WILLIAMS: -- to July.

6 CHAIR ROOKER: If there is an issue that
7 is -- that the comments period is closing before our
8 July meeting, is it possible, Scott, for us to --

9 MS. WILLIAMS: File ex parte.

10 CHAIR ROOKER: File, yeah. We could.
11 Right?

12 MR. MARSHALL: Well, we have to have a
13 meeting.

14 MS. WILLIAMS: We have to have a meeting
15 first.

16 CHAIR ROOKER: We have a meeting via the
17 Internet. That wouldn't qualify. It would have to be
18 an open meeting, so maybe not.

19 MR. MARSHALL: Well, theoretically we
20 could have a meeting via Internet. I -- it is much
21 more complicated. We'd have to worry about how to get
22 the public participation there. Paula indicated that
23 was possible, but I'm not sure at this point all of
24 the logistical problems of doing that.

25 CHAIR ROOKER: Yeah. So we may not --

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1 MR. MARSHALL: Even if a comment period
2 closes though between now and July, if the working
3 groups are able to define the issues they want to
4 address and start working on recommendations, we can
5 file an ex parte in July based on what this Full
6 Committee decides that it wants to do, based on the
7 working group recommendations.

8 CHAIR ROOKER: See, you all understand the
9 process better than I do.

10 MR. MARSHALL: I think that would work.

11 CHAIR ROOKER: Does that answer your
12 question?

13 MR. MARSHALL: Andrea, is that doable?

14 CHAIR ROOKER: Who are we asking?

15 MR. MARSHALL: I was asking Andrea.

16 CHAIR ROOKER: Andrea.

17 MS. WILLIAMS: Yeah, that's doable.

18 CHAIR ROOKER: Okay. So our goal would be
19 to come up with the recommendations that we could
20 discuss in July, and then file, if necessary, ex
21 parte. Okay. All right. Okay, Larry and then --

22 MR. GOLDBERG: Clearly, that would mean
23 that the agenda for July has to have significant time
24 available to debate draft recommendations.

25 CHAIR ROOKER: Yes.

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1 MR. MARSHALL: Absolutely.

2 CHAIR ROOKER: Absolutely.

3 MR. GOLDBERG: We're going to need to
4 spend lots of time doing that.

5 CHAIR ROOKER: That's right.

6 MR. GOLDBERG: So that at the end of that
7 meeting, we can all, in essence, vote.

8 CHAIR ROOKER: You all need to give us
9 adequate notice because we have to establish the
10 agenda, how far out, Scott?

11 MR. MARSHALL: About six weeks out.

12 CHAIR ROOKER: About six weeks out, so
13 you're going to have to get cracking, because time is
14 slipping away here. So you need to come up with
15 suggestions to the Committee for discussion. You need
16 to let us know, Scott and me, as soon as you've
17 identified the items. If there's any kind of
18 information or people that you need to come and speak
19 to the issue before the Committee in July, because
20 there may be something that you need clarification on
21 from the FCC, for example, or even an outside expert.

22 So that -- now, Byron, you had your hand up. Yes,
23 thank you.

24 MR. ST. CLAIR: Byron St. Clair, National
25 Translator Association. As I explained earlier, my

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1 focus is free over-the-air radio and television
2 service in rural areas, and I haven't heard anything
3 yet where I can focus in on with the other people.
4 Broadband seems to be - excuse the pun - too broad.
5 But I wonder if anybody wants to join me in improved
6 communications in rural areas other than broadband.

7 CHAIR ROOKER: Well, actually the next
8 thing I was going to ask about was to follow-up on
9 Vernon's comment, and your comment comes right in
10 target with what I was going to ask, where Vernon was
11 talking about issues in rural areas. I think it might
12 be useful, would you be interested in setting up a
13 working group on issues pertinent to rural areas,
14 which there may be some crossover to the other working
15 groups, but that doesn't -- I don't think that's
16 particularly bad. Vernon.

17 MR. JAMES: I don't see the issue of
18 ruralness as a singular topic, but a component of each
19 working group.

20 CHAIR ROOKER: Okay. All right. Now what
21 about Byron's comments about the radio service? That
22 would not really fall under broadband.

23 MR. JAMES: I would include it in
24 broadband because --

25 CHAIR ROOKER: Would you?

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1 MR. JAMES: -- I think that there are
2 issues that need to be addressed in how broadband is
3 delivered, and how broadcast, free broadcast is also
4 delivered. It also ties into spectrum, because we're
5 talking wireless.

6 CHAIR ROOKER: Oh, I see. Okay.

7 MR. JAMES: As well as wire line.

8 CHAIR ROOKER: Byron, are you interested
9 in joining the broadband with perhaps some -- do you
10 want to do that? So we'll put Byron under the
11 broadband.

12 MR. ST. CLAIR: If that's the way it works
13 the best then, you know, I'm new to the group so I
14 follow your guidance as to where to fit me in best.

15 CHAIR ROOKER: Yeah. Let's see. David, I
16 think you had your hand up.

17 MR. POEHLMAN: This is David Poehlman with
18 the American Council of the Blind. My arm must be too
19 short. I'm trying to see if DVS and audio description
20 issues, descriptive video issues surrounding digital
21 TV fall into broadband, because I don't think we
22 mentioned that as part of our agenda for that working
23 group. If not then, you know, we need to find, I
24 guess, some way to plug that hole.

25 CHAIR ROOKER: Somebody else comment on

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1 that? Don. Larry.

2 MR. SNOOP: Yeah, Don Snoop. What I think
3 you're saying is that you realize that that's all part
4 of the broadcast spectrum, the fact that SAP and all
5 those various other things are part of the broadcast
6 spectrum, so they're already in there under existing
7 FCC rules. How it's going to be dealt with during the
8 HDTV expansion and various other things, and the
9 transition from the analog to digital on the broadcast
10 is a very, very crucial part of that. And that --
11 what you're looking for will probably be encapsulated
12 into that. But I think the main focus should be how
13 we're going to deal with the actual use of the
14 spectrum, and how we're going to get cable TV
15 companies, and phone companies, and various other
16 companies to be able to do this in an efficient
17 manner.

18 CHAIR ROOKER: Okay. I think, Rich, you
19 had your hand up.

20 MR. ELLIS: I may be saying what Larry is
21 about to say, which is we're kind of dumping all kinds
22 of things into the broadband bucket that may not
23 really belong in the broadband bucket.

24 CHAIR ROOKER: I know.

25 MR. GOLDBERG: Description issues for both

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1 analog and digital TV. I don't really see that as
2 part of the broadband issue. I'd like there to be
3 video description in broadband, absolutely. But I
4 think we need to talk about that also, as a separate
5 working --

6 CHAIR ROOKER: What about we set up a
7 working group on video description. I think that's an
8 important issue. What do you think about that?

9 MR. GOLDBERG: Let Mike --

10 CHAIR ROOKER: Mike, do you want to do
11 that?

12 MR. DUKE: I would like to -- okay.

13 CHAIR ROOKER: Okay.

14 MR. DUKE: I would like to see the -- at
15 the risk of hearing cries of oh-no, the audio
16 information service and video description have a lot
17 of the same issues. Yes, I would like very much to
18 work with that group, like for it to include not just
19 DVS-type issues, but the audio information services
20 which when the digital radio really gets going, are
21 going to be looking for a home.

22 CHAIR ROOKER: Okay. I mean, does that --
23 is that some -- do we have some people who are
24 interested in doing this? And is that -- I don't know
25 the technology, so I don't know. But we've got Mike

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1 Duke, who's interested in this. David P. David,
2 we're going to work you to death. I hope you don't
3 have a real job. Larry, are you interested or
4 commenting?

5 MR. GOLDBERG: Yes. Well, both. I think
6 that we do need to be a little bit broader if we're
7 going to talk about video description, so it's almost
8 like all ancillary audio services need to be taken on.
9 And that's a good broader topic than perhaps others
10 who would like to join in too. I don't say that we
11 can't have a three or more person group, but if we
12 talk about a larger focus, it might be more --

13 CHAIR ROOKER: Okay. So does anyone else
14 want to join that particular group? Okay. First let
15 me find out, who else wants to be on this -- and I
16 don't know the technology so you'll have to define it
17 for me. I'm talking about video description and audio
18 information.

19 MR. DUKE: What was it Larry called it?

20 MR. GOLDBERG: Ancillary audio.

21 MR. DUKE: Yeah.

22 CHAIR ROOKER: What does that mean?

23 MR. GOLDBERG: It means all other forms of
24 audio that's not part of the --

25 CHAIR ROOKER: It's Friday afternoon. Can

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1 you spell it?

2 MR. GOLDBERG: A-N-C-I --

3 CHAIR ROOKER: I know how to spell it.

4 (Laughter.)

5 CHAIR ROOKER: I don't know what it is,
6 but I can spell it. All right. We're going to have a
7 working group on ancillary audio. I love that. All
8 right. Now do I see hands of people who want to join
9 that working group? Mike, I've got you down, Mike
10 Duke, David P., Larry. All right.

11 MR. SEAGRIFF: I'd like to suggest a
12 clarification, if I may.

13 CHAIR ROOKER: All right.

14 MR. SEAGRIFF: Larry, should captioning be
15 in that basket?

16 MR. GOLDBERG: Not necessarily.

17 MR. SEAGRIFF: Because these are the
18 things that have pass-through problems, the way I'm
19 looking at it.

20 MR. GOLDBERG: So you really want to talk
21 about ancillary services.

22 MR. SEAGRIFF: Right. Which has --

23 MR. GOLDBERG: Not it's not just broadband
24 only.

25 MR. SEAGRIFF: Which historically have had

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1 pass-through problems, and are not being thought about
2 in a lot of new media.

3 MR. GOLDBERG: Ancillary data service.
4 Well, anyone who's interested in V-chip should join
5 into that, because that's absolutely a concern.

6 CHAIR ROOKER: All right. And who else
7 does that bring in? Byron, are you interested in
8 that?

9 MR. ST. CLAIR: First off, I think we need
10 to broaden it because there's not just ancillary audio
11 services. With the coming of digital television, a
12 lot of extra services can be slid in and delivered,
13 and it seems to me there's a much broader picture here
14 that needs to be addressed.

15 CHAIR ROOKER: Well, let's try to keep
16 ourselves --

17 MR. ST. CLAIR: Yeah, ancillary services
18 in general.

19 CHAIR ROOKER: Okay. All right. Are you
20 interested in joining that?

21 MR. ST. CLAIR: Yes.

22 CHAIR ROOKER: Okay. So Byron. Right now
23 on that we have Mike Duke, David P., Larry and Byron.

24 MS. KIRSCH: Shirley, since I am a
25 representative from the National Association of

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1 Broadcasters, I think my expertise would be better
2 spent on that.

3 CHAIR ROOKER: You could do both.

4 MS. KIRSCH: I will just take one. I'd
5 like to be off of the broadband.

6 CHAIR ROOKER: All right. We'll take
7 Karen off of broadband and put her on the ancillary
8 services. Okay. All right. Who else? Anyone else?
9 Are you all volunteering? Okay. We've got Eugene
10 and Vernon. Okay. Anyone else? All right. I like
11 you folks. Vernon. I'm doing video description for
12 Scott. That's okay. So we've got on that Mike Duke,
13 Eugene, Vernon, David P., Larry, Byron and Karen. Who
14 wants to be the point person on that? I want a hand
15 to go up there. Larry's already doing something.
16 You're not getting out of this room. I'm going to
17 lock the door. All right. Who's on it? Mike Duke,
18 Eugene, audio, my notes are so bad. Mike Duke,
19 Eugene, Vernon, David P., Larry, Byron and Karen.
20 Please, we need one person to just say that they will
21 see that things get started and do e-mail. Eugene,
22 bless you. Love it. Love it.

23 Okay. Now as far as the TRS is concerned,
24 we have Dixie, Rebecca and Joe. Can we get Brenda or
25 Joe to be the point person on that? One of you going

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1 to volunteer. Brenda, bless you. All right.

2 Well, I think this is a rather ambitious
3 undertaking. We've got four different working groups.

4 Claude, yes. I'm sorry. Go ahead.

5 MR. STOUT: And I will also join that TRS
6 group, if you don't mind.

7 CHAIR ROOKER: Okay. Super. Yes. So we
8 put Claude on there. Okay. Super. Yes, that is a
9 good group. I'm proud of you all. Thank you. Unlock
10 the doors now, please. Yes, Vernon and Tom, I think
11 you had a comment. You actually had your hand up
12 first. Stick your hand over here so they see. Over
13 here. Okay.

14 MR. ALLIBONE: I've got a question going
15 back to the original Consumer Complaint Outreach
16 Education Group, just to make sure, a clarification
17 for me on that with respect to the broadness of what
18 we are going to be looking at.

19 CHAIR ROOKER: Yeah.

20 MR. ALLIBONE: We didn't talk about -- I
21 want to know whether we would fit phone bill-type
22 issues into that?

23 CHAIR ROOKER: I would think so, yes.

24 MR. ALLIBONE: And consumer protection, as
25 well?

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1 CHAIR ROOKER: Yes.

2 MR. ALLIBONE: Excellent.

3 CHAIR ROOKER: Okay. Then Vernon had --
4 well, you're going to have to define yourself and get
5 some smaller working groups, and then let us know what
6 they are, because that's too many people for working
7 groups. You won't get anything done. But you can
8 divide it up on your subjects. I mean, we're not
9 dictating to you what you're supposed to come up with.
10 I'm just telling you the process. So, Vernon, you
11 had a comment.

12 MR. JAMES: Thank you, Shirley. One of
13 the goals that was identified on the FCC sheet is
14 spectrum, and I think that's an important issue that
15 needs to be talked about. There are a lot of
16 complications and a lot of concerns as it relates to
17 rural America and Indian reservations.

18 CHAIR ROOKER: Okay. Would you like to
19 make that an agenda item? Is that what you're saying?
20 You think we should be making that a working group,
21 or I'm not quite clear on --

22 MR. JAMES: I'm just saying that it ought
23 to be a working group.

24 CHAIR ROOKER: Okay. Can we -- because
25 we've got so much going on right now, can we put off,

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1 can we do that and form it in July, because we may
2 have -- some of these working groups may be that they
3 are not going to last beyond then. I mean, we don't
4 know yet. Would that be acceptable to you?

5 MR. JAMES: I think so.

6 CHAIR ROOKER: I mean, I'm not trying to
7 delay you, but we've got four groups here. I just
8 don't want to see the Committee divided up so badly,
9 but if there are people who are interested in doing
10 it, we can set it up. That's not a problem. So let's
11 take Vernon's suggestion. Are there those of you who
12 would like to work on this in terms of spectrum? Is
13 there any reason why we can't do that? We'll do
14 another one. Yeah. Some of it I think is going to be
15 more long range. What we'll probably have to identify
16 for July are the issues that are critical,
17 particularly in terms of comments before the FCC, so
18 we will have to do some prioritizing in terms of the
19 agenda items, but that doesn't stop us from working on
20 the issues. So who else would like to be on the
21 spectrum? We've got Vernon.

22 MR. JAMES: Shirley, maybe you ought to
23 ask if this is an interest area for --

24 CHAIR ROOKER: Well, I think so. We've
25 got hands going up.

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1 MS. WILLIAMS: I have a question.

2 CHAIR ROOKER: Okay, question.

3 MS. WILLIAMS: Andrea Williams. Well,
4 it's more of a comment to make. With spectrum
5 management, Vernon, I can assure you it's going to be
6 around for a while. I've been working in wireless now
7 for 9 years, and when I started in '92, we were
8 talking about spectrum, and we're still talking about
9 spectrum.

10 I think where the FCC is at this right now
11 in terms of spectrum management is finding those bands
12 where we can get additional spectrum. I don't think
13 they're ready yet at the point where I would say in
14 terms of consumers, particularly in terms of
15 auctioning the spectrum. I think first right now what
16 they're trying to do is identify where that spectrum
17 is, how they're going to move people who are in that
18 part of the band out, or how they're going to relocate
19 them, how they're going to deal with that spectrum
20 that the Department of Defense wants in the
21 commercial, and then the next phase will be once they
22 have identified that spectrum, how should it be used?
23 And I think that is a point where this Committee
24 could really help the Commission in terms of how
25 different interests would like to see that spectrum

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1 used. I'm sure Karen is going to want the spectrum
2 used for some of her constituency. I know my
3 constituency is going to want to see the spectrum used
4 in certain ways. There are certain things I'm sure
5 your constituency is going to want that spectrum used,
6 and what the rules should be in terms of once you get
7 to that. So I would like to, if you don't mind,
8 Vernon, if we could defer that working group to a
9 point where I think it would be more effective.

10 CHAIR ROOKER: I'm sitting here. Karen,
11 do you have a comment on this?

12 MS. KIRSCH: Yes. Andrea, you did a very
13 good job trying to explain, or explaining part of what
14 the FCC is doing with this whole issue of spectrum.
15 If I could add another thing. It's very technical in
16 nature. Another thing that they're looking at is
17 taking a look at the current uses of spectrum, and
18 seeing if maybe they can lessen the interference
19 criteria. And it's just really involved, and I think
20 Andrea is right, that right now it's so technical in
21 nature, there really isn't a consumer component, but
22 there will be once they get this technical, some of
23 these technical issues ironed out.

24 CHAIR ROOKER: Okay. Vernon.

25 MR. JAMES: Vernon James. I understand

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1 what you're saying, but believe me, there is an issue
2 here that concerns much of rural America. Rural
3 America was left out of the spectrum acquisition
4 process, and as a result has a lot of problems as it
5 relates to spectrum. And there's no doubt that
6 wireless, as far as part of the spectrum, is a hot
7 issue. And I just would want - - I think I'd be
8 remiss if I didn't bring this issue up on the table,
9 as far as consumers who live in rural America. That's
10 my purpose.

11 CHAIR ROOKER: Larry.

12 MR. GOLDBERG: I have a suggestion. One
13 might be that at the next meeting in July we do have
14 an expert in to talk to us about spectrum management,
15 and issues particularly around rural.

16 CHAIR ROOKER: I think that's an excellent
17 suggestions.

18 MR. GOLDBERG: So I don't think I
19 understand much of what you are talking about.

20 CHAIR ROOKER: I don't either.

21 MR. GOLDBERG: And it is a complex issue,
22 but I know that there are consumer issues, because
23 there'll be a gold rush for some of that spectrum once
24 the technical issues are cleared up, and consumers
25 will want some of that.

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1 MS. WILLIAMS: That'S what I was talking
2 -- this is Andrea Williams, in terms of the next
3 phase, in terms of the auctioning part of that
4 spectrum. That's where I see -- again, I agree. I
5 think we're agreeing, Vernon, that that's the area
6 where this Committee could really provide some -- give
7 the FCC's perception of okay, we've identified all the
8 technical parameters. These are the bands that we're
9 going to be able to use. Now Commissioners, you are
10 -- as you're considering what the rules should be to
11 use that spectrum, you may want to consider if someone
12 is going to purchase X amount of spectrum, how is that
13 going to serve rural America?

14 CHAIR ROOKER: Can we just go back to
15 Larry's suggestion and see how that sits with you,
16 Vernon, that we have someone come in and do this in
17 July, with a pledge that we will take it from there.
18 I'm not trying to forestall you because I really
19 understand your need, and you want to do that. Does
20 that work? Okay. If you -- now I'll press ahead with
21 a working group if you want me to.

22 MR. JAMES: No.

23 CHAIR ROOKER: Okay. All right. So we
24 will make that an agenda item for our July meeting.
25 We will get someone in to come in and talk about it so

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1 that even I can understand it. And that's a challenge
2 to you, Scott, there. All right. Eugene, and then
3 we've got to wind up here.

4 MR. SEAGRIFF: Yes. Similar to spectrum,
5 another issue that was on Margaret's list that maybe
6 we can't fit into anything that currently exists is
7 E-911 issues.

8 CHAIR ROOKER: Yeah.

9 MR. SEAGRIFF: I don't know if we want to
10 establish a group, or we want to hold off on that
11 until after July. I just wanted --

12 CHAIR ROOKER: I know that's a very
13 important issue. I -- do you think that we can do
14 this in July? This is going to be with us for a
15 while. Yeah. I think we need to -- I mean, we can
16 set up something in July if we want to look at that.

17 MR. MARSHALL: July is only two months
18 away.

19 CHAIR ROOKER: That's right, it's two
20 months away. Got your work cut out for you. Okay.
21 Folks, Brenda, this is going to be the last one.

22 MS. KELLY-FREY: Hello, this is Brenda.
23 I'm curious to find out whether outsiders can
24 participate in these working groups, or is it just
25 limited to the committee members?

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1 CHAIR ROOKER: No, outsiders can
2 participate. Just let us know who's participating. I
3 mean, these are really open public discussions open to
4 anyone.

5 All right. I want to thank you. You've
6 done a yeoman's job today. I'm very excited about it.
7 I like the energy. I like the ideas that I hear
8 coming from you, so thank you all very, very much.
9 It's now the time where we accept comments from the
10 public, so I'd like to open the microphones to anyone
11 who might be with us, who has patiently waited, that
12 would like to say something to the Committee. We do
13 not have anyone who wants to make comments.

14 Well, thank all of you very much. We've
15 got a lot of work. I think it's going to be fun. I
16 hope you enjoy it, and I hope you have a wonderful
17 week. Yes, Joy. Those will be coming out to you next
18 week. Yes, early hopefully. As early as possible
19 next week. Okay. Thank you all very, very much.

20 (Whereupon, the proceeding in the
21 above-entitled matter went off the record at 4:29:37
22 p.m.)
23
24
25

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