

**Shirley Rooker:** Yes. Could we ask you all to take your seats, please? It's not working. How do we get the audio to working? Hello? Goodbye? Could we ask you to take your seats, please? It's time to go back to work, folks. If you would take your chairs, please. Scott Marshall is going to review some of our guidelines for the subcommittees.

**Scott Marshall:** Thank you, Shirley. This is Scott Marshall. Just a couple of housekeeping items before I go over the operating guidelines for the committee. The calendar sheets out of your folders, just are sure that one of us gets that back, one of the FCC staff here. We'd appreciate that. And then we can make a reasonable selection for the next meeting dates based on your availability. Also, if the master mailing list is still going around, we would like that back as well so that we can make corrections on our mailing list. We try to make sure it was right, but Murphy's law being what it is, you know that we had to make one mistake or two, at least. I wanted to, okayXand also, just a reminder to those who are watching and listening on the net, we will be having a public participation portion of this meeting at around 3:45 or so this afternoon, and we will be taking comments via the internet as well as from people here in the room from the audience, and if you want to communicate with the committee now or in the future, please send email to CDTAC, Charlie-David-Tango-Alpha-Charlie. I didn't do that right, did I? @Fcc.gov and we will try to take as many questions as weXas time will allow later this afternoon. The matter of our operating guidelines, I wanted to talk to you a little bit about our charter. We are chartered under the Federal Advisory Committee Act as a federal advisory committee. The FCC has seven such committees, and under the FACA, as it's called, these meetings must be open to the public, notice provided in the Federal Register, minutes kept and an opportunity for the public to be heard must also be provided. I hope and pray that we've complied with not only the letter of those requirements, but have exceeded their spirit, andXbut I want to mention this because of our subcommittee structure, which we will be talking about a little later. Subcommittees are somewhat confined as to what they are able to do. Because we can't have additional Federal Advisory Committee Act committees, subcommittees are not able to make recommendations directly to the Commission. And what we would like you to do then is as a result of your deliberations and discussions that take place today, as well as in the future, that you would communicate those recommendations to the full committee and the full committee would, in turn, then transmit those recommendations to the Commission. The operating protocols, which you received via email and another copy of which is in your packets, are intended to try to give a little structure to what we hope will be a quite unstructured committee. We hope that the deliberations of this group will be free and open and collegial, that there will be inevitable disagreements and different points of view, and that's terrific, but that hopefully, for the most part, we will be able to operate by consensus. According to our operating guidelines, however, if we can't operate by consensus, a majority vote would rule, and the minority would be able, if it so chose, to submit a minority report along with the recommendations of the Committee to the Commission. The guidelines also, as you know from reading them, also spell out several other items regarding our operation relating to Committee membership, a requirement that no one committee member or alternate can represent more than two organizations at one meeting. I guess I was a little bit worried about someone coming in with a handful of proxies and didn't want to go down that road. TheXwe do have provisions for withdrawal

from the Committee as well as removal. It is hoped that you will attend as regularly as possible, and that if you're not able to attend that you will brief your alternate as to what is going on with the committee so that in your absence, we can still have a full and meaningful discussion both here at the plenary meetings of the Committee as well as at subcommittee meetings as well. The protocols also provide that subcommittee meetings must be accessible. We will talk in more detail later this afternoon about the listserves that we have established for your use at subcommittee meetings or to permit discussions between plenary meetings of this Committee. You're certainly able to meet at other times, as well, and to use conference telephone calls. We do have a limited budget for that purpose as well. But again, the bottom line is that these subcommittee meetings must be accessible to all members and open to the public. I could go into a lot more detail about these protocols, but I think I would stop there and entertain any questions that you might have. These protocols can be amended so if you so choose. TheXit's a living document, and I'm sure if we decided to amend them or if you decided to amend them in the future, that's also a possibility as well. So this is not the only time that you'd be able to look at this document as we proceed forward. Does anyone have any questions?

**Shirley Rooker:** Kathleen has a question.

**Scott Marshall:** Kathleen, please.

**Kathleen O'Reilly:** This is Kathleen O'Reilly, and I had a few questions relating to the quorum issue. Based on some experience with other both government advisory committees and so forth and not being clear whether we hoped to make recommendations as a Committee down the road, but I thought I would raise this before we get into issues and personalities and just as a theory. And that is that, strictly speaking, under Robert's Rules, the absence of a quorum does not stop a group from going on to conduct business unless someone challenges it for the absence of a quorum. So the high level of a quorum of two-thirds, I just sort of have an instinctive concern that we might be sort of stalled in the water at some future point, where after a lot of deliberation and a lot of general desire to move forward, that the absence of two-thirds at a particular meeting might keep us from even carrying on business, let alone approving something. And I'm not expecting a resolution to that today, but I wonder if we might give consideration to whether there is some alternative to that. And there's also the issue of whether the quorum is intended to be or should be, and you canXand there's no right or wrong, whether it's going to be a rolling quorum. In other words, if we convene and there is a quorum, we could decide that that quorum will sustain us throughout the meeting so that if people have to leave for an early plane, that we don't suddenly lose, that's something we could consider. And I would suggest that we consider having a quorum of less than two-thirds or differentiate as to whether or not we need a smaller quorum just to be able to conduct normal business for discussion purposes and a higher quorum when we're taking action on specific recommendations that would go to the Commission, and also give consideration as to whether, if that recommendation on some issue to go to the Commission is the product of many, many meetings where it's been put on the agenda and people have had an opportunity to voice their opinion, whether we might consider having proxies allowed for someone to be able to vote on that. Again, I could argue it either way, but I just think that

those are possibly some of the issues we might run into. And also, with minutes, although I certainly understand and applaud the efficiency of having summary minutes, I feel strongly, based on the experience of other Federal Advisory panels that have had consumer representation, that it's important to have absolutely verbatim transcribed minutes available somewhere so there's never the most innocent misunderstanding of what was said. It's so hard months later to reconstruct. And so I would hope the Commission would have available sitting in somebody's drawer, I don't think we need to go to the expense of having those duplicated transcribed minutes. And my last issue has to do with the agenda. And I also applaud the efficiency of having the chair determine the agenda, but I would hope that there might be an opportunity that if aXsome critical mass of members of the Committee were to specifically request that something be on the agenda, that there would be a presumption it would be. And I think we would have to come up with a number that disciplines all of us against putting on whatever our little personal quirky loves are, but allows us to make sure that we frankly are protecting the staff and the chair from not being able to put things on the Committee that many people might want to have on the CommitteeXor on the agenda. We may never act on it. But I would just urge that we have a process that allows entertainment of agenda items that represent some significant interests by Committee members.

**Scott Marshall:** Just a couple of comments, if I can remember all of those questions, and I'm glad that a transcript is in fact being made.

**Kathleen O'Reilly:** I've been to too many meetings over 30 years.

**Scott Marshall:** And if I forget one, please let me know. But let me respond to at least a few of your questions directly. On the quorum issue, unless I screwed up entirely in writing these, the quorum requirement is two-thirds, but that does not prevent the Committee from carrying on its business. The quorum requirement applies when recommendations are to be made to the Commission. So I think that concern is addressed in the guidelines.

**Kathleen O'Reilly:** But conducting substantive business of the committee, I would hope would not be stalled because of the absence of two-thirds. It's the first sentence that concerns me; a quorum of two-thirds of the Committee membership shall be required to conduct substantive business of the Committee. That's not the same as making a recommendation. So if the sense of it is that only for purposes of recommending something to the Commission as a two-thirds quorum necessary, that would go a long way toX

**Scott Marshall:** Clarify that.

**Karen Peltz Strauss:** If you would like to proposeXI don't know if this is on. If you would like to propose some alternative language at some point, and we can propose it as a resolution.

**Kathleen O'Reilly:** Okay, I'll be glad to do that between now and whenever we do this by email. I would be delighted to have anybody's thoughts. I'm just throwing outX

**Scott Marshall:** No, absolutely.

**Kathleen O'Reilly:** Topics and problems that have arisen with other groups in the past. Not because I'm wedded to a solution.

**Scott Marshall:** Okay. As far as my intent which maybe did not get as eloquently stated as it should have been, the intent was that it not stall deliberations, that we needed a significant quorum requirement in order to make a recommendation to the Commission. With respect to minutes, minutes will be done; it's a FACA requirement. We will have a transcript, which is the actual open captioning that's being displayed on the screen. It will be provided to us almost instantaneously after this meeting and after a little bit of cleanup, purely editorial cleanup as I understand it, we will have almost, if not a verbatim copy of everything that's been said here. We had talked about having a court reporter here, but we've been advised that's really not necessary given the quality of the transcript that would be provided. With respect to the agenda, knowing the Chairman as I know her, I don't think she's going to try to limit people's interests in getting significant topics on this agenda. What our concept is, is that we would be in contact with subcommittee chairpersons before the next plenary meeting to obtain their input as to what should be on this agenda, and clearly, if someone else had a suggestion, we would entertain that, too. But the hope would be that the subcommittees, in their deliberations and in their work, would come up with agenda topics that we ought to address or discuss at a plenary session. And that could be a discussion that could be a presentation from an appropriate FCC staff person with the subject matter, knowledge, et cetera.

**Kathleen O'Reilly:** Thank you.

**Scott Marshall:** Did I hit all of them or most of them?

**Shirley Rooker:** Yeah.

**Scott Marshall:** Okay. But seriously, if you have any, you know amendatory language to the guidelines, you or anyone else, please give it to us. Could you recognizeX

**Shirley Rooker:** Ken McEldowney.

**Scott Marshall:** Ken, talk to me.

**Ken McEldowney:** Yeah, I just realizedXprobably I'll ask my question after Shirley gives the charge to the committees.

**Scott Marshall:** Right.

**Ken Marshall:** Depending on how expansive she is.

**Scott Marshall:** She's an expansive lady, I've come to know that. Okay.

?: My question wasXwas the subcommittee chairs appointed by the committee chair or is that elective among the CommitteeXsubcommittee?

**Scott Marshall:** That's coming. That's coming.

**Shirley Rooker:** Susan Grant.

**Scott Marshall:** Susan?

**Susan Grant:** Hi, Susan Grant.

**Scott Marshall:** Hi, Susan.

**Susan Grant:** I'm wondering, I know that as the Committee will be making annual and periodic reports to the FCC chair and commissioners, but I'm wondering if there will be an opportunity for a two-way flow of information? Will there be instances in which we can ask for responses to specific recommendations that we make?

**Scott Marshall:** I see no reason why we can't make that request. I don't think we could require a response, but certainly, this Committee would be free to do that. And I would assume that the commissioners would be interested in being responsive if they at all can be.

**Susan Grant:** Thank you.

**Shirley Rooker:** Any other questions? Okay.

**Scott Marshall:** All right. Very good.

**Shirley Rooker:** Okay. Shirley Rooker. Now, I have to give a charge. Ken says, and I better do a good job of it or he's going to be after me. I've written this down, Ken, but I don't read very well, soX First, I'd like to explain to you what the breakdown of the subcommittee structure is. We asked you to make choices, your first and second choice of subcommittee that you would be interested in serving with. And what we've done is we've done the best job that we could in dividing you up according to your choices. Unfortunately we have some restrictions because we have to have a balance in the subcommittees. So a few of you may not have gotten your first choice, and if you haven't and you're very unhappy about that, you really should speak to one of us when we take the break for the Committee meetings. However, we would ask you, if you have an alternate, send your alternate to the meeting that was your first choice and then you go to the second choice one where you've been assigned. The reason we ask for that is because we do have certain restrictions that we have to operate under. But keep in mind that we want to have feedback from you if you feel that you need to make a change. Also, as I

said, send your alternates. There will be someone to guide you to your rooms. One meeting will be here and two of them will be in other rooms. When you get to your meeting room, your first order of business will be to assign a chair, and I don't mean a place to sit. It will be up to you, as a subcommittee, to choose a chair. And that chair will have one main responsibility of seeing that you get out of the meeting in time to get back to the main session, and secondly, we will ask, after we come back together, that either the chair or an alternate present to us the issues that you've come up with in your committee. We would ask that you prioritize those issues when you present them. The subcommittee chairs or their designates will have up to 15 minutes to make that presentation. If you have time and you so desire, you may also want to focus on goals that you would like to see accomplished, whether it's addressing policy issues, rule changes, more access to information from the FCC, whatever those goals may be, that's up to you, this is your subcommittee. So the work of the subcommittee is going to be whatever the work product is, it's going to be what you come up with. We're going to reconvene at 3:00. We realize that we're under time constraints. There's going to be overlap of interests between the three subcommittees, and at some points, we may need to have joint subcommittee meetings. We will work on those things as we go, keeping in mind that we are a work in progress, since this is our first meeting. I've probably forgotten some things along the line. Let me just see. We ask you to be back here at 3:00. Is that correct?

**Scott Marshall:** 2:50.

**Shirley Rooker:** 2:50. Excuse me, 2:50. Yes.

**Karen Peltz Strauss:** Why don't we make it 2:45.

**Shirley Rooker:** That they come back here?

**Karen Peltz Strauss:** We're starting a little early.

**Shirley Rooker:** So they need to break if you want to break from your subcommittee meeting at 2:35, is that what you're saying?

**Scott Marshall:** Be back at the room here at 2:45.

**Karen Peltz Strauss:** However you want to work it, but be back here at 2:45.

**Shirley Rooker:** Be back here at 2:45. Everybody got that? Okay.

**Ken McEldowney:** Shirley, I'm confused. So you're talking about pushing everything up by 15 minutes?

**Shirley Rooker:** Yeah

**Scott Marshall:** Right.

**Shirley Rooker:** The reason for that is to allow you more time and to allow more time for public comment at the end of the day.

**Karen Peltz Strauss:** Oh, I'm sorry. I'm sorry. You're right. I didn't realize that there was a break. You're right, there's a break after the subcommittee breakout sessions.

**Shirley Rooker:** So we're back here at 3:00, we're according to the agenda. Is that what we're adhering to?

**Karen Peltz Strauss:** Why don't we try to come back here a little bit earlier, just because I think we're going to have a lot of need for discussion afterwards, and since we're breaking about 10 minutes early or so.

**Shirley Rooker:** Okay. So if you could be back here at 2:45.

**Karen Peltz Strauss:** Yeah. Let's say weX

**Shirley Rooker:** Get your pencilsXI hope you brought erasers, please.

**Karen Peltz Strauss:** 2:45, 2:50.

**Shirley Rooker:** We are a work in progress.

**Karen Peltz Strauss:** Right.

**Shirley Rooker:** Be back here at 2:45. Make that your goal.

**Karen Peltz Strauss:** Now, we have questions.

**Shirley Rooker:** Now, I obviously didn't do a good enough job, because Ken's after me.

**Ken McEldowney:** Yeah. Ken McEldowney. OhXI'm sorry, the microphone. I guess, could you expand just a little bit more in terms of sort of the scope of work that you would like the subcommittees to do? I mean what you want us to look at, I mean what's, you know, it'sXI mean otherwise, we'll just sort of take charge. But it just seems like, for example, there's a range of things. There could be sort of internal stuff at the FCC, I mean there could be key issues that are facing consumers, there could be rulemaking proceedings. I meanXI guess, should it be as broad as we want orX

**Shirley Rooker:** Uh-hmm.

**Ken McEldowney:** You're nodding. She's nodding.

**Shirley Rooker:** Yes. Shirley Rooker. Basically, you've just said it all, Ken, is what the subcommittee decides is important and prioritized. I'm really not the expert on it. I think Scott or Karen could better, perhaps, define it for you.

**Karen Peltz Strauss:** Scott, you want to go?

**Scott Marshall:** Sure.

**Shirley Rooker:** Here, Scott.

**Scott Marshall:** No, I think she said it well, Ken. We really cannot be in the position of dictating to you what this advisory committee is going to be advising about. We gave you some examples of issues when we defined X on the subcommittee selection form that sort of tried to give you a flavor as to the issues that each of these subcommittees might address, realizing fully that there is overlap, that there may be a time when the disability community X disability committee and the consumer committee may want to have a joint meeting. They may want to have people that are on both committees, and Karen will be speaking to that issue in a moment, because we do have some people that did not get their first choices that are on a secondary list that we thought it would be appropriate for them to be on both committees. But, point in fact, you can be on as many committees as you so desire and hope that that fact happens so that cross-fertilization on issues does occur. But the answer to your question is you can be as broadbrushed as you feel it necessary to be on proceedings that the FCC may have before it, topics that we should look into, issues that haven't been addressed by us previously. It's a wide-open charge.

**Shirley Rooker:** Shirley Rooker. Also, let me just say that you can participate in the discussions that take place between our general meetings, that is, all the emails or however the communication exists between the subcommittees, you can take place, you can take part in those between our regular meetings. It's just that you cannot be in two subcommittee meetings at one time. So that's the only real restriction on what you can do. You can participate however you choose outside the regular subcommittee meetings. So I don't know if I've thoroughly confused you now. That's wonderful if I did.

**Karen Peltz Strauss:** I think that Scott and Shirley have said it correctly. This is a little bit different than many of the other advisory committees that many of you have sat on where we were charged, for example, with a specific task to draft specific guidelines or specific rules. This is much more open-ended. It's an ongoing committee. It doesn't have a finite limit of time. And over the years, it will X and hopefully sooner than that, over the months it will evolve as to what issues you want to cover. But we see this next hour and 45 minutes as really a brainstorming session. And I know that some of you bring very specific issues to the table, and others may not have a specific idea of what you want covered. The other thing that I want to mention is that if you feel the need within your subcommittees, you can subdivide further. So for example, there are a number of people here that are very specific and have particular interest in relay services. And if you feel you need a subcommittee within the subcommittee, you can do that as well. There may be some people within the disability community or committee, I should say, that don't

have any knowledge of relay services and don't want to work on that, and so you may want to subdivide further. I also wanted to mention one more thing about these lists. You'll notice that the last page is a green sheet that lists secondary designations, and basically, these are all of the individuals that had put down the access for people with disabilities as their first choice. One person is missing, Laura Ruby, if you can just add her to that list. So these individuals got their second choice. I wouldXit would probablyXit is likely that these individuals are going to want to be at least on the email lists of the subcommittee on access for people with disabilities. And again, if anybody feels so strongly that you do not want to be on a different committee, I mean you basically join this committee to work on these issues, please come and tell us. We don't want anybody to be unhappy.

**Shirley Rooker:** Shirley Rooker. And also, keep in mind that theseXyour priorities that you present after we come back today are not carved in stone. If you feel that things change through discussions that you have between our regular meetings, I mean this is a fluid process, so keep that in mind also as you're developing your list of priorities. It doesn't mean you're going to be stuck with those forever.

**Scott Marshall:** Should I tell the people where to go?

**Shirley Rooker:** Okay. Unless we have other questions, yes, LauraXSusan Palmer?

**Susan Palmer:** I'm from Cingular Wireless. Just for clarification for me, I'm a little slow today. What we're coming back with is a list of priorities for the area we're looking at. Are we also coming back with recommendations on how to address these, needs for further research, things along those lines, or is it just these are concerns we need to look at on a moving forward basis?

**Shirley Rooker:** By all means, if you can get beyond just the list of issues, then certainly come back with recommendations, goals, what you want to accomplish, how you want to accomplish it. It's your subcommittee. We're not dictating to you what you come back with you, but the minimum thing you need to come back with is the prioritized list of your issues and some discussion of that when we come back to the meetings. Is there anything else on that? Okay, if notX

**Scott Marshall:** Yeah, I need toX

**Shirley Rooker:** Oh, Scott's going to give you some final information and we will see you back here at 2:45. All right. Here's Scott.

**Scott Marshall:** Scott Marshall again. And just a couple other reminders. If you could, please, there are easels in each one of the breakout rooms. Take pity on your lowly staff and bring us back your jottings of your notes and so forthX

**Shirley Rooker:** Flip charts.

**Scott Marshall:** Flip charts, not your personal notes, but the flip charts, should you use them in your subcommittee, and we will have a flip chart here for the person doing the report back. Now, where to go? We've made this, hopefully, as easy as possible. The subcommittee on disability issues will be meeting in this room. The FCC staff person is Arlene Alexander. Arlene, could you identify yourself so people wouldXokay. And all of you are yellow, and if you'll notice, on your badges, you have a yellow square, and that indicates that you are in that group. TheXthat group, again, meets here. You have the easiest job, at least as far as getting to a meeting room. The subcommittee on affordability and availability is located in TW-A, Room 402, and if you go out the rear door of the hearing room to my right and go straight ahead down a short corridor, past the restrooms on your left and the first door, once you get on the carpeted area on your left is TW-A402, and Lois Neeley, if you could identify yourself, she will guide you down in that direction.

And allXoh, there she is, they tell me. And all of you fine folks are in the blue, if you have blue on your badge, that is your primary assignment. Now, the next committee is the consumerX

**Karen Peltz Strauss:** Yes, it's blue.

**Scott Marshall:** It's a different color?

**Karen Peltz Strauss:** The tags are either blue or purple.

**Scott Marshall:** Blue or purple. Okay. Little trouble with the colors. Okay. All right. I actually do know the difference. All right. The consumer protection education committee is in room TW-C438, and that's out the rear door to my right, and then out the door to the right and up the stairs and around the corner to the right. It's the second room on the right. These are for all of you folks that are in the pink, and ShaVonne Morris, could you identify yourself as the guide to that room? Is ShaVonne here?

**Shirley Rooker:** Yes.

**Scott Marshall:** Ah, wonderful. Thanks, ShaVonne.

**Karen Peltz Strauss:** And the dots on your name tags are red, I think.

**Scott Marshall:** A red ribbon or pink?

**Karen Peltz Strauss:** We couldn't find red paper and couldn't find purple paper.

**Scott Marshall:** Okay. For those on the telephone, please, we will reconnect with you from theXfrom either this room or from the subcommittee rooms. And also, be aware that if you are using an assistive listening device, that the system in this room in the commission hearing room is not compatible with the system in the breakout rooms. We have other equipment in the breakout rooms, so be aware that you will need to use a

different device once you get to the breakout rooms. And naturally, we will have interpreters in those rooms as well. So, with that, Karen and I and Margaret will be sort of floating around, and Shirley, to the various subcommittee rooms and be happy to answer any questions and so forth, but we're very anxious to get you started and hear your recommendations back at 2:45. So if you could just assemble with your particular guide as identified and proceed to the breakout rooms, we'll be in great shape.

**Shirley Rooker:** Okay. We're back on. Thank you. I failed to mention that, folks in the audience, you're welcome to go to whatever subcommittee group you prefer to go to. And again, that's room TW-A402 for the affordability and availability, TW-C438 for the consumer and this room for the subcommittee on disability.