

1 FEDERAL COMMUNICATIONS COMMISSION

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4 CONSUMER ADVISORY COMMITTEE MEETING

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8 Room TW-C305

9 Federal Communications

10 Commission Building

11 445 12th Street, S.W.

12 Washington, D.C.

13 Friday, January 30, 2009

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15 The committee met, pursuant to notice, at

16 9:08 a.m., Debra Berlyn, Chair, presiding.

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

2 WELCOME AND CALL TO ORDER

3 CHAIRPERSON BERLYN: If our CAC members  
4 could take your seats, please, we're going to start.

5 Welcome, everyone. Good morning.

6 This is the first meeting of our new old  
7 CAC, the old new CAC. The new adventures -- what do  
8 we call this, the new adventures of the old CAC?

9 I'd like to welcome all of you. Many of  
10 you have sat around this table before just a few  
11 short months ago. But we do have a few new folks to  
12 welcome. First, Lise Hamlin, welcome. She is our  
13 new representative for the Hearing Loss Association  
14 of America. Lousy, you want to raise your hand.  
15 Thank you for joining us.

16 Jamie Hedlund, I saw you before, Jamie.  
17 Jamie is the new representative for Consumer  
18 Electronics Association.

19 Irene Leech. Irene, welcome -- is the  
20 new representative for Consumer Federation of  
21 America.

22 So welcome to all of you, and welcome

1 back, everyone else. We have a very full program  
2 today, as you can see from the agenda.

3 I also want to thank the National  
4 Association of Broadcasters for kicking off our  
5 refreshments today, our breakfast and our lunch. We  
6 very much appreciate that.

7 Again, we have a full agenda, of course,  
8 because the digital transition is foremost in almost  
9 all of our minds. We may potentially be just two  
10 short weeks away from the transition, a little over  
11 two weeks away from the transition, or we may not be  
12 just a little over two weeks away from the  
13 transition.

14 I just want to let you all know that we  
15 know we've seen sort of a ping-pong game going on in  
16 the past week in Congress with delaying the  
17 transition, and I have asked Scott to check and see  
18 if we could have someone here at the FCC update us on  
19 what's been happening in Congress, because there has  
20 been a lot going on. And some of us have been  
21 following that. I know some of us around here have  
22 been following that as well, and we might be able to

1 offer a little tidbit about what we know that has  
2 been going on on the Hill. But I thought that might  
3 be helpful if we get that updated this morning, so we  
4 will be seeing if we can get someone to come and tell  
5 us the very latest about what is happening, so that  
6 we will get a sense of how likely it is that the  
7 transition will be delayed. So we will be talking a  
8 little bit more about that.

9 I'm going to turn things over now to  
10 Scott Marshall to tell us a little bit about the  
11 logistics this morning.

12 MEETING LOGISTICS

13 MR. MARSHALL: Good morning, everyone.  
14 Welcome back. This is really a new time for us here  
15 at the FCC, as you know. It's also a new time for  
16 CAC. This is the fifth meeting of a new term. CAC  
17 started in late 2000 and early 2001. Some of you  
18 around this table have been with us since day one.  
19 Thank you very much, and I also welcome those of you  
20 that are new and returning. If we can help with  
21 anything, Betty Lewis, my assistant Betty -- if she's  
22 in the room, maybe she can identify herself. She's

1 not, okay. Well then, just grab me and I'll do  
2 whatever it takes.

3 Further, if you're looking for rest rooms  
4 and so forth, just out this door to my right, down  
5 the short corridor, and then to your left.

6 Again, welcome. If we can do anything to  
7 make the meeting more conducive, let us know.

8 CHAIRPERSON BERLYN: Thank you, Scott.

9 This is usually the time when we have  
10 remarks from our Commissioners. We do know that  
11 Chairman Copps is going to be coming down and  
12 speaking to us. I just heard from his staff and he  
13 will be down at 9:30. And I do believe that  
14 Commissioner Adelstein is also going to be coming  
15 down and speaking to us today. He may be here before  
16 9:30. So this is a time when we kind of juggle.

17 Tony Wilhelm is also supposed to be  
18 joining us and he will also be here around 9:30. So  
19 as we all know, those of you who have been around the  
20 table before, we always do a little bit of a juggle.

21 At one point in the day we are early and on our  
22 agenda. Then all of a sudden we are running very

1 late on our agenda.

2 MS. PELTZ STRAUSS: We could introduce  
3 ourselves.

4 CHAIRPERSON BERLYN: That would be a  
5 wonderful idea. Thank you, Karen, excellent. We  
6 should introduce ourselves.

7 VOICE: We could do it very slowly.

8 CHAIRPERSON BERLYN: Or we could do it  
9 very quickly, suddenly.

10 So let's introduce ourselves, and I will  
11 start. I'm Debra Berlyn and I am chairing the CAC,  
12 and I'm representing the DTV Transition Coalition.

13 MS. ROOKER: I'm Shirley Rooker. I'm the  
14 President of Call for Action and I'm the Director of  
15 the WTOP Radio's Call for Action.

16 MR. ELLIS: I'm Rich Ellis from Verizon.

17 MR. McELDOWNEY: Ken McEldowney from  
18 Consumer Action.

19 MR. ISETT: I'm Dan Isett with the  
20 Parents Television Council.

21 MR. STEPHENS: I'm Brandon Stephens with  
22 the Eastern Band of Cherokee.

1                   MR. BENTON: I'm Charles Benton of the  
2 Benton Foundation.

3                   MR. ROESCH: I'm Harry Roesch with the  
4 Appalachian Regional Commission.

5                   MS. DONEGHY: Marti Doneghy, AARP.

6                   MR. WILEY: Doug Wiley, National  
7 Association of Broadcasters.

8                   MS. BOBECK: Ann Bobeck from the National  
9 Association of Broadcasters.

10                  MR. HEDLUND: Jamie Hedlund, Consumer  
11 Electronics Association.

12                  MR. RECHENBACH: Jeff Rechenbach of  
13 Communications Workers of America.

14                  MR. GILLUM: Brad Gillum, Dish Network.

15                  MR. CRAIG: Lew Craig, Office of Attorney  
16 General, Alaska.

17                  MS. PENNINGTON: Brenda Pennington,  
18 National Association of State Utility Consumer  
19 Advocates.

20                  MS. LEECH: Irene Leech, Consumer  
21 Federation of America.

22                  MS. HEPPNER: Cheryl Heppner, Northern

1 Virginia Resource Center for Deaf and Hard of Hearing  
2 Persons.

3 MR. STOUT (through interpreter): Hello.  
4 I am Claude Stout and I'm with the Deaf and Hard of  
5 Hearing Consumer Advocacy Network.

6 MS. HAMLIN: I'm Lousy Hamlin. I'm from  
7 the Hearing Loss Association of America. And I would  
8 ask that people speak directly into the mike, because  
9 when you're far away I can't hear you very well.  
10 Thank you.

11 MS. PELTZ STRAUSS: Karen Peltz Strauss,  
12 Communications Service for the Deaf.

13 MS. TRISTANI: Good morning. Buenos  
14 dias. Happy New Year. I thought I would slow this  
15 down. Happy Inaugural.

16 I'm Gloria Tristani. I'm here for the  
17 Alliance for Community Media.

18 MS. SANTINI: Good morning, everyone.  
19 I'm Nixyvette Santini representing the National  
20 Association of Regulatory Utility Commissioners.

21 MR. COLE: Good morning. John Cole with  
22 the Hawaii Public Utilities Commission.

1                   MR. BRIDGES: Good morning. Eric Bridges  
2 with the American Council of the Blind.

3                   CHAIRPERSON BERLYN: Thank you all. I  
4 also have a sign-in sheet which I'm going to start  
5 passing around as well.

6                   I just noticed that Tony Wilhelm walked  
7 in and, seeing he is first up on our agenda after the  
8 Commissioners' time, as soon as you get coffee, Tony,  
9 would you mind starting because Chairman Copps, who  
10 is going to talk to us, is running late on his  
11 schedule. So if that's possible, it would be great  
12 if you could stop. We may have to interrupt you  
13 halfway through and then continue after the Chairman.

14                   Is there a spot where there's a mike?  
15 This would be great, right here, Tony.

16                   Thank you. Welcome, Tony. We're  
17 thrilled to have you here from NTIA to talk about how  
18 the converter box coupon program is going.

19                   DISCUSSION REGARDING THE COUPON PROGRAM

20                   MR. WILHELM: Well, let me start by  
21 saying welcome. Thank you again for the opportunity  
22 to come before you. It's been an ongoing

1 conversation we've been having for a couple of years  
2 about this program. It continues to evolve.

3 One thing I think is important to note is  
4 obviously I'm still here. You've seen me before.  
5 You'll probably see me again. That's a good thing.  
6 I'm one of the two career directors on this program,  
7 so myself along with Anita Wahlgren are the two day  
8 to day directors. So we know the ins and outs of the  
9 program. We know how to get things done.

10 We both report to a senior career person,  
11 Dr. Bernadette McGuire Rivera. So there is  
12 continuity and commitment to get this thing done.

13 We don't have a political appointee yet  
14 in the agency. That's forthcoming. That'll happen  
15 very soon. I'm not a spokesperson for the  
16 administration, but we are having daily meetings with  
17 the White House and with the Chairman and his staff.  
18 So there is obviously direction and a commitment to  
19 reenergize this program. Frankly, we do need the  
20 extension. We do need more money for this program.  
21 Those are good things, and we really appreciate the  
22 renewed interest of the Chairman and his strong

1 involvement in moving this process forward. So  
2 that's a very positive development.

3           So again just to repeat that. We have  
4 day to day continuity of the program. We have people  
5 on the ground that know how to get things done. From  
6 the political perspective in terms of getting  
7 direction, that direction is we need to extend this  
8 program, we need more time to take care of the  
9 millions of households that aren't ready for this  
10 transition, those folks that haven't gotten their  
11 coupons, those folks that are going to have a lot of  
12 questions, technical and otherwise, about how to  
13 navigate this complex process. Those folks are going  
14 to be who we're going to be focusing on in the coming  
15 weeks and months. So these are all very good  
16 developments.

17           Again, we appreciate the Chairman and his  
18 leadership. Day to day we're having very good  
19 conversations, coordination, consultation, and I'll  
20 talk in a minute about some more detail there, but  
21 there's some very strong energy and synergy between  
22 NTIA and the FCC in terms of getting this stuff done.

1                    Obviously, our number one priority at  
2                    NTIA is to get this waiting list liquidated, to get  
3                    it cleared. As of yesterday we had 3.3 million --  
4                    1.8 million households on this waiting list with  
5                    requests for about 3.3 million coupons. That's a big  
6                    list. The good news is about 1.8 million households  
7                    have actually come off the waiting list since January  
8                    4th.

9                    So you're hearing in the media that the  
10                    program has run out of money and that's not quite  
11                    correct. What's happening actually is that we're  
12                    getting funds back from expiring coupons and those  
13                    funds are being used to fill new requests.  
14                    Unfortunately, the demand is outstripping the supply  
15                    of those recycled coupons and therefore the waiting  
16                    list is growing even though we are managing to get  
17                    coupons out on a daily basis. Unfortunately, the  
18                    waiting list is growing.

19                    So obviously we need additional resources  
20                    to be able to liquidate that waiting list. We can't  
21                    do it with the existing resources and in fact we're  
22                    actually beginning to bump up against the funding for

1 the program in terms of the potential funds we get  
2 back from any and all recycled coupons between now  
3 and the end of the program. So we are at a point now  
4 where we definitely need assistance. So we're  
5 looking very closely at what's going on on the Hill  
6 and we need those resources to take care of that  
7 waiting list.

8 Let me just give you a brief overview of  
9 our consumer education efforts, because again we're  
10 stepping up those efforts. The funding is critical,  
11 but let me just mention three things that we've been  
12 doing.

13 Number one is in November we made two  
14 awards to two very capable organizations that have  
15 developed very strong partnerships around the  
16 country. One is the Leadership Conference on Civil  
17 Rights and Education Fund. They have, as of  
18 yesterday, they've established 13 technical  
19 assistance centers in 7 markets around the country.  
20 This is a very good development. These centers will  
21 actually assist -- this is the boots on the ground.  
22 This is the hands-on assistance that I think we all

1 know is necessary to help vulnerable Americans get  
2 through this transition by providing help on the  
3 ground in terms of not just coupons, but also  
4 technical assistance.

5           This is a very positive development.  
6 These centers are in communities we need to reach.  
7 They're in -- I actually was in Minneapolis a couple  
8 weeks ago and visited the Lao center, so it's in the  
9 Laotian community, helping Southeast Asian Americans  
10 navigate this transition in the languages in which  
11 they're comfortable. So they're doing a fantastic  
12 job.

13           There's also a group focusing on the  
14 Hispanic community in Minneapolis. But again, they  
15 have these centers in seven major markets and we can  
16 all discuss whether seven is enough. Obviously,  
17 there are many markets. We were able to fund seven  
18 of those.

19           Then the National Association of Area  
20 Agencies on Aging, NAAAA, we provided resources to  
21 that organization in November. They're actually  
22 operational in 41 states plus the District of

1 Columbia, around 111 cities and communities across  
2 the country. They're assisting seniors, elderly  
3 Americans, with the transition, again providing  
4 hands-on assistance through folks like Meals on  
5 Wheels as they deliver meals, doing an intake process  
6 with consumers to kind of assess their needs and help  
7 them kind of end to end in getting this transition  
8 taken care of.

9 CHAIRPERSON BERLYN: Tony, I just wanted  
10 to mention to everyone that representatives from LCCR  
11 and NAAAA are going to be here later this morning and  
12 they're going to tell us a little bit more about  
13 their project.

14 MR. WILHELM: Oh, good. I didn't know  
15 that. I could have just made a more abbreviated  
16 presentation on that. That's fantastic. So you know  
17 about those awards. We're very excited to have them  
18 be a part of our partnership.

19 Number two, we are having very good  
20 conversations with the FCC and the private sector in  
21 terms of coordinated call center activities. You  
22 know, we have three or more numbers that are out

1       there. I think the real thrust is to make sure that  
2       those are coordinated. One number is probably better  
3       than three, but we're really trying to focus on how  
4       to make the process as seamless as possible for  
5       consumers, so they're not shuffled across many  
6       different organizations trying to get service. So  
7       again, we're working very hard on that.

8                 We appreciate the private sector coming  
9       forward with a very robust call center that they will  
10      have in place in early February. You'll probably  
11      hear more about that I imagine today, if not from the  
12      Chairman, then others, from the representatives. So  
13      that's a great development.

14                The FCC has just made an award to IBM,  
15      which is great, to beef up their call center, and  
16      then our call center is also active. Obviously, in  
17      terms of the coupons the goal again is to synchronize  
18      those call centers to make that as harmonious an  
19      experience as possible for consumers.

20                So that's number two. Number three is we  
21      are mapping out all of our consumer education  
22      activities with the FCC. They're very active in

1 communities across the country, as are we,  
2 particularly with our grantees. So we're trying to  
3 get the best map possible of where those hands-on, on  
4 the ground activities are taking place, and then  
5 looking at where the gaps are, so again hopefully  
6 there's additional funding and we'll be able to fill  
7 those gaps in a timely basis with additional grants  
8 to organizations that could make sure every community  
9 across this country and household has the opportunity  
10 to make this transition effectively.

11 Let me just end there. I know you have a  
12 busy agenda and I don't want to get us behind from  
13 the get-go. So I'll stop there, Debby, and take  
14 questions.

15 CHAIRPERSON BERLYN: Thank you, Tony.

16 Let me just hold for one minute and  
17 consult with Scott on our schedule. Just one second,  
18 Tony. We may want to wait and hold for questions.  
19 So give me one second.

20 Is that Lauri in the back there? Okay.

21 If you can hold, we may do questions. Do  
22 you have some folks who can --

1                   MR. WILHELM: I'll be here as long as you  
2 need me.

3                   CHAIRPERSON BERLYN: I'm sorry to do that  
4 to you. If you could wait --

5                   MR. WILHELM: Sure.

6                   CHAIRPERSON BERLYN: We have Lauri. I'm  
7 sorry, Lauri. Would you mind coming up just for a  
8 moment? I know that you can't join us later. Lauri,  
9 you're with the office here at the FCC. Why don't  
10 you come on here if you don't mind. We'll make this  
11 as informal as possible.

12                   Lauri is with the FCC's Office of  
13 Legislative Affairs. Lauri can't come and join us  
14 later, so I wanted to take advantage of her ability  
15 to join us right now so that she could give us an  
16 update on what's happening with the DTV delay  
17 legislation that's on the Hill.

18                   So Lauri, if you could give us the  
19 latest, because I know there was action last night  
20 and even this morning from the President and we want  
21 to get the very latest on what's going on. Thank  
22 you, Lauri.

1 MS. HOLY-MAARBJERG: Sure. First, as you  
2 all know, this has been a big back and forth over the  
3 last couple weeks. It looks like things are winding  
4 down. The Senate did pass by unanimous consent last  
5 night the revised version.

6 As you know, the Senate had passed a bill  
7 last week and then the House version was different  
8 and so there was going to be the need to have the  
9 Senate re-pass whatever the House intended to pass.  
10 But this week when the revised bill in the House  
11 failed to gain a two-thirds majority under the  
12 suspension of the rules, that changed things a little  
13 bit. So it looks as though the strategy is now that  
14 the Senate passed the House amended version last  
15 night and then it's my understanding that the House  
16 intends to go to the Rules Committee on Tuesday and  
17 get a rule for floor debate and have that debate on  
18 Wednesday, and most likely try to pass the bill on  
19 Wednesday.

20 They will only need a simple majority  
21 under the rules that they're going to try to bring it  
22 to the floor this time. So that means that they only

1 need 218 votes, which they had 258. So it looks as  
2 though that, depending upon how the debate goes and  
3 how the rule is structured, they likely would have  
4 the votes to pass the bill this time around.

5           So the bills are -- I don't know how much  
6 you have been following the language of the bills.  
7 They didn't change that much from the House -- from  
8 the original Senate version to the House amended  
9 version. There were some minor modifications to the  
10 public safety section and they added a provision for  
11 the House to basically deal with a budgetary issue,  
12 and so that's why there were differences.

13           But the language pretty well is that the  
14 transition will be delayed until June 12th and that  
15 the broadcasters would continue to have the  
16 flexibility under the third periodic review to  
17 terminate the analog as they're able to. Then  
18 there's language specific to public safety that would  
19 allow public safety entities to utilize their  
20 spectrum if it's available to them if the broadcaster  
21 terminates early. That's the general gist of it.

22           CHAIRPERSON BERLYN: Thank you so much,

1       Lauri. I really appreciate it because that is the  
2       latest. Apparently there was also a statement from  
3       the President this morning. Doug, you had mentioned  
4       that you saw something that the President came out  
5       with in support of the delay moving forward; is that  
6       right? Thank you.

7                        So this now again looks like it's going -  
8       - we've gone in this peak and valley sort of thing.

9                        MS. TRISTANI: If we have time.

10                      CHAIRPERSON BERLYN: It looks like,  
11       from my perspective, I think the next thing I'd like  
12       to happen is that the Chairman will walk in. So  
13       until the Chairman does, yes, ask a question.

14                      MS. TRISTANI: On some details about the  
15       bill, if you could give us a few more details about  
16       the Senate version, which now is the House version,  
17       about this bill, it would be helpful.

18                      MS. HOLY-MAARBJERG: Just go ahead, ask  
19       whatever question. What specifics would you like?

20                      MS. TRISTANI: Well, you said  
21       broadcasters can terminate early if they want.  
22       Whatever detail you can give.

1 MS. HOLY-MAARBJERG: Again, the rules  
2 under the third periodic review that were established  
3 by the Media Bureau two years ago, I believe, allow -  
4 - had a process to allow for broadcasters to  
5 terminate early. Generally, these fall into two  
6 categories, my understanding. If the broadcaster is  
7 operating, going to be operating, the same channel  
8 post-transition that it's now operating pre-  
9 transition, there shouldn't be any interference issue  
10 and they can go ahead and notify the Commission to  
11 terminate early and do viewer notifications, and  
12 that's the process for those stations.

13 In the other context, if a station is  
14 moving channels or has other modifications to their  
15 post-transition facilities, they would have to get  
16 permission from the Commission to terminate early.  
17 So an interference analysis would have to be done in  
18 order to allow that.

19 Again, it's not the question -- the  
20 question isn't that they can't terminate their  
21 analog. They can terminate the analog. The question  
22 is whether or not they can turn on their new digital.

1 So that was one of the issues that the bill  
2 addresses.

3           There's other provisions in the bill with  
4 regards to the converter box program and Tony  
5 probably could talk more about those specifically.  
6 There's language in there to allow for re-issuance of  
7 one coupon per household if the couple expired before  
8 it was redeemed, at the request of the -- at the  
9 request of the household to NTIA. There's other  
10 language in there with regards to extension of the  
11 converter box coupon program in light of the  
12 extension of the delay bill.

13           The main issue that isn't in the bill,  
14 that is on a separate track, is the economic stimulus  
15 package, where there is money in there for additional  
16 coupons and part of that money is designated to be  
17 spent on consumer outreach and call centers. At this  
18 point the language doesn't specifically give money to  
19 the FCC. All the money -- the report language coming  
20 out of the Senate Appropriations Committee provides  
21 NTIA with the authority to distribute the funds, I  
22 think it was \$90 million in that report language, to

1 distribute the funds to outside groups, including the  
2 FCC, for specific outreach purposes and call center  
3 purposes.

4           The track of that bill is a separate  
5 track, obviously. They have -- the Senate has yet to  
6 pass it. The House has passed a different version  
7 and they'll have to go to conference. So it's my  
8 understanding that the report language with regards  
9 to the \$650 million for the coupon program may be  
10 revised as the process goes forward.

11           CHAIRPERSON BERLYN: Can I possibly  
12 suggest that -- I know a number of us probably have  
13 copies of this bill. Perhaps we can get a copy of  
14 the bill before the day is out, so that everybody  
15 could take a copy with them. It's only --

16           MS. HOLY-MAARBJERG: Four pages. How  
17 many copies do you need?

18           CHAIRPERSON BERLYN: How many people?  
19 Should we suggest 25 or 30? 30. If we could get 30  
20 copies, that would be great.

21           MS. HOLY-MAARBJERG: Sure.

22           CHAIRPERSON BERLYN: Thank you.

1 MS. HOLY-MAARBJERG: Anything else?

2 CHAIRPERSON BERLYN: I think that's it.

3 Thank you so much. We really appreciate it, Lauri.

4 Is Tony still with us? Did we lose tony?

5 MR. MARSHALL: He stepped out.

6 CHAIRPERSON BERLYN: He stepped out.

7 MR. MARSHALL: I guess we might as well

8 get Tony back. The Chairman must be tied up.

9 Commissioner Adelstein is here, but we were going to

10 hold for the Chairman, or get Tony back.

11 We got Tony back. Sorry, Tony. The

12 Chairman still has not arrived, so we'll start with

13 some Q and A.

14 That was actually helpful to hear because

15 Lauri mentioned the 650 that's in the stimulus bill

16 and the fact that some of that money goes -- she

17 mentioned that \$90 million of it goes for outreach,

18 which actually could give money to organizations, but

19 also to the FCC.

20 MR. WILHELM: Correct, correct. That's

21 on the Senate side. Again, we'll see how these

22 things come together, but on the Senate side they

1 have \$650 million for the coupon program. Obviously,  
2 most of that would need to go to get new coupons out  
3 the door. \$90 million of that would potentially go  
4 for consumer education. There's a focus in the  
5 Senate version on grants to community organizations,  
6 like similar to the LCCI and NAAAA type grants, and  
7 then obviously potentially funds going to the FCC,  
8 and there will certainly be a need to, with the  
9 delay, to have the call centers expanded. So that's  
10 a natural place to look in terms of some of those  
11 funds potentially going for that purpose.

12           Lauri is correct, there was a provision -  
13 - the Senate last night voted on the Waxman House  
14 bill, which said consumers could, if their coupons  
15 had expired, ask for one coupon. I can't remember if  
16 it's one coupon for every one that was expired or one  
17 per household.

18           MS. HOLY-MAARBJERG: One per household.

19           MR. WILHELM: One per household, okay,  
20 which is an opportunity for consumers to come back in  
21 and be made whole in terms of that process.

22           Also, first class mail is a provision.

1       Rather than sending these out standard class mail,  
2       they would be sent out first class mail. That would  
3       only kick in again if the stimulus were passed and we  
4       got the additional resources to do that. So just to  
5       clarify, we are continuing to send these out, with  
6       the exception of Hawaii, standard class mail.

7                   CHAIRPERSON BERLYN: Can I ask a question  
8       about that? What happens if this extension passes  
9       and there is no more money?

10                   MR. WILHELM: Very problematic. We have  
11       a situation where -- we have a document on our web  
12       site where we basically are telling consumers,  
13       obviously if the coupon program is no longer an  
14       option, consumers still have options. They're just  
15       not potentially as attractive, given the folks who  
16       are left to serve have issues with being able to  
17       afford this transition. But those options would be  
18       to get your hands on a converter box, getting a new  
19       digital television, or subscribing to a pay service.  
20       Those are the three options consumers have.

21                   Consumers can purchase a converter box  
22       with or without a coupon, as we all know. I think

1 there's a sense from some that you have to have a  
2 coupon to purchase a converter box. That's not the  
3 case. So a consumer would need to weigh his or her  
4 situation, to say if the coupon program is no longer  
5 in play what's the most -- what's the best option for  
6 my household.

7 Any three of those may be an attractive  
8 option. We really can't suggest --

9 CHAIRPERSON BERLYN: Can I ask a question  
10 about the timing of dollars. If the delay bill  
11 passes next week and the stimulus bill passes in the  
12 Senate and then they have to conference, work out the  
13 differences in those two stimulus packages, how long  
14 will it take to get more money in the program and  
15 what happens? Will you be able to still maintain a  
16 waiting list for coupons, and what should all of us  
17 who are messaging to consumers do? Should we  
18 actually push consumers to make requests for coupons  
19 to make sure that consumers get that benefit because  
20 we know money will eventual be coming back in the  
21 program? How long a delay will there be before you  
22 can start shipping coupons out?

1                   MR. WILHELM: As of yesterday, we had  
2 requests for 51 million coupons. Currently with our  
3 contractor IBM we have a commitment to create a  
4 waiting list up to 56.5 million coupons. So that  
5 basically gives us 5.5 million more coupons, if you  
6 will, that could be placed on that waiting list,  
7 which you divide by roughly one and a half to get  
8 households. Each household requests about one and a  
9 half coupons. So at our current rate, that's  
10 probably about another -- I guess it's hard to say  
11 whether demand's going to go up, down, stay about the  
12 same.

13                   We're averaging about 1.5 million coupons  
14 requested per week. So we're talking about another  
15 month or so, give or take, in terms of maintaining  
16 that waiting list. Then we're in constant  
17 negotiations, obviously, with IBM. This delay would  
18 take us beyond the period of performance with our  
19 contractor, so we get into issues that are not  
20 trivial just from a contracting perspective. This  
21 gets a little tricky.

22                   But our goal is to obviously have no

1 delay or disruption in the program. So our primary  
2 thrust is to make sure we keep that waiting list  
3 going and consumers aren't told they can't play any  
4 more and then later on we'd have to re-start the  
5 program. That's the least desirable of any of the  
6 options. So our goal is to maintain that waiting  
7 list.

8 We're looking for Presidents Day to have  
9 those funds available through the stimulus. We are  
10 working with IBM to get those coupons out as quickly  
11 as possible. Right now our contract is two to three  
12 business weeks to process and then to mail out. It  
13 would be first class mail if the stimulus goes  
14 through in the current iteration. So we're talking  
15 about roughly two to three, four weeks where a  
16 consumer actually gets their coupon, although it does  
17 give us some flexibility in terms of how to mail them  
18 out. First class is probably the most practical  
19 option and that would be a several week process for  
20 them to get those coupons.

21 Yes, sir?

22 MR. McELDOWNEY: I have two questions.

1 One is have you done any studies to indicate what  
2 portion of the expired coupons are the result of the  
3 converter boxes not being available? Then two, do  
4 you feel that there are enough low-cost converter  
5 boxes currently available in retail outlets to meet  
6 this increased demand?

7 MR. WILHELM: On the first question, we  
8 did have an issue with spot shortages because of  
9 inventory over the summer, which was corrected. Just  
10 based on the call center issues that are coming in  
11 from consumers, we have not heard most vis a vis lack  
12 of availability of boxes. So I would say -- we have  
13 not done a study on this, but my guess is that that's  
14 not one of the major reasons why these coupons are  
15 expiring.

16 Availability is a relative term. We've  
17 been telling -- we've been giving folks a list of  
18 eight retail locations that are nearby, plus you have  
19 the online and phone options. So boxes are always  
20 available. It's just a question of if they've gone  
21 into a Walmart where they always shop and are they  
22 basically saying those boxes aren't available, I'm

1 out of luck, or are consumers thinking about, well,  
2 maybe those boxes are available at the Radio Shack  
3 down the street or maybe I should call a toll-free  
4 number and order.

5 So we've been trying to get that message  
6 out to consumers. It may not be a natural sort of  
7 thing, behavior, in terms of consumers thinking about  
8 all the different options that are out there.

9 So we're going to continue to push that  
10 message because, as to your second question, there is  
11 a potential of a mismatch moving forward between  
12 supply and demand in this program. I'd probably  
13 defer to anyone here from CEA or the retailers or  
14 manufacturers on that front. But with a program  
15 that's now going through June, there are potential  
16 issues with inventory that have been raised in that  
17 match between the availability of boxes and the  
18 potential demand from consumers, which continues to  
19 be an unknown in terms of the demand that would occur  
20 between now and say the end of June in this program.

21 But I think retailers or manufacturers  
22 were gearing up for February, so that was the period

1 of time in which they were going to have a lot of  
2 boxes, and then after that it would be a real  
3 tapering off in this program. So really it requires  
4 a serious readjustment. So I'd have to defer to  
5 retailers on that front.

6 Is anyone here from CEA?

7 MR. HEDLUND: Jamie Hedlund with CEA. As  
8 you suggested, the retailers and manufacturers did  
9 plan on a February 17 transition. If there is in  
10 fact a delay until June, it's hard to say what impact  
11 that's going to have on consumer demand. There is a  
12 tremendous inventory that retailers are currently  
13 carrying, equivalent to about half the total amount  
14 of boxes that have been sold to date. It's going to  
15 take some time for retailers to work through that  
16 inventory, and if and when they do then they'll order  
17 again.

18 Our estimates are that from the placement  
19 of additional orders or the initial placement of  
20 additional orders by retailers, it's going to take 20  
21 weeks or longer before new boxes arrive. But it's --  
22 with the delay, it does have an unknown impact on

1       what demand is going to be between now and through  
2       June 12th.

3                       MR. WILHELM:   So to your initial  
4       question, Debby, in terms of what should you be doing  
5       in terms of the outreach, I think that number one --  
6       there's the Chairman -- given the goal is to have  
7       continuity of program, I would say we still would  
8       want people to get on the waiting list, but we'd hope  
9       to liquidate that as quickly as possible.

10                      Number two, we'd want to be telling  
11       consumers in the same communications that they need  
12       to check around for these converter boxes.  Don't  
13       waste gas and drive to a Walmart.  Call ahead and  
14       make sure they have availability.  If not, they need  
15       to call other nearby retailers, which they have on  
16       the list that we send them, or use the phone or  
17       online options.

18                      So both of those messages are critical.

19                      CHAIRPERSON BERLYN:  Excellent.  Thank  
20       you, Tony.

21                      Will anyone else have any questions for  
22       Tony?  Do you want him to wait?

1 (A show of hands.)

2 CHAIRPERSON BERLYN: Okay. Tony, would  
3 you mind just staying around?

4 MR. WILHELM: Absolutely.

5 CHAIRPERSON BERLYN: While we wait for  
6 the Chairman. Thank you.

7 It is now my great pleasure to introduce  
8 Chairman Copps. That has such a nice ring to it. We  
9 are so pleased that we're here for our first meeting  
10 of our new Consumer Advisory Committee and our new  
11 Chairman Copps. And I'm so thrilled that you have  
12 taken the time out of your schedule today to come and  
13 address us today. It's very important, for us to be  
14 talking about the DTV transition, and we've been  
15 hearing from Tony and he has told us about the coupon  
16 program, and we've heard a little bit about what's  
17 going on in Congress.

18 We're going to talk at lunchtime a little  
19 bit more about what advice we have for moving forward  
20 with the DTV transition and what we all need to do.

21 So we're very much looking forward to  
22 your remarks today. So thank you so much for joining

1 us.

2 REMARKS OF HON. MICHAEL J. COPPS, ACTING CHAIRMAN,

3 FEDERAL COMMUNICATIONS COMMISSION

4 CHAIRMAN COPPS: Great. Thank you very

5 much for having me down and welcome all. I

6 appreciate it. I would have been here sooner and I

7 wanted to be prompt, but I was working along on this

8 for the last couple hours and I thought I was working

9 in a Word document and I was working somewhere else

10 and it didn't save it. So I had to start all over

11 again.

12 I see a lot of old friends around the

13 table. It's always a pleasure for me to come down

14 and talk with this group that devotes so much time

15 and so much energy and so much talent to improving

16 the lot of consumers and improving the lot of all of

17 our citizens. I'm happy to be here in my role as

18 Acting Chairman so I can tell you that for so long as

19 I have anything to say about it the input and the

20 recommendations of our advisory committees are going

21 to get the kind of attention and serious

22 consideration that they deserve.

1                   You folks work long and hard in trying to  
2 help us, and I'm sure that sometimes you have  
3 wondered whether anyone was really listening. But I  
4 want to assure you that we are listening now. It's  
5 time to change. It's time for the CAC and for all of  
6 the advisory committees of the FCC to be restored to  
7 their position as valued and independent counsel on  
8 important communications policy issues that we face.

9                   We have such a diverse group with us  
10 today and I'm pleased to welcome tribal and local  
11 government organizations and consumer groups and  
12 industry. In particular, I'm pleased to have with us  
13 today representatives from LCCR and NAAAA, two  
14 organizations that have played and will continue to  
15 play prominent roles in providing community-based DTV  
16 outreach and assistance to consumers across the  
17 country. Your efforts are much appreciated and in  
18 the coming weeks will be even more vital.

19                   I'm happy to see our FCC team here. I  
20 hope you know Mike Chessin, who's our Acting Chief of  
21 Staff, and we have the added benefit of having the  
22 talents of Gary Epstein, who I know many people in

1 this room recognize -- he's over there -- who's doing  
2 yeoman work on helping us get this effort  
3 coordinated, too.

4 I have spoken to this group many times.  
5 I have never sugar-coated any of the concerns that I  
6 feel. The next week -- the next weeks are going to  
7 be extremely difficult, as difficult as any that this  
8 Commission or as difficult as millions of consumers  
9 have ever faced. That's because we never really dug  
10 deep enough to understand all of the consequences  
11 that would attend the DTV transition, not just the  
12 intended good results, but all the unintended  
13 consequences, the ones that usually cause the big  
14 problems.

15 It's because we didn't have a well  
16 thought out and coordinated and coherent plan to ease  
17 the transition, a plan to combine the resources we  
18 needed to avoid disruption. I've been pushing for a  
19 long time for this kind of coordinated public sector-  
20 private sector partnership wherein we leverage off of  
21 the resources of one another to get a job done that  
22 no one sector can do alone.

1                   It's also because we didn't have a sense  
2 of real and sufficient urgency until it was too late.

3                   I know that many of you around this table  
4 shared these concerns. You knew that a patchwork of  
5 disjointed efforts was not going to get the job done.  
6 You knew that increasing general awareness wasn't  
7 enough and that we needed to focus on the more  
8 difficult challenges of educating consumers about how  
9 the transition affects them personally and what they  
10 needed to do to prepare.

11                   Unfortunately, things don't look any  
12 better now that I've had a chance to look under the  
13 hood since becoming Acting Chairman. If anything,  
14 they look worse. At this point we will not have, we  
15 cannot have, a seamless DTV transition. There is no  
16 way to do in 26 days what we should have been laser-  
17 focused on for 26 months. The time is lost and it's  
18 lost at cost, and we cannot make it up. We need to  
19 realize this.

20                   There's going to be consumer disruption  
21 down the road we're on. We need to plan for it. We  
22 need to do whatever we can to minimize it, and this

1 has been the focus of my one week and one day running  
2 this place.

3 I wish we had more time and additional  
4 resources to prepare, and maybe we will get them yet.

5 But right now we've got a February 17th date and we  
6 need to deploy the resources to deal with that. All  
7 I can promise is that we will do everything we can in  
8 the next 18 days to make things work at least a  
9 little better for consumers and then to deploy what  
10 resources are left to clean up after whatever  
11 dislocation occurs.

12 Here are a few of the things we are  
13 doing. First, we are coordinating much more closely  
14 with within the FCC, with NTIA and other entities,  
15 with the diverse levels of governments, and with the  
16 private sector. Our teams are more tightly organized  
17 and interwoven. We're coordinating nonstop and  
18 acting with truly admirable dedication and really a  
19 high sense of urgency.

20 Second, we've stepped up our efforts to  
21 maximize the number of consumers nationwide who will  
22 have access to an analog station. That program will

1 help consumers who aren't ready on the transition  
2 date to understand what happened and how they can go  
3 about restoring service.

4 Third, we are developing a plan to  
5 improve consumer outreach, coordinating and focusing  
6 our field operations, web site and outreach grants on  
7 the how-to information that will help consumers  
8 prepare for February 17th. I want to thank my friend  
9 Commissioner Adelstein, who is here, and his staff  
10 for the special efforts that they are making in this  
11 regard.

12 Fourth, we've also focused on more  
13 tangible consumer support, expanding our capacity to  
14 handle consumer questions and identifying potential  
15 sources of in-home assistance to those who need it.  
16 That of course includes vulnerable populations like  
17 seniors, folks with disabilities, and folks for whom  
18 English is not their primary language.

19 Fifth, we're spending a lot of time  
20 coordinating the multiple private and public sector  
21 call centers that are in development into a more  
22 unified system. We're trying to give consumers one

1 number to call for assistance from the combined  
2 resources of the cable and broadcast and satellite  
3 industries, as well as NTIA and FCC. In the absence  
4 of so many of the things that should have been done,  
5 call centers really become the consumer's lifeline.  
6 They are just tremendously important getting us  
7 through this transition.

8           Here I want to thank Commissioner  
9 McDowell and his team for the help, the special help  
10 they are giving this effort.

11           Sixth, we have been proactively examining  
12 broadcast coverage issues to try to determine which  
13 consumers are most at risk of losing reception  
14 because of the transition. Let's make sure we all  
15 understand this. Some consumers, through no fault of  
16 their own, are going to lose one or more channels as  
17 a result of the transition. They may pick up other  
18 channels that they previously couldn't receive or the  
19 current ones may come back as stations deploy  
20 distributed transmission systems or make some other  
21 arrangements. But on February 18th some homes will  
22 not pick up all the stations they are receiving now,

1 and it won't be just because they haven't got their  
2 box hooked up right or the right antenna.

3 All the how-to advice in the world will  
4 not help the consumer if the signal doesn't reach  
5 them. We have a deep and serious obligation to get  
6 this out proactively so that consumers know what's  
7 happening and understand what options may be  
8 available to them. That we did not understand this  
9 better long ago through better analysis and through  
10 tests and through trial runs is to me nothing short  
11 of mind-boggling.

12 We can't expect people to prepare for  
13 what's coming unless we tell them what's coming.  
14 Trying to mobilize this kind of nationwide messaging  
15 in the 26 days remaining requires everyone working  
16 together to develop and produce and disseminate it.  
17 We're working hard on this, but at this late date  
18 we're going to need a lot of help at the community  
19 level. I guess it was Tip O'Neil who said all  
20 politics is local, and in many respects this DTV  
21 transition is now preeminently local. So we need  
22 help from folks like you, businesses, consumer

1 groups, service organizations of every stripe,  
2 governments at all level, churches, and what an  
3 important role churches can play both in getting the  
4 word out -- no pun on "Word" -- and getting  
5 assistance out to vulnerable populations.

6           One last thing. This committee has  
7 repeatedly recommended that the FCC convene a  
8 technical working group to address transition closed  
9 captioning and video description issues. I believe  
10 this is again on your agenda today. I have long  
11 supported that proposal, but did not have the ability  
12 to act. Now I do, so I am instructing Commission  
13 staff to convene the technical working group as soon  
14 as possible.

15           The FCC needs to take a leadership role  
16 in addressing these problems. I don't believe we can  
17 finish this important effort before the transition  
18 date. Had we acted when you first made the  
19 recommendation, we maybe we could have. But this  
20 isn't the time to cast stones back over our shoulder.  
21 It's time to look forward and commit ourselves to  
22 working together, government, industry, and

1 consumers, to resolving these problems.

2           You know, at the end of the day, at the  
3 end of the DTV transition, good things do await us:  
4 better TV, more free, over the air broadcasting, more  
5 channels, which if we have the good sense to utilize  
6 them thusly can replenish some of the localism and  
7 diversity that we have lost over the last couple of  
8 decades, more spectrum for public safety, so that we  
9 can hopefully build that nationwide interoperable  
10 public safety network to help first providers help us  
11 when disasters, natural or manmade, strike again;  
12 more spectrum for wireless, more spectrum for  
13 broadband so we can take our rightful place at the  
14 head of the list of nations in getting this  
15 opportunity in creating and getting technology out to  
16 all of our citizens.

17           These are the reasons we started down the  
18 digital road in the first place. Our shortfalls  
19 were: one, so grievously underestimating the effort  
20 it would take to make the switchover smoothly; and  
21 two, failing to build the kind of truly coordinated  
22 and synergistic private-public sector partnership

1 that would have allowed us to combine our resources  
2 and deploy them toward a consumer-friendly outcome.

3 Many people have worked very, very hard  
4 on this transition: industries, broadcasters, non-  
5 broadcasters too, local, state, and federal  
6 government workers, community, religious, civil  
7 rights, and many other organizations, our own FCC  
8 team. They didn't fail us. We failed them in not  
9 mobilizing the kind of effort wherein they could all  
10 work together in a truly organized and directed  
11 fashion to make for a better and less disruptive  
12 transition.

13 But I want to thank them all for the hard  
14 work they have already done and for the work that  
15 they're going to be called on to do in the next 18  
16 days and then in the very important weeks after that.

17 In closing, I would like to thank the  
18 members of this outstanding committee for your great  
19 efforts to help everyone understand long ago the  
20 extent of the problems that we were going to  
21 encounter here and for your recommendations, concrete  
22 recommendations to do something about them. Now we

1 need you, we need this committee, more than ever,  
2 first, to meet this clear and present challenge that  
3 we face; and then once we get this behind us and  
4 moving forward to make sure that every citizen in  
5 this great land can partake fully of the wonderful  
6 opportunities that 21st century communications are  
7 creating.

8           So thank you for signing up to help us.  
9 Each of you has busy lives. I know that and you come  
10 here at great sacrifice to help us better understand  
11 and serve the needs of consumers. I truly appreciate  
12 that. I hope you know I'm going to be doing  
13 everything I can here at the Commission to make your  
14 assistance, your work and your contributions really  
15 count in helping the lot of consumers and citizens  
16 all.

17           So with that, I'll hush up for a while  
18 and I'd like to hear any recommendations and  
19 suggestions that you might have, entertain questions.  
20 If I can't answer them, some of our folks here will.  
21 With that, I'll just open the floor.

22           CHAIRPERSON BERLYN: Thank you very much,

1 Chairman.

2 I know Karen has a question. I saw  
3 Brandon also has a question. For those of you who  
4 are new around the table, we like to raise our cards.  
5 I'll start with Brandon because I did see his hand go  
6 up first, and his card. Thank you.

7 MR. STEPHENS: Chairman Copps, first of  
8 all, I appreciate your time in coming down to talk  
9 with us, as always. In the past you have spent time  
10 with us and I appreciate that.

11 The question I have is, coming from the  
12 rural areas of western North Carolina and also most  
13 of Indian country, coming up to this meeting I made a  
14 couple of calls, one to several tribes around the  
15 country and then also in the region to some of the  
16 television stations, to what's happening, from WSB in  
17 Atlanta to WATU in eastern Tennessee, WRAL in Raleigh  
18 and WOLS in Ashville.

19 Several of them are ready to go with  
20 their transition. As a matter of fact, most of them  
21 are ready to go on the 17th. As a matter of fact,  
22 they're predicating a lot of their work on switching

1 over. So that the way to them seems to, from what I  
2 gather from them, we're heading down the path. All  
3 the work is coming down.

4 But the problem that we have, I learned  
5 in some of the rural areas that in the major cities  
6 one broadcast center serves a city around the town  
7 and most of them don't rely on translators, but in  
8 western North Carolina and some of the rural Indian  
9 communities we watch television off of translators.  
10 The television stations are mostly focusing on, what  
11 they're reporting back to me, is they are focusing on  
12 -- for instance, WOLS now broadcasts on Channel 13.  
13 They're only worried about that main signal. But in  
14 my community we watch it off Channel, a translator.  
15 On out in the western part of the state they watch it  
16 on Channel 8. In the northwestern part of area --  
17 you get the picture.

18 They're not focusing on all these  
19 translators. So we're going dark regardless of  
20 whether we have boxes or not, and they don't have any  
21 plans to convert those signals.

22 But in rural areas, like what we have,

1 the only way -- if you don't get an over-the-air  
2 broadcast, you're only going to be getting ABC, CBS,  
3 NBC, PBS. It's not like the myriad of channels you  
4 get in other metropolitan areas where you have the  
5 other networks.

6 So my big question here is what can be  
7 done to bring that out, because -- I got the  
8 converter box coupon for my parents and set them up,  
9 but there's no signal coming in. It doesn't matter.  
10 These are primary broadcast stations and some of  
11 them, we're going to be in the dark.

12 CHAIRMAN COPPS: At this late date, I  
13 don't know what to emphasize other than really  
14 tremendously stepped up consumer education. It's  
15 just not right if people -- we expect people to jump  
16 through all these hoops and go out and buy boxes and  
17 antennas and everything else, and then there's no  
18 signal to draw in. It's just tantamount to  
19 dereliction in my mind.

20 So assuming that there's not going to be  
21 a lot of fixes for this and work on those  
22 translators, assuming that things like distributed

1 transmission systems, which we sat on for three years  
2 around here before finally getting the darn thing out  
3 the door in November, with like four months for  
4 everybody to go out in a bad economy and invest money  
5 to get all those new systems up -- not going to  
6 happen.

7           So I think of course encourage people to  
8 make whatever corrections are possible to make  
9 between now and February 18th. If we have the luxury  
10 of a little more time, maybe in some of these places  
11 at least we can make progress. But there is that  
12 obligation right now to make sure that consumers  
13 understand.

14           That's not good news. I mean, it's kind  
15 of hard to ask to ask broadcasters to go out and tell  
16 people they're not going to receive your station any  
17 more. But it's really essential. I mean, you talk  
18 about public interest. If you can't tell the public  
19 what's going to happen with their signal, then you're  
20 not serving the public interest. So we've got to  
21 find a way to do that.

22           I don't know if there's any technical

1       answers that Rick or Gary or somebody might want to  
2       add to what I've said.

3                   MR. CHESSEN:  The translator issue is --

4                   CHAIRPERSON BERLYN:  Microphone, please.

5                   MR. CHESSEN:  I'm just trying to  
6       understand the translator issue.  The translator is  
7       not required, of course, to go digital on February  
8       17th.  So either they could take the digital signal  
9       if they still can receive it and just have that  
10      digital to analog converter box there that could then  
11      continue to send out the analog signal -- is that all  
12      they need, is the digital converter?  Or is the  
13      signal not reaching the translator any more?

14                  MR. STEPHENS:  The difference here is  
15      that living in -- most of the people here live in  
16      flat terrain.  We do not.  And also, looking at the  
17      urban areas, whether they're dealing with mountains  
18      like we are or city buildings, that sort of thing.  
19      We're not getting a signal and that's why the  
20      translators are set up.

21                  MR. CHESSEN:  Right.

22                  MR. STEPHENS:  What our television

1 stations tell me is they're not -- they're not  
2 expecting to cover the same area that they are with  
3 their analog signal. So really, once the transition  
4 hits, if they don't work on the translators we see  
5 them no more if it's just over the air.

6 CHAIRPERSON BERLYN: Can I interrupt for  
7 a moment? We have Julius Knapp coming from the OET  
8 and maybe we can save our tech questions for him,  
9 because we'll have a little more time to talk.

10 MR. STEPHENS: I think the issue has been  
11 --

12 CHAIRPERSON BERLYN: But it is a very  
13 good point, an important consumer point for consumers  
14 to be aware of. So I appreciate it.

15 MR. STEPHENS: I just have one other  
16 quick comment on then I'll hush. I want to say that  
17 we did receive some information from Shana Bearhand  
18 and from Consumer Affairs that helped us quite a bit.  
19 We're getting information out to our communities on  
20 the reservation. We've done a pretty good job of  
21 getting information to our elderly, our people who  
22 still have over-the-air broadcasts.

1           Also, my other concern too, because I  
2 chair it and I can't let this slide by without a  
3 chance to talk to the Chairman, is that we do have to  
4 -- once this clears, once the transition gets rolling  
5 down the path, in rural areas, in tribal areas, we  
6 still have to focus on the employment of broadband  
7 and fiber optics to our areas. We can't let that go  
8 by.

9           As a matter of fact, in my home area, not  
10 necessarily on the reservation, but we are deploying  
11 fiber optics, and now actually the words of, well, do  
12 I get dish, direct, cable television, well, "IP-TV"  
13 is beginning to come into our homes, too. So we need  
14 to work on that. We've had a recommendation for  
15 universal service funds, but two things: appreciate  
16 the help from Consumer Affairs; and also, while I'm  
17 driving back home, we need broadband in rural areas.

18           CHAIRMAN COPPS: Well, that's kind of  
19 what I was talking about at the end of my remarks:  
20 once we get beyond this transition, to get our sights  
21 on getting the wonders of telecommunications out to  
22 all of our people. I've been talking about this for

1 years, especially in the context of rural America and  
2 Indian country, the inner cities. This is not just  
3 feel-good social policy. It's competitive, hard-  
4 headed, economic, commercial, necessary on many  
5 fronts if this country is going to be competitive,  
6 and we can't compete unless all of the people have  
7 access to those kinds of tools.

8 I am hopeful now, with a new crowd here  
9 in town, that we will put a lot of effort into  
10 developing a coordinated strategy for broadband and  
11 bring the various people in this government with each  
12 a little finger in this pie together, just like we  
13 should have done with digital TV, get everybody with  
14 a piece of the action around the table.

15 You know, there's not unlimited money to  
16 solve a problem like this. Hopefully we will get  
17 some help out of the stimulus package, but it's  
18 really going to come down to public-private  
19 partnering and again leveraging off the resources of  
20 one another and using whatever mix of credits or tax  
21 incentives to reform the universal service system or  
22 whatever.

1                   This dialogue is beginning, I think,  
2                   right now or it should begin right now because we're  
3                   late to the game and we're still way behind.

4                   CHAIRPERSON BERLYN: Thank you.  
5                   Karen.

6                   MS. PELTZ STRAUSS: Good morning,  
7                   Chairman Copps. I've waited so long to say that.

8                   CHAIRMAN COPPS: Don't get too used to  
9                   it.

10                  MS. PELTZ STRAUSS: I'm just going to  
11                  keep saying it for as long as I can.

12                  My comments are short. I just want to  
13                  thank you. We know how long we've waited. It is  
14                  just a breath of fresh air to have you come here and  
15                  say the things that you do and to express a  
16                  commitment and to be able to work with Rick and Gary  
17                  and Scott and others on your staff. It's just really  
18                  extraordinary and we're just so looking forward to  
19                  it. We're already in the planning stages or making  
20                  suggestions on what the technical group should look  
21                  like.

22                  CHAIRMAN COPPS: Good.

1                   MS. PELTZ STRAUSS: In a few weeks  
2 consumers will be able to file complaints directly  
3 with the FCC for captioning issues, which was not  
4 previously possible, thanks to CGB. One of the good  
5 things to come out of the prior administration was a  
6 revision to these complaint rules and we're hoping  
7 that the Commission not only works on developing  
8 solutions, but also steps up enforcement where there  
9 are violations of existing rules that already require  
10 digital captioning.

11                   Equally important will be the  
12 Commission's work on ensuring the pass-through of  
13 video description. Even though it isn't required, it  
14 is something that is available by certain stations.  
15 We're hoping that in the future it will be required,  
16 but that's something else we're looking to the  
17 Commission for.

18                   CHAIRMAN COPPS: Thank you. You're very  
19 kind and generous in your remarks. I think we will  
20 have a Commission that's a little bit more aggressive  
21 in some of these things, or action-oriented, and the  
22 kind of interchange that we've had over the years

1 already with you personally and a lot of people at  
2 this table needs to be extended now, because when you  
3 go into some of these uncharted paths you need to  
4 understand that you're not only trying to accomplish  
5 good intended consequences, but you want to be sure  
6 you understand what the unintended ones are. So this  
7 kind of interchange, that's why the advisory  
8 committee system is so integral to the operations of  
9 the Commission.

10 CHAIRPERSON BERLYN: We have several  
11 cards still up. If you could -- I don't know how  
12 much time you have, but if you could please make your  
13 questions very quick questions, rather than long  
14 remarks, I would appreciate it.

15 I have Harry and then I have Ken, and  
16 then I have two cards over in the corner. And  
17 Charles, you have your card up as well. So, Harry.

18 MR. ROESCH: Thank you for your remarks  
19 this morning, Commissioner Copps. Great to hear that  
20 you're really going to get on the issue of closed  
21 captioning. As an adult that's losing hearing,  
22 that's not necessarily correctable with hearing

1 devices, closed captioning is a great benefit for me.

2 I totally back up Brendon's comments here  
3 about the responders that are essential in Appalachia  
4 to receive signals. The maps that were just put out  
5 by the FCC recently showing the deployment area of  
6 both the analog signal and what can be the digital  
7 signal in the Appalachian Mountain areas, we know  
8 that we're going to lose an awful lot of connectivity  
9 on this transition.

10 What can be done on trying to get as much  
11 information out as possible? Are the maps that are  
12 out right now, is this something that is being  
13 promoted very extensively? Is it part of the  
14 outreach? Because I think this pictorially puts the  
15 issue up there much more directly.

16 CHAIRMAN COPPS: Well, I think so. We  
17 try to do that. We've got it up on the web site and  
18 all of that. But I think there's a real opportunity  
19 here for broadcasters, local entities, to put up to  
20 maps and emphasize the coverage of each area. The  
21 maps are short of being 100 percent accurate and, you  
22 know, I think folks are still working on them to try

1 to pinpoint with a little bit more accuracy what the  
2 coverage might be.

3 But to the extent that we can get that  
4 word out and to local stations and get numbers at  
5 local stations that people can call and find out if  
6 they're going to lose service ahead of time, I think  
7 that's really essential.

8 CHAIRPERSON BERLYN: Thank you.

9 Let's see. I have Ken and then I have  
10 Irene and then Charles, and I think we'll have to cut  
11 it at that. I thank you. Ken.

12 MR. McELDOWNNEY: I certainly welcome the  
13 fresh breath of air with your serving as Acting  
14 Chair. If in fact the stimulus package does go  
15 through with additional money for consumer outreach  
16 and education, I hope that the FCC staff will meet  
17 with either the full CAC or members of the CAC that  
18 have been pushing since the early days for sort of a  
19 new approach to consumer education and outreach,  
20 which we think would be much more effective than  
21 certainly some of the things that were done in early  
22 DTV transition period.

1                   CHAIRMAN COPPS: Thank you. We'll do  
2 that.

3                   CHAIRPERSON BERLYN: Irene.

4                   MS. LEECH: Thank you.

5                   CHAIRPERSON BERLYN: For those of you who  
6 are new in our system here, keep your hand up until  
7 you hear that the mike is on.

8                   MS. LEECH: Is the mike on? Thank you.

9                   This is my first meeting and one of the  
10 things that I learned this morning -- I thought I was  
11 paying attention to things -- was that some people  
12 are not going to be able to get the signal, though  
13 they've got the equipment and so forth. I live in  
14 southwest Virginia. I guess I can kind of attest to  
15 the fact that the message is not getting out as well  
16 as it should, because I thought I was paying  
17 attention.

18                   But I wanted to ask whether you're aware  
19 that there is legislation going to pass through  
20 Virginia's legislature right now that will be clear  
21 that wireless and landline are equivalent services  
22 and will thus make it so that in Virginia the

1 telephone companies will be able to declare that in a  
2 competitive situation does exist and not even require  
3 that they not be from the same company. So just -- I  
4 don't know who needs to know or whatever, but that's  
5 something that's just flying in Virginia.

6 CHAIRMAN COPPS: I did not know that and  
7 I appreciate your bringing it to our attention.

8 CHAIRPERSON BERLYN: Brenda.

9 MS. PENNINGTON: Yes, good morning.  
10 Thank you. I think that we've all been energized by  
11 your comments and by your commitment to consumers.  
12 With respect to the broadband issue, does the  
13 Commission continue to move forward with the proposed  
14 lifeline pilot program?

15 CHAIRMAN COPPS: For broadband?

16 MS. PENNINGTON: Yes. I think -- I don't  
17 see how we have a broadband strategy unless we find a  
18 way to use whatever tools are available to us. Right  
19 now we have those kind of programs in place and  
20 fitting broadband into them is essential, unless the  
21 Congress or the administration in their wisdom come  
22 up with a different kind of program to reach out and

1 achieve ubiquitous broadband deployment.

2 MS. PENNINGTON: Thank you.

3 CHAIRPERSON BERLYN: Charles, you will  
4 round it out this morning.

5 MR. BENTON: Commissioner Copps, we  
6 certainly are thrilled with your being here and your  
7 saying what you're saying. I was inspired by reading  
8 your speech on Monday to the staff in which you  
9 stressed the theme of, among many other wonderful  
10 things you said, the theme of openness and  
11 transparency.

12 I think my frustration certainly on this  
13 body has been that we never could get from the FCC  
14 what the plan was, what is the plan for the DTV  
15 transition. And when you get \$20 million from  
16 Congress, how are you going to spend it? Who's  
17 making those decision?

18 Now we've got the stimulus package  
19 potentially for supporting further consumer  
20 education. Again, how will these decisions be made?  
21 I recognize that our advisory group is an advisory  
22 group. We do not have decisionmaking authority of

1 any kind. But to get the most out of an advisory  
2 group like the CAC, we need to know what the plan is  
3 so that we can react, or what the plan might be, what  
4 the options are, so that we can be used as a sounding  
5 board for brainstorming those options and then give  
6 you the best advice that collectively we can bring to  
7 bear.

8 So I hope that in the new regime which  
9 you are helping in a wonderful way to transition to  
10 that these issues of openness and transparency and  
11 processes within the FCC will be greatly improved  
12 from the standpoint of your advisory group's knowing  
13 what the plan is and what the options are before the  
14 decisions are made and can give you -- they can  
15 really be used as a sounding board for the advice  
16 that you need.

17 CHAIRMAN COPPS: Well, that's exactly the  
18 approach I would like to see. You shouldn't feel  
19 like, the advisory committee shouldn't feel like the  
20 Lone Ranger, and people didn't know what the plan was  
21 nor how much money was left or how much was spent.

22 Commissioner Adelstein is here. He and

1 I, none of the other Commissioners, knew really  
2 exactly where we were. We're still trying to get a  
3 handle on exactly where we are resourcewise. The  
4 more I learn, the weaker the picture becomes. So  
5 resources moving ahead is going to be quite a  
6 challenge.

7 But yes, that openness that I talked  
8 about within the Commission, among Commissioners,  
9 between bureaus and Commissioners, and within  
10 offices, certainly that kind of openness and  
11 transparency applies to our relationship with the  
12 outside world. I've tried to work hard on developing  
13 relationships during my almost eight years here with  
14 nontraditional stakeholders, to get advice in. But  
15 we can't expect them to give us the best advice if  
16 they don't have some idea of what the resources are,  
17 what the plan is, what the strategy is, what the  
18 sense of priority is. And we'll endeavor to supply  
19 more of that than we have in the past.

20 I thank you very much. I appreciate it.

21 CHAIRPERSON BERLYN: Thank you very much,  
22 Chairman. We appreciate it.

1 (Applause.)

2 CHAIRPERSON BERLYN: Well, Commissioner  
3 Adelstein, we appreciate your patience this morning  
4 and thank you so much for coming and joining us. We  
5 are fortunate this morning to have two-thirds of our  
6 leadership from the FCC here this morning. Welcome  
7 and thank you.

8 REMARKS OF HON. JONATHAN S. ADELSTEIN,  
9 MEMBER, FEDERAL COMMUNICATIONS COMMISSION

10 COMMISSIONER ADELSTEIN: Well, it's nice  
11 to be part of the third that's in the majority for a  
12 change.

13 CHAIRPERSON BERLYN: That's right.

14 COMMISSIONER ADELSTEIN: And it is a  
15 pleasure to hear Commissioner Copps. Every bit as  
16 much enthusiasm that you have, I have even more,  
17 because I have to work every day here. To see the  
18 change happen is profound in more ways than I can  
19 say.

20 What he said this morning, I waited  
21 because I wanted to hear him first. I think he laid  
22 out a very comprehensive vision. I don't want to

1 repeat. I agree with everything he said, which is an  
2 unusual thing for me to say about a Chairman. Not  
3 only do I agree with it, but I enthusiastically  
4 support it, and I'm overwhelmed with a sense of  
5 relief that we finally have somebody in charge who  
6 understands the magnitude of the issue before us and  
7 has the skills to deal with them and who is doing  
8 everything he can in very difficult circumstances to  
9 make sure that we tackle it.

10 I think so many things he said that I  
11 agree with. I'm not going to repeat them all. But  
12 obviously we take your work very seriously. You  
13 know, we've been down here repeatedly. A lot of you  
14 gave us recommendations on the DTV transition.  
15 Again, now they're being implemented. If we had  
16 listened to you earlier, if we had done what you  
17 asked us to do, if we had worked with you, we  
18 wouldn't be where we are today. We'd be a lot  
19 further along.

20 I know, Charles, you had a lot to do with  
21 this, and your chairmanship on this has been  
22 wonderful. We really need now to take your work and

1 put it into practice immediately. You asked why  
2 don't we ever see the plan, why don't we get more  
3 information? Well, because there was no plan. I  
4 think you saw the plan, which is a complete lack of  
5 it, and now we're seeing the results of a lack of  
6 strategic planning. We are sitting here with an  
7 extremely short amount of time and an enormous amount  
8 to do, an impossible task to do right, as  
9 Commissioner Copps said, not because we don't have  
10 the abilities or skills or commitment, but because  
11 physically to do what needs to be done in the short  
12 period of time that we have remaining is a very steep  
13 climb indeed. This needed to be done far earlier.

14 Commissioner Copps -- Chairman Copps, as  
15 he mentioned, indicated that I'm going to be focusing  
16 some on the outreach and I wanted to talk to all of  
17 you about that briefly and to focus on that, since he  
18 laid out the broader issues. That is something that  
19 can't be done overnight. What we need is a field  
20 operation nationwide that looks something like a  
21 campaign operation and we can't do that with the few  
22 days left.

1                   As was clear from the legislative  
2 briefing, there are going to be a lot of stations  
3 that are transitioning on February 17th. So a lot of  
4 places in the country are going and we have to plan  
5 as if that's happening on February 17th. I've been  
6 to states, I've been to places in West Virginia, I've  
7 been to Nevada, other places, they're planning on  
8 going if they can, and I understand why they want to  
9 do that. We need to be able to support them in the  
10 short period that we have to be able to respond.

11                   On closed captioning, I just wanted to  
12 add that, finally, we've been talking about this for  
13 so long and here the Chairman immediately upon his  
14 ascension is doing exactly the right thing on that  
15 front, and I'll do whatever I can to help him in that  
16 regard as well.

17                   Just real quickly because I know you're  
18 behind schedule and I want to try to get you back on.  
19 I want to give you some of the key principles we're  
20 thinking about in terms of our outreach approach and  
21 get any feedback that you have before we move on. We  
22 want to provide effective assistance to consumers

1 through the digital transition and for a reasonable  
2 period post-transition as well. We want to  
3 fundamentally disseminate accurate and timely  
4 information and ensure that those in need of  
5 information support beyond the services of the  
6 integrated call centers are integrated to local  
7 sources of assistance. Thus what we need is those  
8 boots on the ground we talk about, so when the call  
9 center isn't enough what do we have in place to help  
10 people on the ground?

11 We need three things. We need assistance  
12 centers in high over-the-air DMA states. We need 800  
13 assistance where we need it and we need post-  
14 transition assistance for after the transition,  
15 because certainly there's going to be two  
16 transitions. There's going to be one on February  
17 17th and we need to have some operations ready to go  
18 in those states that are going to move; and there's  
19 the one after June 12th, which appears to be the  
20 likely final date.

21 In terms of assistance centers in the  
22 high ATA states, I think we need FCC funding to

1 grassroots organizations to manage and work with  
2 assistance centers, to address concerns, to provide a  
3 full range of services from completing coupon  
4 applications, for those who need help in terms of a  
5 central information distribution point, to recruiting  
6 and training volunteers and scheduling in-home  
7 support visits for callers that were turned over by  
8 the national call center.

9           So we've got a lot of work to be done to  
10 make that happen. The handoff has to happen from the  
11 call center to the volunteer. We have to have a real  
12 seamless operation. We've been calling for one call  
13 center for years. I was at CEA two years ago talking  
14 about all these things: the need for call centers,  
15 the need for field operations. And here we are 18  
16 days out and we don't have it in place. There's been  
17 a totally inadequate effort to get this done.

18           In the last minutes of the last  
19 chairmanship there was major decisions made that we  
20 are either bound by or somewhat bound by that don't  
21 fit into any plan, because there was no plan. So we  
22 have a cleanup operation that's extraordinary to try

1 to deal with the mess that we were left, and I can't  
2 overemphasize what a mess it is. I think Chairman  
3 Copps made that fairly clear.

4 In terms of in-home assistance, we need  
5 to work with local voluntary organizations, working  
6 with FCC-funded or NTIA-funded grassroots  
7 organizations. It looks like we do have the  
8 resources now to actually help to fund those. I know  
9 that a lot of you who are willing to do the help are  
10 operating on a shoestring yourselves and people don't  
11 have the extra resources to do this. But we're going  
12 to hopefully get some federal funds to help finance  
13 those who are willing to get out there and help  
14 people that need it.

15 We need to have the goal of getting a  
16 home visit within 48 hours of request if we can. I  
17 think we need to set ambitious goals. People  
18 shouldn't be left without urgently needed television  
19 service for a long period of time.

20 We're going to work with local and state  
21 broadcaster associations, if possible, to provide  
22 state-level referral centers with contact information

1 for engineers and others from the local stations that  
2 are willing to help out and to help train the people  
3 that will do this.

4           And of course, we need to have post-  
5 transition assistance, as I mentioned, for at least a  
6 few weeks after the transition date, to make sure we  
7 continue to clean this up. I anticipate that we're  
8 going to have a messy situation from the day after  
9 each of the transition dates and they will eventually  
10 clean themselves up or clear themselves out. The  
11 question is how quickly can we clear out that mess,  
12 and those who need help, how quickly can we get it to  
13 them, how long of a dislocation and disruption are we  
14 going to have?

15           I could say a lot more, but I know you're  
16 short on time. I just wanted to tell you this is at  
17 least how we're initially envisioning the provision  
18 of outreach. I wish we had done it a little bit  
19 earlier. I wish we had the planning in place now.  
20 But we're going to do the best we can in the short  
21 period we have. In order to be able to accomplish  
22 this on the ground, we're going to need your help

1       urgently. This is something that -- we're a small  
2       agency here. We've got volunteers working in almost  
3       every state and people are out on the ground. But  
4       it's you that provide the manpower, the intelligence,  
5       the ability to reach people, and we're going to need  
6       you and we're going to rely on you like you haven't  
7       seen in recent years to actually make this transition  
8       as smooth as possible under difficult circumstances.

9                       So thanks for having me here.

10                      CHAIRPERSON BERLYN: Thank you very much,  
11       Commissioner.

12                      I put my card up really fast. I beat you  
13       all. I have a question because my head was spinning  
14       when you started to talk about the outreach, because  
15       I can just remember sitting in very early discussions  
16       about the DTV transition and thinking about this and  
17       hearing about what Great Britain was doing and some  
18       of their early plans and hearing about how they were  
19       going door to door to help older Americans with the  
20       transition, going into the home and setting up the  
21       boxes, and thinking, why aren't we doing that?

22                      It sounds like now the thinking is that's

1       what we've got to do. Responding within 48 hours to  
2       go into somebody's home and helping them, I'm  
3       thinking, okay, we're talking about doing it; how are  
4       we going to do this and how is this all going to  
5       work, and who is actually going to be doing this?  
6       Where is this all going to happen in this short  
7       period of time?

8                   COMMISSIONER ADELSTEIN: That's why we  
9       need the extension, for one thing. Certainly it's  
10      going to be a real pathwork.

11                   CHAIRPERSON BERLYN: I think we all agree  
12      with that.

13                   COMMISSIONER ADELSTEIN: On February  
14      18th, for those states go it's going to be an  
15      enormous patchwork. Some states will be better off.  
16      I went to different places. I was in Puerto Rico  
17      with Commissioner Santini and we talked about how  
18      we're going to get infrastructure there and to help  
19      set up an operation where we have a call center and  
20      that would facilitate that kind of an operation.

21                   To me, in 19 days it's virtually  
22      impossible unless there's been major operations

1 already. There's a few last minute grants that went  
2 out in a real patchwork fashion, which we're still  
3 trying to understand why the grants went where they  
4 did or how they did. Talk about lack of  
5 transparency. I don't understand it. I don't think  
6 that, looking at them, it's clear. But it's clear  
7 that they're not everywhere.

8           We really appreciate those who stepped  
9 up, the Leadership Conference on Civil Rights. Those  
10 places that are served are going to be better off,  
11 but there's a lot of places that are not going to be  
12 served by that. Some states aren't going to have  
13 that and some states will be able to have better  
14 operations.

15           Everywhere that I went, I had to do it  
16 seat of the pants, and in every community we went to  
17 we tried to establish it, but it varied from  
18 community to community what the local government is  
19 willing to do, what local organizations were in  
20 place. In Hawaii the ham radio operators were ready  
21 to go. In other states they weren't as organized or  
22 on top of it, but nobody had contacted them because

1       there's no national plan.

2                   Now we're going to figure that out. We  
3       have a little bit of time to do it with the  
4       extension. That's where we need your help. We're  
5       kind of building this up from the ground up because,  
6       frankly, there was nothing in place except for  
7       patchwork efforts.

8                   I think broadcasters are very key in all  
9       this as well, and the call centers are key to funnel  
10      this, it has to be seamlessly, between the call  
11      centers and the volunteer operations, so that when  
12      the calls come in and they get triaged, when you get  
13      to the point of a person who just can't be helped  
14      over the phone -- either they have a disability, they  
15      might be elderly, they might just be technologically  
16      challenged, they can't do it, or they did everything  
17      right and they can't figure out where the signal is  
18      and for some reason it's not working, and the phone  
19      bank doesn't help them -- they have to say if they  
20      want help, they have to ask for it: I'm willing to  
21      have a volunteer in my home. And we have to have  
22      that call center be able to connect with a local

1 operation.

2           The question is how much of it can be  
3 funded. You can see how much money we get from the  
4 stimulus package, from NTIA, to figure out how to get  
5 the funds to those in local communities that are  
6 willing to do it. As I say, it will vary from  
7 community to community on some basis.

8           As Commissioner -- as Chairman Copps  
9 said, it's going to be locally based. It does vary  
10 in terms of who's on the ground. Some fire  
11 departments just aren't willing to do it; some are.  
12 Some cities want the city staff to do it; some don't.  
13 Some ham radio operators are ready to go; some  
14 aren't.

15           We're going to need to work a lot with  
16 you, your community base, to find out what works in  
17 different communities. I don't think you're going to  
18 be able to find a cookie-cutter nationwide approach  
19 that works everywhere, but if there are funds it will  
20 help everywhere in dealing with all the different  
21 manifestations in the communities.

22           CHAIRPERSON BERLYN: Just one quick

1 question. The FCC will be the coordinating agency in  
2 all of this?

3 COMMISSIONER ADELSTEIN: It's not clear.  
4 I think it depends to some extent on where the  
5 stimulus money goes and differences between the House  
6 and the Senate bill. If all the money goes to the  
7 NTIA and NTIA then can give out money to the other  
8 agencies, which that's the way one of the bills is  
9 structured, then to some extent it's NTIA's call to  
10 decide how they want to do that.

11 I think it's something that,  
12 unfortunately, we're going to start working on what  
13 the different options are, starting writing them up  
14 here at the FCC over the next week or two, and we're  
15 going to have to see how the stimulus package goes.  
16 We're going to have to coordinate like we never  
17 coordinated before with NTIA daily. The distinction  
18 between the two agencies is going to, we hope,  
19 evaporate. There's been a lack of communication over  
20 recent years that has been extraordinary.

21 Now the coordination is daily and hourly  
22 to some extent with our staff. We're going to figure

1 out where it's most effective. The plan is going to  
2 be completely agreed upon, I presume, by the NTIA and  
3 the FCC, and how exactly it's going to be executed I  
4 think has yet to be determined.

5 CHAIRPERSON BERLYN: Thank you.

6 I have Ken and then Marti, Nixy, and then  
7 Harry and Brandon, and -- I'm sorry. But I did see  
8 Ken before you. I'll readjust. Ken, go ahead.

9 MR. McELDOWNNEY: I am very excited about  
10 the potential. I think that one of the things I  
11 would really urge you to do, if appropriate I guess,  
12 is to try to assume as the stimulus package is passed  
13 that as you have some sense of what the FCC's role is  
14 going to be, to sort of coin together maybe a small  
15 group to brainstorm in terms of what can be done in  
16 the next five or six months.

17 I think one of the real issues in the  
18 past is, you said, that it was very unclear, not just  
19 to us but to you as well, just in terms of what the  
20 criteria was for the grants and things like that.  
21 While certainly I think the work that's been done  
22 with existing grants has been very good, it's not as

1 broad as it needs to be.

2 For example, Consumer Action alone works  
3 with some 11,000 community groups around the country,  
4 most of which serve recent immigrants, and I think  
5 that's a very real area that needs a lot of focus. I  
6 think that the only way of really working with those  
7 groups is working with the agencies that serve them.

8 My concern is that, even with phone  
9 numbers being flashed on the screen and things like  
10 that, if in fact the consumer can't read what's on  
11 the screen or is really unfamiliar even with making  
12 toll-free calls, the calls aren't even going to go to  
13 the call center. The only way to do that is to  
14 educate the community groups in terms of being able  
15 to help their clients, if nothing else, to call the  
16 call center.

17 But it's a long-term process and I think  
18 it's going to have to be done certainly on a crisis  
19 stage right now. I think the sooner that everything  
20 gets started the better, because the ramp-up period  
21 is going to be considerable.

22 COMMISSIONER ADELSTEIN: We need to work

1 on the training and the dissemination of this  
2 information. The outreach is enormous that remains  
3 to be done. There's no other aspect of the  
4 transition that requires your help more than this.  
5 So I think we should get together. I hope you give  
6 us some advice today on cogitating on what it is that  
7 we need to be doing. I'm happy to talk next week if  
8 you want to get a subcommittee together, or anybody  
9 that's interested, everybody if you want, we can do  
10 it by phone and think about what needs to be done, I  
11 think immediately, urgently, to put a plan in place.

12 CHAIRPERSON BERLYN: Thank you, thank  
13 you.

14 Karen, real quick.

15 MS. PELTZ STRAUSS: I just couldn't not  
16 thank you as well because you've been so incredibly  
17 supportive of us. But I think it's very important to  
18 publicly say that you have been a friend to the  
19 disability community for the longest time and we just  
20 really appreciate everything that you've done and  
21 look forward to seeing the FCC's actual plan of  
22 attack.

1                   CHAIRPERSON BERLYN: Thanks, Karen.

2                   Marti.

3                   MS. DONEGHY: Yes. Thank you,  
4 Commissioner. I'm excited about your remarks,  
5 especially the sound of boots on the ground in  
6 getting to a plan of action. I'm curious, not  
7 knowing all the details -- I guess nobody does --  
8 about how all this is going to happen.

9                   Speaking for myself personally and not  
10 AARP, but as a consumer and a concerned consumer, I  
11 see this really as a national crisis, almost a  
12 homeland security situation. I'm wondering, has  
13 there already been some effort to -- you talked about  
14 fire departments who may not be or want to be  
15 involved as a participant. Has there been any effort  
16 to talk to the administration about bringing in FEMA  
17 or one of the homeland security agencies, not letting  
18 them direct it, but training whatever auxiliaries  
19 they have, whatever they would do in a natural  
20 disaster or a national disaster, because I really see  
21 this approaching this, quite frankly, if people can't  
22 get basic communications, especially the vulnerable

1 populations that we're talking about that could be  
2 indisposed.

3                   COMMISSIONER ADELSTEIN: Well, there's  
4 been a lot of creative thinking. A lot of different  
5 options are being looked at. Generally speaking, the  
6 hope is that we can mobilize resources that already  
7 exist on the ground to do this, but the community  
8 organizations, local governments. Some are already  
9 stepping up to the plate. There are some good  
10 examples of efforts that have been done.

11                   In Wilmington, North Carolina, where we  
12 had a small group, we had staff in the fire  
13 department getting paid to pick people up. It was  
14 all worked out. It happened for a city that was  
15 maybe one-fifth of one percent of all that we need to  
16 do. We could handle it on that scale. So the  
17 question is how do you scale that nationwide, and do  
18 you use fire departments everywhere, or what are the  
19 emergency resources that we need? What are the  
20 options around the table? So think about that.

21                   One of the problems I talked about quite  
22 a while ago is having an inter-agency task force

1       which would look at all of the different agencies of  
2       government and how can they help.  There were a  
3       couple of meetings that took place, but that never  
4       happened.  That happened during Y2K and I was hoping  
5       that that's going to be happening now on a formal or  
6       informal basis and we're really going to look at all  
7       of the government.

8                       This is something that's of concern at  
9       the very White House level, which is something you  
10      didn't have before.  So that ability to mobilize  
11      agencies across the board is something that we now  
12      have, which we should have had a couple years ago if  
13      we had a plan in place.  But that's something to  
14      think about.

15                     CHAIRPERSON BERLYN:  Nixy.

16                     MS. SANTINI:  Good morning, Commissioner.  
17      It's great to see you again.

18                     From Gloria that had to leave for a  
19      moment, she wanted me to tell you thank you for all  
20      the outreach efforts to the Latino community.  And  
21      for my part, I want to thank you for your outreach  
22      efforts with Puerto Rico.  Commissioner Adelstein

1       went to Puerto Rico and he not only went to Puerto  
2       Rico, but he gave a speech in Spanish, which is quite  
3       amazing, and he was very sensitive with the people  
4       who understand English, but not entirely. Not  
5       everyone understands English perfectly. So we're  
6       very grateful for your sensitiveness with our  
7       community.

8                   Also on the technical issue, I wanted to  
9       ask you if there's any chance that the call center  
10      can be used to identify also those areas where  
11      coverage is going to become an issue, the footprint,  
12      the digital footprint becomes an issue; and also if  
13      there is any way that FCC can start planning ahead in  
14      those programmatic areas where topography just  
15      doesn't help or buildings don't help, so that they  
16      can start working with broadcasters to improve the  
17      signal in those areas for the sake of public safety  
18      in those communities?

19                   Is there any way we can do that? I know  
20      we have already some projected footprints for the  
21      digital signal, but I think if we get the June 12th  
22      date for sure then we have some time to plan ahead

1 and to start assessing those problems before they  
2 become a real problem.

3 COMMISSIONER ADELSTEIN: (Speaks in  
4 Spanish.) Puerto Rico, I really did enjoy that trip  
5 tremendously. We learned a lot of issues. It's 50  
6 percent over the air. That's a place where the delay  
7 is so urgently needed. I'm told that we're going to  
8 get that for Puerto Rico and everywhere else that  
9 needs it.

10 As far as the information, one of the  
11 problems with getting localized information out is  
12 that it's kind of difficult to do on a national  
13 basis. I've thought about this. We've got those  
14 maps and somebody calls in and says: I live in this  
15 part of town, I live this side of the hill; why  
16 aren't I getting Channel 4? It's very difficult, if  
17 not impossible, to train somebody who's answering  
18 calls nationwide, and maybe not cost effective, to  
19 answer those kind of questions.

20 So one of the issues for the call centers  
21 that they're thinking about is how do you hand off  
22 that kind of call to somebody who's more localized.

1 One of the reasons that we want local call centers  
2 is, when I came down to Puerto Rico and begged  
3 everybody and begged the commission down there to  
4 have a local call center it was for just that reason.

5 First of all, I didn't know if we would have a  
6 national one. I thought we were headed down over the  
7 cliff all at once on February 17th and we had to  
8 prepare for that, and we still are in a lot of  
9 places.

10 But I said, if you don't have your own  
11 call center don't count on us, which I think may have  
12 been accurate. Now maybe we can get it in better  
13 shape. But now we need to transform those local call  
14 centers into those that will handle the localized  
15 questions that otherwise can't be handled by the  
16 national call center, so that if somebody has a  
17 specific question about lack of coverage we have to  
18 have a system in place in which we can hand those  
19 calls off at least to those localities that have  
20 them. Not every locality will have them, but I want  
21 to work with NAB in particular to have those local  
22 call centers up. And people are being very helpful

1 as well in setting up call centers so we can really  
2 get localized information out.

3 See, those maps are fairly useless to  
4 most people. Nobody's going to go on the web and  
5 look at the map and say, well, I live here, and I  
6 look at this map before and after. I mean, forget  
7 about it. For your average consumer -- for a bunch  
8 of engineers, they might be able to figure it out.  
9 But for most people, if the broadcasters don't  
10 translate that and say, you know, in this part of  
11 town you might have some issues with this channel --  
12 I really hope NAB will work with the local  
13 broadcasters to do that, because that's how we're  
14 going to inform people about that. And that way  
15 we'll have a lot fewer questions.

16 A lot of the calls we're going to get  
17 are: Why can't I get Channel 4 in this part of town?  
18 The answer is because you live in that side of the  
19 hill and the broadcast tower is over here and you're  
20 not going to get it over the air, or you need to get  
21 a stronger antenna because of that.

22 But working with people in advance will

1 help us to avoid a problem afterwards. A lot of  
2 parts of Puerto Rico are very much in those mountains  
3 in the middle and those are where people are going to  
4 have a lot of problems in the digital transition.  
5 Somehow, the more we can get that word out in advance  
6 so people know what to expect, the less of the crush  
7 of calls that we're going to get that have to be  
8 moved to local call centers so the questions can be  
9 answered.

10 CHAIRPERSON BERLYN: Thank you.

11 Okay, Harry, Brendon, and Brenda is who I  
12 have, and then we're going to have to cut off  
13 questions. Harry.

14 MR. ROESCH: It's nice to see a breath of  
15 fresh air coming through here. The enlightenment we  
16 hope will be positive.

17 A couple questions. There's a lot of  
18 staff here at the FCC that were detailed to  
19 Wilmington to help in that transition. I have not  
20 seen any report out of what they discovered through  
21 the process, what they learned, what issues that they  
22 could bring forth to be able to talk about for the

1 FCC. If we could see something in a press release or  
2 an outreach-type document from the FCC that would  
3 say, these are the issues that we learned in  
4 Wilmington, we, our people around this table, we can  
5 push this information out and hopefully it will get  
6 into the hands of the broadcasters and will help them  
7 to figure out how to do the transition.

8 So I have not seen anything that's been  
9 put out as a report. Have I missed something?

10 COMMISSIONER ADELSTEIN: I don't think.  
11 Cathy Seidel is here. I think she can explain a  
12 little about what exactly the lessons were. I don't  
13 believe we have a document per se, but various people  
14 have talked about it at different points in different  
15 speeches. Hawaii also went January 15th and there  
16 are some lessons there as well that could be easily  
17 promulgated. And then there's going to be a huge  
18 learning experience on February 17th from those  
19 broadcasters that go forward, which is going to be  
20 the biggest experiment of all, that we need to  
21 quickly put in place the lessons of that so we can  
22 apply them to the new date, assuming one comes.

1                   But that would be helpful. Let's talk to  
2 Cathy about that.

3                   MR. ROESCH: That would be helpful to all  
4 of us.

5                   The other thing is, you've talked about  
6 the national call centers that are functioning here  
7 through NTIA, FCC, etcetera, and we're hoping that  
8 you can also implement local call centers to deal  
9 with regional issues. Is there a complete telephone  
10 directory, so to speak, of the 1-800 numbers that we  
11 could identify to our respective regions, of what's  
12 available in Charlestown, West Virginia, Winston-  
13 Salem, Asheville, North Carolina, to help people?

14                   If we can put information out from the  
15 Appalachian Commission, we can say that this call  
16 center may be the more direct one for you to contact  
17 rather than dealing with Washington because they  
18 can't deal with your issues, you're just on the other  
19 side of the mountain.

20                   COMMISSIONER ADELSTEIN: We're working on  
21 that right now. Once we get this all together, we  
22 will definitely have that out there. There's an

1 array of different little numbers here and there.  
2 Some local ones are set up, some aren't. So we will  
3 make sure that that is done.

4 MR. ROESCH: Thank you very much.

5 COMMISSIONER ADELSTEIN: I don't know  
6 who's next.

7 CHAIRPERSON BERLYN: I'm sorry. Brandon.

8 MR. STEPHENS: Commissioner Adelstein,  
9 first of all -- I think we commented on this once one  
10 time before. I only have one comment for you.  
11 Again, I testified to a subcommittee on broadband. I  
12 just ask simply, after all this is getting rolling on  
13 the digital transition, do not forget broadband in  
14 the rural areas.

15 COMMISSIONER ADELSTEIN: Believe me, I  
16 never do. It's been a priority since I got here and  
17 we're going to get it done. We can chew gum and walk  
18 at the same time. We're can do broadband and DTV, I  
19 assure you.

20 CHAIRPERSON BERLYN: Brenda.

21 MS. PENNINGTON: Thank you, Commissioner.  
22 I'm particularly enthused about your commitment to

1 consumer education. I represent NASUCA on this  
2 committee, but day to day I work for the Office of  
3 the People's Counsel in D.C. While DTV is not  
4 specifically in our purview, we certainly have been  
5 out educating community groups about the transition,  
6 particularly about the delay.

7 My question is, if and when the DTV  
8 transition delay bill is passed, will we be able to  
9 find out which states are going to transition on the  
10 original February 17th date?

11 COMMISSIONER ADELSTEIN: We will let you  
12 know as soon as we know. There's some role in the  
13 legislation for the FCC and there's some ability of  
14 broadcasters to decide unilaterally. I wonder if any  
15 of you has any response to that as well? Are you  
16 planning on helping us get up to speed, and have you  
17 talked to your local broadcasters about what their  
18 plans are?

19 CHAIRPERSON BERLYN: Good question.

20 MR. WILEY: We certainly pledge to work  
21 with you on that. It's sort of fluid at this point.  
22 I don't think even some of the broadcasters know

1     who's going to go early and who isn't.  So we'll have  
2     to call it a work in progress and pledge to work with  
3     everybody.

4                     My channel would like to say something.

5                     MS. BOBECK:  Just to add we really  
6     appreciate the working relationship we've had with  
7     all the staff.  Particularly the Media Bureau has  
8     been fantastic in coordinating.  I know it's  
9     difficult, planning on two contingencies.  So I think  
10    an effort for all of us to coordinate and to make it  
11    broadcaster-friendly on how to coordinate on a market  
12    basis if we have a June date instead of a February  
13    date, and also make it consumer-friendly so that you  
14    may know in a given area -- maybe we can create an  
15    online map so you can click on it and say, I'm in  
16    Virginia, who's on, who's transitioning, where, when,  
17    and how?

18                    So I think it behooves us all to get  
19    together and figure out, how does it make sense from  
20    a consumer basis to market that transition.

21                    COMMISSIONER ADELSTEIN:  We're willing to  
22    work with you closely on that, because there's going

1 to be a lot of confusion. People think, well,  
2 there's been a delay so I can wait right now. In  
3 fact, a lot of states are ready to go and that has  
4 got to be communicated really clearly. We're doing  
5 everything we can to get that out.

6 CHAIRPERSON BERLYN: I think that's an  
7 excellent question, and I think it brings up  
8 additional questions that I think we will all have.  
9 Charles, you may have a follow-up, but can I ask that  
10 we bring that subject out because I think we do need  
11 further discussion on this issue of when various  
12 stations may go early and what that means in each  
13 individual market. It will be a question that we  
14 will want to discuss further.

15 Charles, do you want to follow up  
16 quickly?

17 MR. BENTON: Madam Chairman, I want to  
18 follow up on that wonderful point you just made,  
19 because it seems to me that compared to the problem  
20 we're just a very tiny little entity. So the  
21 question is what can we do to really be effective to  
22 help on this in the remaining time. I think the idea

1 that surfaced in the last five minutes of looking at  
2 the 2-17 -- we're helping the NAB, but this might be  
3 a thing that we could rally around as a team, to look  
4 at what lessons are learned about this on the 2-17  
5 that we should apply to the 6-12 deadline, on the  
6 assumption that Congress is going to make that  
7 decision, which looks as though it will happen.

8 That might be a real point of focus for  
9 us as an advisory committee, to really zero in on  
10 that and see how as a team we might work towards  
11 understanding the lessons of 2-17 and try to apply  
12 those lessons to 6-12. Just my suggestion.

13 CHAIRPERSON BERLYN: Very good. Thank  
14 you.

15 Thank you so much, Commissioner, for  
16 joining us this morning.

17 COMMISSIONER ADELSTEIN: Thank you.

18 CHAIRPERSON BERLYN: We appreciate your  
19 remarks.

20 (Applause.)

21 CHAIRPERSON BERLYN: May I indulge your  
22 patience for just two minutes. Tony, he has been so

1 patient. He has been here since 9:15. He asked if  
2 he could just come back for a few minutes, and then  
3 we are going to take a quick break. So please don't  
4 take your own break right now. Just listen to Tony.  
5 He wants to be here for no more than what, ten  
6 minutes, five, ten minutes maximum. Then we're going  
7 to take a quick break, a short break, and then please  
8 come back for Cathy Seidel's remarks.

9 MR. WILHELM: Certainly I'll take any  
10 questions, but I did want to correct something I said  
11 earlier, which is in the Senate bill passed last  
12 night there is an opportunity for each household to  
13 request a coupon for each coupon that had expired.  
14 So it can get up to two per household in the Senate  
15 bill. I was looking at it on my Blackberry. So  
16 that's something I misstated earlier. I apologize  
17 for that.

18 Secondly, I do want to mention, Ken's  
19 point about making recommendations after the stimulus  
20 bill passes, that's too late. We need your  
21 recommendations yesterday, basically. I mean, if  
22 we're going to have -- when our leadership's going to

1       come in next week, we plan to have recommendations to  
2       them to use these funds. So we have to plan last  
3       week to use these funds. We're operating in real  
4       time here. This is something that's going to happen  
5       so fast.

6                       For those of you who don't know  
7       government, to get proposals bid, whether it's  
8       contracts or grants, we really move mountains.  
9       Cathy's in the room here. Whether it's the contracts  
10      the FCC did or the grants that NTIA made, these  
11      things usually take years to pull off. We've done  
12      these in weeks and months.

13                      Then when you do that, you start to  
14      really -- there was a whole issue on this  
15      administration, rightly so, on accountability,  
16      transparency. Everybody wants to compete everything.  
17      That's obviously critically important. We also have  
18      a huge time constraint here in terms of when this  
19      thing's going to happen, when we need to provide  
20      funds to communities. We need to do that  
21      immediately.

22                      So how do we do that? Well, the

1 government only has so many options at that point in  
2 time. So we need your ideas today. If again we had  
3 to do this noncompetitively like we did last time, we  
4 would basically be sitting waiting for unsolicited  
5 proposals, which is how we did that last time with  
6 LCCR. So you can't wait for us to come to you  
7 necessarily. You should assume that these moneys are  
8 going to be available, and as someone who's familiar  
9 with the nonprofit world -- I've been there; I've  
10 been in all of your shoes -- you have to take a risk,  
11 assuming that some funds will be available, and  
12 develop ideas or proposals. It's that preparation  
13 that's going to lead to opportunities for you all,  
14 not to wait and see what happens. It's going to be  
15 too late if you wait until the end of February or  
16 early March. All those decisions will have been  
17 made.

18 I did want to underscore the  
19 Commissioner's point about they are meeting daily  
20 again, the FCC and the White House. We do see our  
21 operations moving forward as being as seamless as  
22 possible with the FCC. We'll be making these

1 decisions, the leadership will be making these  
2 decisions here jointly. We want to figure out the  
3 best way to use these if we get \$90 million.

4 So Ken, I want your ideas by close of  
5 business today.

6 (Laughter.)

7 CHAIRPERSON BERLYN: Tony, I thank you.  
8 I thank you for your remarks.

9 Can I just say one thing, because I'm  
10 just -- we've all been working on these issues for a  
11 long time, and we all probably don't want to repeat  
12 the same things we've said for so long. While we are  
13 here, it's a new day and we've got this opportunity  
14 and we may have an opportunity to do this for four  
15 more months and no longer. We all know, right? No  
16 longer than four more months.

17 Do we have a sense that this time around  
18 there will be a coordinated effort? Because we've  
19 seen that there may be more money in here and there  
20 may be more money that could very quickly need to go.  
21 We really need to have a coordinated effort. That is  
22 key, that we really need to make sure that there's

1 sort of someone who's holding this together.

2 MR. WILHELM: The answer to that is yes.

3 You've heard that from the Chairman, you've heard it

4 from the Commissioner, you've heard it from me. And

5 we're doing that in practice. Every day we have

6 meetings and the Chairman is on those meetings.

7 That's pretty remarkable. He's on a daily meeting --

8 CHAIRPERSON BERLYN: That's great.

9 MR. WILHELM: -- moving this thing

10 forward. And the White House is on these meetings

11 every day.

12 CHAIRPERSON BERLYN: Who is coordinating

13 from the White House?

14 MR. WILHELM: You can't get a better

15 commitment than that.

16 Susan Crawford.

17 CHAIRPERSON BERLYN: Susan Crawford.

18 MR. WILHELM: So we have the highest

19 commitment. The answer is yes.

20 CHAIRPERSON BERLYN: Excellent.

21 Thank you so much, Tony. I appreciate

22 it.

1                   We're going to take a very short break.

2       Please, if everyone could be back in their seats at  
3       10 after 11:00. It's 11:00 o'clock now, so 10 past  
4       11:00 be back.

5                   Yes, Ken?

6                   MR. McELDOWNEY: Just a really quick  
7       thing. Could you try to set up a conference call for  
8       folks on the CAC who want to be engaged with the  
9       Commission staff in terms of outreach and education?

10                  CHAIRPERSON BERLYN: Absolutely, yes.

11                  MR. McELDOWNEY: I hear it had to be  
12       yesterday.

13                  CHAIRPERSON BERLYN: What's that?  
14       Yesterday?

15                  MR. McELDOWNEY: I hear it had to be  
16       yesterday.

17                  CHAIRPERSON BERLYN: Yes, you missed it,  
18       Ken. We did it yesterday. Sorry.

19                  (Laughter.)

20                  CHAIRPERSON BERLYN: Yes, absolutely.  
21       We'll figure this all out, yesterday, today,  
22       whatever. But before we all leave today we'll figure

1 this out. Thank you.

2 Oh, it looks like no one wants a break,  
3 but I do. I have the Senate legislation, the  
4 legislation to be taken up by the House next week, so  
5 I'll pass this out as well. It's S. 352. Tony's  
6 right. I was very surprised. It's something that's  
7 a little different than what I thought, that they can  
8 get one coupon for every coupon that expired per  
9 household. So that means it is -- that's amazing. I  
10 don't know how they're paying for all this, but I  
11 guess out of that \$650 billion.

12 (Recess from 11:01 a.m. to 11:14 a.m.)

13 CHAIRPERSON BERLYN: Let's do a quick  
14 check of our agenda, everyone. We are a little off,  
15 but you know how we always catch up. We had an  
16 excellent discussion. We've actually probably done  
17 some of the discussion that we would have during this  
18 particular hour that we've all set aside for our  
19 discussion with Cathy, so we probably won't need that  
20 much time, 45 minutes.

21 So we will hopefully catch up a little  
22 bit. We want to make enough time for our working

1 group to have our meeting, which will be after we all  
2 pick up our lunches.

3 So without further ado, we will now start  
4 our session with Cathy Seidel, who, as you all know  
5 and have heard many times during our sessions before,  
6 is the Bureau Chief for Consumer and Governmental  
7 Affairs, and she's going to fill us in on what they  
8 have been working on with the DTV transition. We  
9 want to welcome you. Thank you very much, Cathy.

10 DTV TRANSITION UPDATE

11 MS. SEIDEL: Thank you, everybody. I  
12 know your time here is precious and I know you've  
13 heard a lot already, that you've heard the Chairman  
14 and the Commissioner say what I would otherwise say.  
15 So my remarks will be fairly brief.

16 I did want to mention a couple things,  
17 though. First of all, I think it goes without saying  
18 -- and I think each of you understood this, too, but  
19 I do think time is of the essence to the extent  
20 people have suggestions for things that should and  
21 could be done with respect to DTV outreach. I know  
22 that to the extent that additional funding comes

1 through NTIA or the FCC, that's particularly  
2 important. But it's equally important that if  
3 additional funding is not made available or even if  
4 it is, what sorts of things could we and other people  
5 out there be doing to try to help ensure that that  
6 last piece of this process, whether it be on February  
7 18 or on June 13, occurs to help those who need help  
8 in installing their box or getting reception or  
9 figuring out why they can't get reception.

10 I think to the extent money is made  
11 available, that really helps a great deal, even if it  
12 doesn't -- throughout the country, we have over 3,000  
13 counties and we have over 50 states. We have so many  
14 local communities out there that are going to need a  
15 local presence to help them.

16 We're doing what we can -- the call  
17 centers, you heard the Chairman and the Commissioner  
18 mention -- to have the numbers for people to call.  
19 We're looking at ways we can enhance the information  
20 we're making available to the agents who are  
21 answering the phone, so that we can give them at  
22 least basic information to the extent we know it,

1 about what the coverage may be in their area. And  
2 then, as the Commissioner and the Chairman said,  
3 having a directory for the agents to use that will  
4 then direct them to the different local communities,  
5 community-based organizations that we're aware of,  
6 either because of the grassroots contracts that the  
7 FCC awarded or the NTIA grants that result in a local  
8 presence.

9           Then of course we'll be working with the  
10 broadcasters to see about a directory that we can put  
11 the numbers for consumers to call to find out about  
12 particular technical challenges or questions they  
13 might have about coverage or signal reception. The  
14 broadcasters are working on that, doing what they  
15 can. Some of the broadcasters may actually have  
16 numbers that they will be using for their viewers to  
17 call so they can get answers to the questions about  
18 why a particular consumer in a particular place may  
19 be having challenges.

20           Other broadcasters are working together  
21 with the state broadcasters and they have a single  
22 number for consumers in that state to call with those

1 types of technical issues. Again, we're enhancing  
2 the information we have available to our agents as  
3 well.

4 We also will have in there, as I think I  
5 just mentioned, a directory of the groups that we  
6 know of that are willing to go into the homes of  
7 people to help install the converter boxes and a list  
8 of help centers that are being established around the  
9 country by organizations to help consumers with the  
10 shift, with the digital transition and the shift to  
11 digital.

12 So those are some of the things we're  
13 doing, and that's on kind of the call center side.  
14 On the outreach side, I think the Commissioners  
15 alluded to the fact that we're already kind of  
16 evaluating the staff we have internally, getting  
17 another call for volunteers throughout the agency to  
18 see where we could possibly have even more people  
19 that we can put onto the boots on the ground effort.

20 That said, our agency isn't that big of  
21 an agency and I think that the Chairman said the day  
22 after he was named, he said that his priority, this

1 agency's priority, number one is digital TV, number  
2 two is digital TV, and number three is digital TV.  
3 So all of the available resources are being put on  
4 this. But when you're talking about the size of this  
5 country, the number of consumers that may potentially  
6 be affected, it goes without saying that we need the  
7 help and suggestions from people like you around the  
8 table of how do we find local community places that  
9 we can refer consumers when they really do need that  
10 last bit of help and it needs to be local.

11 So that's one thing. Suggestions you  
12 have on that, feel free to let Debby know and I'm  
13 sure she'll put together suggestions for the  
14 committee. But do know that individually if you want  
15 to share anything with me individually you are more  
16 than welcome to. We do value the input. To the  
17 extent there are things that we should be doing or  
18 could be doing -- I know if it's February 17th we  
19 have very little time, so I would welcome those  
20 comments whenever you want to send them. Even if  
21 it's June, we still don't have very much time. We  
22 need the bulk of your suggestions.

1                   As I said, on the money side, I'm sure  
2 everyone will have proposals for how to spend the  
3 money. But even if there's not money or even setting  
4 aside things we can do with the money, what  
5 suggestions do you have for what we could be doing to  
6 help reach these consumers? And really, not just  
7 reach them; I think there are many statistics that  
8 you've seen from whatever source that demonstrate  
9 that consumers are definitely aware of the  
10 transition. How do we help them get the boxes,  
11 install the boxes, and get good reception? That's  
12 the place where I really think the focus needs to  
13 shift.

14                   A couple of things. I think -- I  
15 actually think I had a few bullet points and I think  
16 I went through them. I really did want to kind of  
17 leave the rest.

18                   I should say to you the Chairman has  
19 identified Rosemary Harrold, who is in Commissioner  
20 McDowell's office, and is working with me and is  
21 working with Gary Epstein and others to really  
22 identify ways to enhance the call centers. So just

1 so you know, the Chairman and the Commissioners are  
2 all working together on this. Rosemary is focusing  
3 on that side to see what we need to do, do  
4 differently, and enhance. Then, as Commissioner  
5 Adelstein was saying, Rudy DeBuchais is working with  
6 us on outreach, both in terms of outreach and how we  
7 utilize external sources and contracting and the  
8 like, but also in terms of what our folks are doing  
9 and should be doing more of and whether we need to  
10 shift resources around.

11 We are looking at, too -- that reminds me  
12 -- how to focus those resources in terms of, okay, we  
13 have so many people out there, but are they in the  
14 right places. If there is a delay and certain  
15 stations go on the 17th of February, then we should  
16 be thinking about redeploying the resources that  
17 maybe were there into some of the areas that are  
18 going to go later.

19 So we are constantly looking at where do  
20 we need more help, where can we shift them, how do we  
21 get new volunteers. That is something that the  
22 Chairman's office is definitely focusing on as well.

1                   So with that, I'm happy to answer any  
2 questions you might have.

3                   CHAIRPERSON BERLYN: Cards are up and I  
4 apologize, I was busy writing, so I did not see the  
5 order. I have very good peripheral vision, but I did  
6 see Shirley's card went up. Her card went up when I  
7 went to the ladies room. I saw that happen. So  
8 Shirley is first, and then let's just go around the  
9 room. Sorry, Karen. But Karen's going to say thank  
10 you, I know. Right?

11                   (Laughter.)

12                   MS. PELTZ STRAUSS: I have a question.

13                   CHAIRPERSON BERLYN: We're going to go  
14 around the room. Shirley.

15                   MS. ROOKER: I really have a question  
16 that was just conveyed to me by my office. Ed in my  
17 office heard a report on the radio this morning about  
18 the impact of delaying the transition. Prince  
19 George's County indicated that the broadband that  
20 they have allocated, that they have a part of for  
21 emergency use, if the transition doesn't take place  
22 that they would not be able to test their broadband

1 for emergency use until next year.

2 It has to do with the leaves on the  
3 trees. Now, I'm getting this thirdhand, so if I  
4 sound stupid it's because I am.

5 But is there some comment on this? I'd  
6 never heard this before. Does it have something to  
7 do with the time of year?

8 MS. SEIDEL: Two pieces to it. I think  
9 the first piece is certainly to the extent the  
10 deadline shifts to June and the digital broadcaster  
11 chooses to go to June, chooses to wait until June, to  
12 the extent the public safety community is relying  
13 upon the February 17th date it would seem to me  
14 reasonable that they may have to wait until June.

15 Then if what they're saying -- and again,  
16 we have an engineer in the back; after I'm finished  
17 speaking, Julius is here and he can answer it for  
18 sure -- but presumably if the issue is then what the  
19 terrain is like and leaves on trees and all that kind  
20 of stuff, it means that from a practical perspective  
21 it's then later that they can actually start testing,  
22 I'm not sure. But I suspect it has to do with when

1 the broadcasters choose to go based on the fact that  
2 they might have that additional time.

3 MS. ROOKER: But it specifically  
4 mentioned the leaves on the trees.

5 MS. SEIDEL: We do have an engineer back  
6 here, so if you can hold on the leaves on the trees,  
7 we'll get to that. We'll get to the engineers.  
8 That's a good question, though. Thank you.

9 CHAIRPERSON BERLYN: Brandon.

10 MR. STEPHENS: One of the things that  
11 we've been trying to do, especially in my region, is  
12 put out some good information. There have been some  
13 newspapers and some radio stations that have  
14 contacted me about what's happening with the digital  
15 transition. They know I serve on this committee and  
16 that sort of thing.

17 One of the things I don't want to do is  
18 putting out the wrong information or information that  
19 can be taken the wrong way. Just any suggestions  
20 there for when that comes around? So some bullet  
21 points on the press kit? Because I know that now  
22 that all the activity has happened the newspapers are

1 going to call again.

2 Or when we're out there talking to the  
3 community, because we're going to obviously do some  
4 more focus groups now that we have some new  
5 information now?

6 MS. SEIDEL: That's a good point,  
7 Brendon, and Thomas is here, too, and he helps me  
8 oversee this committee. I think that's a very good  
9 point and to the extent there is a delay I know we  
10 will be putting together talking points for our own  
11 resources in the field to utilize, to help really  
12 clarify what the delay means for consumers. So to  
13 the extent we put those together, we'll also get them  
14 together to share with you.

15 I know you are incredibly fast at getting  
16 the word about what happens here, and a lot of times  
17 Scott's forwarding me the emails that all of you send  
18 and it's like within seconds of me finding out. But  
19 we will, when we have the information for our own  
20 purposes, share it with you.

21 A couple of things that I think our  
22 messaging needs to say if there is a delay, and the

1 people who have been working in the regions and  
2 around the country would emphasize this, is even if  
3 there is a delay it does not mean the broadcasters  
4 can't go early. As Lauri was saying before, they can  
5 go early. So in some ways the consumer needs to be  
6 aware of whether their stations are going to be still  
7 going on the 17th, and if they don't the more  
8 cautious approach is to prepare for the February  
9 17th; and that certainly preparing now doesn't --  
10 there's no disincentive to going ahead and preparing  
11 early.

12           From a personal perspective, we all know  
13 that consumers, or at least many consumers, are  
14 motivated by deadlines. I for one am trying to  
15 continue the agency with the messaging because  
16 whether it's June 12th or February 17th, we don't  
17 want consumers waiting until the last minute.

18           So one, the messaging should be it gives  
19 the stations the option of waiting until the 17th;  
20 consumers should still be prepared and look for those  
21 analog pass-through boxes, so whether they're talking  
22 analog or digital signals they're covered. That

1 would be I think what I we show.

2 CHAIRPERSON BERLYN: Thank you.

3 Charles.

4 MR. BENTON: I'm Charles Benton.

5 Cathy, first of all, thank you for all  
6 the efforts that you and your team have put forward  
7 on this under challenging circumstances at best.

8 I want to focus a little bit on the \$8.4  
9 million, the set of 12 grants made by the FCC, that  
10 was announced in the press on January 6th. The  
11 deadline for the RFP submissions on this was October  
12 21 and in fact I think our Chairman helped to move  
13 that deadline up so it would give more people a  
14 chance to apply. So the deadline for that was  
15 October 21.

16 It then took until January 6th to make  
17 decisions about this, which is about 10 weeks. Some  
18 of the groups, according to the indications, actually  
19 found out about their being granted the award from  
20 the press release. It was really, to put it mildly,  
21 surprising.

22 Anyway, the nine groups that -- the 12

1 grants, 3 of which are national plans, which were to  
2 the AARP for \$2.7 million, the Communications  
3 Services for \$1.1 million, and the Hispanic  
4 Information Telecommunication Network for 750,000.  
5 Most interesting to me was in the nine state, local,  
6 and regional plans, the first one on the list was to  
7 Pintech Corp for \$2.8 million, \$2.8 million, for  
8 doing the four-state region of Virginia, West  
9 Virginia, North Carolina, and South Carolina. All  
10 the other regional grants were under a quarter of a  
11 million.

12 So I've got some questions about this.

13 MS. SEIDEL: Are there any other  
14 questions?

15 (Laughter.)

16 MR. BENTON: And while we're being  
17 critical about this, because these are facts, how  
18 does one make the most of this and learn from the  
19 grants that have been made, rather than sitting here  
20 and trying to second-guess and judge the decisions  
21 that were made here and the lack of timeliness and  
22 all that, it's what to do with this going forward.

1                   With the idea of looking at February 17th  
2 as a way of learning lessons, here you've got a model  
3 in effect with Virginia, West Virginia, North  
4 Carolina, and South Carolina really, from which you  
5 could really learn important lessons there in place  
6 that could be then vetted out in this noncompetitive  
7 -- Ken's organization, where there's 11,000, how does  
8 one take the lessons learned here in 2-17 and apply  
9 these looking towards June 12th?

10                   So if you could talk a little about this  
11 and about how you can make a silk purse out of a  
12 sow's ear? How can you build from this reality base  
13 of these \$8.4 million grants, which I assume is part  
14 of the \$20 million that you got from Congress. I  
15 don't know how much of that -- how much of that \$20  
16 million is left, has not been spent?

17                   MS. SEIDEL: I can't tell you that  
18 answer, but I can tell you if you look at the call  
19 center contract -- and please don't quote me on this,  
20 but I think the grassroots and the call center I  
21 think were --

22                   MR. BENTON: That's IBM, right?

1 MS. SEIDEL: Right. So take that and you  
2 take the grassroots, you're getting pretty darn close  
3 to 20.

4 MR. BENTON: Right. So what can you  
5 learn from this short-term to apply to the second  
6 transition? That's my question.

7 MS. SEIDEL: I think rather than talking  
8 about how the decisions were made about the  
9 grassroots, which I think plenty of questions have  
10 been asked -- there are questions internally. But I  
11 think really your point about, okay, they're there,  
12 how do we capitalize on them and direct them into the  
13 proper direction based on the constraints that exist  
14 or the context that exists vis a vis the contract  
15 that was awarded?

16 But I think certainly the solicitation  
17 was aimed at trying to reach people who are harder to  
18 reach and to help them and give them assistance to  
19 actually go and get the box and prepare. So I think  
20 our focus is continuing to encourage the entities who  
21 are working with us to do as much as they can in  
22 terms of walk-in help centers, and many of them are

1 providing those, and to do as much as they can in  
2 terms of installations in home.

3           So I think what do we do? We continue to  
4 work with them and continue to work in that  
5 direction, and to the extent they are doing phone  
6 centers continue to make sure that they're providing  
7 the best messaging possible based on the information  
8 we have, the information that we're gaining every  
9 day, and certainly information if there is a delay  
10 about what happens on the 17th in any event, and  
11 incorporating that into the messaging.

12           So I think it's kind of going forward. I  
13 will say, to the extent -- I think Tony was saying  
14 too that there is a very, I think, close dialogue  
15 between agencies and others about to the extent there  
16 would be funding, additional funding made available,  
17 ways that that could be spent in the most productive  
18 way, in the most efficient way.

19           I think some of what has happened in what  
20 this initial round of contracts, certainly some of  
21 the things we've learned, seeing questions we've had,  
22 questions the contractors have had, will all play

1 into hopefully doing it even better the next go-round  
2 if that's the route that's taken.

3           That said, in fairness, I will say that  
4 both -- and I think you alluded to it, too, and maybe  
5 somebody else did. The preparation of the  
6 solicitation for those grassroots contracts -- the  
7 grassroots, that came out of Wilmington and the fact  
8 that we recognized very early on that a local  
9 presence, people actually in the community to help  
10 those that need it, is truly one of the most  
11 important elements to the transition. So those  
12 contracts really did fall mainly out of that.

13           So I think we're trying to learn from  
14 what's happened in terms of transitions that have  
15 taken place and the questions we receive from  
16 consumers. Then I think we're trying to learn from  
17 the people that are helping us here with contracts  
18 and also working closely with Tony about how their  
19 grantees are helping them, so that we figure out the  
20 most productive way going forward to really  
21 capitalize on what we have learned.

22           But I think your point is well taken. I

1 don't know if I've answered your question.

2 CHAIRPERSON BERLYN: Charles, just to  
3 plug in on that, more on the process, we might  
4 actually compliment ourselves, the CAC, on the fact  
5 that those contracts actually happened, because that  
6 was a recommendation of the CAC, that that actually  
7 happened. Way back when, I don't know -- Scott and I  
8 were just talking about when that was. It was maybe  
9 some time early last year that we recommended that  
10 something like that take place. So that was a  
11 recommendation of the CAC at one time, that the FCC  
12 reach out and provide some support for that.

13 MR. BENTON: Plus the funding, of course.  
14 Details, details.

15 MS. SEIDEL: If I might, if I might  
16 interrupt, that does bring us back to a point, too.  
17 We did the solicitation in anticipation of the  
18 additional funding being made available. So just to  
19 be clear, that \$20 million -- somebody else around  
20 the table can maybe help me -- it was very late in  
21 coming actually to the door, to the FCC. So even if  
22 we had wanted to and even if in the process we were

1 ready to do it in November and December, we couldn't  
2 have.

3 CHAIRPERSON BERLYN: Harry.

4 MR. ROESCH: In lessons learned, in what  
5 everybody did down there in Wilmington, do we have  
6 any understanding of the issues that are common to  
7 what was tried to be implemented and what can be done  
8 better? I haven't heard anything yet.

9 MS. SEIDEL: I think there are a couple  
10 of pieces to that. One, as I said before, helping  
11 the grassroots and community organizations and local  
12 centers. I know people don't always want to hear  
13 that, but that's the reality.

14 The other piece is the importance of the  
15 relationship with the local broadcasters. It's  
16 absolutely critical. In Wilmington there was an  
17 excellent relationship, in Hawaii as well, a very  
18 excellent relationship with the local broadcasters.  
19 So that there was very good communication and very  
20 good support, and I think it was invaluable.

21 I think that is probably -- those two are  
22 the key lessons learned I think that came out of both

1 transitions.

2           Thirdly, we did get a fair amount of  
3 data, if you will. We tracked pretty granularly the  
4 calls that came into our call center after Wilmington  
5 and after the Hawaii transition to see what were  
6 consumers telling us, what were they asking us or  
7 what were they telling us. The information I think  
8 is available on our web page. There was a press  
9 release after Wilmington. Hawaii, I don't think I've  
10 seen it yet.

11           But it basically told you, okay, how many  
12 of these consumers just weren't aware of the  
13 transition, how many of them couldn't get a converter  
14 box or hadn't gotten their coupon yet, how many of  
15 them had trouble installing their converter box, and  
16 how many of them just couldn't receive a signal.

17           Interestingly, the same categories of  
18 questions have arisen at the Wilmington transition,  
19 the various soft tests around the country, and after  
20 the Hawaii transition. So one piece of it is it's  
21 been consistent along the way, and what varies is the  
22 percentage of people who have an issue with getting

1 the coupon, which is -- not issue in terms of  
2 actually getting the coupon, but whether they've  
3 applied for it and gotten it back and actually  
4 redeemed it kind of thing; and then the reception  
5 issues.

6           Initially with Wilmington, the consumers  
7 would report reception issues -- and I think this is  
8 important to note -- but it really wasn't always a  
9 reception issue; it was that the consumer hadn't  
10 quite scanned or rescanned after adjusting the  
11 antenna, they didn't quite have their box set up  
12 properly, they forgot to put the antenna back in.  
13 There were things like that.

14           But our messaging has also evolved as  
15 we've heard from consumers. There was one day when  
16 multiple agents heard from consumers who their whole  
17 problem was that they really had not unwrapped the  
18 battery that went into the converter box remote.  
19 Well, you know, when you start hearing it from a few  
20 people, it sounds silly, but it's a problem. If you  
21 look at those, the plastic is wrapped very tightly.

22           So what did we do? We have it on the

1 troubleshooting tips. So if you -- oh, that's the  
2 other thing in terms of input to this process. If  
3 you are hearing from consumers about particular  
4 issues they have that you think would be good tips  
5 for us to use both through our agents answering the  
6 phones and then also through the people on the ground  
7 or through or publications or Internet site, we would  
8 welcome those.

9           There have been things that people around  
10 this table have told me that have caused us to evolve  
11 our messaging, add FAQs on the web page, or put out  
12 an advisory to help consumers.

13           So I do invite you all to provide that  
14 input as well.

15           CHAIRPERSON BERLYN: Great. Thank you.

16           Brenda, you did have your card up  
17 earlier. Do you still have a question?

18           MS. PENNINGTON: No, that was from the  
19 last.

20           CHAIRPERSON BERLYN: Okay, all right.

21 Thank you.

22           Karen.

1 MS. PELTZ STRAUSS: I have a question  
2 about captioning again, and actually specifically  
3 about the call centers. One of the things that we  
4 think would be very, very helpful would be to have  
5 dedicated staff to specifically answer captioning  
6 questions and to specifically publicize a number  
7 specifically for captioning -- and video description;  
8 I should say "pass-through questions."

9 These are very unique. I am sure they're  
10 coming in, but I'm sure they're getting lost because  
11 they're so highly technical. So I'm asking you for a  
12 commitment right now, because if you don't --

13 MS. SEIDEL: Because I have that  
14 authority.

15 MS. PELTZ STRAUSS: Because you have that  
16 authority and you have the support of the Chairman --  
17 you do have the authority -- and because if you don't  
18 -- we have a resolution later on other matters than  
19 captioning. It's not in there, but if you can't give  
20 me the commitment or you think that we need to pass  
21 the resolution, we'll add it in, because until we  
22 have dedicated staff dealing with these issues we're

1 not going to -- we heard this morning we're going to  
2 get a technical group.

3 We actually have a person out there.  
4 She's not at the table here. You may have heard her  
5 name, Dana Mulvaney, who has become basically the  
6 nation's investigator of these issues and has a whole  
7 list of troubleshooting issues.

8 She has a whole list of troubleshooting  
9 tips that she has gathered. We can get those to you.

10 MS. SEIDEL: If I might interrupt, I  
11 think your point is a really good one. The first  
12 question I have -- and I know if Rosemary Harrold  
13 were here she'd ask the same thing -- do you really  
14 mean we need to have a separate number that then  
15 would have to be publicized? Or if what you mean is  
16 somebody who has a captioning issue, there's an  
17 opportunity for them early on to indicate when they  
18 call our toll-free number that they have a captioning  
19 issue and that that call would go to a dedicated  
20 staff of people who are well-versed on captioning  
21 issues?

22 Like the numbering thing, I always hear

1 from Debby and other people too many numbers actually  
2 has a negative effect.

3 MS. PELTZ STRAUSS: Let me talk it over  
4 with --

5 MS. SEIDEL: Okay.

6 MS. PELTZ STRAUSS: -- the other  
7 representatives of people with disabilities. My  
8 concern is that the questions have been getting lost.  
9 So if, I suppose, staff as soon as they hear "closed  
10 captioning" immediately say, okay, you're being  
11 transferred, then that may suffice.

12 MS. SEIDEL: I think that makes a lot of  
13 sense and I suspect others will here, too. But I  
14 will take it back, and she can get back to me on the  
15 number, but I suggest making sure the -- I talk too  
16 fast, too -- making sure the staff is dedicated and  
17 well trained.

18 MS. PELTZ STRAUSS: Okay, thank you.

19 MS. SEIDEL: You're welcome.

20 CHAIRPERSON BERLYN: I actually have my  
21 card up and I do want to ask you a question, Cathy.  
22 In the final days of the former Chairman there was an

1 award given to IBM of \$12 million for call center  
2 operations to enhance the FCC's call center. I know  
3 it was specifically geared toward the original, the  
4 current and original transition date of February  
5 17th.

6 My question is how does that work, and if  
7 there is a delay in the date how will that be  
8 adjusted. I think also as a follow-up question to  
9 maybe what Karen has asked, that's a lot of money and  
10 can we do things to enhance our capabilities to  
11 address some of these issues that are outstanding?

12 MS. SEIDEL: A couple of things on that.  
13 I think the contract that was awarded certainly did  
14 anticipate the February 17th deadline. To the extent  
15 there is a shift in the date, I'm told that there are  
16 provisions for the contractor to continue to provide  
17 service. But the issue is how far that -- 12.4 was  
18 it -- how far that \$12 million goes? So in other  
19 words, it depends on the volume of calls and how you  
20 spread your agents.

21 So I think right now we're working toward  
22 February 17th. If the date changes, people are

1 actively figuring out, okay, what does that mean for  
2 the call center. I think an obvious -- at least my  
3 obvious reaction is it means there's going to have to  
4 be new money there. I think even if you spread  
5 people as much as you can, I think there will be a  
6 need for more money to staff the call center if  
7 you're talking four more months.

8           The other piece of it is that award was  
9 to supplement -- we have about 60 to 70 employees on  
10 the phones. We also have about 136 contractors in  
11 place today that are answering the 1-888 toll-free  
12 number and our TTY number. We knew that even if we  
13 expanded as much as we could physically, both in  
14 terms of seats and in terms of our own networking  
15 infrastructure, we would need more help to handle the  
16 volume of calls.

17           So that's when the contract went out. It  
18 was awarded to IBM. If I'm not mistaken, the  
19 contract anticipates being able to handle so many  
20 agent calls. Again, it gets kind of complicated  
21 whether you're talking agents in their seat at any  
22 given time or agents in the seat at the busy time.

1 It really does vary.

2 But it would not -- even that amount is  
3 not nearly enough to handle the volume of calls that  
4 are being expected, which is somewhere between \$1 and  
5 \$2 million within the week of the transition. It's  
6 phenomenal call volume. Practically no call center  
7 anywhere around this you can handle that call volume.

8 So it was very fortunate that the  
9 industry has stepped up, NAB, the Cable Television  
10 Association, satellite companies, to actually create  
11 and staff a separate organization that probably will  
12 be -- and I'm speaking a little bit out of school  
13 because it's their center, and anybody can jump in  
14 here since they're here -- but I think over 6,000  
15 agents to handle calls as well. So between their  
16 agents, our agents, it's a significant step in the  
17 right direction in terms of being able to field what  
18 we think will be the volume of calls.

19 So we are fortunate that that's  
20 occurring. Then just to be clear, from what the  
21 Chairman said -- and I mentioned before Rosemary  
22 Harrold's involvement -- there's absolutely no

1 question that the industry call center, the FCC's  
2 call center, and the NTIA call center will be very,  
3 very, very closely coordinated, integrated, and I am  
4 confident that the experience the consumer gets will  
5 be a smooth one. We're endeavoring to do what we can  
6 to make sure that not only do we tell them as much as  
7 we know, but be able to give them numbers, as I said,  
8 for either people to help them install the box or  
9 local folks who can tell them what kind of challenges  
10 they may be having technically and whether and how  
11 they might fix them.

12 One of the things, too, since you're all  
13 people with a consumer focus, we really are in our  
14 messaging also trying to make sure that there isn't -  
15 - that consumers aren't misled into thinking that  
16 they need to do or buy things if it may or may not  
17 help them. So for example, I think what we're trying  
18 to do is gather more information internally, share it  
19 with the people who are on the ground about, okay, is  
20 a brand-new antenna really going to help you?  
21 Ideally, if it does, great. But there may be some  
22 consumers really that are so far outside the reach of

1 that digital signal that a newer or better indoor  
2 antenna isn't going to help them and perhaps an  
3 antenna on the roof isn't going to help them. The  
4 last thing we want is that consumer going out, buying  
5 a new antenna, and having the new antenna installed.

6 So we're trying to get information so  
7 that the consumers really have everything that would  
8 be helpful to them in their decisionmaking. That's  
9 just another piece of this.

10 CHAIRPERSON BERLYN: Very good.

11 Thank you so much, Cathy, for your time.

12 Ken, you have a quick follow-up?

13 MS. SEIDEL: No, he was going to tell me  
14 "thank you."

15 (Laughter.)

16 MR. McELDOWNEY: I guess I do have a  
17 question. Since we're all sort of thinking about  
18 outreach and the community-based education, I'm  
19 wondering which of the excellent publications on the  
20 web site are available for free in printed versions,  
21 I guess. I couldn't really tell from the web site  
22 what can be ordered.

1 MS. SEIDEL: And it's because it isn't  
2 there. But so far, Ken, we can tell you that any  
3 organization so far that has called us and said, can  
4 you send me X number of publications in this  
5 language, we have been able to do it for them at no  
6 cost. Now, that's not to say if you tell me you're  
7 going to hand out two million copies that there might  
8 be a charge. But for the most part we're doing what  
9 we can, because you are helping us and we know that.  
10 So to the extent we can, we try to make them  
11 available to you.

12 I should mention too that we are working  
13 to enhance the web page. We are looking at ways to  
14 make it more user-friendly, not just for the  
15 consumers that have the unit because that's the bulk  
16 of the consumers and probably they're the ones  
17 worried about it, those who have the unit, but people  
18 who help them. So that's why we want to make sure  
19 that it's user-friendly and we are going to make  
20 enhancements to make it even more user-friendly and  
21 add even more valuable information to the consumer in  
22 terms of coverage and technical issues as well.

1                   MR. McELDOWNEY: I guess the other part  
2 of it then would be, if in fact we were thinking  
3 about doing a proposal in which we needed several  
4 hundred thousand copies of 10 or 20 different  
5 publications, is that something you could meet or is  
6 that something we should include in the proposal?

7                   MS. SEIDEL: Here's what I would tell you  
8 based on the past life of looking at the proposals.  
9 If I were you, I would include your proposal both  
10 ways: if you make them, what you think the charge  
11 will be; and if you don't. That way, you don't have  
12 to go back and forth with mods or anything like that.  
13 At least that's what I would do.

14                   MR. McELDOWNEY: Thanks.

15                   CHAIRPERSON BERLYN: Cathy, I just want  
16 to thank you for not only your time today, but all  
17 the time that you do spend on this.

18                   MS. SEIDEL: Thank you. thank you all.

19                   CHAIRPERSON BERLYN: You've spent the  
20 past couple of years on this and we really appreciate  
21 it. Thank you so much.

22                   MS. SEIDEL: Thank you. I really do look

1 forward to your input. Thank you.

2 (Applause.)

3 CHAIRPERSON BERLYN: Stay in your seats,  
4 because I know you're ready to jump. We have two  
5 guests that I want to make sure we give fair and  
6 adequate time to, who are going to quickly talk about  
7 their efforts at the grassroots. You've heard  
8 reference to this all morning: the Leadership  
9 Conference on Civil Rights and the National  
10 Association of Area Agencies on Aging, NAAAA.

11 I want to invite our two guests to join  
12 us at the table. We have a mike here, and is there  
13 another mike at the table that's open? Both of you  
14 come on over here.

15 They're going to tell us about their  
16 programs that have been funded by NTIA that Tony  
17 mentioned, as well as Chairman Copps mentioned as  
18 well. We're going to have them quickly tell us about  
19 their programs that have offered some boots on the  
20 ground efforts on DTV in some of the areas of the  
21 country. Then we will talk about how we're working  
22 our agenda for the balance of the day.

1                   So thank you both. Which one of you  
2                   wants to go first? I'll introduce you. Erica?  
3                   Erica Swanson with Leadership Conference on Civil  
4                   Rights. Thank you, Erica.

5   DTV GRASSROOTS ACTIVITIES

6                   MS. SWANSON: Thank you. Again, my name  
7                   is Erica Swanson, with the Leadership Conference on  
8                   Civil Rights. We are a national civil human rights  
9                   coalition of about 200 national organizations that  
10                  really span the breadth of the civil and human rights  
11                  coalition today in the 21st century. Many of you  
12                  probably know my channel Mark Lloyd, who has worked  
13                  with many, many of you.

14                  I'm here today because I have a  
15                  grassroots background. I am an organizer and am  
16                  helping to lead our public education campaign, to not  
17                  only educate people about the transition, but to  
18                  prepare them and provide that direct assistance.

19                  Somebody mentioned it earlier today that  
20                  we've seen for some time that there is a large gap  
21                  between awareness and action, but we've done a really  
22                  good job working together to raise awareness levels

1 across impacted communities. Again, we come to this  
2 because of the communities who will be most impacted  
3 by this transition.

4           What we know is that people really need  
5 assistance identifying what their three options are  
6 and how to get that coupon and how to get that  
7 converter box installed. So the Leadership  
8 Conference on Civil Rights was very pleased to be  
9 able to partner with NTIA, receive an award from  
10 NTIA, right before the holidays. The timing of that  
11 has been challenged. People have talked about the  
12 timing issue certainly. This has been a very, very  
13 fast get up and going campaign to get those boots on  
14 the ground.       We're very pleased to work with NTIA  
15 and NAAAA and others in this work.

16           What I'm passing around is a little bit  
17 of a description of some of the work that we are  
18 doing in our seven cities. I just want to quickly  
19 talk about the work we're doing in our seven cities,  
20 what those primary elements are. I want to share  
21 with you some of the on-the-ground perspectives, what  
22 we're hearing from people who are impacted by this

1 transition, the questions they're having, the  
2 concerns they're raising, the barriers they are  
3 facing, and then from that a few recommendations.

4           So our campaign is in seven cities. We  
5 really had to focus in, given the timing, given the  
6 resources available, and figure out where there was  
7 great need, where there were communities that we  
8 could work with and that were impacted, and we were  
9 able to get up and get going very quickly. That was  
10 probably the primary thing, that we could get going  
11 very quickly.

12           So we're in seven cities. You see that  
13 little star. It's Atlanta, it's Detroit,  
14 Minneapolis-St. Paul, Portland, San Antonio, the Bay  
15 Area, and Seattle-Tacoma. In each of these cities we  
16 have an on-the-ground coordinator, somebody who comes  
17 from an organizing background, who has a coalition  
18 approach, who is helping to work with the various  
19 entities in that city who are stakeholders and  
20 impacted population providers.

21           So they're working with the FCC  
22 coordinators, they're working with the broadcasters

1 and public television stations, they're working with  
2 city agencies and local leaders and service providers  
3 and community-based organizations. They're working  
4 with the affiliates and partners that are local on  
5 the DTV transition coalition.

6           So those coordinators are really helping  
7 us very quickly map out the various parts of a  
8 campaign in that city so we can be as strategic as  
9 possible in that collaboration. I'll talk about this  
10 in just a second, but what we know is that there are  
11 a lot of people out there doing a little bit of work,  
12 and what we really very much need to do at that local  
13 level is figure out how we pull it all together so  
14 we're putting those puzzle pieces together in a way  
15 that helps the people that that we really want to  
16 make sure we're helping.

17           So we have coordinators. We have  
18 assistance centers. In each city we have on average  
19 two assistance centers. These are community-based  
20 organizations who have expertise at reaching one or  
21 more of the impacted populations. They're targeting  
22 these populations with aggressive programming and

1 outreach and assistance. Some of them are really  
2 very much drop-in centers, where people can come in  
3 and ask their questions about the coupon program or  
4 the converter box. Others are very focused on  
5 providing training and teaching people how to install  
6 the converter box, so they can go out and help people  
7 where they are.

8           We also have partners on a whole range of  
9 levels. That's how we're accomplishing breadth with  
10 this campaign. These are the community-based  
11 organizations who with a little bit of some modest  
12 resources and support, some training, some materials,  
13 and some financial support, can do a range of  
14 activities, that scan that apply, buy, and try series  
15 of activities. What can we do to broaden that table  
16 of folks that are able to do that work at the local  
17 level?

18           Then, very importantly, we're working  
19 with ethnic media. We are pulling together ethnic  
20 media who work in print, who work in radio, on line,  
21 television, to make sure that we're hearing from them  
22 what they can do to help reach the communities that

1 they reach so effectively and see what we can do to  
2 help them in that endeavor. So we're really trying  
3 to put together those pieces again to be as strategic  
4 as possible.

5           Those are the various pieces. What I  
6 have sent around is a list of those seven cities of  
7 our local coordinators. So before I go further I  
8 would just make an ask: that if you are in any of  
9 these seven cities, if you have affiliates, members,  
10 or networks in the seven cities and if any of your  
11 people are doing work or if any of the people you  
12 know would like to do work we would like to  
13 coordinate with you. We'd like to know what it is  
14 that you're doing, share with you what we are doing,  
15 and see how we can put the pieces together.

16           I think that the call centers especially  
17 are a really important way that we can share that  
18 resource. We'd love to know what the cultural  
19 competency, for example, is of those call centers,  
20 how we can help shape that, and then also how we can  
21 promote that and, if possible, be a local partner  
22 when what you need is somebody who can go out and be

1 boots on the ground coming out of those calls. So I  
2 think a lot of opportunity among those seven cities  
3 for sure.

4           What we're hearing back, the local  
5 perspectives. There are probably three, three  
6 primary general, I guess I would say, areas of  
7 feedback we're receiving. The first is that people  
8 are very eager to work together. There are very  
9 strong local networks that are developing and  
10 communities are thirsty for this local help. It is  
11 one thing to know that there's a national campaign  
12 and a federal transition going on, but when somebody  
13 knows that their church, that their school, that  
14 their PTA or their local branch of NAACP is working  
15 on this issue, it really becomes much more real to  
16 them and is much more accessible. So people are  
17 really thirsty to work together and to make that be  
18 local.

19           Second, people are very pleased with the  
20 potential delay. We are just trying to get our heads  
21 around what this means for our work and how we can  
22 adjust. But we know in those conversations people

1 are having with consumers that this is going to give  
2 people more time to get prepared. We don't want to  
3 lose that sense of urgency. I think I understand  
4 this rolling transition is going to they're going to  
5 maybe lose one station at a time, but they're going  
6 to get it. But it gives us some time to take that  
7 pressure off, that February 17th all or nothing  
8 aspect to it.

9           People are very, very pleased that there  
10 are fixes to the coupon program. The expired coupons  
11 issue has been a very, very serious one for many in  
12 our communities, so they're very pleased to see those  
13 fixes.

14           Then third, this issue, as many of you  
15 know, is being seen by community organizers and  
16 community organizations as an issue of economic  
17 justice and media justice, and they're really using  
18 that in their work as a gateway to talk about other  
19 issues that many of us care about, including  
20 broadband deployment and full access to  
21 communications issues.

22           People are very eager to work on this

1 issue. It is about helping their members, so it's a  
2 membership service issue. But it's also a gateway to  
3 issues about communications access issues. So there  
4 are people out there who are eager and hungry to do  
5 the work, but we really think that's the most  
6 important reason to do it.

7           That said, there are a number of areas of  
8 concern and barriers. The first is just in the  
9 general area of confusion. I think you may have  
10 heard it as well, but the questions and the confusion  
11 is really ranging across the apply, buy, and try  
12 types of questions and areas. But there's a lot of  
13 confusion about the coupon program: Do I have to use  
14 a coupon in order to get a converter box? Can I use  
15 two coupons together?

16           We've been talking about that for quite  
17 some time, but it just takes repetition. It just  
18 takes people having somebody who they trust in their  
19 community who they can ask those questions to.

20           There's a lot of confusion about  
21 antennas: Do I need to use an antenna? Do I need to  
22 get a bigger antenna? Will my antenna work? I heard

1 that my antenna won't even work. So what are things  
2 people need to make a decision about that equipment?

3           There are some real urban myths out there  
4 about things like who's eligible for coupons. So if  
5 I don't have a land line, if I only use a cell phone,  
6 can I get a coupon? Because when I go through the  
7 prompts now at the NTIA number, I get a different  
8 kind of response. So when we hear that, that's  
9 helpful to us. We can ask NTIA and they can help  
10 explain that to us, we can go back and we can explain  
11 it in very accessible language, who is eligible, who  
12 you do, what it means that you go to that prompt and  
13 how to navigate it.

14           But really, helping to dispel some of the  
15 urban myths it requires that you're on the ground  
16 listening to people and that they're in a position to  
17 share that information back.

18           There's also some urban myths out there  
19 about, and concerns about, information policy, for a  
20 lot of the reasons you would understand and expect.  
21 With a federal coupon program, people just have a lot  
22 of questions about what happens with all that data

1 that is collected. So again, a reason why it's  
2 really important to work with trusted messengers in  
3 these communities.

4           Maybe two other areas of barrier concern  
5 we're hearing. There are a lot of people asking why.

6       Not just why, what does it mean that there's this  
7 analog-digital spectrum shift and what's going to  
8 happen with analog, but why is this happening, who is  
9 benefiting from it, who's profiting on this, and why  
10 is it costing me money? What is it costing me, the  
11 individual consumer, money to make this transition?

12           So that's just a very big concern, and it  
13 just requires that when you're having these  
14 conversations and helping consumers work through  
15 their options you just have to -- you have to work  
16 with people who can listen to that for a few minutes,  
17 then help them figure out what's the least expensive  
18 of the options that they can choose going forward.

19           My boss, Ed Henderson, would say that in  
20 these economic times that we're facing any money that  
21 people have to spend out of pocket can be a real  
22 burden, and if you're talking about, especially now

1 that we are currently with this coupon program, \$40,  
2 that \$40 could be a good chunk of my grocery budget  
3 for this week, and that's a decision that's very  
4 tough for a lot of families who are on that border to  
5 make, between groceries or health care and continued  
6 access to television.

7           The other thing I would say that we're  
8 really hearing is that there is overwhelming need.  
9 There are people out there who are really very  
10 thirsty for all this kind of support. We are finding  
11 that as our organizations, our assistance centers --  
12 we have 18 assistance centers now that are  
13 established -- as they're out there announcing that  
14 they're there to provide this work, this support, in  
15 many cases the immediate need is overwhelming their  
16 capacity almost immediately.

17           One example, we did a press conference in  
18 Minneapolis two weeks ago. Immediately after that  
19 press conference, within 24 hours they'd received 400  
20 phone calls to this small nonprofit organization that  
21 works on a range of issues and it has support to do  
22 DTV assistance, but was not prepared to take 400

1 phone calls on one day.

2                   So what we know is that some resources  
3 can go a long way, but we really need to have a  
4 better idea about who else is out there who can do  
5 this and how we can do it in a less piecemeal  
6 fashion, if I could say it that way. There are a lot  
7 of phone numbers out there that people can go to for  
8 different types of assistance, and that's important  
9 because you can't have a cookie-cutter approach in  
10 providing assistance to those people. Those in the  
11 deaf and hard of hearing community really need  
12 assistance that may come from certain service  
13 providers within that community. Those who speak  
14 languages other than English need that service  
15 assistance provided in those languages by people who  
16 maybe they've worked with on other issues and have a  
17 relationship with.

18                   So coming out I think our recommendations  
19 would be, one, that there continue to be support and  
20 resources to local partners, who are these trusted  
21 messengers, who have these relationships and can do  
22 it in ways, can provide assistance in ways that are

1 culturally specific and appropriate, not just to that  
2 local community but also to those constituencies that  
3 are really impacted.

4           Second, that there be really strong and  
5 visible leadership and coordination at the federal  
6 level. That's something that we're very hopeful  
7 about what could be happening here in the next few  
8 days as we identify what comes out of a potential  
9 date change.

10           Then third, that we work together outside  
11 the Beltway as well, and that's something that NAAAA  
12 and we are committed to doing. But how can we take  
13 this coordination and make sure it's happening  
14 regionally, make sure it's happening locally? Having  
15 a coordinator, somebody who can be there to help map  
16 it out and figure out what the collaborations are,  
17 has been incredibly helpful and one of the most  
18 valuable things that we've really seen coming out of  
19 this project. We want to make sure that LCCR and  
20 NAAAA are working with the FCC awardees as well at  
21 the local level. We're continuing to work with the  
22 FCC coordinators and the broadcasters, all the

1 various players, so that we aren't duplicating  
2 efforts and we aren't on each other toes, but are  
3 putting it together in a way that again delivers the  
4 best assistance to the most people in these  
5 communities that we can.

6 So again, thank you for your time. Thank  
7 you for listening to what it is that we're collecting  
8 by way of feedback from folks on the ground, and we'd  
9 really ask if you have networks and leaders in these  
10 seven cities that you be in touch with our  
11 coordinators and find ways we can work together.

12 CHAIRPERSON BERLYN: Excellent. Thank  
13 you so much, Erica.

14 Teresa Lambert is working with NAAAA and  
15 with a coalition of aging organizations. So thank  
16 you so much, Teresa.

17 MS. LAMBERT: Thank you. I want to thank  
18 you for the opportunity to come here today and sort  
19 of break into your agenda and have an opportunity to  
20 share with you a little bit about what we are doing.

21 We have a grant, as you know, \$2.7  
22 million from NTIA, and while NAAAA is the primary

1 grant recipient, we are working with eight other  
2 national aging associations. I want to talk a little  
3 about who they are and what we're doing in a moment.

4 But our focus really has been and continues to be on  
5 the vulnerable older persons who we know are going to  
6 be very likely unable to be involved in getting a  
7 coupon by themselves, installing it -- getting a box,  
8 installing that converter box.

9 So our focus is really on these  
10 vulnerable population groups of older persons, not  
11 the healthy, robust, running 20 miles a day senior  
12 who's really able to do this, but more the most  
13 vulnerable populations.

14 We are really looking at education and  
15 outreach that takes advantage of our particular niche  
16 in society and our particular vehicles for  
17 communicating with seniors, which go beyond the kinds  
18 of more underground or local than what's been done by  
19 FCC or NTIA, which has been remarkable, but trying to  
20 reach these vulnerable population groups through some  
21 of our own vehicles of communication, but, more  
22 importantly, also looking at how can we really

1 provide them that one-to-one assistance that they're  
2 going to need to make this transition successfully.

3           We started out by looking at our  
4 locations, where we wanted to have grants on the  
5 ground in the communities around the country.  
6 Obviously, we started with the red zones NTIA had  
7 identified for over-the-air broadcasting. But we  
8 also added to that some of our own criteria that we  
9 thought was terribly important. One is the areas  
10 where we have high minority or non-English speaking  
11 concentrations of older persons; rural and frontier  
12 areas, because we know very well that those areas are  
13 often somewhat neglected; our focus where we have a  
14 particular niche that many others don't have, and  
15 that is homebound, because we're in the homes of  
16 seniors providing services to those who are  
17 homebound.

18           So what are we doing and who are our  
19 partners? Put very simply, we are mobilizing the  
20 aging service delivery system to do this very  
21 activity. The service system is comprised of various  
22 levels. It's been around since 1965 with the passage

1 of the Older Americans Act. This service system  
2 really has, as I say, various levels, and I will talk  
3 about that, and there are partners involved with us,  
4 national partners across these various levels of the  
5 system.

6           There's the infrastructure level, there's  
7 the service provider level, and then there is the  
8 consumer level. I'll talk a little bit about each of  
9 those so you understand what we're trying to  
10 accomplish and how we're doing it.

11           In terms of infrastructure, there are two  
12 primary kinds of organizations that serve in the  
13 field as those foundational elements for the  
14 infrastructure. One are state agencies on aging.  
15 Those state agencies have as their representative as  
16 our national partner the National Association of  
17 State Units on Aging. These are state departments or  
18 offices on aging around the country.

19           We work with them, not so much with the  
20 agencies, the state departments on aging that have  
21 area agencies who we represent, but rather for those  
22 state agencies that do not, and there are nine state

1 agencies that do not have area agencies, which means  
2 they operate both as a state agency and as a  
3 community agency contracting for services. NASUA,  
4 which is their representative, a member organization,  
5 has given grants to three of those agencies -- South  
6 Dakota, Nevada, and the District of Columbia -- and  
7 they are mobilizing for statewide outreach and one-  
8 to-one assistance. So there will be three states in  
9 which we have statewide coverage.

10           The National Association of Area  
11 Agencies, which is my organization, represents that  
12 component of the infrastructure that is really on the  
13 ground. These are either citywide or multi-county or  
14 county-wide, most often multi-county, agencies that  
15 are responsible for developing and funding services  
16 for older persons. There are 650 area agencies  
17 across the country, as well as 240 Native American  
18 aging programs, which also are members and are  
19 involved with us. We have thus far funded 70 area  
20 agencies on aging and about 10 Native American aging  
21 programs. So we are moving forward.

22           These are the infrastructure. Below or

1 moving down the scale or down the hierarchy, if you  
2 will, the next level are the service providers. Most  
3 of our folks contract with service providers to  
4 assist older person for a couple of reasons. One, to  
5 provide services and programs that help them remain  
6 healthy, well, engaged in society, and for those what  
7 are more frail, more vulnerable, to help keep them  
8 out of unnecessary institutionalization, delaying or  
9 avoiding institutionalization. So we are very much  
10 into homes doing that kind of work.

11           The provider organizations include, at  
12 the national level our partners are the National  
13 Council on Aging, who represent a number of service  
14 provider groups, but most specifically for this  
15 purpose the senior centers around the country -- as  
16 you all know, there are thousands of senior centers -  
17 - the National Association of Nutrition and Aging  
18 Service Programs, which is an association that  
19 represents those meals programs that are conducted at  
20 community locations. We call them "congregate  
21 meals." That's our jargon there. They're  
22 "congregate meals." And some of the home delivery

1 meals organizations. They have 11  
2 grantees around the country that they have funded.

3 The Meals on Wheels Association of  
4 America, which are the Meals on Wheels. I'm sure  
5 everybody is familiar with that. They have 12  
6 grantees around the country.

7 Then the three major organizations  
8 representing minority elders: the National Caucus on  
9 Black Aging, the Asociacion de Nacionales de Personas  
10 Menores, and the National Asian Pacific Center on  
11 Aging. Each of these organizations provides  
12 services, have particular networks, have language  
13 capabilities as necessary, and they are involved in  
14 anywhere from five to seven communities with a high  
15 proportion of minority elders that they work with.

16 Of course, at the consumer level we have  
17 AARP is our partner. AARP did not request funding  
18 under this, but, as you all know, we are very pleased  
19 to have AARP not only for their ability to have that  
20 broad reach to seniors, but also their ability to  
21 help be able to work with us around the possibility  
22 of having volunteers who can help us at the community

1 level.

2                   So what is this system doing? I think  
3 that the best way to describe it is to sort of give  
4 you a profile of what it looks like nationally,  
5 knowing that every community is a little bit  
6 different. But generally what's going on, the real  
7 infrastructure component are the area agencies and  
8 those agencies are doing a couple of key things.  
9 They are infusing within their service delivery  
10 systems this message, this information.

11                   The way that gets played out is that they  
12 are actually involving within their various programs  
13 the messages, the information, and the assistance  
14 that seniors need to be able to make the digital  
15 transition. Let me just give you a couple of  
16 examples before I wrap up. Most of the agencies, for  
17 example, are using their information assistance, and  
18 there are some 2,000 of those around the country,  
19 they're using those counseling and assistance  
20 programs to query every caller who comes in to find  
21 out if they are ready, and if they're not connect  
22 them or link them with the right folks to get them

1 ready.

2                   What does that mean? There are about 15  
3 million calls nationally coming in on those lines  
4 every year. It won't be that many certainly because  
5 we're not in every location, but we are in a broad  
6 range of locations. Using senior centers, for  
7 example, one of their programs, to educate seniors  
8 about how to assess their need for a converter box,  
9 helping them apply, either online or through paper  
10 applications; using the home delivery meals programs,  
11 the case management home care programs for doing the  
12 direct assistance with them on whether they need a  
13 converter box, doing that through their laptop's  
14 online applications, and actually providing  
15 transportation to seniors who are not home-bound to  
16 get their converter box, or working with retailers to  
17 buy them in bulk and get those brought in to those  
18 who are home-bound.

19                   So we have a variety of ways in which we  
20 are using that system to actually implement this.  
21 But I think we're unique in that we have a system in  
22 place that we can do that.

1           Taken together, we are currently funding  
2           over 100 associations -- excuse me, agencies or  
3           organizations at the local level through these  
4           national organizations, and we are also very  
5           involved, as Erica said, in trying to enhance our  
6           networking, both for being more -- expending our  
7           resources, but having greater impact.

8           Obviously, we are working with LCCR, but  
9           we're also working with the FCC and NTIA in providing  
10          them by county the resources and the grantees that we  
11          will have in place. We're working on getting each  
12          county that they cover so that we can have that  
13          available for the FCC and NTIA use; hot lines, their  
14          national numbers for referring seniors. We want to  
15          work with the National Association of Broadcasters to  
16          get better linkage at the community level between  
17          their folks and our folks, especially around where  
18          they can provide installation assistance and the  
19          advice and training for our people, as well as those  
20          with the FCC who can do the same thing.

21                 We plan to be meeting soon, we hope, with  
22          AARP around how to better coordinate with them on the

1 FCC-funded hotline and getting the referrals for  
2 seniors who need specific assistance where we have  
3 grants into our system. We plan to continue these  
4 kinds of activities and networking over the next few  
5 weeks to try to bring to bear all the resources in a  
6 given community so that we can collaborate and  
7 maximize our impact there.

8 I do want to say that I think that the  
9 FCC and NTIA have done a fabulous job in creating  
10 awareness and people understanding that they need to  
11 take some action. I think the difficulty for seniors  
12 has been if they don't have children in the community  
13 or grandchildren or people who can help them, the  
14 real difficulty is they didn't know where to turn for  
15 help, they didn't know who to call. And normally  
16 they wouldn't call an area agency on aging, which is  
17 a service provider agency, for something wrong with  
18 their television. So it's a new opportunity for them  
19 -- for us to really network with some of the  
20 broadcasters and others involved to try to get our  
21 phone numbers out there, so that they know they can  
22 call us and, using our networks to be able to help

1 those who need it.

2           So I want to say that I think this  
3 project very much complements what's going on already  
4 with the FCC and NTIA because we are very much on the  
5 ground and can serve as a key resource for assisting  
6 seniors in making this transition successfully.

7           Thank you for having us here and we  
8 appreciate it.

9           CHAIRPERSON BERLYN: Thank you.

10           I think we're going to have to dispense  
11 with questions, but appreciate the information.  
12 Everybody, if you do need to find out more about  
13 what's going on we can get contact information. I  
14 know there's a handout that you have here. We've got  
15 Erica's contact information and we can get --

16           MS. LAMBERT: I have some cards I can  
17 leave.

18           CHAIRPERSON BERLYN: -- Teresa's as well.  
19 Great.

20           Thank you both.

21           (Applause.)

22           CHAIRPERSON BERLYN: If everyone --

1 MS. TRISTANI: Could I make a request to  
2 the FCC or someone here?

3 CHAIRPERSON BERLYN: Yes.

4 MS. TRISTANI: I don't know who's here  
5 from the FCC.

6 CHAIRPERSON BERLYN: Do you want to get  
7 on the mike there, please, and raise your hand.  
8 Raise your hand.

9 MS. TRISTANI: Yes. I think it's  
10 terrific, the outreach that's being done. But a big  
11 concern is cities that aren't getting that kind of  
12 outreach. About a week ago Nielsen came up with a  
13 study of the most unprepared markets for the DTV  
14 transition. I think except for one none of the  
15 markets that you are covering is on that list. I  
16 think it would be very helpful if someone from the  
17 FCC could get us that data from Nielsen so we can  
18 discuss it later on.

19 By the way, the impact is  
20 disproportionately affecting Hispanic and African  
21 American households. That's something I'd like to  
22 discuss later.

1                   CHAIRPERSON BERLYN:  Okay, very good.

2                   Now, if everybody could just run up and  
3 get a sandwich and come back to the table, we're  
4 going to have our Office of Engineering and  
5 Technology presentation.  We're going to do that over  
6 our sandwiches, and then we're going to go right into  
7 our working group.  Thank you.

8                   (Recess from 12:16 p.m. to 12:32 p.m.)

9                   CHAIRPERSON BERLYN:  All right.  Now  
10 we're going to get answers to all of our technical  
11 questions.  We have our technical experts with us in  
12 the room.  We have Alan Stillwell and Julius Knapp,  
13 Chief and Deputy Bureau Chief -- we're in great shape  
14 here -- of the Office of Engineering and Technology.

15                   Shirley had a question about if we have  
16 the delay would the leaves on the tree be a problem  
17 and whether or not they'd have to wait, some of the  
18 folks, the public safety folks, would have to wait a  
19 year because of the leaves on the trees.  We have an  
20 answer and that's that Congress would take immediate  
21 action to actually delay spring.

22                   (Laughter.)

1                   CHAIRPERSON BERLYN: Thank you, Ken.

2                   VOICE: It would be blocked by the GOP.

3                   CHAIRPERSON BERLYN: Yes, that's right.

4                   It would be immediately blocked by the GOP, and  
5                   actually I would support that action to block that.  
6                   We need spring to be accelerated.

7                   So anyway, thank you both for being here.

8                   If you could actually answer that leaves question  
9                   because Shirley is still here in the room, but she  
10                  has to leave shortly, and she would like to know what  
11                  that answer is.

12                  OVER-THE-AIR RECEPTION ISSUES: HOW TO HELP CONSUMERS

13                  MR. KNAPP: I would only answer generally  
14                  because I don't know the specifics of it. But things  
15                  like leaves on trees can actually either absorb or  
16                  shade radio signals or create what's called  
17                  reflections in the radio signals. Usually what you  
18                  try to do is test your system at all points in the  
19                  year. Most often people are more concerned about  
20                  testing with the leaves than without the leaves. But  
21                  we want to be sure that these systems work year-  
22                  around. So I suspect that's what the concern is,

1 that they get to be able to test these systems under  
2 all sets of conditions.

3 CHAIRPERSON BERLYN: Okay, great. Well,  
4 thank you.

5 You know, what we really are interested  
6 in knowing, because there are so many issues that  
7 come up related to the transition that are technical  
8 questions that consumers have -- we know there are  
9 antenna questions, there's the sort of digital drop  
10 question. From our perspective, I think I hope that  
11 most of us in the room are looking at it from sort of  
12 the consumer in the home. What are they going to  
13 experience? What kind of questions might they have?

14 So I think what we'd like to know is from  
15 that consumer perspective what can you tell us might  
16 be some of the issues that they might experience.  
17 I'll start with that and then if we could open it up  
18 to what other questions folks might have.

19 MR. KNAPP: It is a real challenge  
20 because this transition from a technical standpoint  
21 is very complex. So I'll try to make some very broad  
22 general remarks that hopefully are helpful for

1 people. I would tell you that in most cases people  
2 should be just fine in receiving the over-the-air TV  
3 signals. If you're not seeing anything at all, I  
4 would venture to say that the odds are greater that  
5 the box is just not hooked up right.

6           Particularly the first thing to look for  
7 is are you seeing the menu on the screen. That'll  
8 tell you at least I've got the box hooked up right  
9 and then to the antenna. More often, the concern are  
10 things about, I've lost some stations. In other  
11 words, the so-called "lost signal" issue. That's a  
12 little difficult because we haven't completed the  
13 transition.

14           We've got stations that are operating  
15 their digital signal on a high UHF channel, where the  
16 coverage is a bit different, and they're going to  
17 move that down to their VHF channel as of the  
18 transition. So somebody who may be working at this  
19 right now and say, gee, I don't see that channel,  
20 after the transition may very well see the channel.

21           To keep it simple, on the antenna side  
22 one of the things we've been trying to advise people

1 is try what you have first, because in many cases it  
2 will work, if not most cases, perfectly well; to not  
3 rush out and buy a new antenna and incur that expense  
4 without trying what you have.

5           Secondly, most of the stations are moving  
6 to new UHF channels, and for consumers if they had  
7 not hooked up their UHF antenna, either the one that  
8 looks like a little bow tie or the little wire loop  
9 antenna, they didn't have a UHF antenna, and so  
10 without a UHF antenna you're not going to see the  
11 channels.

12           Then lastly, if you have been watching  
13 stations, particularly UHF, with a lot of snow on  
14 them, you are at least approaching what's called the  
15 digital cliff. The digital cliff is effectively with  
16 the digital signals if you've got enough signal  
17 strength up to a particular point it will look  
18 terrific; if it gets too weak, as opposed to analog  
19 where it just got snowier and snowier -- and some  
20 people were willing to watch those -- it just goes  
21 over the edge.

22           Those antennas are -- some people have

1 described the digital signals as being a bit finicky  
2 and to some extent they are. So we try to encourage  
3 people to move your antenna around a little bit. I  
4 can talk about my personal experience. I got an  
5 antenna and I set it up and I only had 11 channels.  
6 I said, gee, something doesn't seem right. I just  
7 happened to lay this (indicating) on the floor in a  
8 position that you would not have expected to have  
9 been very good. Suddenly I had 25 channels.

10           So just moving your antenna a little bit  
11 can make a big difference. Yes, you have to do the  
12 rescan. Yes, it takes a little bit of time sometimes  
13 to redo the scan. But I think we would encourage  
14 folks first, try what they have. Make sure you've  
15 got the UHF antenna, move it around a little bit  
16 first.

17           Then let's say you've done all those  
18 things and you're still missing a channel or two.  
19 One of the things that we did, we published maps this  
20 past December, that are all accessible on our web  
21 site by market. In the handout that we passed  
22 around, the one thing that I'm going to touch on,

1 because I gave you copies of things most of you  
2 probably saw before, publications we put out on what  
3 to do for setting up your converter box, what to do  
4 about your antenna and so forth. But on these last  
5 few pages we had some samples of the maps that were  
6 published.

7 I will tell you some caveats. Yes, they  
8 are technical. What the maps try to show on those  
9 last three and four pages, there's a dotted line  
10 that's the analog coverage and then there is a solid  
11 line that is the digital coverage. At the tops of  
12 the pages it shows what the analog channel was and  
13 what the digital channel was.

14 So I've turned for example here to  
15 Orlando, Florida, WMFE-TV. It's about five or six  
16 pages from the back. So what this is showing is a  
17 case where the digital conversation coverage is  
18 actually much greater than what the analog coverage  
19 is, and those folks -- we should have more consumers  
20 able to get their channels than were before.

21 A few caveats about these charts and just  
22 the way nature works. Any of these propagation

1 charts are statistical. So what they're showing is  
2 that at the point 50 percent of all households are  
3 going to get that signal 90 percent of the time.  
4 That's the same sorts of techniques that were used  
5 for analog as well. It's statistical just because of  
6 the variations in the hills.

7           And none of these take into account  
8 buildings. So if I am at this point and I've got a  
9 skyscraper in front of me, well, that skyscraper is  
10 going to block the signal to some extent, and just  
11 because I show a point on the map that says I'm going  
12 to get the signal it does not necessarily mean that  
13 it's going to be there.

14           So these lines that we show are not solid  
15 lines. They're not the digital cliff. They're  
16 trying to show in general here are the areas where  
17 signals may look better, here are the areas where  
18 signals map get a little poorer.

19           Let me see if we just flip to the next  
20 page. We've got WACX. This is a case where the  
21 antenna tower moved. You can see the analog coverage  
22 was what I'll describe as north here and the digital

1 coverage, even though it has expanded, some of the  
2 folks on the north side won't have -- won't be in  
3 that service area.

4           The Commission was trying to take some  
5 actions such as allowing for translators to be  
6 deployed, and some of this may get better over time.  
7 But I would venture that -- and Cathy talked about  
8 this a bit before -- that the folks up here who are  
9 in this orange or red area (indicating), telling them  
10 to buy a new antenna is not necessarily going to pull  
11 in that station.

12           I want to draw a distinction here between  
13 this is station-specific as opposed to saying these  
14 folks aren't going to get digital TV, because they  
15 will. But this relocation -- and we've got a number  
16 that may have occurred just because the original  
17 tower couldn't handle the transition or they've  
18 reshaped their service area to better match the  
19 market and so forth.

20           I'll flip to one more (indicating). Alan  
21 just pointed out on that last chart that many more  
22 people on the southern end are going to get that

1 signal than did before.

2 MR. STILLWELL: Where the green is,  
3 that's new viewers that'll get service that didn't  
4 get service before.

5 MR. KNAPP: So this next one is KTXT-TV,  
6 and a couple of things happened here. You can see  
7 the dotted line for the analog service area is  
8 greater than the digital. Some of the stations as of  
9 the transition date have not yet been able to fully  
10 maximize their facilities. Part of that is because  
11 just having enough folks who can move the antenna  
12 from the side to the top couldn't all be accomplished  
13 within the time period.

14 So this is going to continue to improve  
15 over time. So some of these folks here who may not -  
16 - who may lose that signal initially will pick it up  
17 as the station maximizes.

18 So as we've looked at this overall, in  
19 most cases people are going to get the channels that  
20 they had before, but there may be one or two spots  
21 that they didn't.

22 So we published all these maps. They're

1 available on the web site. We've got the linkage  
2 here. But we understand expecting consumers to get  
3 on line and trying to figure out is very daunting.  
4 So one of the things that we're doing is examining  
5 how can we distill this information in a simple form,  
6 first of all, to get it out to the people in the call  
7 centers and so forth, so that when somebody calls in  
8 and says, I'm missing channel such-and-such, they get  
9 an answer that is consistent with what's going on in  
10 that market, so that we don't tell people to go buy a  
11 new antenna when we don't think it's going to solve  
12 the problem anyway.

13           We're also looking -- I think you may  
14 have heard earlier this morning -- about whether  
15 there's something we can put out that shows the  
16 signal strengths of the different stations. Again,  
17 usually I don't put together consumers and signal  
18 strengths just because -- again, we're not looking  
19 for consumers to be engineers, but how can we convey  
20 the information to consumers in a way that they can  
21 understand what's going to happen in their areas. So  
22 we're working on that.

1 MS. PELTZ STRAUSS: Could I interrupt?

2 CHAIRPERSON BERLYN: Yes, we can make  
3 this informal.

4 MS. PELTZ STRAUSS: My question is, you  
5 mentioned that one of the reasons that they might  
6 have changed is they determined that for market  
7 reasons it was better to shift. Was there any  
8 accountability in making those decisions? I guess  
9 I'm worried. I would think there's going to be a lot  
10 of disgruntled consumers out there that are losing  
11 stations. So is there anybody looking at, anybody  
12 reviewing these decisions to shift the locations?  
13 That's the first half of my question.

14 The second half is, if there was, or even  
15 if there wasn't, was there any consideration given to  
16 whether or not those people would be covered by other  
17 circles? So for example, if their local NBC  
18 affiliate was moving, maybe they would just simply be  
19 covered by the next town over NBC affiliate.

20 MR. KNAPP: First of all, to answer the  
21 first part of the question here, Commission policies  
22 permitted these kinds of moves. You're absolutely

1 right, even if there's a net gain and many more  
2 consumers are getting that signal than before, you  
3 still need to be concerned about the ones who lose  
4 it.

5 I think we have been trying to focus on  
6 that more recently, and what can we do to at least  
7 facilitate those broadcasters in re-covering those  
8 areas. That's what the translators are about and so  
9 forth. Some of that obviously cannot all happen if  
10 the date were to hold, or necessarily even by June.  
11 But it can continue to improve.

12 MS. PELTZ STRAUSS: So the FCC is on  
13 this, in other words?

14 MR. KNAPP: Yes.

15 MR. STILLWELL: I can maybe add a little  
16 more on that. The fact is that television stations  
17 have always over time modified their service areas  
18 for all kinds of reasons. In most cases they like to  
19 increase their service area whenever they can. But  
20 sometimes there's reasons to change their coverage  
21 and the usually has to do with changes in market.

22 The designated market area, which is a

1 Nielsen measure or a Nielsen descriptor -- and it  
2 looks like you're familiar with that -- they change.  
3 Program rights are generally sold on a DMA basis, so  
4 if your signal covers a new DMA designation that  
5 really isn't part of your old DMA then the program  
6 rights owners are going to want more money for that  
7 programming to cover the portion that's out of your  
8 DMA where people generally are watching you on cable,  
9 because that defines those rights.

10 So stations are very sensitive to those  
11 kinds of things and if it looks like in the long term  
12 they're not going to be covering that DMA then  
13 they'll look to do something different to cover the  
14 people that they're getting paid for.

15 MR. KNAPP: The second part of your  
16 question, I'm sorry, I forgot it for a moment.  
17 You're absolutely right. In many of these cases  
18 there's another network affiliate that's covering  
19 that market. We know that consumers, however,  
20 they've got favorite stations and that may not always  
21 be a satisfactory answer. We're trying to zero in on  
22 the spots where there is no other network station and

1       how do we make sure that that gets in there.

2                   MS. PELTZ STRAUSS:   Okay, thanks.

3                   CHAIRPERSON BERLYN:   Can you take some  
4       more questions?

5                   MR. KNAPP:    Sure.

6                   CHAIRPERSON BERLYN:   Nixy, okay.   Then  
7       Brandon.

8                   MS. SANTINI:   Presenting consumers with  
9       coverage footprint maps, it's kind of -- it's not  
10      that helpful.   I'm an engineer, I understand coverage  
11      and I understand that, but not everyone understands  
12      that.   Is there a way that the FCC, you guys who are  
13      the experts on coverage, can identify beforehand --  
14      you know where the signal is going to be and where  
15      it's going to be a little bad -- and identify those  
16      spots beforehand, start working with broadcasters so  
17      that these people who are going to be basically out  
18      of signal when they used to have a signal and  
19      dependent on over-the-air transmission, where they  
20      can be helped right away?

21                   If we're talking about a delay on the  
22      transition, that's time that we can use so that we

1 can basically minimize the impact on those consumers.  
2 In Puerto Rico we have so many consumers receive  
3 over-the-air transmission. They don't have the  
4 facility of using cable TV because cable TV is not  
5 there, and they are out there in the mountains,  
6 hanging from the mountains.

7 I don't think Puerto Rico has that  
8 exclusive characteristic. I know that in many places  
9 in the United States you have people in the mountains  
10 and they used to receive some analog signal and they  
11 benefited from that. Part of this transition, the  
12 whole thing is related to public safety: How can we  
13 provide public safety information to those consumers  
14 that receive over-the-air transmission if they are no  
15 longer going to be receiving it even though they have  
16 the best antenna and the best converter box?

17 So is there any way locally in the  
18 different regions that the FCC can start producing  
19 something to assess that issue?

20 MR. KNAPP: Let me try to break it down  
21 because I think we're in exactly the same place. The  
22 maps do show the areas, but how you translate that

1 into information that's useful to consumers -- and  
2 absolutely, we want to identify the spots where maybe  
3 we can do something about it.

4 MS. SANTINI: Well, for me as a consumer,  
5 let's say I call the center and say: I have no  
6 signal. Oh, yes, you're located in a place where  
7 you're not going to have a signal. Thank you.  
8 That's not very useful for me.

9 MR. KNAPP: Right. I would break down,  
10 as opposed to a single station, because we're not  
11 talking about somebody who will get no TV service  
12 because everybody should be getting --

13 MS. SANTINI: Something.

14 MR. KNAPP: -- some signal. But it may  
15 be an individual channel that they had before and  
16 it's either now from a different network affiliate --  
17 and again, the ones we would be concerned about that  
18 they lost that network affiliate altogether.

19 So you're absolutely right that we need  
20 to as we're going through this be focused on those  
21 spots and what we can do about it in advance, and  
22 we're working on it.

1 MS. TRISTANI: I didn't want to -- good  
2 to see you.

3 MR. KNAPP: Good to see you, too.

4 MS. TRISTANI: I didn't want to get into  
5 this, but I think the Commissioner was getting to  
6 also, I think we have an FCC that will be more  
7 proactive. It's already being more proactive, an FCC  
8 that will look to work with broadcasters in saying,  
9 can we -- what can we do to make this better, and not  
10 just say, okay, we'll just accept that the signal  
11 can't get there. But there are places where it can  
12 be fixed. There can be signal translators, what have  
13 you. So I think that's what we're looking for.

14 MR. KNAPP: Absolutely.

15 MS. TRISTANI: I just wanted to make sure  
16 we're all on the same page.

17 MR. KNAPP: The Commission took some  
18 steps in that area in late December when it allowed  
19 stations to compete or to apply noncompetitively for  
20 translators to serve areas within their old analog  
21 service area. So it gives them the opportunity to  
22 try and fill in.

1                   I think it's well, the working together  
2                   with the broadcasters, because in some cases -- these  
3                   are maps and we're already talking to the folks who  
4                   are out in the field about, well, are you actually  
5                   seeing these things, because sometimes you'll see  
6                   something on a map and people will tell you, no,  
7                   that's not really happening, I'm getting the signal  
8                   just fine. And we want to know as well about the  
9                   ones where we think the signal should be there and  
10                  they're not getting it, and try to figure out why  
11                  that's happening, and work with the broadcasters on  
12                  what can we do to remedy some of these things.

13                  MS. TRISTANI: Can I just make one point,  
14                  and maybe I am wrong because I am not an engineer.  
15                  But this is not only a mountains problem. This is  
16                  going to happen in New York City.

17                  MR. KNAPP: Right.

18                  MS. TRISTANI: You'll have digital cliffs  
19                  in New York City, although maybe less overall. So I  
20                  just wanted to make sure that everybody knew it's not  
21                  just in rural. The buildings, as we said, get in the  
22                  way.

1                   CHAIRPERSON BERLYN: Can I also say that  
2 this might be an issue that we want to discuss in the  
3 working group and make it a recommendation of our  
4 committee to take action.

5                   Brandon.

6                   MR. STEPHENS: A couple of different  
7 concerns I have for our region. One, we've already  
8 addressed the issues of rural areas and Commissioner  
9 Santini has made excellent points on not receiving  
10 broadcasts or accessibility. I have a concern too  
11 with the fact that the translators are neglected in  
12 this, because that's how we receive our television  
13 transmissions in the mountains of western North  
14 Carolina and across many of the reservations in  
15 Indian country.

16                   Number one, I wanted to talk about the  
17 addressing of that, because just the primary signal  
18 that they put out, that's what they're addressing for  
19 television transmissions. And this television  
20 transmission is going to be a little bit weaker in  
21 most cases compared to what they would normally put  
22 out on analog. We're going to be in the dark in

1 western North Carolina in some cases.

2 MR. STILLWELL: We're not requiring the  
3 analog transmitters to turn off on February 17th.  
4 You know that, right?

5 MR. STEPHENS: No, I wasn't aware of  
6 that. The television stations just told me that,  
7 that's it, we're not taking care of that. So that  
8 message comes to me saying there's no television.

9 MR. STILLWELL: I think one thing that  
10 has to happen, though, is that the translator owner,  
11 the station, has to buy the converter that converts  
12 the digital signal into a signal that the analog  
13 transmitter can retransmit. So you need some sort of  
14 a converter box there.

15 MR. STEPHENS: So in the rural areas are  
16 we going to start watching analog translator  
17 television, is that what you're saying? Am I hearing  
18 you right?

19 MR. KNAPP: Let me take a step back for a  
20 minute to get to your first question. I've heard  
21 indirectly in a couple of cases where the translator  
22 didn't have enough signal from the digital to convert

1       it for the analog transmission. I think we'd like to  
2       hear about those cases and see what can be done,  
3       because they shouldn't go dark even if we don't have  
4       a mandatory requirement.

5                 Alan is correct, the translators are not  
6       required to switch to digital at the same time, as  
7       you know. Some of them are and some of them aren't  
8       ready, and some of it's a funding issue and there are  
9       things being worked on to do that. So there will be  
10      still some analog translators out there for a period  
11      of time. I expect that over time more and more of  
12      them will be going to digital.

13                MR. STEPHENS: I have a concern there  
14      that in my region I tell them, buy, buy, buy the  
15      converter box, and then when they flip it on they  
16      can't get television and they say, well, this thing  
17      doesn't work, but the analog signal still works off  
18      your translator in that area. So what kind of  
19      message do I put out?

20                MR. KNAPP: You can get, as you know, a  
21      pass-through box that can still receive the analog  
22      signals and pass those through, as well as the

1 digital.

2 MR. STILLWELL: Yes, it's real important.

3 MR. STEPHENS: The next question I have  
4 or the next concern that I have too is that in the  
5 case of conversion, if I'm unable to pick up the  
6 regular television signal that I normally picked up,  
7 but say in the conversion that I'm able to pick up  
8 the neighboring channel. That's a concern to me  
9 because as a broadcaster I know that when I was in  
10 radio we only put out the signal that we thought the  
11 audience would be interested in covering.

12 So really whenever I see an EAS alert and  
13 it doesn't cover my area, I'm not putting out that  
14 storm information or not putting out any other kind  
15 of information. But if I'm picking up another  
16 television station that doesn't cover my area, I may  
17 not get emergency information. That's concerning to  
18 me.

19 MR. STILLWELL: I think that is a  
20 concern.

21 MR. STEPHENS: I mean, I don't know how -  
22 - if there's a policy.

1                   MR. STILLWELL: As a broadcaster, not  
2 picking up the --

3                   MR. STEPHENS: Because what we're down to  
4 is it's great that I'll be able to see NBC, CBS, ABC,  
5 get the entertainment, but regardless of whether it's  
6 captioned or if it covers the area or what-not, the  
7 information is important.

8                   MR. STILLWELL: It's like the Gatlinburg  
9 station you're watching, but now you have to watch it  
10 from Ashville and the Gatlinburg station broadcasts  
11 an emergency message for the people in its area, but  
12 the Ashville station doesn't provide that and then  
13 the people over there don't see it. Some of that has  
14 happened in the transitions.

15                  MR. KNAPP: They're required to cover  
16 effectively the DMA, the market. But in the past  
17 there were some stations that extended out beyond  
18 their home market and people might have affiliated  
19 themselves with that market, but they still would be  
20 -- should be receiving the station that's close to  
21 them.

22                  MR. STEPHENS: I understand. But you

1 see, there exists that potential. And I know this  
2 might be an issue that you guys can't address or it's  
3 going to go down into some other works. But I'm  
4 concerned that one of the issues here that we're  
5 dealing with is information, public safety, that sort  
6 of thing. But I'm concerned now if what I'm hearing  
7 is that I may or may not be getting the primary  
8 station, but as long as I get that -- I need to be  
9 sure that the information I'm getting, if there's a  
10 flood, if there's a thunderstorm, if there is a  
11 snowstorm or a terrorist attack -- that information  
12 may not be local to me.

13 MR. KNAPP: It still should be coming  
14 through on the channels that you're watching.

15 MR. STEPHENS: Or at least I'm saying  
16 let's be concerned with the policy of how that needs  
17 to happen.

18 MR. STILLWELL: I think maybe at the  
19 grassroots level, if let's say a station's providing  
20 -- people are taking coverage from a station they  
21 didn't really watch before, maybe that station ought  
22 to be aware that those new people are watching and so

1 that it makes sure that it transmits emergency  
2 information for those people. You can kind of work  
3 on that at the grassroots level to make sure they  
4 understand the new dynamics of their market, at least  
5 until this interim when everything settles down.

6 We're dealing with a lot of those  
7 transitional questions here.

8 MR. STEPHENS: I don't mean to give you a  
9 hard time, but it is a concern.

10 MR. STILLWELL: It is. It is a concern.

11 CHAIRPERSON BERLYN: Thank you.

12 Lousy, you had your card up before. Do  
13 you still have a question? And then John has a  
14 question.

15 MS. HAMLIN: I'm not a technical person,  
16 but what we have been hearing from people already  
17 having digital TV is that there are already terrific  
18 problems with captioning, pass-through captioning,  
19 analog captions, the old 608 as opposed to 708. My  
20 question I guess will have to be general because I  
21 wish I could be technical. But let me ask just  
22 basically, to what extent are you working with the

1       broadcasters to make sure the equipment they have  
2       will get the kind of captions -- again, it's an  
3       emergency issue for me personally. I'm worried that  
4       people who need captioning won't see the captions  
5       that they need in an emergency situation.

6                   MR. KNAPP: A couple of things. I didn't  
7       look on the agenda. Have you got closed captioning  
8       later on the agenda?

9                   MS. HAMLIN: No.

10                  MS. PELTZ STRAUSS: It's been mentioned  
11       the whole day.

12                  MR. KNAPP: Okay. But I believe that  
13       Chairman Copps made in his remarks a commitment to  
14       the agency to try to address the closed captioning  
15       issues. So I expect that we will be working together  
16       with all of the principals, not just the over the  
17       air.

18                  I will tell you, as we've talked before,  
19       the converter boxes have all been checked to make  
20       sure. It does get complicated because you can either  
21       switch it on in the box or you can switch it on in  
22       the television and I wish it could be made simpler,

1 but I don't know how. So absolutely the Commission  
2 is concerned about this. I think we're dedicated to  
3 addressing those issues.

4 MR. STILLWELL: We have requirements that  
5 the 608 captions, which are basically the down-  
6 converted 708 captions, are provided on the digital  
7 signals. But a lot of times there are problems with  
8 the captioning that comes in from the program  
9 material and how well it translates over. There are  
10 people working on that. Our Disabilities Rights  
11 Office is working on that with the folks, and  
12 probably you folks too.

13 MS. PELTZ STRAUSS: Actually not.

14 MR. STILLWELL: They're not?

15 MS. PELTZ STRAUSS: No.

16 MR. STILLWELL: They call me regularly,  
17 seriously.

18 MS. PELTZ STRAUSS: I mean, no one's  
19 worked on it. It's very clear that --

20 MR. STILLWELL: Actually, I answered  
21 questions from you, Karen.

22 MS. PELTZ STRAUSS: We've been

1 complaining about it non-stop. But it sounds to me  
2 like nothing has really been done yet, which will --  
3 we're moving forward, we're not looking back. But I  
4 just did want to clarify there's a lot of work ahead.

5 MR. KNAPP: I do agree there's a lot of  
6 work ahead, as we work with a lot of the program  
7 people, who aren't necessarily focused on the end  
8 product where their stuff goes.

9 MR. STILLWELL: We have a lot to learn.

10 MR. KNAPP: We do have a lot to learn.

11 CHAIRPERSON BERLYN: John.

12 MR. COLE: Thank you.

13 I am interested to know if there's any  
14 particular technical lessons learned from the Hawaii  
15 transition? Most of the feedback I heard about was  
16 about coverage and technical type issues rather than  
17 consumer education and being aware that you needed a  
18 converter box or anything like that. I know you said  
19 you expect most people to maybe lose a station or  
20 two, but I've heard of some who get no signals now  
21 and they had several analog stations before.

22 MR. KNAPP: I think we're still

1 collecting Hawaii data and we'll have a look at that,  
2 just like I think the big thing that popped out of  
3 Wilmington was this issue of the change in the  
4 service area and the impact of that. But the fact  
5 that we had Wilmington gave us a heads up so that  
6 going into Hawaii by the time we got there we had  
7 done maps. And aside from kind of the variations  
8 that happened with the model, actually from what I've  
9 heard back we kind of saw what we expected in terms  
10 of the coverage and the reception.

11 Hawaii is particularly challenging just  
12 because of the terrain. We have spots where people  
13 say, well, I can't get a digital signal there, but  
14 they never got the analog either.

15 MR. STILLWELL: Some of those stations  
16 did change their coverage because they moved from  
17 10,000 feet down to 4,000 feet because of those  
18 environmental concerns. So there were just changes  
19 there.

20 MR. COLE: So, seeing pretty much what  
21 you expected, is there plans for the total transition  
22 to try to help the broadcasters make adjustments

1 prior to the transition?

2 MR. KNAPP: I think, yes, in the broader  
3 context we talked about before, taking this  
4 information from the maps and looking at the changes  
5 in the service area, what can we do? Is there  
6 anything we can do beforehand to make sure those  
7 areas are filled in, if that's possible, or at least  
8 know what the expectations are.

9 CHAIRPERSON BERLYN: Okay. I think we've  
10 exhausted the questions. You know, we may want to,  
11 if you don't mind, call on you in between this  
12 meeting and our next meeting if we have further  
13 questions --

14 MR. KNAPP: Absolutely.

15 CHAIRPERSON BERLYN: -- because this is  
16 very helpful, very, very helpful.

17 MR. KNAPP: It's just the questions  
18 about, can you come out to my house and fix my set.

19 (Laughter.)

20 MR. KNAPP: Those are the ones I worry  
21 about.

22 CHAIRPERSON BERLYN: Can you give us your

1 home number?

2 (Laughter.)

3 MR. KNAPP: Thank you all. We appreciate  
4 it.

5 CHAIRPERSON BERLYN: Thank you. We  
6 appreciate it.

7 MR. STILLWELL: Just last night my mother  
8 -- and she has cable -- said: Alan, you need to help  
9 me with this; what have I got to do for the  
10 transition? I said: Mom.

11 CHAIRPERSON BERLYN: Thank you. That's  
12 great.

13 (Applause.)

14 CHAIRPERSON BERLYN: Thomas Wyatt just  
15 handed me -- this is fantastic. the Nielsen data,  
16 the February 2009 update on digital readiness in U.S.  
17 households, this is fantastic. So I'm going to pass  
18 this around.

19 Everybody sit tight. We're a little  
20 behind here, but we are going to move right into our  
21 working group meeting. If there is anyone who does  
22 not want to participate in the working group

1 discussion, you don't need to. This is a working  
2 group, not a meeting of the whole. Right, Scott?

3 MR. MARSHALL: Correct.

4 CHAIRPERSON BERLYN: Okay. So if we do  
5 have any recommendations from this working group, we  
6 will not take them up right now. We will take them  
7 up when we reconvene the meeting of the whole CAC.

8 (Whereupon, at 12:20 p.m., the CAC  
9 meeting was recessed and the DTV Working Group met.  
10 CAC reconvened at 2:03 p.m.)

11 CHAIRPERSON BERLYN: At this time the CAC  
12 will reconvene as a whole and our transcript  
13 continues, broadcast continues again.

14 Ann Bobeck and I are working on the first  
15 recommendation. Let's see. I think Charles and  
16 another are going to work on the second one.

17 MS. PELTZ STRAUSS: We already did some  
18 of them. I'm not sure what you have, but I have a  
19 whole list of them. I did them.

20 CHAIRPERSON BERLYN: You did 3.

21 MS. PELTZ STRAUSS: I did 3.

22 MR. COLE: I did 4.

1                   CHAIRPERSON BERLYN: Can we just go in  
2 the corner here? Charles, if you want to join us, if  
3 we can just go in the corner.

4                   Let's take a ten-minute break. Excellent  
5 idea.

6                   (Recess from 2:05 p.m. to 2:29 p.m.)

7                   CHAIRPERSON BERLYN: Public safety has  
8 been an issue that we have talked about as it relates  
9 to the digital television transition and several of  
10 you have asked to have this discussion at our CAC  
11 meeting. We do indeed have, you'll see on your  
12 agenda, the "Associate Bureau Chief." However, lo  
13 and behold, we have actually the Bureau Chief,  
14 correct? Congratulations are in order that you were  
15 just named Bureau Chief?

16                   DTV TRANSITION AND PUBLIC SAFETY ISSUES

17                   MR. FURTH: I was in fact named Bureau  
18 Chief. It becomes effective, I believe, at 5:00  
19 o'clock today.

20                   CHAIRPERSON BERLYN: Ah. Well,  
21 congratulations. We'll be the first to offer our  
22 congratulations to you. Thank you so much for coming

1 in. This will serve as an introductory on the topic  
2 and we promise to invite you back. I won't promise,  
3 but I will hope next time we won't keep you waiting  
4 like we did this time.

5 I thank you, David, for joining us.

6 MR. FURTH: Thank you very much. I'm  
7 delighted to be here. Before I begin, I'd also like  
8 to introduce on my left Jeff Cohen, who is Special  
9 Counsel to the Public Safety and Homeland Security  
10 Bureau. Jeff is really one of our leading experts on  
11 700 megahertz and some of the issues that we'll be  
12 talking about today.

13 Now, as I understand it the question that  
14 folks here were interested in our addressing in  
15 relationship to the DTV transition is the potential  
16 impact on public safety operations in the 700-  
17 megahertz band, and in particular the impact if the  
18 legislation that's currently pending to move the  
19 deadline from February 17th to June. If that  
20 legislation were passed, what will the potential  
21 impact be on public safety operations in the 700-  
22 megahertz band?

1                   So I want to give you a little bit of  
2 perspective on how public safety in that band is  
3 currently constituted, how the DTV transition,  
4 regardless of when it occurs, would affect operations  
5 of public safety licensees in the band and the  
6 potential impact if there is to be an extension of  
7 the deadline until June.

8                   We'll just talk for a few minutes and  
9 then Jeff and I are both happy to take any questions  
10 that you might have. We really welcome the  
11 opportunity to be here. I hope this is certainly the  
12 first time that I've appeared before the CAC in this  
13 capacity. I hope and expect that it will not be the  
14 last. I look forward to an ongoing dialogue on this  
15 and many other issues, because public safety is --  
16 it's a public security issue, but it is consumer  
17 issue, because ultimately it's consumers that benefit  
18 from our ensuring that public safety networks operate  
19 so that they can reach help when they need it and so  
20 that first responders can get that help to them as  
21 quickly as possible.

22                   So let me talk a little bit about public

1 safety in the 700-megahertz band. There is a 24-  
2 megahertz block of spectrum in the 700-megahertz band  
3 that's been allocated to public safety. For purposes  
4 of DTV, the simplest way to explain it is that it  
5 corresponds to two sets of television channels, which  
6 are Channels 63 and 64 and 68 and 69 on your TV dial.

7           Within that 24-megahertz block, the  
8 Commission has actually divided it into two segments,  
9 one of which is allocated for broadband operations  
10 and one of which is allocated for narrowband  
11 operations. I'll talk a little bit about each one.

12           The practical significance of the digital  
13 television transition is that until it occurs public  
14 safety licensees cannot operate in those areas where  
15 there is a Channel 63 or 64 or 68 or 69 incumbent,  
16 both because they could receive interference, but  
17 more importantly because until the transition occurs  
18 they are required to protect those incumbents from  
19 interference. Therefore, in those areas of the  
20 country where we have incumbents on those channels --  
21 and that's not in all areas of the country; there are  
22 only certain ones -- public safety entities that want

1 to operate on the 700-megahertz band will have to  
2 wait until the transition occurs and those  
3 broadcasters move out of their portion of the  
4 spectrum, at which point they can commence  
5 operations, though it is important to emphasize there  
6 are many parts of the country where there are no  
7 incumbents on those channels and therefore public  
8 safety on the narrowband side has the ability and in  
9 fact many public safety entities already are  
10 operating on the 700-megahertz band, and the DTV  
11 transition will not have any impact on those systems  
12 that are already operating.

13 Let me talk a little bit about broadband  
14 versus narrowband in the 700-megahertz band. With  
15 respect to broadband, as many of you may know, the  
16 Commission has been engaged in a rulemaking  
17 proceeding to lay the foundation for creation of a  
18 nationwide interoperable broadband public safety  
19 network in the 700-megahertz band, and proposals have  
20 involved the use of a public-private partnership to  
21 develop the network.

22 That is of course a subject on which

1       there has been a great deal of discussion and there  
2       will continue to be a great deal of discussion before  
3       the new Commission because that rulemaking is still  
4       pending.

5                   For purposes of our discussion today with  
6       respect to the DTV transition, really as a practical  
7       matter because that proceeding is still ongoing and  
8       the ultimate disposition of the broadband portion of  
9       the spectrum is still to be decided by the  
10      Commission, it's unlikely to be affected by the  
11      timing of the digital television transition, whether  
12      it will occur next February, within a couple of  
13      weeks, or in June if the pending legislation were to  
14      be passed.

15                   Really, when we're talking about  
16      broadband deployment in the band we're talking about  
17      something that is in the future that's obviously  
18      extremely important to the Commission and to the  
19      development of public safety technology. But the  
20      digital television transition itself, the timing  
21      options that we're talking about should not have a  
22      significant impact.

1           The timing does have a bit more impact on  
2 narrowband operations by public safety entities in  
3 the 700-megahertz band. By narrowband, typically  
4 we're talking about conventional voice operations and  
5 perhaps some limited data, not high-speed data  
6 operations, that use narrowband channels. So this is  
7 more likely the public safety operation that we see,  
8 we have seen in other bands as well, the sort of  
9 traditional types of public safety first responder  
10 radio networks.

11           There are a number of public safety  
12 agencies that have already commenced operation in  
13 areas of the country where there are no issues of  
14 interference with the existing television or digital  
15 television broadcast stations because they don't  
16 operate on those particular channels, 63-64, 68-69.

17           In those areas where there are still  
18 broadcasters operating, then obviously the timing of  
19 the DTV transition becomes a significant issue.  
20 Under the options that are currently being  
21 considered, though -- that is, either the transition  
22 will take place on February 17th or, if the

1 legislation passes as it's currently drafted, it will  
2 provide for a transition in June -- clearly it's an  
3 issue of concern to public safety as to when that  
4 transition is going to occur. But we do not have  
5 evidence at this point that the impact of that type  
6 of delay is of enormous significance to public  
7 safety. That's for several reasons.

8           First of all, we have procedures in  
9 place, rules in place, that would allow public safety  
10 to move onto these channels very quickly after the  
11 DTV transition, whenever it occurs, and indeed they  
12 can do much of their planning and preparation ahead  
13 of time. We don't need -- at least for narrowband  
14 services, we do not need to conduct a rulemaking.  
15 The rules are in place, the licensing mechanisms are  
16 in place.

17           Let me explain a little bit about how  
18 those licensing mechanisms work. Some of the 700-  
19 megahertz narrowband spectrum is already allocated by  
20 blanket license to each state. What that means is  
21 those individual states already have the right to  
22 deploy facilities in the band under those blanket

1 licenses without having to come back to the  
2 Commission and obtain additional licenses from the  
3 FCC. In addition, the states can and in some cases  
4 have entered into arrangements with state -- sorry --  
5 local jurisdictions within the state, that allow  
6 those local jurisdictions to use the channels under  
7 the authority of the state by agreement.

8           So again, when we're talking about those  
9 types of applications under the authority of the  
10 state's license there's no further licensing that's  
11 required by the Commission. What that means is that  
12 if you're in a state where there is an analog, let's  
13 say an analog Channel 63 broadcaster just as an  
14 example, that's occupying channels that are part of  
15 what has been licensed on a blanket basis to the  
16 state, as soon as that broadcaster has vacated as a  
17 part of the transition the state has the authority to  
18 deploy facilities on that spectrum without having to  
19 come to the Commission to obtain a license.

20           The rest of the narrowband spectrum  
21 that's not licensed on a state basis is licensed by  
22 individual applications that come to the FCC pursuant

1 to prior FCC-approved regional planning committee, or  
2 RPC, plans. The RPCs are public safety committees in  
3 -- largely the regions correspond to the states, but  
4 not entirely. But the RPCs are public safety  
5 committees within each state that develop  
6 coordination plans within the respective regions to  
7 maximize use of the 700-megahertz spectrum. If an  
8 applicant wants to use spectrum that's subject to  
9 that plan, they first go to the RPC, get their  
10 approval and ensure that what use they want to make  
11 of the spectrum is consistent with the plan. Then  
12 once they've done that, they file an application with  
13 us, which can be granted very quickly.

14           Again, those procedures are already in  
15 place. There are 55 regions and therefore 55 RPCs in  
16 the U.S. Not all of them at this point have  
17 developed regional plans. At this point there are 13  
18 that have developed plans that have been approved by  
19 the FCC. Other regions are in the process of  
20 developing plans. But even in the regions where  
21 there is no RPC plan, FCC-approved RPC plan in place  
22 currently, there are still options that allow public

1 safety licensees in those jurisdictions to come to  
2 the Commission and obtain typically it's what we call  
3 an STIA, special temporary authorization, that allows  
4 them to commence operations even before the plan is  
5 put in place. And there are some jurisdictions --  
6 Louisiana and Mississippi are a couple of examples --  
7 that have used that approach.

8           So where we stand now in terms of  
9 narrowband use of the spectrum is that there are  
10 probably several dozen public safety entities across  
11 the country, including some statewide systems, that  
12 have already deployed systems, narrowband systems, in  
13 areas where there are no broadcast incumbents on the  
14 public safety channels. These include Illinois,  
15 Louisiana, Mississippi, Virginia, Nebraska, North  
16 Carolina, Arkansas, Colorado, and Ohio.

17           There also have been some significant  
18 municipal deployments, including Las Vegas, Phoenix,  
19 and Mesa, Arizona. Other public safety entities will  
20 have to wait for the DTV transition until they can  
21 deploy, or at least wait for the incumbents in their  
22 area to vacate.

1                   This is an important point in the draft  
2                   legislation if it were to be adopted, because that  
3                   legislation gives broadcasters the option of moving  
4                   early. So broadcasters have the option, if they  
5                   wish, to move before the June deadline. Therefore,  
6                   if an individual broadcaster were to choose to do  
7                   that, then public safety entities in that affected  
8                   area could potentially move onto that spectrum sooner  
9                   than the June deadline if that were to be adopted.

10                   So the overall impact of a possible delay  
11                   -- one of the things that we've been looking at as to  
12                   what is the anticipated demand for narrowband use of  
13                   the public safety spectrum in those areas where there  
14                   are still broadcast incumbents. At the moment we  
15                   only have a handful of applicants what have  
16                   specifically come to us and appear to be anticipating  
17                   the broadcaster leaving as part of the transition so  
18                   that they can deploy.

19                   A couple of examples. Scottsdale,  
20                   Arizona, is one. In our own back yard, Prince  
21                   George's County and the State of Maryland are others.  
22                   There may be other public safety entities that are

1 waiting to see what happens. This could include  
2 state entities, perhaps some entities within states  
3 that are already authorized. As I said before, they  
4 don't necessarily have to file applications with us,  
5 but I think as a practical matter, based at least on  
6 what we know now, we don't have evidence that the  
7 type of delay that we're talking about here is going  
8 to create a significant roadblock to public safety  
9 plans to deploy in the band. It's obviously  
10 something we're going to monitor carefully.

11 We are going to continue to get  
12 information from the public safety stakeholders that  
13 have an interest, as well as others that are  
14 participating in the transition. But that is our  
15 best assessment of the situation as we sit here  
16 today.

17 With that, Jeff, I don't know if there's  
18 anything you want to add. Otherwise, we're happy to  
19 take any questions if you have them.

20 (Lights come on.)

21 MR. FURTH: And I guess the lights have  
22 come back on.

1                   MR. COHEN: I was wondering if that was  
2 public safety.

3                   MR. FURTH: That wasn't us.

4                   Yes, please?

5                   MR. STOUT (through interpreter): I want  
6 to make sure I understand what you were just  
7 discussing. For example, if there's an ice storm in  
8 Maryland and I watch my TV, I have cable service and  
9 I know there's a public safety channel, I know what  
10 it is. I think you said 63-64. However, I go to  
11 that channel and I get some information on the  
12 weather or any safety issues related to where I live,  
13 correct?

14                  MR. FURTH: That's possible. But maybe I  
15 have left a misimpression, because the public safety  
16 operations that we are talking about would be the  
17 radio operations of first responders. That is, when  
18 we're talking about narrowband operations in the 700-  
19 megahertz band on public safety entities, we're not  
20 talking about television broadcasting. What we're  
21 talking about is the radio systems that the police,  
22 the fire department, the EMTs use to communicate with

1 one another and respond to emergencies.

2 So if I left a misimpression, I  
3 apologize. But I hope that maybe clears up the  
4 question that you have.

5 MR. STOUT: Okay, thank you.

6 MR. FURTH: Any other questions?

7 (No response.)

8 CHAIRPERSON BERLYN: Thank you very much,  
9 David. I really appreciate it. Again, we definitely  
10 will have time to get you back here for further  
11 discussion and we appreciate it. Thank you for your  
12 patience in waiting it out to the end of the day  
13 here, the end of our day. I'm sure not yours.

14 MR. FURTH: Thank you all. I wish  
15 everyone here a safe journey to wherever it is you've  
16 come to visit us from.

17 CHAIRPERSON BERLYN: And congratulations  
18 on your 5:00 p.m. Acting Bureau Chief.

19 (Applause.)

20 CHAIRPERSON BERLYN: A couple things.  
21 We're looking at our agenda. Here's how we now look  
22 here. We're next going to take public comments if

1       there are some, but we will make sure that we have  
2       that opportunity, as always. We have to go through  
3       our recommendations, and we also do want to talk  
4       about going forward. We want to make sure that  
5       everybody is in the room when we talk about where we  
6       go next.

7                        So a couple thoughts. One is that I want  
8       to make sure that we give fair consideration to each  
9       of our recommendations and that we don't rush through  
10      them, and that everybody has an opportunity to  
11      carefully review each of our recommendations and make  
12      any comments and changes that they so desire. It is  
13      the nature of this process that we don't have a lot  
14      of preparation time sometimes, so we are in that sort  
15      of position today.

16                      There are a couple of choices we have.  
17      One option is if we do feel that we need additional  
18      time or if anyone feels that they want to take a look  
19      at some of these recommendations and see them in  
20      writing, we could -- I was just talking to Scott --  
21      we could have a conference call meeting of the CAC,  
22      the whole CAC, next week to vote on each of these

1 recommendations and do it that way, not necessarily  
2 the ones you have in your package, because those you  
3 had an opportunity to look at, but perhaps the new  
4 ones that we are proposing today that we have just  
5 developed. So that's one option.

6 The other option is we can go forward and  
7 consider them right now. So think about that for a  
8 moment.

9 But first let me ask if there's anyone  
10 here who would like to offer any public comments in  
11 the room?

12 (No response.)

13 CHAIRPERSON BERLYN: I do have some  
14 electronic public comments that I'm going to  
15 distribute, that were just received. So this is the  
16 FCC getting into the new age here. So you can take  
17 these with you.

18 I also know that Ken has mentioned that -  
19 - I also know that, Ken, you have to leave shortly?

20 MR. McELDOWNNEY: Yes.

21 CHAIRPERSON BERLYN: And I also want to  
22 make sure, separate and apart from the way we do our

1 recommendations today, you want to make sure that we  
2 schedule -- did you want to bring that question up?  
3 Thank you.

4 MR. McELDOWNEY: Thanks.

5 I know that in the morning session there  
6 was interest both from the Commissioners and also  
7 from FCC staff in terms of getting input sooner as  
8 opposed to later on the type of community-based  
9 education outreach that we would recommend. So I  
10 guess a couple things. One is to ask the chair if  
11 she and Scott would set up such a conference call  
12 next week with key FCC staff plus anyone on the CAC  
13 who wants to be in on that call.

14 I guess the second question then is, if  
15 such a call is possible, sort of who on the CAC would  
16 be interested in taking part in it?

17 CHAIRPERSON BERLYN: So this would be to  
18 discuss outreach, DTV outreach?

19 MR. McELDOWNEY: Yes.

20 CHAIRPERSON BERLYN: With appropriate FCC  
21 staff, and those on the CAC who would be interested.  
22 This is of course, I would assume, assuming there is

1 a delay.

2 MR. McELDOWNEY: Yes.

3 CHAIRPERSON BERLYN: Because it's one  
4 week for an outreach plan otherwise.

5 Thank you. I think that's an excellent  
6 idea, and unless anyone disagrees we will -- if  
7 you're not here, Ken, we will plan to do that, and  
8 I'll tale volunteers. And I assume you are  
9 volunteering, number one, for that task force.

10 MR. McELDOWNEY: Right. Okay, thanks.

11 CHAIRPERSON BERLYN: Great. Okay, so we  
12 have no public comments. Now we are at the point in  
13 our committee where we are considering our  
14 recommendations. Yes, Gloria?

15 MS. TRISTANI: You asked us to think  
16 about whether we should vote on the recommendations  
17 that were previously given to us or perhaps wait  
18 until next week or whatever when we can all get on  
19 the call together to vote on the ones that we've been  
20 discussing today. I would urge all of you to  
21 consider that, because of the time sensitive nature  
22 of these issues, that we should at least discuss

1 these recommendations today. They're not very long  
2 or very complicated.

3 CHAIRPERSON BERLYN: Okay, let's see how  
4 we do on our time.

5 MS. TRISTANI: We actually have quite a  
6 bit of time, so I'd sure appreciate it if we could do  
7 that.

8 MR. MARSHALL: It would be simpler if we  
9 could adopt them now.

10 CHAIRPERSON BERLYN: It would be simpler,  
11 there's no doubt about that, if we can move them  
12 quickly. We can try and do that.

13 I do know that there are several of us  
14 who need to leave today at 3:30. Unfortunately, I am  
15 one of those. So I will disclose that, and there are  
16 several others in the room who are in that position.  
17 So we'll see what we can do. But we will continue to  
18 go. I don't know if we will continue to have a  
19 quorum or not at that point, but let's see what we  
20 can do.

21 There are three in your packets. If you  
22 want to take out the recommendations that are in your

1 packets -- let's see if there's any particular -- I'm  
2 trying to see who is going to present what here.  
3 Karen, I know you have -- you have the one on video  
4 description.

5 MS. PELTZ STRAUSS: Closed captioning.

6 CHAIRPERSON BERLYN: Closed captioning  
7 and video description. Do you want to present that  
8 one to the committee?

9 MS. PELTZ STRAUSS: Sure. Gloria, I'm  
10 amending that a little bit, but you'll be for that,  
11 too.

12 This was actually something that was put  
13 together by most of the disability group, which is  
14 part of the DTV group, and also with the help of Dana  
15 Mulvaney, who I mentioned before, kind of a composite  
16 effort by a number of people.

17 It says: "The Commission should take  
18 immediate and ongoing actions to resolve problems  
19 associated with the provision of closed captions and  
20 video description for provided on digital television  
21 programming." And I should add that part of this  
22 builds on a resolution which was already agreed upon,

1       which is in number 2. "In light of the rapidly  
2       approaching cessation of analog transmissions  
3       nationwide, the FCC should take whatever steps are  
4       necessary to ensure that individuals who rely on  
5       closed captioning and video description are not cut  
6       off from access to emergency information and other  
7       televised material when the DTV transition takes  
8       place. To achieve this, the CAC recommends the  
9       following actions:

10                       "Number 1, the Commission should  
11       immediately conduct an assessment of current and  
12       anticipated problems associated with the transmission  
13       and display of closed captioning and video  
14       description. This effort should involve gathering  
15       information on how to resolve these problems as well  
16       as making this information publicly available on an  
17       expedited and ongoing basis through an information  
18       clearinghouse and other measures. In this manner all  
19       interested parties, including engineers,  
20       manufacturers, programming distributors, and  
21       consumers, will have access to available technical  
22       solutions.

1           "Number 2" -- and this was the part that  
2 more or less was resolved before; we built upon it  
3 just a little bit to clarify some points -- "as part  
4 of the effort to achieve number 1 above, the  
5 Commission should convene a technical working group  
6 on digital closed captioning and video description  
7 that includes representatives from broadcast, cable,  
8 and satellite industries, manufacturers of consumer  
9 electronics, manufacturers of equipment used or  
10 connected with the processing and encoding of  
11 captions and video description, consumer electronic  
12 retailers, captioning and video description  
13 providers, and consumers of captioning and video  
14 description.

15           "The working group would" -- first dot --  
16 "identify current and anticipated problems with the  
17 transmission and display of video captioning and  
18 video description."

19           Second bullet: "Evaluate the captioning  
20 and video description capabilities of digital  
21 equipment; and

22           Third bullet: "Devise solutions to

1 ensure that captions and video description are passed  
2 through intact to the consumer."

3 "Number 3: The Commission should assume  
4 a leadership role in ensuring that TV station  
5 engineers will seek the guidance and assistance they  
6 need to correct technical problems related to closed  
7 captioning and video description as these solutions  
8 are developed.

9 "Number 4: The Commission should step up  
10 its enforcement of existing closed captioning  
11 applications that already apply to DTV manufacturers  
12 and distributors of DTV programming under the  
13 Commission's rules."

14 Now, that's what everybody has in front  
15 of them. I would like to propose a fifth. Should I  
16 stop there or should I go further?

17 CHAIRPERSON BERLYN: You want to add to  
18 your own?

19 MS. PELTZ STRAUSS: I do.

20 CHAIRPERSON BERLYN: Okay, let's see. A  
21 friendly amendment.

22 MS. PELTZ STRAUSS: Right.

1                   CHAIRPERSON BERLYN: Why don't you offer  
2 your friendly friendly amendment.

3                   MS. PELTZ STRAUSS: All right. My  
4 friendly amendment is: "Number five, the Commission  
5 should appoint dedicated staff in its call centers" -  
6 - and I put an "s" because I'm still not sure whether  
7 it's "center" or "centers" -- "to specifically  
8 respond to questions and concerns associated with the  
9 transmission and display of closed captioning and  
10 video description."

11                   Do you want me to read that slower?

12                   CHAIRPERSON BERLYN: "To respond to" --

13                   MS. PELTZ STRAUSS: I'm sorry, I'll read  
14 it a little slower: "The Commission should appoint  
15 dedicated staff in its call center(s) to  
16 specifically" -- or -- "specifically to respond to  
17 questions and concerns associated with the  
18 transmission and display of closed captioning" --

19                   CHAIRPERSON BERLYN: I lost it again.

20 "To respond to questions and concerns."

21                   MS. PELTZ STRAUSS: "Associated with" --

22                   CHAIRPERSON BERLYN: "Associated with" --

1 MS. PELTZ STRAUSS: "The transmission and  
2 display of closed captioning and video description."

3 CHAIRPERSON BERLYN: Okay, very good.

4 MS. PELTZ STRAUSS: So can I make a  
5 motion that this be accepted. Do we need to discuss  
6 it? How do we do this? Do I make a motion first,  
7 then we discuss it?

8 CHAIRPERSON BERLYN: Sure.

9 MS. PELTZ STRAUSS: So I move that this  
10 be adopted.

11 CHAIRPERSON BERLYN: Second?

12 VOICE: Second.

13 CHAIRPERSON BERLYN: Discussion?

14 (No response.)

15 CHAIRPERSON BERLYN: Hearing none, all  
16 those who are in favor signify by saying aye.

17 (Chorus of ayes.)

18 CHAIRPERSON BERLYN: All those opposed?

19 (No response.)

20 CHAIRPERSON BERLYN: It's approved. Any  
21 abstentions?

22 (Show of hands.)

1                   CHAIRPERSON BERLYN:  Sorry.  One, two,  
2                   three.

3                   MR. MARSHALL:  Do you want to make a  
4                   record of the abstentions?

5                   CHAIRPERSON BERLYN:  There are three  
6                   abstentions.  I saw three abstentions.

7                   All right.  Thank you, Karen.

8                   MS. PELTZ STRAUSS:  Thank you.

9                   CHAIRPERSON BERLYN:  There is another one  
10                  in your packet.  I think, Charles, you're presenting  
11                  this one; is that correct?

12                  MR. BENTON:  Yes.

13                  CHAIRPERSON BERLYN:  Pull out your second  
14                  one there, and it's "November 2008 meeting," it  
15                  starts out.  Charles, do you want to read the rest?

16                  MR. BENTON:  Yes, thank you.  I think you  
17                  can read this quickly.  It's half a page.  This came  
18                  out of the conference call of the DTV Subcommittee  
19                  that the Chairman led last week, and I made this  
20                  suggestion.  This was one of our 12 recommendations  
21                  in our November 14th meeting.  It was number 8  
22                  actually and we just picked it right up from that

1 earlier, and out of the paragraph at the end, which I  
2 will read because the rest is what we had before.

3           So the last paragraph in here says:  
4 "With new leadership and a possibly new deadline for  
5 the DTV transition, the CAC recommends that the FCC,  
6 while redesigning its web site to make it more  
7 friendly, give high priority to the creation and  
8 maintenance of a DTV Consumer Forum so that consumers  
9 have an online space to bring up and offer advice on  
10 issues related to their personal adoption of digital  
11 television technology."

12           So this is simply picking up the eighth  
13 recommendation in our previous set. It seemed to me  
14 as we discussed it last week that it ought to be  
15 raised up among priorities and therefore given  
16 special and additional mention today.

17           So I would move the adoption of this, and  
18 I have another couple of things to say while I have  
19 the floor.

20           VOICE: Second.

21           CHAIRPERSON BERLYN: Any discussion?

22           (No response.)

1                   CHAIRPERSON BERLYN: All those in favor  
2 of this recommendation, signify by saying aye.

3                   (Chorus of ayes.)

4                   CHAIRPERSON BERLYN: Any opposed?

5                   (No response.)

6                   CHAIRPERSON BERLYN: Abstentions?

7                   (No response.)

8                   CHAIRPERSON BERLYN: Okay.

9                   MR. BENTON: No abstentions. I feel  
10 singled out here, very special with no abstentions.

11                  CHAIRPERSON BERLYN: Okay, Charles, you  
12 want to have the floor?

13                  MR. BENTON: Yes, I do. Thinking about  
14 the next steps, this is a next step point. In view -  
15 - this actually was inspired by Commissioner Copps  
16 and I'm passing this around so you'll have the paper  
17 here in front of you. But I was inspired by  
18 Commissioner Copps' speech to the staff here at the  
19 FCC on Monday.

20                  I am recommending here that the CAC  
21 create a new working group for 2009-2010 -- that's  
22 the season we're in -- that would be called the

1 Working Group on FCC Openness and Transparency.

2 CHAIRPERSON BERLYN: Charles.

3 MR. BENTON: This is right in line with  
4 our topic here of "Where Do We Go From Here?" on the  
5 agenda, "Where Do We Go From Here?, Open Discussion  
6 Regarding CAC's Future Role."

7 CHAIRPERSON BERLYN: Actually, no. We're  
8 on recommendations now, action recommendations. If  
9 you could hold, I would prefer that we go -- we'll  
10 hold for a moment.

11 MR. BENTON: Okay.

12 CHAIRPERSON BERLYN: I prefer that we go  
13 right now to the recommendations that we have from  
14 our DTV Working Group and hold on this.

15 MR. BENTON: That's fine.

16 CHAIRPERSON BERLYN: We'll continue.  
17 We'll pass this around.

18 MR. BENTON: You're right.

19 CHAIRPERSON BERLYN: Let's see. Can I  
20 call on our scribe extraordinaire, Kevin? Oh, Karen  
21 has it.

22 MR. MARSHALL: If we can get the Court

1 Reporter please to expedite this portion of the  
2 transcript on the recommendations, that would be very  
3 helpful as well.

4 COURT REPORTER: Yes.

5 CHAIRPERSON BERLYN: Based on our working  
6 group recommendations today, we have several  
7 recommendations that came out of that. Karen's going  
8 to read them. We'll take them one at a time. Karen,  
9 how many do we have?

10 MS. PELTZ STRAUSS: It looks like we have  
11 six.

12 CHAIRPERSON BERLYN: Six, and they're all  
13 connected. But we'll take them one at a time.

14 MS. PELTZ STRAUSS: I can read them one  
15 at a time.

16 CHAIRPERSON BERLYN: Okay, we'll take  
17 them -- we have to take them; we're taking them one  
18 at a time.

19 MS. PELTZ STRAUSS: They're all  
20 connected, but I'm going to read them. Bear with me  
21 because I have them in like three different pieces of  
22 paper here.

1                   "The CAC proposes the FCC develop a  
2           specific plan for notifying consumers about stations  
3           that decide to transition before the official analog  
4           cutoff date of June 12, 2009" -- and we're assuming  
5           that that's the date; we can leave off that date if  
6           you want to and just say "analog cutoff date." So  
7           why don't I do that, just say "analog cutoff date."

8                   CHAIRPERSON BERLYN: Yes.

9                   MS. PELTZ STRAUSS: "As part of this  
10          plan, and in order to improve digital television  
11          transition consumer education and adoption efforts,  
12          the FCC shall" -- and now we're starting with number  
13          one. So that was actually -- that's why I'm saying  
14          it is all part of the plan.

15                  CHAIRPERSON BERLYN: I see.

16                  MS. PELTZ STRAUSS: And there are some  
17          components of the plan.

18                  CHAIRPERSON BERLYN: I hear you.

19                  MR. ELLIS: The first part was the FCC  
20          should consider this?

21                  MS. PELTZ STRAUSS: "The FCC should  
22          develop a plan," and this is the first part of the

1 plan. So the FCC shall:

2 "One, publish and regularly update  
3 information on television broadcast stations that  
4 have commenced digital-only operations" -- and in  
5 parentheses, "i.e., have turned off their analog  
6 channel" -- period. "The CAC proposes that this  
7 information be" -- and now there are subsections.  
8 The first one is: "Published on the FCC's web site."

9 The second is: "Provided to the FCC's  
10 call center."

11 The third is: "Provided to FCC and NTIA  
12 contract recipients."

13 The fourth is: "Distributed to members  
14 of the CAC."

15 And the fifth is: "Distributed to  
16 members of the DTV Transition Coalition."

17 The second bullet -- again this is part  
18 of the plan -- "is that the FCC should survey a  
19 sampling of the stations that have converted to all-  
20 digital TV broadcasting and their viewers for the  
21 purpose of collecting best practices and issues that  
22 warrant greater attention."

1           The third one -- one second. Actually, I  
2 think there's five. I think there's five. So the  
3 third one is: "Work with broadcasters and other  
4 stakeholders to coordinate education efforts on a  
5 market by market basis."

6           The fourth one is: "Consider as one  
7 means of notifying consumers about station  
8 transitions direct mailings to consumers. Such  
9 mailings should be identified as official government  
10 correspondence in a manner that clearly distinguishes  
11 such mailings from general correspondence."

12           CHAIRPERSON BERLYN: What number is that?

13           MS. PELTZ STRAUSS: That's four.

14           Then five is -- again, this is part of  
15 what the FCC should do. It should: "Continue and  
16 expand efforts to prevent and remedy to the extent  
17 possible potential loss of TV coverage."

18           Oh, wait. There were six. Sorry. I  
19 said that this was going to be hard. Number six is:  
20 "The FCC and other grant-issuing agencies" --  
21 actually, this may be -- okay. "The FCC and other  
22 grant-issuing agencies should make an extra effort to

1 target DTV funds" -- I don't know whether we can  
2 cover other grant-making agencies, so we may just  
3 want to say the FCC -- "should make an extra effort  
4 to target DTV funds to educate populations that have  
5 been identified by the FCC and the Nielsen Company in  
6 its Analog-Digital Readiness Transition Report  
7 (January 2009) as least prepared for the DTV  
8 transition. In addition to the geographic areas  
9 identified by the Nielsen survey, these include  
10 African-American and Hispanic populations, rural  
11 communities, non-English-speaking individuals, low  
12 income individuals, and people with disabilities."

13 So that's number six. I can add "Native  
14 American." I can -- what is the correct terminology?

15 MR. STEPHENS: "Native American tribes."

16 MS. PELTZ STRAUSS: "Native American  
17 tribes."

18 Now, apparently some of these have been  
19 specifically identified, but all of them I think can  
20 be -- we acknowledge that all of them are of concern.

21 MR. MARSHALL: That's the end of the  
22 list?

1 MS. PELTZ STRAUSS: That's the end of the  
2 list.

3 CHAIRPERSON BERLYN: So I think we have  
4 questions.

5 MS. BOBECK: Karen, can you just re-read  
6 for us the provisions on the mailing?

7 MS. PELTZ STRAUSS: Yes. That was number  
8 -- that was number 4: "Consider as one means of  
9 notifying consumers about station transitions" -- I  
10 don't know whether you want "transitions" or  
11 "conversions" -- "direct mailings to consumers. Such  
12 mailings should be identified as official government  
13 correspondence in a manner that clearly distinguishes  
14 such mailings from junk correspondence" -- junk mail.

15 CHAIRPERSON BERLYN: To say "government  
16 mailings," is that good enough in terms of the cost,  
17 covering the cost?

18 MS. PELTZ STRAUSS: What? Oh, the cost.  
19 We can say before "consider," "if funds are  
20 available."

21 CHAIRPERSON BERLYN: Right, "if funds are  
22 available."

1 MS. PELTZ STRAUSS: I switched the  
2 sentence around and I left that out.

3 Number 5 is: "Continue" -- is it  
4 "Continue and expand" or is it "Continue to expand"?

5 MS. TRISTANI: "Continue and expand."

6 MS. PELTZ STRAUSS: "Continue and expand  
7 efforts to prevent and remedy" -- "to prevent, and  
8 remedy to the extent possible, potential loss of TV  
9 coverage." This has to do with those maps.

10 MS. BOBECK: Do you want to say "signal  
11 coverage."

12 MS. PELTZ STRAUSS: "Of TV signal  
13 coverage"?

14 CHAIRPERSON BERLYN: Can I ask a question  
15 on number 2? It says -- can you read back? It was a  
16 part of number 2 where it says "stations."

17 MS. PELTZ STRAUSS: "Survey a sampling of  
18 stations."

19 CHAIRPERSON BERLYN: Do we need to be  
20 more specific there? Are we talking about -- what  
21 about public broadcasting? Are we just talking about  
22 broadcast stations?

1 MS. PELTZ STRAUSS: Wouldn't it cover  
2 both?

3 MS. BOBECK: It covers both.

4 CHAIRPERSON BERLYN: If you say  
5 "stations" that's good enough?

6 MS. BOBECK: You could say "full power  
7 stations." Could you re-read that?

8 MS. PELTZ STRAUSS: "Survey a sampling of  
9 the stations that have converted to all-digital TV  
10 broadcasting and their viewers, for the purpose of  
11 collecting" --

12 CHAIRPERSON BERLYN: That's good enough.

13 MS. BOBECK: That's fine.

14 MS. TRISTANI: There's a question.

15 MS. KINNEY: Linda Kinney from Dish  
16 Network. I just have two suggestions. The first,  
17 number one, where we say the FCC would update  
18 regularly some sort of database, I would suggest  
19 being more specific and perhaps saying weekly. One  
20 of our concerns is we as a DTV provider have to make  
21 adjustments to our back office equipment so that our  
22 30 million subscribers will actually be able to see

1 once the conversion occurs. And we need very  
2 accurate information, and if it's not updated weekly  
3 that's a real problem, I think, for a lot of the rest  
4 of us, too, and for consumers, if they did it less  
5 frequently, monthly, or if they lagged behind.

6 MS. BOBECK: Should we say "at a minimum  
7 weekly"?

8 MS. KINNEY: Yes, that's what I was  
9 thinking, at a minimum weekly.

10 MS. BOBECK: I would hope it's daily.

11 MS. KINNEY: At a minimum.

12 MS. BOBECK: Good suggestion.

13 MS. KINNEY: My other suggestion would be  
14 on number 4, which is the direct mailings. We as  
15 well as the cable industry, covering about 100  
16 million customers, are all mailing our customers and  
17 have notification requirements. To have a competing  
18 notification from the government I think, one, would  
19 potentially cause more confusion to our customers,  
20 would drive more calls to call centers that are  
21 already overburdened.

22 So I would suggest adding language that

1 says something like "attempt to target over-the-air  
2 households." I don't know how they would do this  
3 specifically, but certainly it would be I would think  
4 an incredible expenditure to send direct mail to 100  
5 million people who don't need it, and cause more  
6 confusion and drive more calls and perhaps actually  
7 detract from the purpose. Try to focus on either  
8 certain communities or over-the-air.

9 CHAIRPERSON BERLYN: What if you have  
10 second and third and fourth TVs that are not  
11 connected?

12 MS. PELTZ STRAUSS: I would think my goal  
13 in suggesting this was really to target areas where  
14 stations were going, converting early. So it  
15 wouldn't be necessarily as broad as you're  
16 anticipating, assuming that it's a finite number. I  
17 don't know. If everybody's going to go early  
18 incrementally, then it is everybody.

19 MS. KINNEY: I don't know how you'd  
20 figure it out. We've already heard of two stations  
21 that are trying to go back to analog after they've  
22 converted, and how you would be able to do that with

1 a lead time that made sense in markets with any level  
2 of accuracy -- I just mention this because during the  
3 soft cutoffs what's happened is, even though the  
4 broadcasters are saying in lots of cases their slate  
5 says "If you're seeing this message you're not being  
6 impacted," if we haven't exchanged all of our back  
7 office equipment the truth is those messages were not  
8 accurate for our subscribers and drove all kinds of  
9 calls and created a lot of consumer confusion.

10 We don't want to add to the consumer's  
11 confusion, is what I'm saying, and having conflicting  
12 messages, one from your provider and one from the  
13 government and one from the broadcaster, does add to  
14 a lot of confusion.

15 MS. TRISTANI: Can I --

16 CHAIRPERSON BERLYN: Go ahead.

17 MS. TRISTANI: Unfortunately, there  
18 already is a lot of consumer confusion because -- I  
19 don't want to go back, but this wasn't done right,  
20 and now we're just trying to do what we can to remedy  
21 it.

22 I think Karen's suggestion was, since

1       there are going to be -- let's assume for the sake of  
2       argument that Congress passes and the President signs  
3       the delay bill. There are still going to be many  
4       markets or stations that are going to transition  
5       before that date, and I think this was an attempt to  
6       make sure that where that's happening sooner rather  
7       than later that there be more awareness of that.

8                   Unfortunately, there's no perfect way to  
9       do this. It may be that we recommend this and there  
10      are actually no funds for this. Mailings are very,  
11      very expensive. So this may be a pie in the sky in  
12      any event.

13                   Is there a way to identify the over-the-  
14      air households? That would be terrific, but I don't  
15      know.

16                   MS. PELTZ STRAUSS: What if we add the  
17      language "consider," "if funds are available,  
18      consider as one means of notifying consumers who may  
19      be using over-the-air televisions"?

20                   MS. KINNEY: That's fine. I just think,  
21      also speaking as a taxpayer, I don't want hundreds of  
22      millions of dollars going out toward mailings where

1 people have pay TV services and don't need those  
2 mailings. I just think I would prefer to have those  
3 funds targeted in whatever way they can toward over-  
4 the-air households.

5 I understand people may have TVs in  
6 basements and, believe me, our subscribers do. I  
7 don't really feel sorry for those people. I mean, as  
8 a member of this committee and a former FCC staffer  
9 for a decade, I'm not really focused on the poor pay  
10 TV subscriber who has a basement TV. They get  
11 information during hurricanes or a floor or whatever  
12 the emergency is. I just don't want my money going  
13 toward those customers.

14 Again, we've had such confusion among our  
15 own subscribers over this whole thing and they're not  
16 impacted by this. So really it's driven a lot of  
17 resources in a way that's not necessary.

18 So I hear you on the direct mail, but it  
19 seems to me the money would be better spent and cause  
20 less other ancillary problems if the focus continued  
21 to be on over-the-air households rather than on pay  
22 TV households.

1 MS. TRISTANI: And I agree with some of  
2 that. But I do want to go back to a point here. My  
3 number one concern right now is over-the-air only  
4 households, but I also am concerned about the  
5 hundreds of thousands and millions of Americans who  
6 are having to do different things because of the  
7 transition. Let's face it, this is a government  
8 mandate. Yes, there are consumers that have four or  
9 five TVs and four of them may not work any more, and  
10 that was not their choice.

11 So let's keep in mind that everyone, even  
12 those that have pay services, are being impacted. A  
13 lot of the pay services are also going up. They're  
14 changing to digital tier. All sorts of things are  
15 happening. So it's not a seamless all only over-the-  
16 air. The fact is in America some people have seven,  
17 eight televisions and if seven of those are analog  
18 they don't work any more. So everybody is being  
19 impacted in one way or another. Some are more  
20 vulnerable, but let's not forget that, that everybody  
21 in some way is impacted.

22 MS. KINNEY: Yes, sorry.

1 MS. TRISTANI: And without -- they have  
2 no choice in the matter.

3 MS. KINNEY: Just to be clear, my first  
4 starting point is we are contacting -- we are, under  
5 FCC rules, to have notices mailed to each and every  
6 one of our subscribers on a monthly basis informing  
7 them if they have TVs that are not hooked up to our  
8 system they must do something, and here's the  
9 directions.

10 So all I'm saying is these people have  
11 been bombarded with those messages and those mailings  
12 are occurring, at great expense, millions of dollars  
13 we're all spending to notify everybody monthly, and  
14 have special notices.

15 MS. TRISTANI: And I know there have been  
16 good efforts from industry, etcetera. But you ask my  
17 89-year-old dad and my 83-year-old mother, and  
18 they're both fairly intelligent -- my dad's mind is  
19 not there any more -- and they're still very  
20 confused, and they get the notices. So let's face  
21 it, it's confusing. It's a transition. It's hard.  
22 It's change. And we're just trying to do everything

1 we can.

2 But I'm taking up time here, and I think  
3 we've made some amendments to the portion that  
4 concerned you. So if there are other areas --

5 CHAIRPERSON BERLYN: I have to take a  
6 poll on how we're doing here. Oh, Brenda, do you  
7 have a comment on this?

8 MS. PENNINGTON: I just have one  
9 amendment. In the introductory paragraph where you  
10 talk about education, I'd like it to read "education  
11 and outreach."

12 MS. TRISTANI: That's in the beginning?

13 MS. PENNINGTON: Yes, it's in the  
14 beginning.

15 MS. TRISTANI: In the preamble?

16 CHAIRPERSON BERLYN: The preamble. Well,  
17 actually in number 6 where you say "to target DTV  
18 funds to educate." You say that in number 6, Karen.

19 MS. PELTZ STRAUSS: Number 6 is "to  
20 educate."

21 CHAIRPERSON BERLYN: Is that what we're  
22 talking about, "to educate" funds?

1 MS. PELTZ STRAUSS: The first one, all  
2 that the first one says is that "The FCC should  
3 develop a plan for notifying consumers about stations  
4 that decide to transition before the cutoff date. As  
5 part of this plan, and in order to improve the  
6 digital television transition consumer education and  
7 adoption efforts" --

8 MS. PENNINGTON: "Consumer education and  
9 outreach efforts," that's what I want it to read.

10 MS. PELTZ STRAUSS: So "adoption" was  
11 somebody else's words. Whoever said that, is that  
12 okay? "Outreach and adoption," okay.

13 CHAIRPERSON BERLYN: That's number 6.

14 MS. PELTZ STRAUSS: No, that's the  
15 preamble.

16 MS. TRISTANI: That's the preamble?

17 CHAIRPERSON BERLYN: That's the preamble.

18 So what is number 6?

19 MS. PELTZ STRAUSS: Number 6 is making an  
20 extra effort to use funds for populations identified  
21 as not ready, as least prepared for the transition.

22 CHAIRPERSON BERLYN: Using DTV funds?

1 MS. PELTZ STRAUSS: Yes, yes.

2 CHAIRPERSON BERLYN: To -- oh, you don't  
3 have the word "educate" in there?

4 MS. PELTZ STRAUSS: I do, but it's not --

5 CHAIRPERSON BERLYN: I'm asking a  
6 separate question.

7 MS. PELTZ STRAUSS: Yes, the word  
8 "educate" is in there, but "educate" is a verb, so  
9 you can't say "educate and outreach" people.

10 CHAIRPERSON BERLYN: Because you want to  
11 do more than just educate people, don't you?

12 MS. PELTZ STRAUSS: Okay. "The FCC  
13 should make an extra effort to target DTV funds for  
14 the purpose of providing to educate" --

15 CHAIRPERSON BERLYN: "To educate and  
16 assist"?

17 MS. PELTZ STRAUSS: Yes, I like that.

18 CHAIRPERSON BERLYN: Okay.

19 MS. PELTZ STRAUSS: That goes beyond  
20 that. It goes to help them out.

21 CHAIRPERSON BERLYN: Yes, right. Okay,  
22 good.

1                   MS. BOBECK: For those of us who don't  
2           have the benefit of the draft in front of us, and  
3           because we've gone back and forth among 4, 5, 6, 8,  
4           2, and 3, can we do one more read-through if  
5           discussion is through, so we're all comfortable?

6                   CHAIRPERSON BERLYN: We certainly can.  
7           We have a problem. We have not gotten to the last  
8           part of our meeting, which is a discussion of the  
9           working groups, and I do know that Charles needs to  
10          go. This is what I think we need to do -- and bear  
11          with me, CAC. I think what we need to do, because I  
12          don't want to give any of these topics insufficient  
13          time for discussion -- and I am so sorry, Scott.  
14          Scott's not going to like this.

15                   I think what we need to do is we need to  
16          convene the CAC and we need to do it at the  
17          convenience of all those involved by phone. We have  
18          to have a full meeting of the CAC. We have to have  
19          that final discussion. I want your idea, Charles, to  
20          get full consideration and discussion because it  
21          really needs that -- I don't want us to give only  
22          five minutes to it -- and a discussion about other

1 working groups, which we really need to plan for, not  
2 just on digital television, but on other issues that  
3 the CAC is going to be considering over the life of  
4 its term.

5           So that's what I would like to do. We  
6 will plan that and we'll set up some sort of  
7 communication where we can ask everyone what is a  
8 convenient time, and we'll try and find a time that  
9 meets everybody's schedules in the next two weeks,  
10 because the immediacy of that does not depend on the  
11 DTV transition date.

12           But I do want to give everybody fair time  
13 to consider that.

14           MR. BENTON: Great, no problem. Let me  
15 just add here one P.S. to all of that. On the  
16 agenda, which is a very good agenda, it's terrific,  
17 it says actually "Where we go from here, CAC's future  
18 role on DTV, broadband outreach." This is my P.S.  
19 It's my P.S. to the meeting. In addition to all the  
20 DTV -- the stimulus plan right now has somewhere  
21 between \$6 to \$9 billion in it for broadband reaching  
22 to rural areas and reaching the underserved. We have

1 got to have this on our agenda. So we've got to  
2 revive the Broadband Committee on focus on this.

3 While I understand the urgency of the DTV  
4 transition and I am all for it, I think that this  
5 broadband outreach piece is another one we should  
6 talk about. So we should add that to the agenda as  
7 well for the next couple of weeks, just to move the  
8 discussion along.

9 CHAIRPERSON BERLYN: Absolutely, Charles.  
10 And I anticipate we would have a working group on  
11 that at our next CAC meeting, with a lot of time.

12 So what we need to do right now is, let's  
13 complete action on these recommendations. Do we need  
14 to do one more read-through?

15 MS. PELTZ STRAUSS: I just added a word.  
16 I added in the first one -- we had said "publish and  
17 update information on television broadcast stations,"  
18 but in the list it's "distribute" also. So I added  
19 "publish, distribute, and update."

20 So I can read all of them now if you're  
21 ready.

22 CHAIRPERSON BERLYN: Yes. Marti?

1 MS. DONEGHY: Are we expected to vote  
2 today on the recommendations as well, or are we just  
3 listening to the read-through?

4 CHAIRPERSON BERLYN: I think we'd like to  
5 vote at this point, because I think we should be  
6 ready. We've had our discussion. If we can move  
7 forward for a vote, I think we can do that, if we can  
8 do that quickly.

9 MS. PELTZ STRAUSS: Yes, okay. Here we  
10 go:

11 "The CAC proposes that the FCC develop a  
12 specific plan for notifying consumers about stations  
13 that decide to transition before the official analog  
14 cutoff date. As part of this plan, and in order to  
15 improve the digital television transition consumer  
16 education, outreach, and adoption efforts, the FCC  
17 shall:

18 "One, publish, distribute and update  
19 information on television broadcast stations that  
20 have commenced digital-only operations (i.e., have  
21 turned off their analog channel). The CAC proposes  
22 that this information be: one, published on the

1 FCC's web site; two, provided to the FCC's call  
2 center; three, provided to the FCC and NTIA contract  
3 recipients" -- or actually, "grant recipients" --  
4 Contract? Okay, "contract recipients."

5 "Four, distributed to the members of the  
6 CAC; and five, distributed to members of the DTV  
7 Transition Coalition. At a minimum, such information  
8 shall be published on a weekly basis" -- or actually,  
9 "shall be published, distributed, and updated on a  
10 weekly basis."

11 "Two, survey a sampling of the stations"  
12 -- again, this is "FCC shall" -- survey a sampling of  
13 the stations that have converted to all-digital TV  
14 broadcasting and their viewers for the purpose of  
15 collecting best practices and issues that warrant  
16 greater attention.

17 "Three, work with broadcasters and other  
18 stakeholders to coordinate education efforts on a  
19 market by market basis;

20 "Four, if funds are available, consider  
21 as one means of notifying consumers who may be using  
22 over-the-air televisions about station transitions" -

1 - "about station transitions, direct mailings to  
2 consumers." "If funds are available, consider as one  
3 means of notifying consumers who may be using over-  
4 the-air televisions" -- this doesn't make sense to  
5 me; yes, I guess it's right.

6 -- "about station transitions, direct  
7 mailings to consumers. Such mailings should be  
8 identified as official government correspondence in a  
9 manner that clearly distinguishes such mailings from  
10 junk mail.

11 "Five, continue and expand efforts to  
12 prevent and remedy to the extent possible potential  
13 loss of television signal coverage.

14 "Six, make an extra effort to target DTV  
15 funds to educate and assist populations that have  
16 been identified by the FCC and the Nielsen Company in  
17 its Analog-Digital Transition Readiness Report  
18 (January 2009) as least prepared for the DTV  
19 transition. In addition to the geographic areas  
20 identified by the Nielsen survey, these include  
21 African American and Hispanic populations" --  
22 "African American and Hispanic populations, Native

1 American tribes, rural communities, non-English-  
2 speaking individuals, low-income individuals, and  
3 people with disabilities."

4 CHAIRPERSON BERLYN: Okay, thank you very  
5 much, Karen. So we have the motion on the floor. Do  
6 we have a second?

7 MR. ROESCH: Second.

8 CHAIRPERSON BERLYN: Any further  
9 discussion?

10 (No response.)

11 CHAIRPERSON BERLYN: All those in favor  
12 of the recommendation signify by saying aye.

13 (Chorus of ayes.)

14 CHAIRPERSON BERLYN: All those opposed?

15 (No response.)

16 CHAIRPERSON BERLYN: Any abstentions?

17 (Show of hands.)

18 CHAIRPERSON BERLYN: Two abstentions.

19 Okay, the recommendation is approved. Thank you.

20 Those are the recommendations for the CAC today, so  
21 this is what we have at this point.

22 There are two things that you'll hear

1 from us about. One is setting up a task force. If  
2 you could please -- I think what I will do is, in all  
3 fairness to those who have had to leave early, I'll  
4 send an email out to the full CAC and ask if you  
5 would like to participate in the task force on  
6 outreach. And you can just signify by communicating  
7 back that you would like to participate, and we'll  
8 set up a task force.

9           Then we'll try and set up a conference  
10 call meeting. We may have a meeting in person here  
11 and then have telephone access as well. We may do it  
12 that way. We'll see, because there will probably be  
13 a number of FCC staff involved in that.

14           The second thing is that we will have a  
15 CAC meeting of the whole by conference call that  
16 Scott and I will put together, and that will be to  
17 finish the rest of the agenda from this meeting,  
18 which is primarily to talk about the CAC going  
19 forward and the establishment of working groups.

20           So we did get a document from Charles  
21 because he did have a proposal and so you did get  
22 that one. So you can take a look at that and be

1 prepared to discuss it on that conference call.  
2 We'll set that up within the next two weeks, some  
3 time before February 17th. Maybe we'll do it on  
4 February 17th. That would be interesting.

5 So do we have any other business to  
6 conduct?

7 (No response.)

8 CHAIRPERSON BERLYN: Do I have a -- oh,  
9 yes. Gloria, go ahead.

10 MS. TRISTANI: May I thank you, Madam  
11 Chair, for chairing this meeting and for permitting  
12 us to vote and get our business done. Thank you for  
13 your service.

14 CHAIRPERSON BERLYN: Well, thank you, and  
15 thank everybody for all the work that you have put  
16 into the CAC. This was the most productive first  
17 meeting ever, don't you think? Nothing like it.

18 Motion to adjourn?

19 MR. STEPHENS: I make a motion to that we  
20 suspend this conversation until the telephone meeting  
21 next week or whenever you can schedule it, Madam  
22 Chairman.

1                   CHAIRPERSON BERLYN: Okay, thank you. I  
2     have a sort of motion to adjourn. All those in  
3     favor?

4                   (Chorus of ayes.)

5                   CHAIRPERSON BERLYN: All right, until the  
6     next time. Thank you all.

7                   (Whereupon, at 3:33 p.m., the meeting was  
8     adjourned.)

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