

1 FEDERAL COMMUNICATIONS COMMISSION

2

3

MEETING OF THE

4

CONSUMER ADVISORY COMMITTEE

5

6

7

8

9

3:10 p.m.

10

Wednesday, March 4, 2009

11

12

13

14

15

16

Federal Communications Commission

17

445 12th Street, N.W.

18

Room 5A824

19

Washington, D.C. 20554

20

21

22

## 1 ATTENDANCE

2 CHARLES BENTON

3 DEBRA BERLYN, Chairperson

4 ANN BOBECK

5 JOHN E. COLE

6 LEW CRAIG

7 RICHARD T. ELLIS

8 JAMIE HEDLUND

9 LORI KALANI

10 IRENE LEECH

11 KEN McELDOWNEY

12 BRENDA PENNINGTON

13 NANTZ RICKARD

14 HARRY ROESCH

15 CLAUDE STOUT

16 KAREN PELTZ STRAUSS

17 KEVIN TAGLANG

18 GLORIA TRISTANI

19 DALIE TSCHIRCH

20 DOUGLAS WILEY

21

22

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

2 (3:10 p.m.)

3 CHAIR BERLYN: We are now starting our  
4 meeting. I want to welcome everyone in the room and  
5 everyone on the phone. Thank you for joining us.  
6 This is our special meeting. I'm glad that you all  
7 could join. This is a continuation actually of our  
8 unfinished business from our January 30th meeting.  
9 We have a couple of items that we need to address.

10 Our first order of business is to introduce  
11 ourselves. We'll start with those of us who are in  
12 the room. This is Debbie Berlyn, Chair. Also seated  
13 in the room is?

14 MR. WILEY: Doug Wiley with NAB.

15 MR. ELLIS: Rich Ellis from Verizon.

16 MS. STRAUSS: Karen Peltz Strauss from  
17 Communication Service for the Deaf.

18 CHAIR BERLYN: And if you could hold just  
19 one moment. Karen, would you mind passing me the  
20 sign-in sheet. I want those on the phone, if you  
21 could -- I know it's very hard to introduce yourself  
22 one at a time, but if you could introduce yourself

1 one at a time and do it clearly because I'm going to  
2 write your names down. So if you could, start by  
3 introducing yourselves now.

4 MR. McELDOWNNEY: Ken McEldowney, Consumer  
5 Action.

6 CHAIR BERLYN: Ken McEldowney. Thank you.

7 MS. PENNINGTON: Brenda Pennington,  
8 National Association of State Utility Consumer  
9 Advocates.

10 CHAIR BERLYN: Brenda, thank you.

11 MS. LEECH: Irene Leech, Consumer  
12 Federation of America.

13 CHAIR BERLYN: Irene, thank you.

14 MS. TSCHIRCH: Dalie Tschirch, Cable Vision  
15 Systems Corporation.

16 CHAIR BERLYN: Thank you.

17 MR. ROESCH: This is Harry Roesch, the  
18 Appalachian Regional Commission.

19 CHAIR BERLYN: Harry, thank you.

20 MR. BENTON: Charles Benton, Benton  
21 Foundation.

22 CHAIR BERLYN: Charles, thank you.

1 MR. COLE: John Cole, Hawaii Public  
2 Utilities Commission.

3 CHAIR BERLYN: John Cole, thank you.

4 MR. CRAIG: Lew Craig, Alaska Attorney  
5 General's Office.

6 CHAIR BERLYN: Lew, thank you.

7 MR. HEDLUND: Jamie Hedlund, CEA.

8 CHAIR BERLYN: Jamie, thank you. Are you  
9 on your way in here, Jamie?

10 MR. HEDLUND: Yes, I am. I'm trying to get  
11 parking.

12 CHAIR BERLYN: Okay, great.  
13 Anyone else on the call?

14 MS. KALANI: Lori Kalani, Dish Network.

15 CHAIR BERLYN: I'm sorry. I didn't catch  
16 that.

17 MS. KALANI: Lori Kalani with Dish Network.

18 CHAIR BERLYN: Okay, great. Thank you.

19 MS. BOBECK: Ann Bobeck with NAB.

20 CHAIR BERLYN: Great.

21 Is there anyone else on the call?

22 (No response.)

1                   CHAIR BERLYN: Is Gloria Tristani on the  
2 call or her representative?

3                   (No response.)

4                   CHAIR BERLYN: Marti Doneghy?

5                   (No response.)

6                   CHAIR BERLYN: Okay, all right. Well, if  
7 anyone hears a beep other than me, if you could catch  
8 my attention and make sure that anyone on the phone  
9 who joins us introduces themselves so we make sure  
10 that we keep up with everyone who is on our call for  
11 our meeting.

12                   Well, the major business today -- and  
13 before we actually get to business, let me make sure  
14 we -- you know, this is an unusual meeting because we  
15 have a lot of people on the phone. So that presents  
16 a couple of logistical challenges. We want to make  
17 sure that we always know who is talking on the phone.

18                   So make sure you always identify yourself.

19                   Also, there's a challenge in making sure  
20 that we are able to identify you. So make sure that  
21 I do identify you before you start talking so that we  
22 are sure that it is you and only you who is talking

1 one at a time.

2 There's a way of muting your phone, and  
3 please do keep your phone on mute unless you are  
4 speaking so that we don't get background noise. I  
5 believe you can enter \*6 to go on and off mute as a  
6 way of doing that.

7 There will be several other announcements  
8 that I will make toward the end of the meeting, but  
9 the primary purpose of our convening our meeting  
10 today is to talk about our working groups. That is  
11 really how we get our work done. We have three  
12 meetings a year which is a great opportunity for us  
13 to get together to hear from some of the officials at  
14 the FCC.

15 And I just heard a beep. So who has just  
16 joined us? Did someone just join us on the call?

17 (No response.)

18 CHAIR BERLYN: Okay, maybe someone just  
19 left us.

20 So it's great to hear from our FCC  
21 officials and other speakers when we meet, but as you  
22 all know, it is hard for us to get the work done that

1 we need to get in drafting recommendations and having  
2 in-depth discussions on our issues when we only meet  
3 three times a year.

4           So the bulk of our work does and should get  
5 done in our small working group sessions throughout  
6 the year. And we need to figure out a couple of  
7 things. One, we need to figure out what are going to  
8 be the primary, major issues that we want to address  
9 over the course of the next year and a half, year and  
10 eight months through the life of this particular  
11 chartered CAC and think about perhaps some of the  
12 work that you want to do in making recommendations to  
13 the FCC.

14           We've got a very exciting new FCC in front  
15 of us. The new Chairman was just named yesterday,  
16 Julius Genachoski, and the Senate will be taking up  
17 his nomination in the next couple of months probably.

18       So we'll have new leadership. We will also have a  
19 couple new commissioners. It's an exciting time, and  
20 our work will also be equally exciting. There are  
21 many, many issues that will be before the commission.

22       So our work will be very important, and we know that

1 we will have a greater voice, I think, here at the  
2 commission as well.

3 So with that in mind, I want your thoughts  
4 about working groups, and then we'll talk about how  
5 we set up the logistics for creating those working  
6 groups and how you can indicate your interest in  
7 serving on those working groups.

8 Now, I believe all of you have received one  
9 concept for a working group that Charles Benton has  
10 put together. So we'll start there because we  
11 actually have paper on that, and all of you, I hope,  
12 have that. All of you on the phone can open up that  
13 e-mail that was sent out that Scott has sent a couple  
14 of times and look at it. I also have copies here in  
15 the room for anyone who might need it.

16 This is a proposal to create a CAC working  
17 group on FCC --

18 MR. BENTON: FCC consumer information and  
19 participation. Let me just say a word about this  
20 because in conversations with Debra, Kevin Taglang,  
21 Scott Marshall, and myself last week, we did change  
22 the original proposal, which I think we passed out at

1 the last meeting but ran out of time to deal with on  
2 FCC openness and transparency. And since that is  
3 kind of the process de jour, so to speak, of the  
4 administration and at the FCC under acting Chairman  
5 Michael Copps' leadership, this seemed to be a more  
6 permanent label for that activity. We will certainly  
7 continue the focus on openness and transparency, but  
8 consumer information and participation we will need  
9 forever. So that seemed to be a good new label for  
10 what we were trying to achieve. So that's the idea.

11           Maybe this is so general that it should be  
12 one of the primary missions of CAC as a whole, in  
13 which case maybe we don't need this. So that would  
14 be the argument against it I think.

15           But at this time, in particular, it might  
16 be useful to have some real focus on consumer  
17 information and participation, and this is not to  
18 exclude all the other important issues before us like  
19 broadband, like universal service reform, et cetera.

20           There's lots of things for us to do, but this is one  
21 idea and we wanted to give it some forethought before  
22 discussing it here. That's the process on how we

1 arrived on this short, two-paragraph description and  
2 four-point beginning agenda.

3 MR. McELDOWNEY: This is Ken McEldowney.

4 I think it would be an excellent idea  
5 because I think that the FCC has had sort of a really  
6 bad record in terms of doing a lot of outreach and  
7 education on the wide range of things that they work  
8 on. So I think it's crucially needed right now, and  
9 I would love to be on it.

10 MR. BENTON: Great, Ken.

11 CHAIR BERLYN: Ken, this is Debbie. I'm  
12 having trouble hearing you. At least in the room,  
13 we're having a little trouble. So if you don't mind  
14 next time, if there's anyway to just speak up just a  
15 bit. Sorry.

16 MR. McELDOWNEY: Right. I also turned up  
17 the volume on my phone.

18 CHAIR BERLYN: Okay. Thanks so much.

19 Karen?

20 MS. STRAUSS: Hi. This is Karen Strauss.

21 I think this is a wonderful idea, and  
22 Charles, I would recommend that two additional

1 bullets be added. One would be FCC outreach and  
2 education, which kind of deals with FCC communication  
3 but goes a little further. And the second would be  
4 FCC disclosure of communications with the commission.

5 I mean, the FCC has an ex parte process, but we are  
6 well aware that there are a lot of communications  
7 that never quite make it into that. Any way that we  
8 can expand the knowledge of the public about what  
9 goes on behind closed doors, so to speak, I think  
10 would be helpful.

11 MR. BENTON: Absolutely. Those are  
12 wonderful ideas.

13 CHAIR BERLYN: Karen, do you mean FCC  
14 disclosure with --

15 MS. STRAUSS: Of communications with the  
16 commission. I was trying to figure out how to phrase  
17 it, if you have a better way. But basically the  
18 concept is that there are people that have meetings  
19 all the time with people at the FCC and they don't  
20 report them.

21 CHAIR BERLYN: Yes. There actually was a  
22 discussion about that. It's an interesting point.

1 Gloria Tristani is not here, but she actually brought  
2 up a question about that at a recent NARUC meeting  
3 and there was a discussion about ex parte  
4 communications where people have gotten into the  
5 practice of an ex parte -- after a meeting of just  
6 providing one paragraph: we met and discussed, you  
7 know, docket number blank. And that's the report on  
8 the ex parte without any real explanation of what was  
9 discussed. And those who are trying to participate  
10 don't really know any details.

11 MS. STRAUSS: Right. This is Karen again.

12 I guess there are kind of two issues here.

13 One is a need to have fuller disclosure of those  
14 meetings and then perhaps better enforcement or  
15 better implementation of the ex parte rules  
16 altogether because some people -- as we said, we all  
17 know that people find out things by having informal  
18 communications and sometimes one segment or one side  
19 to an issue will find out something and the other  
20 side doesn't know it through these informal  
21 communications that are never reported anywhere.

22 MR. WILEY: But those would not be reported

1       anyway, informal communications.

2               MS. STRAUSS: This is Karen.

3               Well, I guess that's what I'm saying, that  
4       we should try to make some recommendations as to  
5       whether or not they should be. You know, I'm talking  
6       about the communications with commissioner offices,  
7       for example, where people find out information  
8       informally, and you find out later that an issue that  
9       you've been working on has been changed because of  
10      these informal communications. And you've tracked  
11      the ECFS and there's no record of any such  
12      communications.

13              So I'm not proposing solutions at this  
14      point. I'm just saying that I think this is  
15      something that would be part of this working group's  
16      tasks.

17              MR. BENTON: It should be looked at in as  
18      much depth as we're able.

19              CHAIR BERLYN: Any other feedback for  
20      Charles on the concept of this working group?

21              MS. PENNINGTON: Yes, Debra. This is  
22      Brenda.

1 Charles, I told you from the beginning I  
2 fully support your working group and the creation of  
3 it, and I would like to be a part of it as well.

4 MR. BENTON: Great.

5 CHAIR BERLYN: Anyone else on the phone  
6 want to offer any input?

7 VOICE: Do we need a motion?

8 CHAIR BERLYN: We don't need a motion. We  
9 don't need to actually take votes on working groups,  
10 Scott tells me.

11 MR. BENTON: Debra, it seems to me that not  
12 hearing any contrary views, we sort of have a  
13 consensus on this and maybe ought to move on to other  
14 ideas.

15 CHAIR BERLYN: Yes. And let me just say  
16 with all the working groups that we determine today  
17 to create, we will request off-line, not today, but  
18 we will request people to volunteer to participate in  
19 these working groups and create our working groups  
20 off-line. So you don't have to volunteer today. You  
21 can take some time and look at the entire set of  
22 working groups that we come up with today and then

1 determine your interest. And just to let anyone know  
2 who is new to the CAC, you can volunteer for more  
3 than one. You can be on all of them if you would  
4 like.

5 So let's move forward. Recommendations for  
6 other working groups? We have one already. Karen?

7 MS. STRAUSS: I'm assuming it was going to  
8 continue but maybe I need to formally say it. We  
9 would like to have a continuation of the working  
10 group on disability access issues to go beyond -- you  
11 know, the last two years were really dedicated to  
12 just television. Before that, there was a lot more  
13 emphasis on a lot of different issues, including  
14 relay services, hearing and compatibility, closed  
15 captioning, so basically a broader group to cover  
16 virtually all disability-related issues.

17 CHAIR BERLYN: So a disability issues  
18 working group.

19 MS. STRAUSS: Yes.

20 MR. BENTON: Disability access issues.

21 CHAIR BERLYN: Any discussion?

22 MR. BENTON: How lucky we are to have Karen

1 in our group, as well as all the other participants  
2 that really live this every day.

3 MS. STRAUSS: Thanks, Charles.

4 CHAIR BERLYN: Do I hear general consensus  
5 then? No objections. Okay.

6 Other suggestions for working groups?

7 MS. LEECH: Are we going to be doing some  
8 things related to broadband?

9 CHAIR BERLYN: I would imagine so. And who  
10 can I ask was that?

11 MS. LEECH: That's Irene.

12 CHAIR BERLYN: Yes. Well, you know, this  
13 is the opportunity for the working group to discuss  
14 that. Broadband is certainly a pretty big issue. We  
15 did have a broadband working group during our last  
16 CAC. We did not have that many recommendations out  
17 of that working group, but I would think that given  
18 the stimulus package and the focus on broadband -- I  
19 see heads nodding here in the room, which those of  
20 you on the phone can't see. But I have agreement  
21 from those sitting here in the room. Discussion?

22 MR. BENTON: Well, Debra, in addition to

1 the stimulus package of the \$7.2 billion, of which  
2 there will be the first meeting of the NTIA next  
3 Tuesday on the 10th between 10:00 and 11:30, those  
4 interested -- that's a must attend meeting -- there  
5 is the Universal Service Fund reform, which is  
6 another \$7.2 billion, ball park, and the high cost  
7 fund where many recommendations and much discussion,  
8 including from the joint board, to transition as  
9 rapidly and expeditiously as possible from support of  
10 analog telephone service to digital broadband. So  
11 there is another big pot.

12           Whether one would want to have a separate  
13 committee on universal service reform or lump it in  
14 with the universal broadband, let's say, I'm not  
15 sure. But those are two arenas where there's going  
16 to be a lot of action driven by the very large money  
17 and the inevitable conflicts over its allocation and  
18 use.

19           MR. ROESCH: This is Harry Roesch.

20           I totally agree that broadband has to be a  
21 major portion of discussion for this group based on  
22 the stimulus bill. The meeting that Charles just

1 mentioned on the 10th is very critical for anybody  
2 that's a federal partner or anybody who's in the  
3 industry itself. So I would recommend that anybody  
4 who's local in town here try to attend that meeting  
5 at NTIA on next Tuesday.

6 CHAIR BERLYN: Thank you. We're getting  
7 some good input here.

8 Others? Anyone else want to chime in on  
9 this issue?

10 Scott was out of the room. Let me just  
11 bring Scott up to date. Scott, we approved Charles'  
12 working group and the disability issues working group  
13 once again, and now we're talking about broadband.

14 MR. MARSHALL: Okay, great. Thanks.

15 CHAIR BERLYN: Karen?

16 MS. STRAUSS: This is Karen.

17 There are three petitions, at least, that I  
18 know of that are pending with respect to the use of  
19 Lifeline and link-up funds for broadband. I would  
20 like to see this advisory committee consider and make  
21 recommendations on those.

22 MR. BENTON: Karen, that's an absolutely

1 wonderful point because here you have the Lifeline  
2 link-up group which has been identified as being  
3 underserved, if not unserved, but certainly fits dead  
4 center into the focus of the stimulus package. And  
5 it cries out for either policy change or model  
6 building. I know there are some States like North  
7 Carolina that are very anxious to become a model on  
8 this. It's one of Jane Patterson's top priorities.  
9 And there seems to be kind of a logjam or has been a  
10 logjam on the joint board recommendations on sort of  
11 doing anything with the Universal Service Fund. So  
12 maybe the Universal Service Fund might be a separate  
13 committee. Again, I just don't know about this, but  
14 that's another aspect to the Universal Service Fund.

15 CHAIR BERLYN: But it is talking about  
16 broadband?

17 MR. BENTON: It is talking about broadband.

18  
19 CHAIR BERLYN: It seems like it is a part.  
20 It probably could be all under the same umbrella of  
21 a broadband working group.

22 MR. BENTON: Yes, could be.

1           CHAIR BERLYN: So a lot of issues under  
2 this topic. Well, I hear some consensus.

3           Does anyone else want to add anything to  
4 this topic? It sounds like it's a winner. Does  
5 anyone disagree with this as a concept for a working  
6 group or want to make any additional comment?

7           (No response.)

8           CHAIR BERLYN: Okay. Scott, we haven't  
9 been taking votes. We've just been reaching  
10 consensus. That's my understanding.

11          MR. MARSHALL: That's fine.

12          CHAIR BERLYN: Excellent. Okay, that's  
13 three working groups for very hot and important  
14 topics. Do we have other discussion items, other  
15 topics that we think don't fall under these three  
16 that we've already discussed that this CAC will want  
17 to work on?

18          MR. BENTON: Debra, are you going to  
19 continue for the short term through June 12 or June  
20 13th on the DTV transition stuff? I mean, we are  
21 just starting March. We've got March, April, May.  
22 So we've got three and a half months ahead of us.

1 I'm not sure that anything we would recommend would  
2 make much of a difference at this point, and that  
3 probably is the reason for maybe dropping it.

4 CHAIR BERLYN: Well, that's a good  
5 question, Charles. My thought is that at this point  
6 to establish a working group on DTV is probably not  
7 the best approach. I think as an entire CAC we  
8 should continue to have that June 12th date as an  
9 opportunity to continue to think of ways that  
10 individually and as a whole we can be helpful to the  
11 FCC and continue to operate as a CAC working group as  
12 a whole the way we have thus far, but that we not  
13 designate a separate working group given the fact  
14 that the next time we meet, which I will tell you  
15 right now is set for June 5th -- we haven't had an  
16 announcement of that yet, but we plan to meet on June  
17 5th, which is one week before the transition.

18 So at that point, it really will be just to  
19 check and see how things are going for the final  
20 date, you know, our last opportunity to get a check  
21 on how things are proceeding, to perhaps see if there  
22 are any recommendations we might make for post-DTV

1 plans, but that we not designate a working group at  
2 this point because what we're really looking at is  
3 what do we need as a CAC for the balance of our term.

4 MR. BENTON: Is that date absolutely fixed?

5 Because it's a date I cannot make, unfortunately.

6 But is that a final, firm or is there some  
7 flexibility on that still?

8 CHAIR BERLYN: Well, I'll have to discuss  
9 that off-line, Charles. That is the date that we  
10 currently have. We were trying to select a date  
11 before the transition date, and given the holiday of  
12 the Memorial Day holiday and everything else, that  
13 was really our only option. But we'll see.

14 MR. BENTON: Okay.

15 CHAIR BERLYN: So does anyone have any  
16 issues that you think the CAC should be working on,  
17 other than the ones that we've mentioned or issues  
18 that you think this FCC is going to take up which  
19 will have a significant impact on consumers that we  
20 should be focused on?

21 Yes, and identify yourself please. I'm  
22 sorry. Keep your hand up until the mike is on.

1 MS. RICKARD: This is Nantz Rickard. I'm  
2 standing in for Gloria Tristani for the Alliance for  
3 Community Media. And one of the issues that she  
4 asked to possibly be considered is the issue of  
5 charging consumers to disconnect their service,  
6 whether it's like a cellular service or whatever.  
7 That ultimately makes it very hard for competition to  
8 have any kind of effect because there's a premium  
9 that is placed upon the consumer to move to a  
10 different provider if they're unhappy, and it  
11 ultimately creates an incentive for the company to  
12 not necessarily provide the kind of level of service  
13 that's needed because they know they've locked the  
14 customer in. And this may tie with other or similar  
15 kinds of issues as opposed to being a standalone  
16 issue, but possibly an important one to put on the  
17 table.

18 CHAIR BERLYN: Thank you, Nantz.

19 Karen?

20 MS. STRAUSS: In accordance with that, I  
21 would suggest then that we have a working group on  
22 consumer protections.

1 MS. KALANI: Yes. This is Lori Kalani from  
2 Dish Network.

3 CHAIR BERLYN: Yes, Lori.

4 MS. KALANI: I think a consumer protection  
5 working group is a good working group, but to comment  
6 on the early termination fees, I think it's just  
7 important to note that companies should give  
8 consumers options when they sign up for service.  
9 Certainly there should be an option that does not  
10 require a commitment and that wouldn't entail a  
11 termination fee. I know our company has options.  
12 Consumers can certainly take advantage of offers out  
13 there that require a time commitment, but I think  
14 just to clarify to Gloria's point -- I know she's not  
15 there -- it should be that consumers should have  
16 options because consumers really see value in signing  
17 up for a commitment period because the value that  
18 they get for their making a commitment usually far  
19 outweighs. There is consideration there, but I think  
20 those are all topics to be discussed in a consumer  
21 protection group.

22 CHAIR BERLYN: Well, let's talk about the

1 concept of the working group. Any other thoughts on  
2 that?

3 We did have a consumer issues working group  
4 last time. And the question is do we have enough  
5 issues that we can generate activity and  
6 recommendations in such a working group. And I'd  
7 really like to hear from more CAC members about  
8 having this sort of a working group.

9 MR. McELDOWNEY: Debbie, this is Ken  
10 McEldowney again.

11 Yes, I think one of the things that's going  
12 to be really important when setting up the working  
13 groups is making sure that there is not just a chair  
14 but also members who really want to spend the time in  
15 terms of working on that working group. Certainly  
16 last time there was an initial meeting at the first  
17 meeting of the CAC in which several people expressed  
18 interest in working on the committee and even  
19 suggested ideas, but then, unfortunately, no one  
20 followed through. But while it was an important  
21 area, I think that the interest on the part of  
22 members was not strong enough.

1           So I think it's probably important, for  
2       setting something like this up, to make sure that  
3       that's not going to be the case and that people  
4       really make a commitment to not just being members of  
5       the working group, but also playing an active role.

6           CHAIR BERLYN: Right.

7           MR. BENTON: Debra, I really agree with  
8       Ken's point here, and not to confuse or add too much  
9       of a burden on the group, I've suggested we could be  
10      thinking about consumer information, participation,  
11      and protection, if you want to throw it in there,  
12      because I think the down side of the protection point  
13      is that it's going to be essentially negative, and  
14      most of us may be more interested in building than  
15      preventing. So the prevention thing might be another  
16      dimension of the information, participation, and  
17      protection. If that's the way of accommodating to  
18      Gloria's suggestion, we can do that. So, I mean,  
19      that would be okay with me. But if there's enough  
20      interest in this, it should be a separate group.

21          CHAIR BERLYN: Anyone on the call want to  
22      speak to whether there are significant consumer

1 protection issues that this committee would want to  
2 incorporate into a separate working group, bearing in  
3 mind that that does require time and, as Ken has  
4 pointed out, we didn't seem to have that interest  
5 generated in our first round? We don't need a  
6 working group either to bring issues up to have  
7 recommendations as a committee of the whole. So it  
8 doesn't mean that we can't address those issues  
9 without a working group.

10 MR. BENTON: Right.

11 MS. PENNINGTON: Debra, this is Brenda.

12 I think there is a significant amount of  
13 consumer issues, but I do think that maybe we should  
14 include it in Charles' revised working group, adding  
15 protection, and discuss those issues in that group.

16 CHAIR BERLYN: Does it seem to fit with  
17 folks, seem to work? Does that do it?

18 MR. BENTON: Sure.

19 CHAIR BERLYN: Is everybody agreeable to  
20 that plan? Okay.

21 I just want to ask a question. Because DTV  
22 was such a big focus on our previous CAC and we have

1 so many members in this CAC who have had the DTV  
2 interest, broadcasters and others, are there any  
3 issues that are in the broadcast world or the media  
4 world that this CAC would want to be looking at?

5 MR. WILEY: I guess that's directed at me.

6 CHAIR BERLYN: Well, I don't know. There  
7 are a lot of other representatives.

8 MR. WILEY: We've got the satellite home  
9 viewer reauthorization this year, but there won't be  
10 anything to really discuss until that's done.

11 CHAIR BERLYN: And that's not really at the  
12 FCC.

13 MR. WILEY: That's on the Hill, but the FCC  
14 will have some play on the implementation. I'm not  
15 trying to point fingers at Lori either. Sorry, Lori.

16 So I don't know that there's anything in  
17 particular. There are always the traditional issues,  
18 the rate type issues on various subscription  
19 services, and I don't know if those are of any  
20 interest to anyone.

21 MS. KALANI: This is Lori.

22 This is from a consumer protection

1       standpoint? We're still talking about this under the  
2       auspices of the consumer protection working group?

3               CHAIR BERLYN: No, no, no. We're moving  
4       on.

5               MS. KALANI: So this should be a satellite  
6       home viewer working group possibly?

7               CHAIR BERLYN: No.

8               MR. WILEY: No.

9               CHAIR BERLYN: No. Just looking at other  
10      possible working groups, other issues.

11              MR. WILEY: So I don't know of anything,  
12      Debbie, directly unless others have input.

13              MR. BENTON: Debbie, my only suggestion on  
14      this would be that the media bureau that has been the  
15      main overseeing bureau for the DTV transition --  
16      there may be issues or problems or challenges that  
17      come out of this experience of the transition that  
18      need further attention, and maybe we could throw this  
19      idea or this question of yours back to the FCC staff  
20      as they, hopefully, report to us what lessons have  
21      been learned, what the conclusions and  
22      recommendations out of this transition are clearer

1 three months from now than they are now, and to see  
2 if there are remaining issues on the table that we  
3 ought to turn our attention to to strengthen the  
4 system in general and make work better the services  
5 in broadcasting, cable, satellite, et cetera.

6 MS. BOBECK: Charles, this is Ann Bobeck  
7 from NAB.

8 May I suggest that in lieu of a report,  
9 because that staff has been pretty hard-working and  
10 overtaxed at this point, that maybe we appoint Debbie  
11 or a small group to come in and just have an informal  
12 talk with them and get their oral suggestions? I'm  
13 just trying to reduce the burden on the staff itself  
14 so that we can get the wisdom of their guidance  
15 without creating an unnecessary workload on them.

16 MR. BENTON: Well, I hear what you're  
17 saying. I'm sure there's going to be reporting  
18 responsibilities laid on them anyway within the FCC.  
19 June 5th will probably be a little early. Maybe if  
20 we were to hold the meeting later in June, it would  
21 be less of a burden on them. But we're not going to  
22 be the only ones saying what have you learned from

1 all this and what else can be done to improve and  
2 strengthen the system. I think it's a matter of  
3 timing. Certainly if we hold to the 5th, I agree  
4 with you absolutely.

5 CHAIR BERLYN: A couple things. I didn't  
6 want us to get off course there. A couple things.

7 One, we can add working groups. We don't  
8 have to have all our working groups set right now.  
9 So this is always a work in progress, and if we see  
10 issues six months from now that we are anxious to  
11 work on and anyone wants to have a working group  
12 created at that point, that's fine. So there's no  
13 start and stop point to working groups. They're a  
14 working group in progress, number one.

15 Number two, I want to let everyone know  
16 that in anticipation of this process of putting our  
17 working groups together, I'm going to be meeting with  
18 Chairman Copps on Friday to let him know, in the  
19 spirit of openness and transparency, that we have met  
20 and that we have made a determination about the  
21 working groups for going forward and just give him an  
22 opportunity to hear what we will be working on and

1 just see if he has some initial thoughts about  
2 something that we may be missing that he sees as  
3 critically important and provide you all with that  
4 feedback because I think it would be interesting to  
5 hear if he has an issue that he thinks we could be  
6 very helpful on to the FCC. And that process will,  
7 obviously, be repeated when we do have a new Chair as  
8 well. But I wanted to let you all know that I  
9 thought that that would be a helpful process now that  
10 we have leadership that are looking for our input.

11 MR. BENTON: Debra, that's just great.  
12 Congratulations. Fabulous.

13 CHAIR BERLYN: A couple things I want to  
14 also mention. Gloria Tristani has joined us.  
15 Welcome, Gloria. And Claude Stout has joined us.  
16 Welcome, Claude.

17 And Karen, you had your hand up?

18 MS. STRAUSS: You had just asked before  
19 whether there were any broadcast issues, and I just  
20 wanted to comment that there are many broadcast  
21 issues that will be discussed within the disability  
22 issues working group.

1 CHAIR BERLYN: Excellent.

2 MS. STRAUSS: I'm glad that you said that  
3 we can, obviously, add working groups because I think  
4 that things are going to be coming up regularly, and  
5 given Chairman Copps' and presumably future Chairman  
6 Genachoski's probably emphasis on receiving input  
7 from this committee, we should remain open to  
8 responding. I think that there are going to be  
9 issues perhaps with media consolidation that are  
10 going to come up that we should weigh in on.

11 CHAIR BERLYN: I agree.

12 MS. STRAUSS: There are also some other  
13 issues I know that I have concerns about, over-  
14 commercialization of programs that have not even been  
15 raised by the FCC that I know I've been thinking  
16 about. And I think that we should be open to -- I do  
17 think we have a lot on our plate right now, so we  
18 have a lot starting from the gate to go on and don't  
19 necessarily have to add this now but should keep it  
20 on the back burner.

21 CHAIR BERLYN: I think that's an excellent  
22 point, Karen, and I think it's better that we have

1 very active, productive groups than we have many  
2 groups.

3 So I see Gloria has raised her card.  
4 Gloria, do you want to put your hand up so you get  
5 your mike on?

6 MS. TRISTANI: And I apologize that I'm  
7 late. I was at another meeting in this building.  
8 And so I may be asking questions that you've already  
9 addressed, and I understand there are going to be  
10 various working groups.

11 I was concerned about making sure that  
12 consumer protection issues were looked at, and I see  
13 they've been tacked onto the consumer information and  
14 participation. And it may be a good place to have  
15 them. I'm not sure. But I just want to make sure  
16 that it's -- and I had mentioned early termination  
17 fees, but that's just one consumer protection issue.

18 There are very, very many. One of the things,  
19 because we had to focus and still have to focus on  
20 DTV from our last two years, is that we hardly spent  
21 any time at all on these issues, and I'd like to  
22 leave it as open-ended as possible so we can address

1 things that concern the public. And I think privacy  
2 is a big issue as well. I mean, the list is endless.

3 One thing that I'd like to propose for the  
4 next meeting is that we have someone from the  
5 Consumer Bureau talk to us about what they see as key  
6 and important consumer protection issues.

7 CHAIR BERLYN: Very good suggestion, yes.

8 And let me fill you in very quickly,  
9 Gloria, so that we get the benefit of your input in  
10 this meeting. We did have a discussion about  
11 consumer protection as a standalone working group.  
12 One concern was that we did have that sort of group  
13 in our last CAC and there was some difficulty in  
14 getting the group to get together and to be active  
15 and come up with sets of recommendations. So I think  
16 that was the reality, not the case that there aren't  
17 a whole host of issues that should be addressed on  
18 consumer protection.

19 So I think -- and I don't want to speak for  
20 everybody in the CAC, but I think if there was a  
21 sense that a working group, regardless of what size  
22 it would be, could be active and engaged, there are

1 members who have a strong interest. And I certainly  
2 would be open to reopening setting up an individual  
3 working group because I think there are significant  
4 consumer protection issues that we have not addressed  
5 for the past couple years.

6 MR. BENTON: So would I, by the way.

7 CHAIR BERLYN: Back to you. But I think it  
8 is a question of can we make that commitment. Do we  
9 want to try having it as a standalone? I mean, you  
10 know, there's no loss if it doesn't work out, but do  
11 we want to try and see if we can put some energy into  
12 that as a standalone effort?

13 Gloria?

14 MS. TRISTANI: Following up on that, I  
15 think it's worth a try. Again, we had so many other  
16 issues. I mean, DTV is still an issue, but that is  
17 going to end in June, and we have a commission that's  
18 very focused on this right now. We don't need to  
19 give them as much input as we did before. So I think  
20 we ought to do it. Period. The worst that can  
21 happen is we don't come up with recommendations. But  
22 I think, given our record, we may be spurred to do

1 this. And we do have some new members as well.

2 CHAIR BERLYN: I will speak in support of  
3 it because it's very hard to think of a consumer  
4 advisory committee not having consumer protection as  
5 being an important issue. So I don't know. Does  
6 anyone else want to weigh in on considering a working  
7 group?

8 MR. McELDOWNEY: Gloria, this is Ken  
9 McEldowney. Are you saying that you would then chair  
10 that working group?

11 MS. TRISTANI: I cannot make that  
12 commitment at this time. I wish I could.

13 MR. McELDOWNEY: My suggestion, Debbie,  
14 might be, unless someone else really steps forward at  
15 this point, to include it in the other consumer  
16 working group, and then if there's a lot of strong  
17 interest inside that working group to work on  
18 consumer protection, maybe spin that off. So at  
19 least that way I think we would guarantee that some  
20 attention would definitely be spent on consumer  
21 protection either one way or the other because my  
22 fear is if we set up consumer protection working

1 group and not enough people join it and sort of drive  
2 it, it might dropped. But if it's part of the other  
3 one, it would at least get some attention and even  
4 more if it's spun off.

5 MR. BENTON: You know, that does make a lot  
6 of sense. I think Gloria's interest in this is  
7 critical. If there were other people, Gloria, that  
8 you could rally around you on this point, then -- and  
9 there are some issues where the FCC is not only open  
10 to but wanting our help, then absolutely.

11 CHAIR BERLYN: Let me offer another  
12 suggestion, the chair's prerogative. Let's do it the  
13 opposite way and see what happens. We can always  
14 reverse course and put it within the other group.  
15 But let's see if we can get some standalone interest.  
16 Try that out. I'm willing to see if that works. If  
17 it doesn't work, we'll go the other direction. We  
18 won't let this languish. But let's see if we can.

19 I think it's an important enough issue, and  
20 I think there are an unlimited number of issues. And  
21 I think the shift here is with DTV ending, with the  
22 new leadership, consumer issues should be at the top

1 of the CAC's list and the top of the FCC's list. So  
2 we want to make sure that happens.

3 MS. TRISTANI: I'm for that. Again,  
4 because I came in late, I don't know who else is on  
5 the phone, so I don't know what members are on this  
6 call. But I think we can make a go with this.

7 CHAIR BERLYN: Let's see what we can do.  
8 That would be my recommendation. Does anyone object  
9 to moving forward with that plan? We won't let it  
10 languish. Let's see if we can generate a working  
11 group. I can already think of a handful of people  
12 that I think would be interested in making a go of  
13 this, and if we get a small, hardy group of committed  
14 souls, I think we can make it happen. If that  
15 doesn't happen, then we'll consider plan B.

16 Do I have a consensus?

17 MR. BENTON: Go for it.

18 CHAIR BERLYN: Good.

19 Now, let's see, Scott. That's four working  
20 groups.

21 Claude, I see your card up. The Chair  
22 recognizes Claude Stout.

1 MS. STOUT: This is Claude.

2 As Gloria just apologized, I need to do the  
3 same for arriving late, but I appreciate Karen for  
4 getting me up to speed quickly as to what you guys  
5 have discussed so far this afternoon. I know you've  
6 had, I believe, four working groups, including the  
7 disability issues working group that you've already  
8 discussed, and I appreciate that.

9 I just want to make it clear that I've  
10 noticed in the past that we've had the disability  
11 issues working group. We've had good meetings and  
12 good recommendations, but we're always wishing that  
13 we could have one designated FCC staff, whether it's  
14 someone from the Disability Rights Office, maybe the  
15 chief of the Disability Rights Office, to come and  
16 participate in our working group meetings. I  
17 understand this person couldn't say, oh, yes, we're  
18 going to decide on this or, yes, we're going to do  
19 this. I completely understand that, but they could  
20 at least have the benefit of seeing what we're  
21 discussing. And then after the CAC approves whatever  
22 recommendations the disability working group would

1       then make, that person who has been attending the  
2       meetings from the FCC staff would do a better job in  
3       carrying over our recommendations to the FCC. So I  
4       think that would be a good happening, basically an  
5       event that could happen for us as the disability  
6       working group at the CAC.

7               MR. BENTON: Debra, if I could chime in on  
8       this. It seems to me that issue that Claude has  
9       raised, which is exactly right -- I mean, it's a  
10      very, very good point -- was one of the five points  
11      that we had on our list two years ago when we were  
12      trying to figure out how to improve the process of  
13      the CAC.

14             It seems to me that that point that Claude  
15      has raised is one that you should put on your list to  
16      discuss with Chairman Copps on Friday because we  
17      really do need for the FCC staff to get the most out  
18      of what our group can offer. They have got to be  
19      involved. They can't just get a memo at the end of  
20      the day, along with all the other paper that's  
21      shuffled at them, and take it seriously. So a little  
22      investment of time and key staff people, when these

1 issues are being discussed and decided upon at the  
2 CAC, would really be helpful, and it would help the  
3 FCC to get a lot more out of us as an advisory body,  
4 and vice versa, it would give us the feeling that  
5 someone really is paying attention at the FCC and  
6 we're not just being a paper tiger.

7 CHAIR BERLYN: Thanks, Charles. I think  
8 that's an interesting concept for working group  
9 participation. We might want to explore that  
10 further. There may be times when FCC staff could be  
11 very helpful. And I know I participated on our  
12 working group call once when we had FCC staff come  
13 and talk about an issue. Several meetings actually.  
14 And there may be times when that will be helpful.  
15 There may be other times when we have ideas to  
16 discuss when we might not want FCC staff there. So  
17 it may be on an as-needed basis.

18 We might want to explore that a little  
19 further within each of our working groups actually.  
20 It may be an individual working group decision. And  
21 we can talk about that further once we get our  
22 working groups established.

1           MR. BENTON: Absolutely. My general point  
2 here is that when you're talking with Copps on  
3 Friday, it isn't just content. It's also process.

4           CHAIR BERLYN: Right.

5           MR. BENTON: So it would strengthen the  
6 process as well as make sure that the content that we  
7 have decided upon is relevant to the FCC's needs and  
8 we're using our time in the best possible way to be  
9 maximally helpful.

10          CHAIR BERLYN: Right, very good. Thank  
11 you, Claude.

12          Now, a couple things. I want to talk  
13 briefly about the working groups, how we will set  
14 these up. I will circulate a list of the working  
15 groups and ask for folks to volunteer. Either I will  
16 or Scott. We'll have to figure out the logistics on  
17 that. But we will then ask for you all to volunteer  
18 for the working groups that you are interested in  
19 serving on. And remember, you're not limited to one,  
20 two, or three. You can actually volunteer for all  
21 four, if you would like.

22          Then Scott and I will put our heads

1 together and figure out how we appoint all the folks  
2 to the working groups, and I will appoint chairs for  
3 each of the working groups, after I consult with you,  
4 of course, and ask you to volunteer to be a chair of  
5 the working group.

6 And remember that the working groups are  
7 the place where the work gets done usually by  
8 conference call. Occasionally you might want to come  
9 into the FCC so that you have the opportunity to meet  
10 with staff here at the FCC. We will have an e-mail  
11 list created so that you'll be able to communicate  
12 quickly with one another via e-mail. And I think  
13 that's about it.

14 But good work on working groups.

15 A couple of other things we need today. We  
16 are actually in a CAC meeting. So that means we have  
17 to have the opportunity for public comment. I want  
18 to ask if there is anyone who wants to address the  
19 Consumer Advisory Committee today.

20 (No response.)

21 CHAIR BERLYN: Okay. Hearing none, is  
22 there any new business that anyone has?

1 (No response.)

2 CHAIR BERLYN: No?

3 Scott, do you have any other announcements  
4 to make?

5 MR. MARSHALL: Actually I really don't have  
6 much to add except please continue to give me and  
7 Debbie any thoughts about how we can improve things  
8 in terms of the way we operate and so forth, and we  
9 will try to take those to heart and make good,  
10 positive changes.

11 If there's something about the frequency or  
12 the date of meetings, whatever, let us know if those  
13 are working for you or not, and we can certainly go  
14 back and revisit whether we need to have meetings on  
15 Fridays, for example, which traditionally we've  
16 always done. If that works for people, fine. If it  
17 doesn't, we can certainly try to do something else.

18 But at any rate, my point briefly is just  
19 to be sure to let us know if we can improve the  
20 process of meetings to make them more efficient and  
21 effective.

22 CHAIR BERLYN: Great. Thank you, Scott.

1                   Karen?

2                   MS. STRAUSS: Yes, there is something, and  
3 I know that we've asked for it in the past. And that  
4 is to provide more comprehensive information on the  
5 Web site not only about upcoming meetings, but about  
6 what goes on during the meetings. This actually will  
7 go to the openness and transparency issue. We know  
8 that we asked this, as I said, many times of the last  
9 administration and were kind of ignored.

10                   The second thing is --

11                   CHAIR BERLYN: Karen, just a point of  
12 clarification. You're talking about Web site  
13 information about the Consumer Advisory Committee.

14                   MS. STRAUSS: Specifically about this  
15 committee, right. And I know that Scott has put  
16 those requests through. I recognize it's not his  
17 fault that they haven't been processed. So that's  
18 something you may want to mention, Debbie, to the  
19 Chairman.

20                   The second thing actually follows up on  
21 what Claude said with respect to the meetings in  
22 general. I have been very disappointed in the past

1 at not having representatives from bureaus on the  
2 issues that we're talking about at our meetings, you  
3 know, having a representative from the Disability  
4 Rights Office when we talk about disability issues,  
5 having somebody from CGB if we talk about consumer  
6 issues.

7 I actually don't think there is consumer  
8 protection at the FCC. So I don't think there has  
9 been. I don't see them doing consumer protection  
10 issues anymore. Hopefully, now things are going to  
11 change, but I think that got lost in the last two  
12 rounds of chairmen. But I'm hoping that they start  
13 doing policy again and having those people here.  
14 Again, you know, if you could mention that to the  
15 Chairman. Otherwise, it just seems like we're being  
16 ignored.

17 I think that it's not only a matter of FCC  
18 officials hearing our outcome. I think it's really  
19 important for them to hear our deliberations and to  
20 see how we arrived at a result.

21 CHAIR BERLYN: That's a good point. I  
22 think that's a very good point, Karen. So the idea

1 would be to invite specific bureau staff from  
2 whatever issues we are addressing that day.

3 MS. STRAUSS: Right.

4 MR. BENTON: And they don't need to be  
5 there the whole time, but to make sure that we stick  
6 to the agenda and then respect their time as well as  
7 vice versa.

8 CHAIR BERLYN: Yes. We will be very  
9 interested to see if we have greater success in  
10 making that happen. I am hopeful.

11 MS. STRAUSS: I think that if the Chairman  
12 makes this a priority, as he has said he will -- and  
13 hopefully the next one will as well -- and he gives  
14 the directive to be there, then people will come.

15 MR. BENTON: Right.

16 If I can just add a PS to Karen's wonderful  
17 statement here, Debra -- and it's very obvious.  
18 There may be other things that Scott internally has  
19 tried to get through and been frustrated on, and I'm  
20 sure you and he will have a lengthy conversation  
21 before you go in to meet with Copps. So you've got a  
22 great, fabulous staff ally in Scott who has served us

1 all wonderfully, for which we are enormously  
2 grateful. But here is an under-utilized resource in  
3 our midst here. He'll have ideas, I'm sure, that  
4 you'll want to raise in your meeting on Friday.

5 CHAIR BERLYN: That goes without saying, or  
6 maybe we can say it. We can say it many times.

7 MR. BENTON: We can't say it too often.

8 CHAIR BERLYN: We can't say it too often.  
9 You're absolutely right.

10 MS. STRAUSS: I have a question.

11 CHAIR BERLYN: Gloria, did you want to say  
12 something?

13 MS. TRISTANI: Yes, I did related to what  
14 Karen was talking about because there have been  
15 issues that I've been talking about. I gave up on  
16 the Web site, and I know Scott communicated our  
17 concerns. But you know, after you ask for the third  
18 time, could they at least put that we met, could they  
19 put the resolutions that we actually passed on the  
20 Web site, could they put up the transcript of the  
21 meeting -- and I asked that because I notice that  
22 some other consumer advisory committees actually had

1 some of that information available, but for some  
2 reason, our requests were ignored. So I'm very  
3 hopeful that that will change. I'm not worried about  
4 that.

5 MR. MARSHALL: Gloria, I agree that the Web  
6 site needs a lot more work, but I believe the  
7 recommendations from the last meeting are on the  
8 site, as well as the transcript from the last --

9 MS. TRISTANI: Well, wonderful. Scott,  
10 that's a new day. A new day.

11 MR. MARSHALL: Wash my mouth out with soap  
12 if I'm telling you a lie, but I don't think I am.

13 MS. TRISTANI: I have given up checking.

14 MR. MARSHALL: Oh, good. The miracle of  
15 BlackBerry technology. We're checking over here  
16 right now.

17 But you're right. We do need to see a lot  
18 of action on the Web site.

19 MS. TRISTANI: But I did want to follow up  
20 on a second point, which was consumer protection. It  
21 was one reason I was pushing that we try and focus on  
22 these issues. When I asked that we should have

1 someone from the Consumer Bureau -- not someone,  
2 probably the head -- talk to us about consumer  
3 protection, I'm thinking about a substantive  
4 presentation about this is what the FCC is doing and  
5 these are the issues that concern us. I mean, we  
6 should have had that presentation two years ago. So  
7 that's a formal request again.

8 MR. BENTON: And Gloria, if you'll take  
9 this on, then Debra's decision about the separate  
10 committee is exactly right on. So there we go.

11 CHAIR BERLYN: And Karen, did you have  
12 anything else to add?

13 MS. STRAUSS: This is Karen.

14 I have an unrelated issue. So if we're  
15 done with this discussion --

16 CHAIR BERLYN: Yes. Well, anyone else have  
17 anything else to add?

18 (No response.)

19 CHAIR BERLYN: Okay.

20 MS. STRAUSS: As of now, we're only meeting  
21 three times a year. This group used to meet, I  
22 believe, four times early on, a long time ago. I'm

1 not necessarily advocating for more formal meetings,  
2 but I do have a question.

3           Because the meetings are so spread out, if  
4 we have an issue that we want to achieve a resolution  
5 on, what is the process for us to do that? I mean,  
6 in the past what we've done is we've started here and  
7 we've kind of finished on the phone or we finished  
8 off-line. But there's an issue that I may be working  
9 on with the disability community over the next few  
10 months and June may be late to get a resolution on.  
11 So do you have any recommendations on how to address  
12 that?

13           MR. MARSHALL: Scott Marshall.

14           Yes, I share that frustration all the time  
15 really. As you know, Karen, since you were involved  
16 in setting this whole thing up way back in 2000, we  
17 do have some FACA constraints about notice of actions  
18 that the committee will be taking and publishing them  
19 in the Federal Register and all that sort of stuff.

20           What I think we can do -- the three  
21 meetings a year has been pretty much a budget  
22 decision at the present time. What we've done -- and

1       this meeting is a good example of it -- is to have  
2       yet another meeting during the year at which we have  
3       some people here on site. We put the notice in the  
4       Federal Register, all that sort of stuff, and then  
5       had the majority of people calling in on the  
6       conference line. That's the only way I know of that  
7       we can really have additional meetings short of  
8       having everybody come in for a plenary meeting, which  
9       you all may or may not want to do.

10               So I guess my point is if there is an issue  
11       that requires action before our next plenary meeting,  
12       for example, June 15th, we would need time to put  
13       notice in the Federal Register about that  
14       recommendation and we would have to convene another  
15       meeting similar to this one to take action on it. I  
16       mean, that's certainly doable. I doubt, unless it  
17       was a total emergency, that we could get around the  
18       FACA requirement of the 15-day notice. I mean, that  
19       is possible to do, but you have to demonstrate that  
20       it's an emergency situation to do that.

21               MS. STRAUSS: This is Karen.

22               I appreciate your response. I just want to

1 clarify that you said June 15th, and some people --

2 MR. MARSHALL: June 5th. Did I say 15th?

3 MS. STRAUSS: Yes.

4 MR. MARSHALL: No. June 5th. I'm sorry.

5 MS. STRAUSS: No. I appreciate that.

6 Thank you, Scott.

7 MR. MARSHALL: But that's the way we would  
8 have to do it, it seems to me, if there was some  
9 emergency to it.

10 And I agree. In this business, it's very  
11 difficult to have a meeting of this size so  
12 infrequently just so much is happening.

13 CHAIR BERLYN: Any other comments,  
14 questions?

15 MR. McELDOWNEY: Oh, Debbie, I do have one  
16 question.

17 CHAIR BERLYN: Yes, Ken. If you could just  
18 speak up a little louder.

19 MR. McELDOWNEY: I'm sorry. Should we  
20 assume that June 5th is set in stone?

21 CHAIR BERLYN: I'm sorry. I couldn't hear  
22 you.

1 MR. McELDOWNEY: Should we assume --

2 CHAIR BERLYN: The question is should we  
3 assume June 5th is the meeting. Is anyone on the  
4 phone or in the room -- does anyone else have a  
5 conflict with the June 5th date?

6 MR. COLE: This is John in Hawaii. I  
7 wouldn't be able to make that one. We're hosting a  
8 western conference for NARUC commissioners out here  
9 starting the day after that. I could participate by  
10 phone.

11 MR. BENTON: Debra, I spoke to this before,  
12 but I just would think that perhaps a meeting later  
13 in June would then be after the finish of the  
14 transition, and we might be able to understand and  
15 get recommendations from the staff as to what did  
16 they learn and what implications might there be from  
17 what they've learned for CAC if we did this in the  
18 third or latter part of June instead of up front.

19 CHAIR BERLYN: Well, I tell you what.  
20 Here's a thought. Why don't why I put that on the  
21 agenda for one of the things I discuss with Chairman  
22 Copps?

1 MR. BENTON: Sure, absolutely.

2 CHAIR BERLYN: Because my thought was I  
3 thought that the CAC should have one more crack at  
4 the DTV issue, that we wanted to at least be there  
5 before it hit. But we'll take a look at that, and  
6 we'll get back to you as soon as possible. But at  
7 least for now, hold the date of June 5th because we  
8 do have the commission meeting room, and that is not  
9 an easy task. So hold onto June 5th.

10 MR. McELDOWNEY: This is Ken McEldowney  
11 again.

12 I think another thing I would really say is  
13 that I certainly know that we have trouble scheduling  
14 meetings starting the later part of June just because  
15 of vacations. And while I sort of understand some of  
16 the issues in terms of June 5th, I think you may end  
17 up having more trouble getting people meeting in the  
18 end of June than in the beginning of June. Plus, the  
19 end of June for me is pretty full already with  
20 meetings.

21 CHAIR BERLYN: Yes. That's a good point.  
22 I know once school gets out, a lot of people start to

1 have conflicts.

2 Well, hold tight, but do hold onto the June  
3 5th date, and I will let you know as soon as  
4 possible. Look for the e-mail on the working groups  
5 and get ready to volunteer. You all have been very  
6 helpful today in talking through what our work is  
7 going to be for the balance of our term, and I  
8 appreciate everybody's involvement today and  
9 participation. So thank you very much.

10 MR. BENTON: Thank you.

11 CHAIR BERLYN: Do we need a motion to  
12 adjourn?

13 MR. BENTON: So moved.

14 CHAIR BERLYN: Thank you all.

15 (Whereupon, at 4:20 p.m., the meeting was  
16 adjourned.)

17

18

19

20

21

22