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CONSUMER ADVISORY COMMITTEE MEETING

Federal Communications Commission  
445 12th Street, S.W.  
Room TW-C305  
Washington, D.C.

Friday, December 4, 2009

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A T T E N D A N C E

- AARP, Marti T. Doneghy
- Alaska State Department of Law, Lew Craig
- Alliance for Community Media, Gloria Tristani
- American Council of the Blind, Eric Bridges
- Appalachian Regional Commission, Mark Defalco
- Benton Foundation, Charles Benton
- Communication Service for the Deaf, Karen Peltz  
Strauss
- Consumer Electronics Association, Jamie Hedlund
- Consumer Federation of America, Irene E. Leech
- Deaf and Hard of Hearing Consumer Advocacy  
Network, Claude Stout
- Eastern Band of Cherokee Indians, Brandon Stephens
- Hearing Loss Association of America, Lise Hamlin
- National Association of Broadcasters, Ann Bobeck
- National Association of Regulatory Utility  
Commissioners, Commissioner Nixyvette Santini
- National Association of State Utility Consumer  
Advocates, Brenda Pennington,
- National Consumers League, Debra Berlyn (CAC  
Chairperson)

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- Northern Virginia Resource Center for Deaf and  
Hard of Hearing Persons, Cheryl Heppner
- Verizon Communications, Inc., Mary Crespy

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P R O C E E D I N G S

[9:10 a.m.]

1 CHAIR BERLYN: Welcome. I'm glad everyone  
2 could make it this morning. We still have a few to  
3 arrive, but we'd like to get started. We do have a  
4 full agenda, and we also will soon have a couple of our  
5 commissioners come to welcome us this morning. And so  
6 we do want to be timely with our agenda.

7 Why don't we start by going around the room and  
8 introducing ourselves this morning? I will start.  
9 Debra Berlyn, chairing the CAC with Consumer Policy  
10 Solutions. And on my left --

11 MS. CRESPLY: Hello, this is Mary Crespy. I'm  
12 with Verizon Communications.

13 MR. STEPHENS: I'm Brandon Stephens with the  
14 Eastern Band of Cherokee Indians.

15 MR. BENTON: I'm Charles Benton with the  
16 Benton Foundation.

17 MS. LEECH: I'm Irene Leech with the Consumer  
18 Federation of America.

19 MR. CRAIG: Lew Craig with the Alaska  
20 Attorney General's office.

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1 MS. SANTINI: Nixyvette Santini with the  
2 National Association of Regulatory Utility  
3 Commissioners.

4 MS. TRISTANI: Gloria Tristani, Alliance for  
5 Community Media.

6 MS. BOBECK: Good morning. I'm Ann Bobeck  
7 with the National Association of Broadcasters.

8 MR. HEDLUND: Jamie Hedlund, Consumer  
9 Electronics Association.

10 MS. HEPPNER: Cheryl Heppner, Director of the  
11 Virginia Resource Center for Deaf and Hard of Hearing  
12 Persons.

13 MS. STOUT: I'm Claude Stout, and I'm with  
14 Telecommunications for the Deaf and Hard of Hearing  
15 Consumer Support Group.

16 MS. HAMLIN: Lise Hamlin, Hearing Loss  
17 Association of America.

18 MS. STRAUSS: Karen Strauss, Communication  
19 Service for the Deaf.

20 MR. DeFALCO: And Mark DeFalco with the  
21 Appalachian Regional Commission.

22 MR. BRIDGES: Eric Bridges, American Council  
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1 of the Blind.

2 MR. WYATT: Thomas Wyatt, with the Consumer  
3 and Government Affairs Bureau.

4 MR. MARSHALL: And I'm Scott Marshall. I  
5 work for Thomas.

6 CHAIR BERLYN: Thanks, Scott. We will have  
7 our usual rules here that when you want to speak,  
8 remember to identify yourself first by raising your  
9 hand so we can make sure that the mike is on for the  
10 booth in the back.

11 Scott, do you have any general announcements  
12 that you want to make?

13 MR. MARSHALL: I do. I do, I do, I do.

14 CHAIR BERLYN: -- that you --

15 MR. MARSHALL: -- I do, I do, I do. Welcome,  
16 everyone. Thank you very much for sharing part of your  
17 busy month of December with us.

18 I wanted to ask those that are receiving a  
19 travel stipend that some time during the day, could you  
20 please see Betty Morris, and she's got some paperwork  
21 for you and wants to get your receipts, and so we can  
22 get that long process underway as quickly as possible.

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1 And I think that's -- I think everybody knows where  
2 the restrooms are by now?

3 And I want to just also thank all of our A/V  
4 people that went through a lot of angst about our  
5 equipment problems today. We don't have the usual  
6 caption equipment on board, and they've been in early  
7 this morning trying to make that all happen, so thank  
8 you very much.

9 And we'll have the CART B- and the CART's not  
10 working either. Okay, so they still have things to do.

11 They're working on it says Dan the Man back there.  
12 Okay. All right, thanks. All right, I think that's  
13 it.

14 CHAIR BERLYN: Lise?

15 MS. HAMLIN: Yeah, this is Lise Hamlin. While  
16 the CART's not up, I'm doing okay with hearing as long  
17 as people speak directly into the microphone, although  
18 I missed, Scott, what you said about paperwork. I  
19 don't know if it applies to me or not because I  
20 couldn't hear what you said.

21 MR. MARSHALL: No, it doesn't. Lise, thanks.

22 MS. HAMLIN: Okay, thank you.

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1 CHAIR BERLYN: Thank you, Scott. One other  
2 quick announcement. I wanted to thank Jamie Hedlund  
3 and Consumer Electronics Association for our breakfast  
4 and our lunch soon to come. Thank you very much for  
5 doing that for the group this day. Thank you.

6 [Applause.]

7 CHAIR BERLYN: Our first order of business is  
8 to welcome Commissioner Copps, a good friend of the  
9 Consumer Advisory Committee. It's a pleasure to have

10 you join us here once again this morning. I appreciate  
11 your coming, and it's great to have you come, and we  
12 are always appreciative of your remarks and your  
13 support for the work that we do. So thank you for  
14 coming.

15 MR. COPPS: Thank you. I am delighted to be  
16 here. I see some of my favorite people around this  
17 table. It's always a pleasure to see you folks and to  
18 come down before this committee, which is certainly one  
19 of the most active, if not the most active. This is  
20 your like fourth meeting, or something like that I was  
21 told?

22 CHAIR BERLYN: Of this cycle.

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1 MR. COPPS: Yeah, of this cycle. So that's  
2 quite a record. You ought to be proud of that. But  
3 that is really very fitting that the Consumer Advisory  
4 Committee should be meeting so often as we try to turn  
5 this agency into the consumer protection agency it was  
6 supposed to be in the first place, and I think we're  
7 getting back on that track. And I'm glad you're into  
8 the habit of meeting often because I think we have a  
9 really busy agenda coming down the pike when we get  
10 this broadband plan going and all of the spin-offs that  
11 will result from that. So I think this is going to be  
12 an even busier committee going ahead. But you really  
13 have an opportunity to play a truly formative role in  
14 decision-making around here in the months ahead.

15 Lots is going on around here. First and  
16 foremost is broadband, and we very much appreciate the  
17 guidance that the committee has provided on that. This  
18 is the greatest endeavor that I have been privileged to  
19 witness as a member of the FCC for the past eight and a  
20 half years now. Our plan is -- our charge is to write  
21 a plan to get broadband out to every American, no  
22 matter who they are, or where they live, or the

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1 particular circumstances of their individual lives.

2 And to come up with that plan by the 17th of  
3 February, the chairman has launched what I think is a  
4 truly impressive proceeding to get this done. It's the  
5 most comprehensive one that I've ever participated in.

6 He has brought some really good people in who are  
7 working with all of the good people that we have here  
8 at the Commission, so he's hired well. We've had any  
9 number of workshops that many of you have participated  
10 in, any number of hearings. There will be more to  
11 come. Lots of public notices out there. I think  
12 almost to the point of inundation right now. But you  
13 can't say they're not looking for information.

14 So it's a huge challenge. And, frankly, I  
15 think most of the big decisions are ahead of us yet.  
16 So the next couple of months are going to be --  
17 particularly the next month when we try to get the  
18 parameters of that plan in view, and what's going to be  
19 in and what's not, and what's on the table and what's  
20 off the table, and how aspirational it's going to be,

21 those are all decisions that are still in the process  
22 of being made.

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1 But here are a few pieces of the puzzle that  
2 you're going to hear me talking more about between now  
3 and February 17th. And at the top of that list will be  
4 to make sure that the plan has inclusion for those who  
5 are too often ignored and left behind. And that would  
6 certainly include minority groups, and disabilities  
7 groups, and Native Americans.

8 I think that any broadband plan, to be  
9 credible and to meet the promise of what it should be,  
10 is going to have to step boldly ahead on all of these  
11 fronts that I have just mentioned. And I think the  
12 plan should be in significant part judged by our  
13 success in being able to deal with that. And I think  
14 we are going to deal with those boldly. I think that's  
15 the path we're headed on.

16 I don't have to tell this committee about  
17 conditions in Indian Country and how deplorable they  
18 are for Native Americans, how unacceptable they are,  
19 and we really need creative new approaches here. We  
20 need to take that trust relationship and really build  
21 on and follow up on the work that really Bill Kennard  
22 began in 2000 when he was here, and Gloria worked on

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1 that and others. And we haven't followed up on that in  
2 the years since like we should have. We need really to  
3 do that now. I'm happy to see more attention being  
4 paid. There was a major White House conference brought  
5 the leaders of the 564 or however many tribes it is to  
6 Washington a few weeks ago, and I look for this agency  
7 to really follow up boldly on that.

8 Disabilities communities is another area that  
9 I just mentioned that's very important. We've had a  
10 number of workshops, a lot of folks here have worked on  
11 that. Karen and Claude and others. A huge priority as  
12 many of you know. It was B- the first speech I ever  
13 gave at this place was to the deaf and hard of hearing,  
14 and I've tried to keep it a priority ever since then.

15 We had a good hearing a few weeks ago at  
16 Gallaudet College. Marlee Matlin was there to give it  
17 a little bit of visibility, which helped, and delivered  
18 some, I thought, eloquent testimony. I think the --  
19 maybe the most moving thing she said -- and some of you  
20 were there, I guess, when she was testifying -- was  
21 when she got the Oscar for Best Actress back in the  
22 early 1980s. And the next day she picked up the

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1 newspaper and some reviewer had said, well, the only  
2 reason she won was because it was a pity vote. And  
3 that was really just such a overwhelming statement.  
4 But her work and her hope and her optimism just kind of  
5 radiated through the crowd, and that's the kind of  
6 attitude that we want to see.

7 And, you know, not only do we have the  
8 opportunity in the broadband plan to do something here,

9 but we've got the anniversary coming up next year of  
10 the Americans with Disabilities Act, and that's another  
11 good opportunity for the Commission to try to move  
12 substantively forward.

13 There's one other part of this broadband plan  
14 that is necessary, that I'm going to be looking for.  
15 And we'll really be working to make sure it's included,  
16 and that's to make sure the plan conveys our  
17 understanding of how broadband is really going to be  
18 the primary conduit for how we as a people communicate  
19 with one another. It's going to be the conduit for  
20 civic engagement in this country. It's going to be the  
21 conduit for our democratic dialogue. Some of these  
22 things are intangible. You can't put a cost on them.

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1 You can't turn it in terms that Wall Street or the  
2 investment community understands, but they are no less  
3 important because of that lack. And they're every bit  
4 as real, if not more real, and certainly more important  
5 to the future of the country.

6 So I want a plan that realizes that news and  
7 information and our knowledge of the issues and our  
8 knowledge of the -- of one another really is going to  
9 depend on our success with broadband and getting it  
10 out, and making sure that everybody has access to it,  
11 and that everybody knows how to use it.

12 This is an old problem for the United States  
13 of America, and you can go back and make an analogy  
14 between now and Thomas Jefferson's time. I guess  
15 newspapers were the information conduit back then, and  
16 everybody remembers that famous quote about Jefferson  
17 saying, "If it was just left to me to decide whether we  
18 should have a government without newspapers, or  
19 newspapers without government, I'd take newspapers  
20 without a government." But he went on there to say,  
21 "By that I mean that every person should be -- should  
22 receive those papers," get that infrastructure out

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1 there, "and be able to read them." So he was talking  
2 about adoption and deployment too back then with  
3 newspapers. And I think it's an interesting quote to  
4 think about right now. So we need to come to terms  
5 with all of that.

6 Our traditional media's going to be with us a  
7 long while still, I believe. I don't think we should  
8 forget about those while we contemplate new media.  
9 We've got to step up to the plate on present media. As  
10 we saw yesterday, president -- present media is still  
11 alive and well. The thrust of media consolidation has  
12 certainly not run its course in this country, and I  
13 think when the economy turns around, we'll probably see  
14 more of that sort of thing.

15 But we've got to have the discipline to make  
16 sure we're talking about old media and new media, and  
17 it's really kind of seamless. It's not one or the  
18 other. We've got to be talking about both things and  
19 dealing with both things. And we need to make sure

20 that new media doesn't have visited upon it many of the  
21 sins that were visited upon old media through a  
22 combination of hyperspeculation in the market and some

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1 bad business plans from the private sector standpoint,  
2 and through horrendous decisions and all the  
3 deregulating public interest that the government policy  
4 and public policy visited upon media too.

5 So I'm going to be insisting that that plan  
6 really -- we're not going to be able to solve all these  
7 problems between now and February 17th, or come up with  
8 a strategy that you can cross all the T's and dot all  
9 the I's. But I want that plan to send the message that  
10 the FCC understands the importance of what I've just  
11 talked about, and that we are committed to doing  
12 something about it, and get the ball rolling. And get  
13 out and go around the country and really try to get a  
14 handle on this, and come up with some policies that can  
15 make a difference and set us in the right direction.  
16 And it sounds like a very time consuming process.

17 The bad news is we don't have a lot of time  
18 to do all of this. We have this sort of window of  
19 opportunity that's open now with a new political  
20 environment in Washington, D.C. How long that window  
21 stays open, how far it's open -- you've heard me say  
22 this before -- I don't know, but I don't want to be

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1 sitting around here addressing this committee a year  
2 from now and saying, oh, goodness, why didn't we do  
3 this last year while we had the opportunity to do it?  
4 So that's why I've got some sense of urgency about all  
5 that.

6 So I probably talked long enough. If you've  
7 got some time I'm happy to take a couple questions or  
8 hear any suggestions or comments that you've got.  
9 Thank you.

10 CHAIR BERLYN: Thank you. That's great.

11 [Applause.]

12 CHAIR BERLYN: Do we have any questions for  
13 the Commissioner? Oh we do. We have cards. Thank you  
14 for remembering that.

15 Brandon, we'll start -- well, we'll just go  
16 around -- Brandon, Charles, and Irene. So Brandon?

17 MR. STEPHENS: Okay. Thank you,  
18 Commissioner, for coming down. We always enjoy hearing  
19 you speak to us. You and, of course, Commissioner  
20 Adelstein, of course, you went over to Agriculture, and  
21 we've enjoyed your consultation with us.

22 And particularly I also appreciate your

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1 comments about Native American communities. The one  
2 issue that we would probably ask because there are over  
3 500 different communities -- actually there are more  
4 than that because they're state recognized, as well as  
5 a federally recognized tribes -- regardless they are  
6 Native Americans.

7 But one of the big issues is just in

8 developing broadband planning for Native America is  
9 basically consultation, and that's what we'd really  
10 like to ask, is because they are different. They're --  
11 each one of them are like fingerprints. That  
12 consultation is so important because the needs are so  
13 different in many different areas from the Pacific  
14 Northwest. It's just different communities all over.

15 The second issue that I'd just like to say to  
16 you too. We have appreciated the care that the FCC has  
17 given to Indian Country, especially in consumer and  
18 governmental affairs. Mr. Wyatt here has done an  
19 excellent job with working with us, and also down  
20 through Shana Bearhand, who is -- who's going to be  
21 leaving the FCC in a couple of weeks. Before her,  
22 Jeffrey Blackwell did a great job. And we hope that in  
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1 that position as a senior attorney and Tribal liaison  
2 position, that that continues to work well. I know  
3 that -- is it Mike McConnell, or what's his name? The  
4 gentleman who's --

5 VOICE: Connelly.

6 MR. STEPHENS: -- yeah, Mike Connelly there,  
7 who's going to be her interim replacement. We hope  
8 that you guys are diligent and shrewd with that  
9 position to help us with that continued consultation in  
10 Indian Country. And I appreciate your assistance.

11 MR. COPPS: I want as much visibility for  
12 Native Americans and for the disabilities communities  
13 in this Commission as we can get. I know we've had  
14 people that work -- had worked extraordinarily hard on  
15 it, but I think the message has to come from the  
16 Commission itself that this really is a priority.

17 I know if we look at some of the recent  
18 submissions that Native Americans have made to the  
19 broadband docket -- they have suggested things like a  
20 broadband task force for openers and maybe a -- an  
21 independent -- some kind of an office -- Indian Affairs  
22 office just like folks have suggested -- disabilities -  
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1 -- I hope we will be paying serious attention to that.

2 And I couldn't agree more on the  
3 consultation. I don't know -- I know there are 564, I  
4 think, recognized. I don't know how many others there  
5 are, if you would say, the non-recognized, of how many  
6 tribes that actually all comes up to. Do you have a  
7 number?

8 MR. STEPHENS: I believe that there -- I've  
9 heard from the various agencies that there's over  
10 1,000.

11 MR. COPPS: Is that right?

12 MR. STEPHENS: Yeah, there's over 1,000. And  
13 just to dovetail -- and I don't want to take up too  
14 much more time from the discussion around the table,  
15 but in this case I think you do raise an interesting  
16 point.

17 For Indian Country particularly, because  
18 there are so many different interests around the table



19 here that developing Miss Bearhand's office into an  
20 agency that works well, just talking with her and -- is  
21 it -- I can't remember the other chief that works there  
22 --

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1 VOICE: Mr. Kwon?

2 MR. STEPHENS: Mr. Kwon. Mr. Survivor there  
3 -- yeah. The -- anyhow, the -- that -- I hope that  
4 there are plans there to help augment and aggrandize  
5 that area.

6 MR. COPPS: The Chairman has an obvious  
7 interest in this. And when I went out to Pine Ridge a  
8 month or maybe two months ago now, Eddie Lazarus, our  
9 Chief of Staff who has a deep knowledge of this, has  
10 actually written a book, as you know, on some of the  
11 U.S. and Indian disputes and all that over the years.  
12 So I think we have that kind of interest, and we want  
13 to translate it into -- to something positive.

14 CHAIR BERLYN: We will take very quick  
15 questions. Charles, I'm sorry. Charles and Irene, if  
16 you could very quickly because we need to move on.  
17 Thank you.

18 MR. COPPS: But you=d like quick answers too.  
19 [Laughter.]

20 MR. BENTON: Commissioner Copps, we greatly  
21 admired your leadership in the digital transition at  
22 the end of the extended time when you were chairman.

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1 And this was a -- this was an enormous service at the  
2 end of a long road. But as you kept reminding us and  
3 as you told us this morning, this unfinished business  
4 with the old media. And we did pass some resolutions  
5 about the public interest obligations at the -- and I'm  
6 wondering if it would be useful to remind the  
7 Commission. If we brought those resolutions back again  
8 and resubmitted them because in the old regime, when we  
9 submitted resolutions, we got no response at all. And  
10 I'm just wondering if that would be helpful to you in  
11 reminding the Commission in general about the  
12 unfinished business in the digital transition.

13 MR. COPPS: Oh, I -- absolutely. I think  
14 that's 100 percent correct. I would urge you to do  
15 that. I am still mightily interested. Before I leave  
16 the Federal Communications Commission, that we would  
17 have a licensing regime for our broadcast stations that  
18 would have public interest guidelines in it. I see  
19 that as kind of a down payment really on substantive  
20 media reform. And I understand that when you get into  
21 structural rules and things like that, we have a  
22 quadrennial review that's out there, and then that's

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1 very important. And I hope you all will participate in  
2 that. But we don't need to be waiting around for a  
3 quadrennial review to do public interest guidelines for  
4 licensing. We have the authority to do that, and we've  
5 got the record I think that that would support our  
6 taking action there. So anything you folks can do to

7 move that along with my colleagues at home would be  
8 most appreciated.

9 MR. BENTON: We'll take it up. Good. Thank  
10 you.

11 MS. LEECH: I just wanted to thank you for  
12 your comments and to just emphasize that in addition to  
13 the particular populations you mentioned, that one of  
14 my big concerns about broadband is that our current  
15 policy of letting the providers decide where they want  
16 to serve is meaning that we're leaving some pockets  
17 unserved. They're in many cases not very big and often  
18 in rural areas, but the same thing is happening in  
19 urban. So it's really not absolutely a rural issue.  
20 But I hope that you'll come up with some incentives and  
21 some ways to -- I heard you say everybody needs access  
22 and so forth, but those communities that don't have

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1 that are really hurting on economic development and  
2 education and everything else. And so I hope that  
3 we'll be aggressive about that and not let us have  
4 haves and have-nots as we do today.

5 MR. COPPS: Right. Well, our charge from  
6 Congress is to get broadband out to everybody  
7 ubiquitously. So that's I hope where our focus is  
8 going to be. And like you, I hope it doesn't  
9 degenerate into some kind of a rural/urban controversy,  
10 or even underserved versus unserved. I think you can  
11 make the argument that most of the United States is  
12 underserved to begin with. So I think we go forward  
13 with the goal clearly in mind that everybody needs to  
14 get this. And if they don't, then you end up with  
15 larger gaps relatively speaking than we have right now.

16 You'll have worse rural/urban gaps, worse gaps for  
17 disabilities community, worse gaps for Native  
18 Americans. So it's more important than ever that we  
19 make sure the tools of communication are distributed on  
20 a ubiquitous fashion.

21 Thank you for having me down. I appreciate  
22 it.

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1 CHAIR BERLYN: Thank you so much,  
2 Commissioner Copps. A pleasure as always. Thank you  
3 so much.

4 MR. COPPS: All right. Take care.

5 [Applause.]

6 CHAIR BERLYN: And --

7 MR. COPPS: Can I do one more thing?

8 CHAIR BERLYN: Absolutely.

9 MR. COPPS: I wanted to introduce Josh  
10 Cinelli, who's B

11 CHAIR BERLYN: Oh.

12 MR. COPPS: -- joined my office here, and I  
13 hope you all were -- will get to know him, and you  
14 already know B- he's been doing outstanding work here  
15 for many, many years. And I have had the benefit now  
16 of -- I have the honor now of working with both of  
17 them, and I hope you will get to know Josh too going

18 ahead.

19 CHAIR BERLYN: Thank you. Thank you very  
20 much. And now I'd like to welcome Commissioner Baker.

21 I think this is also a repeat visit for you here at  
22 the CAC. You may have addressed our group at one time

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1 on the digital television transition.

2 MS. BAKER: I think that's right.

3 CHAIR BERLYN: And which we can look back at,  
4 I think B

5 [Laughter.]

6 MS. BAKER: Not quite, but almost. Almost.

7 CHAIR BERLYN: Almost look back at. The  
8 transition itself, now being the -- I think a success  
9 for our nation in the fact that we did actually do it.

10 And that this committee had a role to play in working  
11 with NTIA at that time when you were there and  
12 following the progress that NTIA made under your  
13 leadership, which was fantastic. And now we welcome  
14 you as a commissioner here at the FCC. And we're so  
15 pleased that you're here. So thank you so much for  
16 joining us this morning.

17 MS. BAKER: Well, thank you, Debbie. It's  
18 great to be here. It's great to see so many familiar  
19 faces. Many of you who did help out in the transition  
20 so much. And also, of course, always love to -- lovely  
21 to see Gloria Tristani. It's nice to see her in this  
22 building, isn't it?

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1 So I really just wanted to take a few minutes  
2 to talk with you guys today to tell you how important I  
3 think the work that you do is and to really express my  
4 gratitude. I'm happy to be "Mike Copps."

5 CHAIR BERLYN: No, you have your own card.

6 MS. BAKER: I'm really -- I do, I think that  
7 this committee really plays a critical role at the  
8 Commission. And you tell us where we are falling down,  
9 both in the industry and in the government. And you  
10 tell us what we should know, and you should know that  
11 we're listening. We really are. And I just applaud  
12 all of your dedication and willingness to serve. It's  
13 a very important job, and the role that you play is  
14 very important.

15 I know that you all have a full agenda today,  
16 so I don't want to take too much of your time. But I  
17 did just kind of want to touch on three things, one of  
18 -- as your work is kind of nearing these topics as  
19 well. One of course is the digital television  
20 transition, and the two others are the things that this  
21 committee's taking a lead on, accessibility issues and  
22 truth-in-billing matters.

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1 So the recently completed digital television  
2 transition, a topic near and dear to my heart  
3 obviously, it's an area where your voice was so  
4 important and really contributed to a successful and  
5 relatively pain-free experience for consumers. The

6 digital television transition required all of us, the  
7 FCC, the industry, the local governments, the civic  
8 groups, the interest groups, the consumers, and of  
9 course NTIA, our partners, to work collaboratively, to  
10 streamline and to simplify what could have been just a  
11 harrowing experience for many households.

12 And so you should know that this work  
13 continues. Just a few weeks ago, the FCC in  
14 conjunction with CEA and NAB -- you guys -- and others,  
15 also released further aids to help the consumers  
16 understand the antenna issues that are associated with  
17 DTV transition. I know that that was one of the issues  
18 that you all flagged for us as warranting greater  
19 focus. And I just urge you to continue to highlight  
20 the additional transition-related issues that need our  
21 attention.

22 I also want to take this opportunity to

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1 commend the FCC staff for its continuing work past June  
2 12th. And of course to my colleague, Commissioner  
3 Copps, for his leadership as well.

4 Now looking forward, I'm also very  
5 appreciative of this committee's work on accessibility  
6 issues in the digital world. You guys have shone a  
7 great light on this problem. And digital technology  
8 provides a great promise to expand opportunities for  
9 all Americans, but it has also created some  
10 implementation challenges. And so as programmers, and  
11 broadcasters, and pay-TV providers, and consumer  
12 electronics companies work to bring advanced  
13 technologies into our homes, too many consumers have  
14 been left without the services that had -- that they  
15 need a clear path to resolve these issues. So I'm  
16 appreciative of Commissioner Copps when he was acting  
17 chairman in May for establishing a technical working  
18 group to review the digital captioning and other  
19 related issues. This is a long-standing recommendation  
20 from this committee.

21 Those of you from industry, thank you for  
22 letting us borrow your engineers. This is an important

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1 group. And as you know, my experience really is when  
2 you get some of the lawyers out of the room, and you  
3 bring the engineers together, we really can focus and  
4 find solutions to these problems. So by bringing all  
5 the stakeholders together, I am hopeful that best-  
6 practices will evolve into a better understanding of  
7 really the technical issues that will translate to  
8 improved service for consumers. And I really do look  
9 forward to learning more about these ongoing efforts,  
10 and again appreciate your work in this arena.

11 Similarly, this committee is raising the  
12 profile of consumer complaints and truth-in-billing  
13 matters. And I urge the same collaborative spirit to  
14 guide these discussions as we seek to find best  
15 practices amongst those within industries. We need to  
16 know what specific billing and service issues are not

17 being resolved, and which industries are not stepping  
18 up to serve their consumers effectively. In this, we  
19 must be data-driven, and -- I think I'm required to say  
20 that by the Chairman at every proceeding -- data-  
21 driven.

22 [Laughter.]

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1 MS. BAKER: But it is truly an important  
2 concept to stress, so once we quantitatively and  
3 qualitatively identify the problem areas, I really do  
4 challenge the providers to work aggressively to address  
5 any infirmities.

6 It is important that we do not regulate at  
7 the first sight of a problem, rather that the industry  
8 should have the opportunity to respond to the  
9 consumers' concerns. All regulation, no matter how  
10 well intentioned, does have costs and may frustrate the  
11 efforts to -- of providers to act in a more consumer-  
12 friendly and responsive manner than the one-size-fits-  
13 all regulation that sometimes we come up with. I'm  
14 also sometimes dubious of the government's efforts to  
15 come up with something that is clear and transparent  
16 guidance to consumers. You know, look at our IRS tax  
17 forms.

18 So anyway, all of this is not to suggest that  
19 the Commission has abdicated its responsibility.  
20 Obviously we have a very important role to play here.  
21 And we really do -- must be prepared to act if the  
22 market fails to address this issue. So I appreciate

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1 your raising this issue for us to look at further.

2 So really thank you all again for your  
3 efforts. What you do is an essential part of, you  
4 know, our work here at the Commission, and I look  
5 really forward to working together with you.

6 CHAIR BERLYN: Excellent. Thank you so much.

7 [Applause.]

8 MS. BAKER: Did you want me to take -- does  
9 anybody have any time for questions if B-

10 CHAIR BERLYN: Claude, I saw you go with your  
11 card first, so Claude.

12 MS. STOUT: Hello there. I'm Claude Stout,  
13 and I represent Telecommunications for the Deaf and  
14 Hard of Hearing, and I'm also the chair of the Deaf and  
15 Hard of Hearing Consumer Advocacy Network. And I  
16 really want to commend you for mentioning accessibility  
17 issues and bringing those to light and talking about  
18 the FCC's responsibility in working with the various  
19 agencies here at the table. I look forward also to  
20 working with you on these issues in the coming future.

21 And I'm so excited to hear you mention that  
22 technology work group that=s working on the digital

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1 captioning issue. Please know that consumers are still  
2 very, very frustrated. We remain hopeful, however,  
3 that technical working groups will reach some  
4 conclusions and come up with some recommendations and

5 findings in due time, not after the passage of several  
6 years. And we want to work with those working groups  
7 to get some fixes in place within a deadline.

8 So I am one of the folks who likes to watch  
9 ADesperate Housewives.@ I feel like I'm a desperate  
10 consumer because we cannot -- many of us cannot follow  
11 what's happening. And so it's difficult when the  
12 captions come and go. The -- also the program Brothers  
13 and Sisters, again watching the captioning there. It  
14 just flickers and it's off and on, and it does put us  
15 in a desperate situation, not to play on that too much,  
16 but, you know, we're trying to be patient. And we're  
17 hopeful, and we're looking forward to the FCC and the  
18 consumer work groups and the television industry groups  
19 working on resolving this issue. We can't wait too  
20 long for it because again that puts us without access.

21 So thank you again for your comments. I do appreciate  
22 it, and we look forward to working with you.

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1 MS. BAKER: Thank you, and I appreciate your  
2 raising that issue, and I will continue to follow it,  
3 and thank you for your participation.

4 CHAIR BERLYN: Karen?

5 MS. STRAUSS: Hi. I also want to thank you so  
6 much for mentioning people with disabilities. We're  
7 always excited when we hear a new commissioner  
8 recognize our issues. And I'm just thinking that maybe  
9 we can set up a meeting with you to talk to you about  
10 some of the closed captioning issues that are going on.

11 There's been a petition that's been pending at the FCC  
12 since 2004 to correct some of the quality problems that  
13 Claude is talking about, and we would like to get it  
14 moving again. So maybe we can set up a meeting with  
15 you and we can explore these issues further.

16 MS. BAKER: Absolutely. I'd love to do that.  
17 And I've been remiss in not introducing someone you  
18 already know. But Brad Gillen is sitting behind me,  
19 and I'm lucky enough to have Brad join me as my media  
20 advisor. So we'll look forward to seeing you in the  
21 office.

22 CHAIR BERLYN: Excellent. Well, thank you

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1 again, Commissioner Baker. It's great to have you with  
2 us again, and we look forward to talking with you at  
3 our future meetings, so thank you very much.

4 MS. BAKER: Terrific. Thank you.

5 [Applause.]

6 CHAIR BERLYN: Okay, we're on schedule. This  
7 is wonderful. Next up is Thomas Wyatt. Again a  
8 regular at our CAC meetings. Deputy Chief of the  
9 Consumer and Governmental Affairs Bureau to provide us  
10 with an update about the Bureau activities. So thank  
11 you, Thomas.

12 MR. WYATT: Good morning. I'll do my best to  
13 keep us on schedule as well.

14 As usual you have a pretty busy schedule so  
15 I'll just take a few minutes to talk about CGB's recent

16 and upcoming activities. Some of you may have heard  
17 that there have been a few front-office changes in CGB  
18 since you last met. Mark Stone, formerly of the Office  
19 of Managing Directors, is now Acting Chief of the  
20 Consumer and Governmental Affairs Bureau. Mark wanted  
21 to be here today but could not due to some scheduling  
22 conflicts, but he sends his regards and best wishes for

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1 a productive meeting.

2 You also may have heard that we have a new  
3 Deputy Bureau Chief. I believe Brandon mentioned him  
4 earlier. He met him earlier. But Yul Kwon is the  
5 Deputy Bureau Chief at CGB. Yul has a very diverse  
6 career background spanning across law, technology,  
7 business and media. He joined us in late October and  
8 has fully immersed himself -- it doesn't really seem  
9 like he's new to me, he's been so fully immersed in our  
10 activities, and we're excited to have him. He's  
11 brought some really fresh insights and energy, and  
12 we've already -- already have had a pretty significant  
13 impact on the Bureau.

14 Mentioning Yul is probably a good segway into  
15 the first Bureau priority I wanted to briefly mention.

16 That is the work we are doing with respect to  
17 distracted driving. As you may know, Chairman  
18 Genachowski testified before the Senate in October and  
19 the House in November about the dangers of distracted  
20 driving. Since then the Commission has been working  
21 with numerous parties to address the issue, including  
22 the Department of Transportation, National Safety

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1 Council, CTIA, and the Consumer Electronics  
2 Association. We held a workshop on distracted driving  
3 here on November 20. The workshop included two panels  
4 on technology and a panel on outreach. We were pleased  
5 to host I believe 75 participants at that workshop.

6 We've also created a web site on distracted  
7 driving. And we're really encouraging anyone with  
8 suggestions for other educational opportunities to e-  
9 mail us or contact us via that web site. And Rachel  
10 Kazan or Dan Rumelt are our key contacts. And that web  
11 site is [distracteddriving@gov](mailto:distracteddriving@gov).

12 And speaking of workshops, we were pleased to  
13 announce yesterday that the Commission will soon host a  
14 workshop on VRS, video relay service. And I think that  
15 is scheduled for December the 17th. The -- and the  
16 workshop is part of the comprehensive review of the VRS  
17 to assure that the program's underlying structure  
18 fosters efficient, effective, and lawful provision of  
19 VRS.

20 The workshop will be open to the public, and  
21 it's intended to gather data and information in several  
22 key areas. One, the most efficient way to deliver VRS,

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1 particularly whether the service should remain a  
2 competitive service or be provided via competitive  
3 bidding. Two, a fair, efficient, and transparent

4 compensation methodology. And three, mechanisms for  
5 combating waste, fraud, and abuse. I will provide  
6 additional details about the workshop as it approaches.

7 Next I wanted to briefly mention the  
8 impending Notice of Inquiry -- I'm looking around to  
9 see if Julie Saulnier is here -- and just wanted to  
10 mention that -- and you all are aware of this -- the  
11 record closed in late October, and the staff is  
12 analyzing the record and formulating recommendations.  
13 And I don't see Julie, but I wanted -- oh, there she  
14 is. Hi, Julie. And Julie's here to answer any  
15 questions you might have about the Consumer Information  
16 and Disclosure proceeding.

17 I guess it was the Information Disclosure --  
18 and Disclosure proceeding that really started me to  
19 thinking about the issues I believe you will be  
20 covering at this afternoon's round table discussion on  
21 consumer complaint resolution best practices. Having  
22 worked in that area for many, many years at the

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1 Commission, I am especially pleased that the CAC's  
2 going to take that issue up. I think we all have a  
3 sense of what a massive, nationwide rollout of new  
4 broadband services will mean in terms of consumer  
5 inquiries and complaints. I suppose I should publicly  
6 apologize to Scott and Debbie for pestering them about  
7 this issue, but I'm really excited that you all are  
8 having that discussion.

9 I didn't want to take too much time, and I  
10 guess we're a little bit ahead of schedule now, Debbie,  
11 but --

12 CHAIR BERLYN: That's fine. Yeah. Because we  
13 may indeed have questions for Thomas. Does anyone have  
14 a question you'd like to ask?

15 MR. WYATT: Well, thank you.

16 CHAIR BERLYN: Okay. It's okay that we're  
17 ahead of schedule. There are a couple of issues that I  
18 would like to tee up, and this is as good a time as any  
19 to do that.

20 One B- couple things that I'd like the CAC to  
21 think about this morning, and we can talk about it this  
22 afternoon. You can also e-mail me suggestions in the

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1 coming months.

2 One thing I'd like to think about is how  
3 getting to action process is going and ways in which  
4 the CAC can be -- is, and going forward can be more  
5 productive. We have had a rich history in the years  
6 past, in CAC's past, of producing recommendations. And  
7 over the years, one of our major complaints has been  
8 that we have not been listened to by the Commission.  
9 And we now have, I think, the ears and eyes of the  
10 Commission, and I think it's a wonderful opportunity  
11 that we have to provide recommendations to this  
12 Commission that I think will be listened to.

13 So with that opportunity, I would love to see  
14 a CAC that is providing a lot of recommendations to



15 this Commission. And so I think we have a tremendous  
16 opportunity, and I want to figure out a way to fill  
17 that opportunity. And so I've looked at our working  
18 group structure, and I wonder if this is -- if we --  
19 this is the right way to proceed. We have a year left  
20 in this CAC, and so let's think about how we are  
21 structured, and whether or not this is the way we want  
22 to continue to work, whether it's working for all of

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1 us, and if there are suggestions that you might have of  
2 how we can work better.

3 You know, having three meetings a year, and  
4 when we do meet, we spend a good part of our time doing  
5 -- getting reports, and we all know that that's how we  
6 have to function. So the work really needs to be done  
7 between our regular meetings. And I know that is  
8 incredibly difficult for everybody because we're all  
9 volunteers, and we all have other jobs to do. So how  
10 is the best way for us to function within the structure  
11 that we have is the question.

12 One thing I've thought about is would it make  
13 sense to have some sort of working group or task force  
14 of some sort that is responsible for taking concepts  
15 and ideas and putting those into recommendations? Sort  
16 of a -- you know, like a ledge council of sorts, for  
17 this committee. So you know, thinking about how we get  
18 to action is what I'd like to propose.

19 And we have -- if you would like to, we can  
20 spend a few minutes discussing that now, or we can --  
21 and I see a card go up. So I will entertain a short  
22 discussion about that now. Yes, Brandon? And if you

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1 could raise your hand so they recognize you, okay?

2 MR. STEPHENS: Okay. No, it's still B- okay,  
3 now I'm on the air.

4 Well, I believe that we were very well  
5 focused, and we had a goal and some objectives during  
6 the digital transition. And now I kind of get the  
7 feeling after the digital transition phase left us, now  
8 we're sort of wondering, well, what do we do? We come  
9 here and we meet -- and I don't have to say that -- and  
10 please, I'm not casting any aspersion or any -- back to  
11 the committee. I think that we do some wonderful work  
12 here, and we can continue to listen to reports. But I  
13 believe that we also have the potential to be very  
14 effective, and we were -- I believe we did some -- we  
15 had some effective comments and recommendations back to  
16 the Federal Communications Commission for digital  
17 transition.

18 But I believe now, very much so, in feeding  
19 things like digital TV, the broadband is going to be  
20 very important. And I look at Commissioner Copps'  
21 comments about really moving America. And if there is  
22 to be true recovery, if there is to be true

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1 reinvestment in America, whether it's with the blind,  
2 or with the physically challenged, or with some of our

3 utilities, or in Indian Country, or in rural America  
4 where also I represent a good -- I see the Appalachian  
5 Regional Commission here -- real true recovery, whether  
6 that affects education, housing, it affects economic  
7 developments, all of these infrastructures. And also,  
8 if you read what's now going through with the  
9 President's initiatives, those types of issues are  
10 coming to the forefront. So I believe that we need to  
11 set some sort of strategic plan, some sort of set of  
12 goals and objectives here with that. And then I  
13 believe then we can go back to where we can really  
14 reorganize into different subcommittees and task force  
15 to do that. But I believe that we're going to miss the  
16 boat if we don't do that.

17 But I think that we did a great job with what  
18 we needed to do, and some of the areas we needed to  
19 address in the digital transition, and we did that  
20 quite well, and maybe so. There was a different -- and  
21 also there is a different area, and there is a  
22 different group of commissioners. And I think also

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1 there's a different feeling at the Commission now with  
2 a little more transparency and also openness. I get a  
3 different feeling when I walked through Consumer and  
4 Governmental Affairs the other day. I really had a  
5 good feeling in your area up there, Mr. Wyatt. That  
6 was wonderful. But with that, we need to seize that.  
7 We need to develop a strategic plan of action here to  
8 do that.

9 Now what that is, I can sit here and preach  
10 all day long about how we go about doing that. But I  
11 think we need to address some things with broadband if  
12 that's one thing. If there are other things, and some  
13 minutiae there that we need to work upon, but I think  
14 we were really effective. So I think it's just a  
15 simple task of what it is we want to address, and what  
16 the -- it's sort of the John Cubby approach. See the  
17 end in minds and start taking those steps to getting  
18 there.

19 So what is it that we want to accomplish?  
20 And what are the recommendations we want to make? And  
21 I think that's where we begin.

22 CHAIR BERLYN: Charles?

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1 MR. BENTON: I'm delighted that you're  
2 raising the issue of our productivity. I -- which is  
3 one of my favorite issues for the Commission. And just  
4 to focus, Thomas, on your report, the Consumer  
5 Information and Disclosure proceeding, we have just in  
6 terms of the current structure of the CAC, which can be  
7 improved, I am sure, I volunteered to chair the  
8 Consumer Information and Participation Subcommittee of  
9 the CAC, and I have been struggling to figure out --  
10 try to figure out -- how this subgroup might help -- be  
11 helpful.

12 Now I don't know anything about the Consumer  
13 Information and Disclosure proceeding that you're

14 doing, and I -- not knowing about this, know even less  
15 about how we might be helpful. So one of the things  
16 that it seems to me if we're going to be more  
17 productive is that we need to have more of a real  
18 discussion and dialogue with key people at the FCC who  
19 might be able to use our help. And so since we are  
20 lodged I believe in the Consumer and Governmental  
21 Affairs Bureau, I think that's our structure here. We  
22 need your leadership I think in helping to define areas

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1 or point to areas where a group like this could really  
2 contribute to your work so that we, you know, so that  
3 we can have a dialogue about this. And the Consumer  
4 Information and Disclosure issue, for example, would be  
5 it seems to me a very good case in point. But I  
6 haven't a clue what this is about. And maybe you could  
7 help us with that. Just as a hard specific. It's just  
8 -- I mean, we could go off in many directions, but  
9 you're here. You've put us at the table. Here's a  
10 hard specific. How can we help on this?

11 MR. WYATT: Charles, we certainly share your  
12 vision, and I think that's a very worthy goal, and I  
13 will say this. I mean your timing=s a little off  
14 because I believe -- Julie just left me, and she's  
15 probably more of an expert, although I do see Michael  
16 Jacobs here. I would maybe ask him to -- Michael, can  
17 you talk a little bit about the Consumer Information  
18 and Disclosure proceeding?

19 CHAIR BERLYN: Well, could we -- could we  
20 just hold off on getting to -- let's have a discussion  
21 about the process first before we get to particulars  
22 about the issues? And I think we -- do we have someone

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1 coming this afternoon to do that or no?

2 MR. MARSHALL: We have a progress report --

3 CHAIR BERLYN: Oh, wait. I=m sorry, Scott.

4 MR. MARSHALL: Okay. Where=s my -- okay. We  
5 have a progress report from our consumer participation  
6 working group this afternoon chaired by Brenda  
7 Pennington on the drafting that they've been trying to  
8 do on the Consumer Information and Disclosure NOI.  
9 Also we did have a presentation about that at the  
10 September meeting from Erica McMahon, who could not be  
11 with us today, and she regrets that. But -- so we do  
12 have some things in the works on this particular topic,  
13 is I guess the point.

14 CHAIR BERLYN: We do.

15 MR. WYATT: Debra, if I could just make one  
16 more comment? Charles, I appreciate your comments.  
17 And CGB is certainly interested and willing to work  
18 with you to figure out how we can maybe work together  
19 better, and we'd appreciate any suggestions and ideas.

20 And I think our goal is to support you as best we can  
21 and there are some clear things that we can do. We=re  
22 more than happy to talk about those and try to

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1 implement them pretty quickly.

2 CHAIR BERLYN: Brenda? And then we'll come  
3 around to Lise.

4 MS. PENNINGTON: Good morning. I'm very  
5 happy that you're taking up this issue, and very  
6 pleased that the Commission is open to -- open in --  
7 where we believe, open and much more receptive to  
8 incorporating our concerns.

9 As we talked earlier, I am the chair of the  
10 Consumer Protection Subcommittee, and Charles has been  
11 -- as well as other members of the CAC who are on the  
12 subcommittee -- have been helpful in putting together  
13 some principles that we will -- I've sent around a  
14 memo. We'll talk about this in much more detail later,  
15 but I sent around a memo. I've revised that memo  
16 slightly, and we are going to cull down the principles  
17 so that when we do present them to the FCC, they're  
18 sharp and focused.

19 But we really do appreciate the Commission  
20 looking at this issue because it's a very important  
21 issue regarding truth-in-billing principles. Thank  
22 you.

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1 CHAIR BERLYN: Lise? Lise Hamlin?

2 MS. HAMLIN: Do you have me? Yes, okay. I  
3 wanted to say that I have found the disability work  
4 group has been very productive and has been able to put  
5 forth recommendations. And we still have a lot of  
6 work. I see that there's some things that have held up  
7 in the past that we'd like to move forward. So I have  
8 no problem coming up with new things for our Commission  
9 -- our committee to recommend.

10 I do have a little concern -- maybe a lot of  
11 concern -- about the new technical working group. And  
12 there may be some way that -- there may be times with a  
13 new group, or even with some of the older groups,  
14 depending on which one it is -- where we need more  
15 input from the Commission itself to help move things  
16 when they're stuck. And that to me is a process  
17 question. At what point does the Commission get, you  
18 know, two feet into a group? And when we're feeling  
19 like we're frustrated, as Claude was saying earlier,  
20 with the -- you know, as consumers we're frustrated --  
21 how do we move things when they're stuck? And that  
22 kind of process, I think we do need to try to figure

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1 out.

2 MR. WYATT: As I was saying earlier, I think  
3 you'll find us ready and willing to work with you to  
4 figure that out because I think it is a very worthy  
5 goal. And we want to be helpful, and I think staff is  
6 ready and willing to -- we'll work something out.  
7 Let's keep talking.

8 CHAIR BERLYN: Karen?

9 MS. STRAUSS: I agree with what Lise said,  
10 and I just want to add that -- I mean obviously this  
11 committee has kind of evolved over time, but I would  
12 prefer to go back a little bit. I think there was a

13 time that we spent more time at the committee itself  
14 dialoguing with each other, both as a group and as  
15 subgroups. And that's kind of gone away. It went away  
16 with DTV, when the focus was only DTV.

17 I guess I'd rather work together to try to  
18 develop policy rather than receive a lot of  
19 presentations. I think that brief presentations are  
20 okay, like the one that you just gave. You know, 15  
21 minutes at a time. I -- there's a lot of access to  
22 information that you can get at the FCC. I think that

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1 sometimes presentations are helpful, but I'm finding  
2 that they're dominating. I'm concerned that they're  
3 dominating the amount of time that we have together.  
4 People fly in. Once they're here, let's use the time  
5 that we have together.

6 There's -- you know, it used to be that there  
7 was always time on the agenda for subgroups to meet.  
8 And granted, we have to still do a lot of work between  
9 the meetings. But while people are here it helps so  
10 much to have face-to-face meetings.

11 So, and I'm, you know, like I'm even concerned  
12 today that the three recommendations and progress  
13 reports are getting an hour and a half of a whole day.

14 That's not nearly enough for this kind of stuff. And  
15 we have major -- I can't even here for the last one,  
16 unfortunately, but we have major concerns with what's  
17 going on on the DTV working group and its lack of  
18 progress. It just needs -- we just need more time at  
19 the meetings. If we're going to be developing  
20 resolutions, we need time to talk about them.

21 CHAIR BERLYN: I think that's very important  
22 feedback, Karen, and I think we'll take that seriously

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1 because we do need more dialogue time. I will agree  
2 with you completely on that.

3 While I agree with that -- you know, I've  
4 been on this for a long time, working on this as well.

5 It has been my experience that while we always had  
6 that -- well, we have that, and while that can be very  
7 productive, it has always been my experience that a lot  
8 of time was spent in between meetings as well. So we -  
9 - that works. It works if you have -- also have a lot  
10 of time spent in between meetings. So I think both are  
11 needed. And so I think that's a very good point.

12 Let's see. Cards are going up. I'm not sure  
13 where and when, but we'll -- Mark, I'll just go to you,  
14 and then we'll go back around.

15 MR. DeFALCO: Hi, Mark DeFalco with the  
16 Appalachian Regional Commission. I'm probably the  
17 newest member of the group, so I think -- I came here  
18 after DTV was over, and it seems to me like maybe from  
19 a -- one perspective, you lost your big mission in  
20 terms of you got DTV done, and you did great work  
21 trying to get that in place. And you still have a lot  
22 of other issues that you started working on -- sounds

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1 like some of them for years -- that are going.

2 But my focus is broadband, and in particular  
3 rural broadband. And I see it as a money issue. I see  
4 it as a deployment issue where, you know, the providers  
5 are going to go where the money is. And it becomes a  
6 question of how do you support deployment in rural  
7 areas.

8 But there's a big need on the demand side. And  
9 maybe this committee as a consumer advisory group  
10 should be looking at things we could do to work the  
11 demand side of the equation, trying to get people to  
12 understand how they can use broadband, what it could be  
13 used for, rural applications, education, healthcare,  
14 whatever. But maybe there's something we could do with  
15 our outreach efforts to try to get people to understand  
16 it better, so that quite frankly when it becomes  
17 available, they take it because right now we have a big  
18 gap in where it is available, where broadband is  
19 available, the -- you know, the acceptance rate or the  
20 take rate, whatever you want to call it, the  
21 penetration rate. They're still pretty low. So maybe  
22 that's a big focus area that we could put some serious

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1 attention to. Just a thought.

2 CHAIR BERLYN: Great. Good. Okay, I think  
3 Irene was next, Gloria, and then Brandon -- Claude --  
4 Brandon, we're going to have to wind up at that point.  
5 Irene?

6 MS. LEECH: Yes. I'm new to this process,  
7 been here less than a year, so I'm still trying to  
8 figure out kind of how it operates, and could operate,  
9 and that kind of thing. But I think one thing we could  
10 do is possibly, you know, send people information and  
11 expect that we're going to read it and so forth in  
12 between. That might help with the presentations. But  
13 -- and I think we do need time for the subgroups to  
14 meet when we're together, and that we need to set some  
15 schedules while we're together.

16 And I was confused about -- I thought maybe  
17 we were meeting yesterday instead of today, and  
18 whatever -- I -- you know, I guess it's just that I got  
19 confused about the logistics of all of this, but it --  
20 I think there's some ways that we can communicate a  
21 little better and maybe make things a little smoother.

22 CHAIR BERLYN: Okay, thanks. Gloria?

0055

1 MS. TRISTANI: I just briefly wanted to  
2 concur -- well, let me step back. I've missed the last  
3 couple of meetings, so I'm in a vacuum as to what  
4 happened in the last couple of meetings. But I would  
5 point out that I think one of the things that had an  
6 impact on how we worked and necessarily slowed us down  
7 a little bit was not only the digital transition, but  
8 it was the new commission.

9 We had a meeting scheduled, and then it was  
10 cancelled because we wanted to make sure that the  
11 chairman would address it, and that necessarily kind of

12 ruffled our process. So I think we're being a little  
13 hard on ourselves. But now's the time to seize. You  
14 know, we've got a year left. We gotta work.  
15 But I have to concur with Karen because when  
16 I looked at the agenda -- it's very good agenda, by the  
17 way. I don't know if I'd take anything out -- but I  
18 saw there were no subgroups. And the broadband  
19 subgroup -- and maybe they were going to meet earlier -  
20 - but is not meeting. So I absolutely agree that that  
21 has to be the main -- a main focus of future meetings,  
22 and of course it has to happen before the meetings as  
0056

1 well. So that's all I wanted to say.

2 CHAIR BERLYN: Oh, I love this idea. Scott  
3 just came up, whispered in my ear here, and I love this  
4 idea. Aha, we've got Thomas here. He'll -- he may  
5 blanche, but -- I mean, but the possibility of  
6 extending our meeting to a two-day meeting, which would  
7 be a great idea. So that we would have more time to do  
8 that if folks would be willing to do that. Or even a  
9 day and a half. Exactly. So that we could extend our  
10 time to have -- or even a full day?

11 MS. STRAUSS: Or a full day. Because it's  
12 not even really a full day.

13 CHAIR BERLYN: Well, it's close to a full  
14 day. I mean, you know, the idea to have an opportunity  
15 for our groups to meet in advance of the meeting, and  
16 have time for reports, and then have time for -- you  
17 know, an adequate amount of time. I really like that  
18 idea. For out-of-towners you have to really almost  
19 come in advance anyway.

20 You know, any initial reaction to that. We  
21 could try and see if the budget could handle it for  
22 out-of-towners. I don't know if it adds too much more  
0057

1 expense for B- there might be a couple of people that  
2 would need a room.

3 MR. WYATT: I think it's certainly something  
4 that we could explore, and, you know, I think Scott's  
5 always coming up with really, really great ideas.

6 MR. MARSHALL: Just put you on the spot with  
7 B we can put you on the spot, right?

8 MR. WYATT: But usually they make me look  
9 good, so -- but we can certainly explore it here and  
10 provide some feedback.

11 CHAIR BERLYN: Yeah. No, I think this is one  
12 of the few times we don't have our working groups  
13 meeting. And just to say I agree, there's no question  
14 there. We do need to have our working groups meet.  
15 There is no question, so I heard you. Hold on. Irene,  
16 did you want to react to the two-day meeting?

17 MS. LEECH: Well, I think that may be a  
18 really good idea. And also did we ever do anything  
19 like schedule for a whole year's worth of meetings so  
20 we get them on our calendars and are prepared instead  
21 of meeting to meeting?

22 CHAIR BERLYN: That's another great idea, and

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1 Scott and I are working on our calendar. And in fact  
2 Scott just yesterday went through the calendar for next  
3 year, did holidays and big conferences, and so we are  
4 trying to do that. It is, you know -- because we are  
5 subject to availability of space here, and we want to  
6 make sure that we can meet here, there are some  
7 complications there, but we would like to try and do  
8 that as much as we can.

9 And we do apologize for various changes we've  
10 had to make over the course of this past year. But we  
11 will try and do that as much as we can. And I do want  
12 to propose our next meeting date before we leave, and I  
13 don't see -- is Erik in the room? Eric? Ah, he just  
14 walked in. So we do want to stay on schedule. He just  
15 walked in. Erik Garr.

16 Brandon? Oh, Claude -- Brandon and Claude,  
17 if we could do that in the next two minutes because we  
18 need to wind up. Claude?

19 MS. STOUT: I've heard the suggestion about  
20 extending the meeting to two days, or a day and a half,  
21 and I think that's a good idea. That would be fine.

22 The working groups -- the groups, like Karen

0059

1 and Gloria were speaking of, those folks can meet.  
2 I've been with the CAC for quite a long time, and I  
3 think it's very important for those groups to meet, as  
4 well as the full CAC.

5 But just one word of caution. The working  
6 groups would work well if there were resource folks or  
7 key people from different FCC branches who could be  
8 involved at the same time. So the disability access  
9 working group, if they could have the, you know, chair  
10 of the Disability Rights office, or the chief of the  
11 Media Bureau, or someone who can really address the  
12 captioning issues, or the wireline versus wireless  
13 access issues. Sometimes we have, you know, equipment  
14 compatibility issues.

15 So I think it's really critical to have those  
16 resources and people within the FCC who can effect  
17 change and who can participate in that conversation. I  
18 think while we're here and while we're setting aside  
19 time to work, that it's really critical to have those  
20 key folks at the table.

21 And when we make our recommendations like  
22 we've made in the past, I think we can, you know, check

0060

1 off what we've already addressed internally, and the  
2 folks who are working, you know, on stuff with the FCC  
3 can let us know what's in the works, what's already  
4 past a certain stage, that we don't need to continue to  
5 give feedback on. And then that way we can focus our  
6 energies on what's remaining. So it's important to  
7 have those notes and to know what's happening  
8 internally at the FCC rather than, you know, having us  
9 as the Consumer Advisory Committee chasing after old  
10 items is basically the point. Thank you.



11 CHAIR BERLYN: Thank you. And I think,  
12 Claude -- I think we definitely have a commission that  
13 supports that. So, you know, we can certainly -- if  
14 there's a working group request -- I'm speaking -- I  
15 shouldn't be speaking for you, but -- you know, I think  
16 there's more openness to that. Is that correct,  
17 Thomas?

18 MR. WYATT: Absolutely, Debbie. As I said  
19 earlier, we're interested in identifying ways to  
20 facilitate your ability to do what we've asked you to  
21 do, and so let's keep talking. And if we can come up  
22 with some ideas, we'll try to implement them right

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1 away.

2 CHAIR BERLYN: Do you want to be recognized  
3 for a very quick comment?

4 MR. STEPHENS: Yeah, I do. I just had --  
5 first of all, I wanted to say that I supported the  
6 thoughts and the comments from Karen and Mark and also  
7 the two-day meeting. I think that probably in those  
8 two days, we could probably have one day to sit down  
9 and have subcommittee group meetings and to discuss  
10 some issues and come back, and then into a larger group  
11 and say here's our resolve, here's what comes back.  
12 And everyone can agree and vote and be a little more  
13 kinetic.

14 But the other thing too is I think somewhere  
15 today that we need to probably have some discussions as  
16 to what some of the issues are that we need to address  
17 and to begin to address those, whether it's broadband,  
18 or issues for captioning, or other issues that have  
19 fallen through the cracks of this digital transition,  
20 and on, and on, and on, so many other things that we  
21 may want to address.

22 But I think somewhere today, I would like to

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1 have some discussions as to what we would like to do to  
2 once again build a set of objectives and goals and  
3 where we need to go with that so we can -- so it can  
4 move an agenda forward and be a little more proactive  
5 and productive.

6 CHAIR BERLYN: Thank you. And thank you all  
7 for -- I'm so glad we found the time to do that while  
8 we had critical mass in the room. What often happens  
9 is it's the end of the day and everybody is walking out  
10 the room, so we don't have a chance to do that.

11 Two quick items because we want to stay on  
12 schedule today, my goal. A proposal for our next  
13 meeting date, I'd like to throw out. We don't want to  
14 wait too long before our next meeting date. So Scott  
15 has checked on holidays and major conferences and the  
16 availability of this room, and I'd like to propose the  
17 date of Friday, March 19th for our next CAC meeting  
18 date. So if you could look at that and give me  
19 reactions later. That's item number one.

20 Item number two, I'd like to propose, and --  
21 we'll do a wind-up of this discussion later -- I'd like

22 to propose -- and I know that folks like to have some  
0063

1 break time during lunch. Scott, is it possible that we  
2 could have a discussion though during part of our lunch  
3 time? Is that a possibility? Or do we need to give  
4 our folks in the back room a break?

5 MR. MARSHALL: Well, that B-I think that  
6 might be problematic to some extent.

7 CHAIR BERLYN: It's Brandon suggestion that  
8 we discuss issues? Can we do it during lunch?

9 MR. MARSHALL: We might have some time in the  
10 afternoon possibly, or at the end -- well -- the issue  
11 is giving people enough time to eat and not have to  
12 work that lunch. I'm not sure what our interpreter's  
13 situation would be over lunch. I don't know. Do we  
14 have -- is Helen here?

15 I think that might be problematic. I mean we  
16 could have planned for that, but I'm a little bit  
17 afraid that logistically that will prove difficult.

18 CHAIR BERLYN: All right. We'll hold on that  
19 decision, and we'll figure it out later. Okay, but  
20 thank you all for the discussion. We'll continue this  
21 later. Thank you all. Let's move on.

22 I'm so pleased to introduce Erik Garr,

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1 General Manager of the Broadband Omnibus Initiative.  
2 We've been talking a little bit with the Commissioners  
3 Baker and Copsps about the national broadband plan. And  
4 Erik is going to provide us with an update on what=s  
5 going on with the efforts here at the Commission to  
6 produce that plan. So thank you very much, Erik.

7 MR. GARR: Yeah, thank you very much for  
8 having me, Debra. First off, it's nice to see some  
9 familiar faces. Happy to be down here and spend some  
10 time with you.

11 I actually don't want to talk for very long.  
12 I'd much rather hear from you all. Most of what, you  
13 know B- just looking around the room, these are folks  
14 who are pretty engaged already. So, you know, I'm sure  
15 you've been to the public meetings and you've heard the  
16 things that we've been saying, et cetera, et cetera.  
17 So I'll spend a couple of minutes on kind of where we  
18 are, and then I'd more like to take questions and just  
19 be available. I'd love to hear any thoughts anybody  
20 has on issues that are important to you, et cetera, et  
21 cetera. Does that seem fair? Is that a good use of  
22 time? You don't need me droning on for 30 minutes.

0065  
1 That=s no fun.

2 I do want to say a couple of things briefly,  
3 which is, you know, we're -- where are we? We're in  
4 the 70s, low 70s -- 71 days I think until it's due,  
5 something like that. There's a sign outside of my  
6 office that I used to walk by and now I take a  
7 different route --

8 [Laughter.]

9 MR. GARR: -- because it's, you know -- to

10 me, I'm behaving as if it were due tomorrow, which I  
11 think is the way I need to behave over the next 70 days  
12 or so.

13 You know, overall we feel pretty good. The  
14 amount of public dialogue has been outstanding, which I  
15 think is priceless, and, you know, we still have time  
16 for more of that. So, you know, any discussions we  
17 want to have here or further, we should do. We've been  
18 joking that we should, you know, we should -- there is  
19 a point where we need to not put out public notices.  
20 We're probably getting close to that. So you all  
21 hopefully will get a holiday break. We will not, but  
22 hopefully you all will.

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1 You know, and I know there's been -- those  
2 have been hard, particularly, you know, if you're a  
3 large corporation, that's one thing. If you're a  
4 community group, that's a different all thing -- all  
5 together different thing to respond to. We're sorry  
6 for that, but there's not a lot, you know, we can do.  
7 We need your input, and unfortunately we were given a  
8 set of ridiculous deadlines, which translates to sets  
9 of ridiculous deadlines all over the place.

10 You know, and -- in a week and a half or so,  
11 we'll be talking publicly about the policy framework,  
12 and that's where we'll really be zeroing in on, you  
13 know, what are the elements of this thing. What are  
14 the issues that the Commissioners are going to need to  
15 make decisions on. And how are we going to move  
16 forward with the plan. I think that will be an  
17 important public meeting. I'd encourage everybody to  
18 attend.

19 In terms of where we are as a team and as a  
20 Commission, the amount of activity is high. We've been  
21 here nights, weekends, everything, kind of working on  
22 the range of issues that we have with all kind of

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1 pushing towards this December 16th meeting, which I  
2 think will be important and useful in the sense that we  
3 should give more clear direction at that point.  
4 Everything we've said up until now has been going  
5 through an analytic process, which I'm pleased that  
6 everyone in the broadband community has been patient  
7 with because I think it's important to treat this issue  
8 in the way that we've treated it, which is starting  
9 with the facts and moving to what we think the gaps  
10 are, and then to the policy recommendations. But I  
11 also recognize that there's a point where that runs  
12 out. And December's really the beginning of the  
13 discussion about, you know, what are the answers. What  
14 are the things that the country really needs to do.  
15 And we look forward to engaging with all of you on  
16 that.

17 That said, that's all I really want to say.  
18 You know, we're hard at work. But more than anything  
19 I'd love to take your questions and engage in any  
20 dialogue of any topics you want. I hate to lose

21 opportunities when people are here in the Commission to  
22 learn. So I'd love to learn a thing or two from all of  
0068

1 you, and I'll just kind of open it up -- open it up  
2 there.

3 CHAIR BERLYN: I got my card up first.

4 [Laughter.]

5 CHAIR BERLYN: I know that John Horrigan is  
6 busy at work on a B

7 MR. GARR: Yes. We have the data in the  
8 building now.

9 CHAIR BERLYN: Oh, really. Okay, he's been  
10 working -- for those of you who haven't heard, John  
11 Horrigan, who was with Pew Internet in American Life  
12 project and is now at the FCC, has been busy at work  
13 trying to assess -- get a real assessment of where  
14 broadband is and isn't. And so this is now -- this  
15 data is now -- in the building?

16 MR. GARR: Yeah. It's not analyzed yet.  
17 It's on John's computer, which is great. That's where  
18 it needs to be. And he is hard at work. He's actually  
19 at home -- working from home today because he wanted to  
20 be alone with his numbers, which is a good thing for  
21 him to be.

22 You know, just to remind everyone. We

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1 basically took, you know, the great work that John and  
2 others at Pew have done over the years and tried to  
3 point that work more towards non-adopters, non-adopters  
4 or underserved folks rather than worry about kind of  
5 everyone that already has broadband, not that those  
6 aren't -- those folks don't have needs, but we wanted  
7 to really zero in the research. And we did several  
8 things to really focus on populations that probably  
9 haven't been focused on in research of this type in the  
10 past.

11 We had a Spanish language version of the  
12 survey, which is useful, because if English is not your  
13 first language, it's really useful to be able to speak  
14 in Spanish. We also have done focus groups in  
15 different communities where maybe we, you know, wanted  
16 to make -- maybe we -- different communities where we  
17 would have trouble doing phone surveys and things like  
18 that. So John has made a good faith effort as a, you  
19 know, kind of world class survey researcher to do the -  
20 - use the types of techniques required to get at this  
21 problem.

22 We have the data. To be honest, John and I

0070  
1 have had a couple conversations about it, but I don't  
2 have any details on it at this point. Other than he  
3 was pleased with what came back. Feels like it gives  
4 him the raw materials to push his knowledge further,  
5 and you can be sure that all of that will be totally  
6 published and transparent and available with the plan.

7 CHAIR BERLYN: Do you -- I guess what I'm  
8 wondering is will there -- the information that he has

9 gathered will then be used to inform the plan at this  
10 point?

11 MR. GARR: Oh, yeah.

12 CHAIR BERLYN: Make adjustments and that sort  
13 of thing?

14 MR. GARR: Absolutely. So there's two things  
15 we're doing. First is he needs to finish up, and he's  
16 probably a week or two away from being able to say what  
17 he thinks the data says. He needs to do the work that  
18 he does. That -- you know, we've already had some  
19 initial conversations on that, but when you think about  
20 how we're doing the adoption section, it relates very  
21 much to John's work. So rather than just kind of guess  
22 at adoption, we thought let's push the research bar a

0071  
1 little further down the field. And then based on what  
2 we learn, let's think about the programs that we need  
3 to put in place, based on the best information that we  
4 have. So those two things are definitely related.

5 And then second of all, John will also -- you  
6 know, you should expect a publishable thing, like John  
7 typically does, that goes through all the  
8 methodological details and all the things that he  
9 usually does. So there's really two outputs from his  
10 work. One is the kind of thing that we're all used to  
11 from John, and the other is using that work to inform  
12 other parts of the plan.

13 CHAIR BERLYN: Great.

14 MR. GARR: And that was kind of the idea to  
15 begin with. Yeah.

16 MS. TRISTANI: I have some comments, but I  
17 was confused because we didn't hear exactly what John  
18 was -- is this adoption data? Is this a survey on use?

19 I mean I B-

20 MR. GARR: Sure, no, that's fine. So --

21 MS. TRISTANI: Could you clarify that? And  
22 then I do have some --

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1 MR. GARR: Yeah. If you've seen any of the  
2 Pew American Life Studies --

3 MS. TRISTANI: I have. I have.

4 MR. GARR: -- where they ask questions about  
5 adoption and usage, it's a very similar piece of work,  
6 but it's just targeted a little differently. So we  
7 tried to take that work and point it towards the parts  
8 of the broadband ecosystem that we think needed more  
9 study.

10 MS. TRISTANI: Okay. And I appreciate that.

11 I appreciate hearing that there was finally a survey  
12 in Spanish because Pew, with all its wonderful surveys,  
13 had neglected to do surveys in Spanish, and it would  
14 usually be in a little footnote, so that skewed some of  
15 the numbers.

16 Is this going to be available before the plan  
17 is adopted on February 17th? Is this going to be  
18 available for public scrutiny?

19 MR. GARR: All I can tell you is it will

20 definitely be available with the plan. It will be a  
21 part of the plan. You know, I would love to make it  
22 available sooner, and if I can we will. But I can't

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1 promise that. As you can appreciate, there's a lot of  
2 complexities around releasing things when you're in a  
3 government seat that are frankly new to me, but I know  
4 are important.

5 MS. TRISTANI: And I appreciate that, but so  
6 many of the other studies have been made available for  
7 comment, and this is obviously critical and critical to  
8 many communities. Thank you.

9 MR. GARR: Totally agree. You know, it makes  
10 sense to me. Do my red letter best, but sometimes  
11 things just, you know -- have to go in a certain way.

12 CHAIR BERLYN: Mark?

13 MR. GARR: Hey, Mark.

14 MR. DeFALCO: Erik, how are you? Probably  
15 more of a comment. It seems like there are so many  
16 intertwining things that all come together, and I know  
17 the -- as an example, I just jotted down a couple as I  
18 was thinking of what I was going to say here. But  
19 phantom traffic from Voice-Over-Internet has been going  
20 on now for a couple years. It keeps on growing.  
21 Intercarrier compensation, which the commission has  
22 been aware of and dealing with but not issued a

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1 concrete order on what they're going to do. USF  
2 reform, which I know right now they're starting to look  
3 at that, and you in particular looking at trying to  
4 focus, taking some of those dollars and putting them  
5 toward broadband deployment. And even write down like  
6 frozen separation factors, which has been probably  
7 three, four years, and they're still frozen. And the  
8 Commission seems to keep on -- I don't want to say  
9 postponing decisions, but they don't make decisions on  
10 a lot of these things, and it seems like they've all  
11 now culminated into an obstacle maybe to the National  
12 broadband plan because without resolving these issues,  
13 it seems like it's harder then to develop a plan to  
14 make it work. So we could talk about -- and I know you  
15 have a ton of people working on the broadband plan.  
16 What about these other issues that affect that plan?

17 MR. GARR: Yeah. I mean I think we're  
18 considering most of those. The one that is news to me  
19 -- that doesn't mean it's news to the team, since I  
20 would be foolish to think I can have in my head all the  
21 different issues -- is the frozen separation factor.  
22 But I will write that down and make sure that, you

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1 know, we're paying attention to that, too.

2 You know, this becomes a little bit of a  
3 philosophical question about, you know, what are we  
4 actually trying to do here. To me, the plan is a  
5 unique moment in time when as a community, we can work  
6 together and lay out a path for things that a lot of  
7 which are things that the Commission is going to do.

8 And my view is the plan is a way to help, kind of let a  
9 lot of these things move forward. And things that  
10 maybe have been languishing for some time, you know, we  
11 move more towards action.

12 My impression as the new guy is that that's  
13 the intent. That's what I certainly get from the  
14 chairman and the other commissioners that this -- you  
15 know, this group wants to take on some of these issues.

16 But I think there's -- my own view is they were wise  
17 to use the plan as a chance to think through these  
18 problems, rather than, you know, kind of charge ahead  
19 because they are so interrelated.

20 Which is -- brings me to the final point that  
21 I'll make. You know, most countries that have done  
22 this, if you look around the world, they got started a

0076  
1 long time ago. So broadband planning has been a  
2 phenomenon in most of the world for many years. Not so  
3 much here, but -- and it's a many year process. And  
4 one of the biggest things we need to recognize when we  
5 do this plan is, you know, we don't have the magic  
6 broadband wand. There's no -- you know, I'm not going  
7 to -- we're not going to wake up on February 18th and  
8 all this great stuff will happen. But what it should  
9 lay out is a -- a way to move forward on many of the  
10 issues that you've raised in a meaningful way based on  
11 what we think the needs are today. And over time, you  
12 know, we need to push those things forward. And then  
13 we need to adjust as well. I think another important  
14 part of the plan is going to be about measurement and  
15 adjustment, and that's -- when you look at the  
16 countries that have done well, you know, pick your  
17 favorite. Korea's the one that always, you know -- I  
18 always love the Korean example. Because that's like,  
19 you know, Northern Illinois. I mean, it's -- lovely  
20 place, but just not as big and complex as our country.

21 But it's -- but I think they've done -- you  
22 know, to their credit, they have done an outstanding

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1 job. But if you look at it, they've done plans for  
2 different parts of their ecosystem, and then they've  
3 worked on them for a while, and then they've reviewed  
4 them. And that's the habit that we need to get into.  
5 My sense as the new guy is I said -- I feel that  
6 commitment amongst my teammates and the colleagues that  
7 I'm working with, and that's -- that's our job past  
8 February 17th for sure. So I think your points are  
9 right on. And you're right. We've got to figure these  
10 things out. We can't, you know, we can't just keep  
11 pushing things around. We've got to do these things.

12 CHAIR BERLYN: Erik, that was actually --  
13 that's a good segway to my question, but you've  
14 probably answered half of that, which is sort of what  
15 happens after the 17th? And that's probably the  
16 critical point. I don't know -- you've got the  
17 countdown clock. And so once you've reached zero and  
18 the plan is out there, what's sort of next? And that's

19 in a way much more critical for consumers is --

20 MR. GARR: It is way more important.

21 CHAIR BERLYN: B- what happens after the  
22 plan?

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1 MR. GARR: Yeah.

2 CHAIR BERLYN: And for us, as we think ahead  
3 because our next meeting is going to be after that plan  
4 is out, we need to start thinking about, you know, how  
5 we can help implement, and what we can offer in terms  
6 of help in that regard.

7 MR. GARR: Yeah, that's for sure. You know,  
8 it's funny. I've actually been spending more of my  
9 time recently about what happens after the plan. So,  
10 you know, we've been being pretty deliberate about,  
11 okay, we've gotten -- we've kind of done all this  
12 analytical work, and there's no way to do that easily.  
13 It's hard. You just have to roll up your sleeves and  
14 do it.

15 But even as, you know, really over the last  
16 few weeks, myself, several other bureau chiefs, sort of  
17 the other -- kind of some of the other folks who are  
18 longer term FCC folks -- have been spending time on not  
19 just the plan, but what cascades from it, and what are  
20 the actions and activities that need to go on. I am  
21 very much interested in -- not this plan, but  
22 interested in looking at where we are a year from now,

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1 and two years from now, and five years from now. And  
2 we're starting that process.

3 So the thing we said from the beginning is  
4 that if all the plan is is a nifty document that, you  
5 know, we pass out and we read and think, you know, hey,  
6 this is big fun, if that's all it is we haven't -- you  
7 know, we've actually not succeeded. That's -- I would  
8 view that as a failure, and I would feel disappointed  
9 about the time that I've spent trying to do it, and I  
10 know that most of the people in this building would  
11 feel that way too.

12 So, you know, judge us on the plan, for sure,  
13 but we should really be judging ourselves on what do we  
14 do after the plan. And, you know, all I can say is  
15 that that's been a big topic of discussion. And I  
16 think that's very healthy and required, for sure. And,  
17 you know, we're going to -- in the plan we're going to  
18 say we need to do these things, and we need to have  
19 some timeframes for those things, and that's what the  
20 Commission needs to do. And what -- you know, there's  
21 other -- you know, there's a few other parties involved  
22 in this too. There's a few things that industry needs

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1 to do, there are things that community groups need to  
2 do, et cetera, et cetera.

3 CHAIR BERLYN: Charles?

4 MR. GARR: Thank you for having coffee at  
5 this event. This is a great way to attract a tired  
6 civil servant.



7 MR. BENTON: Erik, wonderful that you're  
8 here, and thank you for your comments. I think the  
9 notion of -- our next meeting is on -- the tentative  
10 date for it is March 19, so it's about a month after  
11 the plan will be delivered. We tried to rally around  
12 the digital transition as the previous major event and  
13 spent a lot of time on that. Our chairman, Debra, has  
14 raised the issue of structure, and how we can be most  
15 productive in the remaining year that we have in this  
16 two-year term. And maybe the thinking about the next  
17 steps following the plan might provide a real event  
18 around which we can organize an ad hoc group of the  
19 committee here that would be interested in focusing on  
20 the next steps post-plan.

21 If we were to do that, how should we come  
22 about -- what would be your suggestions as to how we

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1 could best address that, and interact with staff  
2 between now and March 19, which is our next meeting?  
3 In other words, how -- just put yourself in our place  
4 for a moment and give us some advice as to how we might  
5 organize ourselves to address that emerging need.

6 MR. GARR: Sure. You know B- so a couple  
7 thoughts. It's a good question, and I think, you know,  
8 there's two ways to think about it. The first way is  
9 we should just commit to working together on that  
10 event. And if we can use that as a way to talk about  
11 particular parts of the plan and get feedback on what  
12 that means to the different groups that you all are a  
13 part of, that to me seems wise. I can't imagine why we  
14 wouldn't want to do that. And view that as the first  
15 discussion with this group after the plan where we dig  
16 in and say, all right, you know, what things are in  
17 here that require us to do some things, what things are  
18 missing.

19 I'm sure -- you know, one thing I can tell  
20 you is it will not be perfect. That I know it will be  
21 the best we can -- the best it can be, but there will  
22 certainly be gaps, so if there's something we missed

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1 that's a good time. Let's talk about it. Doesn't mean  
2 it should never happen. It just means it wasn't in  
3 this document that we wrote.

4 From a practical standpoint, which is kind of  
5 the second way to look at the question, I think the --  
6 you know, the thing that is tricky is we have a -- just  
7 a tough resource problem in that there's literally --  
8 there's a few hundred people right now working on this  
9 from a staff standpoint, and they're working really  
10 hard, and they're doing a great job. It's going to be  
11 kind of mid-January before the intensity ratchets back.

12 You know, any project you do like this -- I  
13 describe planning projects like this as a little bit  
14 like surgery. You know, you -- there's a certain point  
15 where you -- there's only a couple doctors who are on  
16 the patient. And you can't have every surgeon, you  
17 know, working on the patient at once, or, you know, bad

18 things happen. You need lots of consulting surgeons in  
19 the room with you, and then a bunch in the gallery kind  
20 of looking in to make sure you don't make mistakes.  
21 But as it gets to fewer and fewer doctors working on  
22 the patient, that does allow us to start doing other

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1 things and start thinking about how we interact with  
2 you all.

3 So I would suggest that's kind of a mid-  
4 January type of thing. By that time, we're doing the  
5 final, you know, final -- I'm not a doctor, so I don't  
6 know what they do at the end, but -- yeah, they're  
7 sewing it up. We're sort of -- you know, we're doing  
8 kind of the last steps of the thing. And that's a  
9 couple of surgeons, but many of the doctors are, you  
10 know, they feel like the work is done, and they can be,  
11 you know, put onto some other things. But until that  
12 time it's just going to be hard. That's the reality.  
13 Does that answer your question, Charles?

14 MR. BENTON: Given the holidays and then  
15 we've got a couple of weeks into January, and that's no  
16 problem. So, Debra, maybe you have some thoughts  
17 reacting to this.

18 CHAIR BERLYN: Yeah, but we can talk about  
19 this later, Charles, but I think it -- I think we -- I  
20 think based on our discussion this morning, we can talk  
21 this afternoon about how we proceed in our goals for  
22 this next year. I think we have some good charges

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1 there.

2 Erik, thank you very much. And we're looking  
3 forward to having you join us for our panel that we're  
4 starting at 11:00 on dispute resolution. Are you going  
5 to B- not -- just to listen if you'd like.

6 MR. GARR: Oh, okay. Okay.

7 CHAIR BERLYN: If you'd like.

8 MR. GARR: You know, I would love to. I'm  
9 going to have to go back upstairs. I'm sorry about  
10 that.

11 CHAIR BERLYN: Okay. That's okay.

12 MR. GARR: I'm really glad to be here. It is  
13 a pleasure to see you all. I say this at the end of  
14 every speech. If you have questions, E-R-I-K-dot-G-A-  
15 R-R-at-F-C-C-dot-gov. You can all reach out. And I  
16 try to answer every e-mail. I don't get to all of them  
17 as fast as I want, but, you know, I think it's  
18 important that this is an open process, and we've made  
19 a good faith effort to do it, and we can't stop now.  
20 You know, we're almost there. So we still need to stay  
21 open. So thanks very much. And I will -- I'm sure  
22 I'll see you all again soon.

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1 CHAIR BERLYN: Thank you very much.

2 [Applause.]

3 CHAIR BERLYN: We have -- Thank you, Erik.

4 Thank you very much.

5 MR. GARR: Yeah, you bet. Thanks for having

6 me.

7 CHAIR BERLYN: Thank you. Thanks. Gloria?

8 MS. TRISTANI: Just quickly. Listening to  
9 all of this and thinking about all the things that are  
10 happening at the FCC that are not -- well, they may be  
11 related to broadband, but all -- there's a lot of  
12 activity going on. I think it's really imperative that  
13 we find a time to talk about issues, which you were  
14 trying to find for the noontime, because --

15 CHAIR BERLYN: Yes. We can chat right now  
16 during our break, and come back to everybody with that.

17 MS. TRISTANI: Thank you.

18 CHAIR BERLYN: Okay, we have a break, but we  
19 will start promptly at 11:00 for our panel on consumer  
20 dispute resolution on broadband issues, which should be  
21 fantastic. So everybody please be back promptly at  
22 11:00. Thanks.

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1 (Luncheon recess.)

2 (On the record.)

3 CHAIR BERLYN: There we go. Ah, now we're B  
4 we have to B I know I need a gavel.

5 There we go. If everyone could be seated  
6 back at the table, unless you're on the panel. Okay,  
7 very good. Thank you all for coming back promptly.  
8 Before I introduce the panel, I'm going to reintroduce  
9 myself. I realize I didn't have my coffee this  
10 morning, so I want to reintroduce myself with my proper  
11 affiliation. Debra Berlyn, CAC Chairperson,  
12 representing the National Consumers League very  
13 proudly, I must say.

14 And as such, I have asked to moderate this  
15 next panel one of my colleagues, John Breyault, who is  
16 with the National Consumers League, and this is a great  
17 panel. I'm very excited about this. John is vice  
18 president of Public Policy, Telecommunications, and  
19 Fraud for the National Consumers League. And I thought  
20 this would be a great panel for him to moderate because  
21 the -- and a former CAC member - thank you, Scott, for  
22 reminding me of that several years ago you were on the

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1 CAC. That's right. So he has experience with being  
2 with this organization as well.

3 But John has done for many years previously  
4 to NCL but also with NCL quite a bit of work on the  
5 issue of consumer complaints about their  
6 telecommunications services, and helping consumers  
7 resolve issues that they have with their services. So  
8 I thought this would be an excellent opportunity for  
9 John to address this issue for us.

10 And we have an excellent panel. John is  
11 going to introduce for us, so I'm going to turn this  
12 over to you, John. Thank you so much for doing this  
13 this morning.

14 MR. BREYAULT: Thank you so much, Debbie.  
15 And thank you to CAC for inviting me to moderate what I  
16 think is going to be a great panel. We've got a great

17 panel of experts here.

18 Few changes from the agenda. Eric Friedman  
19 from Montgomery County Office of Consumer Protection  
20 and Mitsuko Herrera haven't been able to make it today.

21 But Keith Hawkins -- Watkins, rather -- has kindly  
22 pinch hit for Mitsuko here for us.

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1 So Debbie sort of went over a brief bio of myself.

2 I've been working in the telecommunications arena now  
3 for almost a dozen years with Sprint, BellSouth, and  
4 then I moved on to consumer advocacy with the  
5 Telecommunications Research and Action Center. Most of  
6 you probably know it better as TRAC. And then a year  
7 ago, I moved over to the National Consumers League.

8 One of the things that we handle at the  
9 League is consumer complaints, which come in directly  
10 to our fraud center. Last year, we took in 22,000  
11 complaints about fraud. Many of those dealt with  
12 broadband service. And at TRAC, before NCL, I did deal  
13 a lot with consumer complaints about broadband. We  
14 focused primarily on advocating and educating  
15 residential telecommunications consumers.

16 So as you can expect, as people have moved  
17 away from using traditional telephone service for local  
18 and long distance, now they're using their broadband  
19 connections more for communicating, that the number of  
20 complaints and the issue of customer service has become  
21 ever more important.

22 One statistic that I think was useful enough

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1 to help kick off the panel here. According to the OECD  
2 in 2008, the average monthly subscription price for  
3 broadband is \$45.52. That works out to \$546.24 in  
4 annual cost, subscription cost, per year. And the  
5 question that arise -- rose in my mind from that is  
6 what are consumers getting for that, besides just a  
7 broadband connection? Do they have expectations of  
8 certain levels of customer service? This is something  
9 that, you know, for better or for worse, phone  
10 companies and cable companies, which are your --  
11 primarily the biggest providers of residential  
12 broadband, have, unfairly or not, become characterized  
13 for customer service that, let's say, is below average  
14 sometimes.

15 And as consumers now use their broadband  
16 connections for many of the things that before, for  
17 example, they may have used their phone company for,  
18 they're using Vonage now, for example, instead of  
19 residential -- instead of the phone company for phone  
20 service. Who do they call when they have trouble? Do  
21 they call Vonage? Do they call their broadband  
22 provider? Do they call someone in a state or local

0090

1 agency?

2 These are all questions that I think I'm  
3 looking forward to our panel discussing. I'm going to  
4 take a quick moment to introduce them. First off, we

5 have Philip Ziperman. He's the Deputy Chief of  
6 Consumer Protection Division of the Maryland Attorney  
7 General's office. As Deputy Chief, he supervises the  
8 division's litigation and enforcement of Maryland's  
9 consumer protection laws. Philip has worked for the  
10 Consumer Protection Division for 13 years where he's  
11 also served as Assistant Attorney General, and Counsel  
12 to the Attorney General's arbitration program.

13 Next to him we have Keith Watkins. He's the  
14 chief cable and broadband complaint investigator at the  
15 Office of Cable and Communications Services in  
16 Montgomery County, Maryland. His office administers  
17 Montgomery County's cable and telecom franchise  
18 agreements, and works with service providers to ensure  
19 that they comply with service standards and franchise  
20 requirements. Keith is primarily responsible for  
21 investigating subscriber complaints and assisting in  
22 resolving disputes between the subscriber and the cable  
0091 provider.

2 Next to him we have Susan Mazrui. Susan is  
3 the Director of Regulatory Affairs for AT&T Services,  
4 formerly Cingular Wireless, and is the first co-chair  
5 of NSCIA's Business Advisory Committee. Inside the  
6 company, she has been a leading champion in the  
7 development of accessible and usable telecommunication  
8 services and products, and for marketing with and  
9 employment of people with disabilities. She also  
10 serves on a variety of boards, the World's Tune  
11 Disability\*, Women's Concerns Committee, the American  
12 Council for the Blind, and the Advisory Committee of  
13 the UCLA Anderson School of Management's Leadership  
14 Institute for Managers with Disabilities. Thank you  
15 for being here, Susan.

16 And finally, last but certainly not least, we  
17 have Brenda Pennington. She is with the District of  
18 Columbia Office of People's Counsel. As supervisor for  
19 telecommunications there, she is responsible for  
20 managing the legal group that handles all  
21 telecommunications matter before the D.C. Public  
22 Service Commission. She began her career at DCPC --

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1 PSC in 1988. And after that she was with CTIA as  
2 regulatory and legislative counsel representing the  
3 wireless industry before State and Federal agencies.

4 So thank you all for being here. The format  
5 here, we're going to allow each person in turn to give  
6 a five minute remarks, followed by some questions. I'm  
7 going to take moderator's prerogative and ask then  
8 first, and then we'll open it up to questions from the  
9 floor. So without further adieu, Philip?

10 MR. ZIPERMAN: Good morning. Do I need to  
11 use the microphone? This is fine. Good morning. I'm  
12 not used to going first with a name like Ziperman, and  
13 so I appreciate that, thank you.

14 [Laughter.]

15 MR. ZIPERMAN: Most of my career, in fact my

16 entire legal career, has been as a -- working as a  
17 litigator. So most of my experience is handling  
18 consumer complaints when they weren't resolved through  
19 some form of dispute resolution. Having said that, for  
20 the last 13 years, I've worked for the Consumer  
21 Protection Division of the Attorney General's office  
22 doing enforcement work. And now as a deputy in the

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1 Agency, I supervise most of the operations within our  
2 office, including our complaint handling unit, our  
3 mediation unit, which is quite large, probably the  
4 largest complaint handling unit for a government in the  
5 state of Maryland. And so I'm going to focus my  
6 introductory comments, explaining a little bit better  
7 what we do, how we do it, and then be happy to take any  
8 questions later.

9 The Consumer Protection Division is one of  
10 the larger divisions within the Attorney General's  
11 office, and we have a jurisdiction that is virtually  
12 unlimited when it comes to consumers. Our jurisdiction  
13 is over consumer goods or services, and consumer goods  
14 or services are services that are -- and goods -- that  
15 are sold to consumers for personal, family, or  
16 household uses, or agricultural uses. If a consumer is  
17 buying a good or a service for a business purpose, it  
18 wouldn't be something that we would cover.

19 We're statutorily charged with enforcing the  
20 Consumer Protection Act, but also a whole host of other  
21 laws in Maryland that declare violations to be unfair  
22 and deceptive trade practices. And then outside of our

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1 statutory jurisdiction, we can enforce just about any  
2 other law if there's been a deceptive activity that's  
3 occurred in connection with that law. And I'll use the  
4 FDA Act as an example. Years ago I prosecuted a  
5 company that was selling consumers a unimproved new  
6 drug as a cure for cancer. We have no statutory  
7 authority to enforce Maryland or federal drug laws, but  
8 if a company is advertising a product in a way that's  
9 illegal, either implicitly or expressly, then we can  
10 take action.

11 And so when complaints come to our mediation  
12 unit, the net that's cast is very, very wide, and  
13 really we will handle just about any kind of complaint  
14 that comes to us, unless the complaint concerns a good  
15 or a service that's specifically regulated by another  
16 agency. And I tried to compile a list last night, the  
17 list of things that we really don't do, as cable, gas,  
18 electric, banking, which would include debt collection  
19 and debt management, water, local telephone, home  
20 improvement, and secondary education.

21 And having said that, that doesn't mean that  
22 we won't mediate those complaints either. Using

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1 broadband Internet as an example, we'll mediate those  
2 complaints if the service is part of a bundled group of  
3 services that we do -- that does come -- excuse me,

4 that isn't specifically regulated by another agency.  
5 So I personally have dealt with complaints and  
6 investigations against some of the larger Internet  
7 providers, DirecTV, Verizon, and so on. If the  
8 complaints that are coming in are of a non-regulated  
9 activity in a regulated industry, we will also mediate  
10 them.

11 The way our mediation process works is fairly  
12 simple, although the organization is fairly complex.  
13 We have somewhere in the area of 120 mediators that  
14 work within the office, largely comprised of interns,  
15 retirees, volunteers. They're supervised by a group of  
16 six supervisors, who are then supervised by an  
17 attorney, who then reports to myself and the chief of  
18 the agency. Consumers can complain via Internet, via  
19 phone, they can come in in person, they can corner us  
20 on the street. Anywhere they can find us they can  
21 complain. And they do. We get about 12,000 complaints  
22 a year. Our resolution rate last year was about 68

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1 percent.

2 You would expect the usual suspects. The  
3 auto industry, auto repair, are usually the largest  
4 complaint generators. I will tell you that a  
5 significant Internet provider was the leading complaint  
6 generator over the last several years as part of their  
7 bundled service offering. And the complaints that we  
8 usually get in this area usually have to do with  
9 billing -- and they're probably the same complaints  
10 that you folks are dealing with -- but billing,  
11 advertising, particularly with respect to price,  
12 cancellation, and customer service. With respect to  
13 cancellation, I think the most common complaints are I  
14 cancelled, but yet I'm still being billed, or I'm  
15 cancelling, and why am I finding out for the first time  
16 that my account is going to be tapped for a very large  
17 termination fee.

18 In the area of enforcement, which is really  
19 my bailiwick, in the last several years we've announced  
20 settlements, national settlements, that dealt with all  
21 of these issues with DirecTV and with EchoStar. And  
22 that's it. Thank you.

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1 MR. BREYAUULT: Thank you very much, Phil.  
2 Keith?

3 MR. WATKINS: Hello, my name's Keith Watkins.  
4 I work for Montgomery County, the Office of Cable and  
5 Communications Services. And specifically I deal with  
6 all of the complaints that involve the three counties  
7 franchise cable providers, Verizon, RCN, and of course  
8 also Comcast.

9 Complaints range from billing to service  
10 issues, to also now with Verizon and their construction  
11 issues, we get a lot of construction complaints as  
12 well. But the primary thing when -- and course now I  
13 only talk to people who are complaining. No one ever  
14 calls me up and says, gee, I love paying \$200 for

15 substandard service. And I love getting double billed  
16 and then not having -- not posting my check to my  
17 account, and then I have to prove to the cable company  
18 that they actually did take my check, receive my check.  
19 I've got to show front and back of the check just to  
20 prove it. Consumers don't like to do that. They don't  
21 mind paying a fair price, and they understand that from  
22 time to time things go awry, especially with

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1 technology. But they want someone to address that  
2 problem immediately and just not give them a lot of lip  
3 service. So I don't ever hear from the customers that  
4 are happy. I only hear from customers that are  
5 unhappy.

6 Now fortunately, I came from a cable  
7 background. I worked in the cable industry for about  
8 10 years, so I'm a little bit more familiar with the  
9 problems. And when the cable provider tries to say  
10 something that's not quite right, it's easy for them to  
11 catch them in something that may not be accurate. So  
12 it's fortunate for me that I've done that, but it's  
13 also -- I think it's beneficial to not only the county  
14 but to the subscribers -- to the consumers -- because  
15 they really can't pull the wool over our eyes as they  
16 maybe could for someone that didn't have that sort of  
17 background.

18 We actually have three people -- I'm one of  
19 three -- that came from the cable industry. So we --  
20 you know, we have an engineer from the cable industry,  
21 we also have another person in the cable industry, so  
22 it's -- it helps the consumers. But I'm the sole

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1 person that handles all the complaints for the County.

2 Now in addition to that, even though we don't  
3 regulate rates, they still complain about rates, and of  
4 course notification of that. So we have to explain  
5 that process as well.

6 We do get complaints on broadband. And of  
7 course with broadband being more -- you know, it's just  
8 -- everything is broadband now, you know, web sites,  
9 things like that. People have to be on the Internet  
10 with work, telecommuting, and things. And when the  
11 broadband is unreliable, they want it fixed, and they  
12 want it fixed right now. They either want it fixed  
13 within a day or so. But if you were to tell someone --  
14 I believe if you were to say, look it's going to take  
15 us three days to get to this issue, I think people  
16 would pretty much accept that if within that three day  
17 period, it was fixed. But many times what they do is,  
18 when they call the cable provider, they say, oh, yeah,  
19 we're aware of the problem. We'll be out there in a  
20 couple of days. And then they never hear from them.  
21 Or they'll call and say someone will call you back  
22 within 24 hours, and you'll never get that call.

0100  
1 So it's just -- people just kind of feel as  
2 though they're not -- they're paying good money, but



3 yet they're not getting the type of service -- they're  
4 getting service that may be inaccurate, as far as when  
5 they speak to them.

6 We also educate people on the DTV transition  
7 that just took place. We were very involved in that,  
8 gave a lot of seminars around the County. We're all  
9 set up very heavily for that when that took place back  
10 in June.

11 Recently the cable companies have also  
12 migrated to a digital format. That's creating some  
13 issue right now, specifically with Comcast in  
14 Montgomery County. So there's a few issues going along  
15 with that.

16 Verizon, with construction, many people don't  
17 understand the right-of-way and the public utilities  
18 easements. So we get a lot of calls where they say  
19 Verizon's in my yard, and they're digging two feet from  
20 my front door. Well it's really not two feet, but --  
21 so we have inspectors that go out, would look at the  
22 construction, make sure they're within the PUE. We

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1 also work closely with permitting inspectors to make  
2 sure they have the proper documentation, proper permits  
3 to be where they're supposed to be.

4 Other than that, we have a very good success  
5 rate with our complainants, and our complainants -- we  
6 send out surveys, usually once or twice a month, very  
7 positive feedback from our surveys that we send out.  
8 So look forward to any questions you folks may have.  
9 Thank you.

10 MR. BREYALULT: Thank you so much. Susan?

11 MS. MAZRUI: Well, good morning. My comments  
12 today are actually going to be a little bit more  
13 looking toward the future, and where I think we need to  
14 work together, and to go.

15 The work that you've done on digital TV was  
16 extremely helpful. It made the transition go much  
17 better. We think that in terms of broadband, we're  
18 talking about another huge issue, and the outreach and  
19 education piece that you've worked in, and the advice  
20 that you've all given is also going to be critical. So  
21 I'm happy to be here today.

22

The broadband environment again is different

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1 than what we've done traditionally. It's an ecosystem.

2 There are a lot of different players. There are a lot  
3 of pieces that can work or not work together, and it  
4 makes it much more difficult. You're talking about the  
5 network itself. You're talking about Internet service  
6 providers. You're talking about gadgets that you use  
7 to access the Internet. You're talking about browsers.

8 You're talking about web sites. So a range of issues  
9 and players that work together to make the Internet  
10 work. That also means it's a little more complex when  
11 there is a problem.

12 Service can be provided over a variety of  
13 different ways. You can get it again on your wireless

14 device, your home device. You can be in a public  
15 location. You can be in a private location.

16 So of course doing these -- this system  
17 becomes much more challenging for consumers. Consumers  
18 often have difficulty understanding where a complaint  
19 belongs. You know, who is the Internet service  
20 provider -- you know, when I did talk to folks in  
21 complaints, they were saying one of the key questions  
22 is, you know -- they can't get complaints. It could be

0103  
1 for the wrong place. And so some things that seem  
2 basic to some of us who've been around in this area for  
3 a while, are really not for the general public.

4 You know, what is an Internet service  
5 provider? That's another thing. People aren't sure.  
6 And if there's a problem, where does the problem occur?

7 That makes it more critical that all of us  
8 work together, that as state and federal agencies work  
9 to protect the interests of consumers, they also work  
10 with industry to prevent and resolve issues, and we've  
11 seen that work in the past. It's in a company's best  
12 interest to be proactive on these issues, and it's  
13 extremely helpful if organizations or agencies like the  
14 FCC can work together to convene the non-traditional  
15 bodies, folks who haven't had the long history of  
16 working with the FCC, to work on these issues because  
17 it can add a level of encouragement, let's say, if a  
18 federal agency says we're working on this issue. We  
19 need you. Not just the Verizons and the ATTs and the  
20 folks who've been around for a while working with them,  
21 but all the players in the ecosystem to participate and  
22 help to resolve and prevent issues. They can work on

0104  
1 things like transparency and other things that can  
2 really help the consumer. So we strongly support that.

3 We also think that the FCC and the Consumer  
4 Advisory Committee here can provide critical, helpful --  
5 -- play a critical, helpful role in helping companies  
6 understand issues, including those faced by people with  
7 disabilities. It's common that we want to say here are  
8 the broadband issues, and here are the disability  
9 issues. We think that there's both pieces, and the  
10 composition of your group where you have both consumer  
11 and disability issues is extremely helpful because, you  
12 know, people with disabilities don't only live in, you  
13 know, a separate world. You know, they're part of  
14 society as a whole. So we think that issues around  
15 disability access need to be addressed in both areas.

16 We made B- the outreach and education by  
17 folks in digital TV was critical. We also think that  
18 with broadband where you're talking about access to  
19 employment, of civic participation, social immigration,  
20 these are critical issues. We think that there needs  
21 to be education around these, not only for the area of  
22 how to resolve and address complaints, but also the

0105  
1 value of adoption, things like this. And we think that

2 the FCC, these other agencies, and this committee in  
3 particular can play a very helpful role in addressing  
4 that educational effort.

5 We also think that problems -- because the  
6 environment is different, some of the problems can be  
7 avoided because of lessons learned. One example of  
8 that is work AT&T has done with the Better Business  
9 Bureau to develop an intake form that helped make  
10 referrals go more quickly. If you're getting a  
11 referral from a complaint and it's not toward your  
12 company, or you can't resolve it, that adds time before  
13 that time that the complaint gets resolved. So if we  
14 get sent a complaint for another company, or in an area  
15 -- you know, maybe about a web site, or something  
16 that's really beyond our control, that doesn't help the  
17 consumer.

18 So we think that industry can work with  
19 agencies and organizations to help them put together  
20 their programs in terms of intake for complaints. And  
21 that can help direct the complaints in the right way,  
22 and that of course helps to quicker resolution.

0106

1 We also know that people who are in customer-  
2 facing roles often need additional education, and we  
3 think in the area of broadband, it's even larger. And  
4 for agencies and organizations that are working to  
5 resolve those complaints, additional training is needed  
6 to understand and to do intakes that make sense and can  
7 drive the customer to the right location for a  
8 resolution. We also think that people with  
9 disabilities come into those forums, and that it's  
10 critical to have customer-facing personnel, and we do  
11 that at AT&T, get at least a basic understanding,  
12 disability awareness, communication skills, make sure  
13 the ways that the people with disabilities interact  
14 with the company are all accessible.

15 And we think that there needs to be  
16 additional expertise that can be provided around  
17 disability issues specifically. So we think that if  
18 you're customer-facing, and you're working in an  
19 agency, if you're working in a company, you should have  
20 you know, basic understanding and awareness because  
21 unfortunately in our society, we don't really have that  
22 training. A lot of people are still today,

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1 uncomfortable with disability. And so when you're  
2 looking at these specific needs, you have to have a  
3 person comfortable and willing to ask the right  
4 questions and do the right referrals.

5 Then we also think there's some specific  
6 issues that are disability only, and you need some  
7 folks with additional expertise. And it varies on how  
8 it may be handled by companies. It's handled  
9 differently in different parts of our company based on  
10 the specific need and the level of technology expertise  
11 that's needed.

12 We also think that there's another role that

13 agencies can play, especially those who work on 508.  
14 We know that as part of the ecosystem for --  
15 particularly for people with disabilities, there is a  
16 realm of assistive technologies. There are people  
17 within the federal agencies who work specifically on  
18 assistive technologies. And we would hope that the  
19 expertise that's developed in places like the FCC,  
20 where you have people who know about assistive  
21 technologies, that that could be an additional resource  
22 to people who are trying to access the Internet and

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1 happen to run into an issue around assistive  
2 technologies, which really go beyond -- unless we're  
3 specifically offering an assistive technology, it  
4 generally goes beyond what you'll see in the standard  
5 service providers.

6 And so we hope that that additional  
7 expertise, the additional training, and the work that's  
8 being done now to get people up to speed and to  
9 understand or help prevent some of the issues will help  
10 consumers understand where to drive complaints, and we  
11 hope will bridge the gap between people without  
12 disabilities and people with disabilities, and provide  
13 additional services.

14 And again we just want to reiterate that  
15 companies throughout the ecosystem also need to work  
16 together, and again reiterate that the organization  
17 like the FCC could help in that process. And that way  
18 we could streamline how complaints are handled. This  
19 can also add additional transparency and other feedback  
20 that might be critical to the agencies, but we think  
21 that getting all the players from even the non-  
22 traditional service providers together can really help

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1 serve the consumer. And again, an organization or a  
2 group like yours can really help provide the feedback  
3 both on disability, nondisability issues, trends,  
4 concerns, and provide important help to agencies and to  
5 companies as well. So I appreciate your time. Thank  
6 you.

7 MR. BREYAUULT: Thank you so much, Susan.  
8 Finally last, but certainly not least, Brenda  
9 Pennington.

10 MS. PENNINGTON: Good morning. I'm so  
11 pleased to be here today to talk to you guys about  
12 something that is dear to me because it's something  
13 that I do every day, which is resolving consumer  
14 complaints.

15 You usually know me with my hat representing  
16 NASUCA on the CAC, but in my day-to-day job, I am an  
17 assistant people's counsel with the D.C. Office of the  
18 People's Counsel. And what we do in addition to -- and  
19 I'm in the Legal Services Division. We have a whole  
20 division, the Consumer Services Division that does  
21 consumer complaints.

22 With -- the lawyers get involved when the

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1 consumer complaints go -- and we take these consumer  
2 complaints before the Public Service Commission dealing  
3 with local service. The lawyers get involved when the  
4 consumer complaint goes from the informal stage to the  
5 formal complaint stage.

6 At my office, we are averaging about 400  
7 complaints in the broadband area since we don't  
8 regulate, or since the Public Service Commission does  
9 not regulate broadband. The OPC's jurisdiction extends  
10 as in most states only as far as the Public Service  
11 Commission's jurisdiction extends. So while the number  
12 of consumer complaints that we get for local service  
13 are triple that amount in one year, when we looked back  
14 into our database, we're only getting about 400  
15 complaints over the past eight to nine years. However,  
16 we have had a lot of experience in trying to help  
17 consumers resolve these issues, even though it's not  
18 under our statutory mandate. And we can't go so far  
19 because certainly we're being paid by the rate payers  
20 of the District of Columbia in order to focus on issues  
21 regarding local service.

22 But what we do when we get a consumer

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1 complaint dealing with broadband, is we actually help  
2 walk the consumer through that. Now there are -- we  
3 are a member of NASUCA, and out of the 44 member  
4 offices, there are really only two member offices --  
5 California and West Virginia -- that actually have  
6 authority over cellular, mobile, or broadband  
7 applications. My office does not. So in order to help  
8 assist consumers B- because what we don't want to do is  
9 to have the consumer call up, and they have maybe  
10 already spoken to someone at the Public Service  
11 Commission. First off, they're going to have spoken to  
12 someone at the company. And they may have spoken to  
13 several someones at the company. And they may have  
14 more often than not gotten more than one suggestion as  
15 to how their complaint is to be resolved. So by the  
16 time they get to us, we try to break down the process  
17 so that they can understand it more clearly as to what  
18 we do and what we don't do. But what we don't want to  
19 do is to just hang up on them after we tell them that  
20 no, we can't help you. So we really try to walk people  
21 through the process.

22 A lot of times we may get complaints from

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1 consumer -- I mean, from seniors who are not well  
2 versed with broadband technologies, so they're confused  
3 from the beginning. And as soon as there is an issue  
4 or a problem, they're even more confused after they've  
5 gotten a run-around.

6 What we find -- a particular dilemma is  
7 dealing with a complaint that involves a bundled  
8 service because when it's a bundled service, it is a  
9 local service that's going to be combined with one of  
10 the unregulated services, wireless or broadband. We  
11 had one particular complaint -- and I can't mention any

12 of the companies, you know, confidential reasons -- but  
13 they -- it was dealing with a bundled complaint and  
14 their wireless service. And under the Public Service  
15 Commission rules, your local service is not to be  
16 disconnected for non-payment of a non-regulated  
17 service. However, due to practice and the  
18 encouragement of competition in the local market, the  
19 Public Service Commission has allowed, through some  
20 other various reasons, has allowed the local phone  
21 company to disconnect for non-payment. There was a  
22 litigated case back in 2002 that the Commission did not

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1 come out with an order -- has not yet -- so that record  
2 is stale, and if they were to come out with an order  
3 they would really have to, you know, take more  
4 evidence.

5 So this particular couple had lost their  
6 local service because they were complaining about an  
7 issue with respect to their mobile service. While my  
8 office was able to walk them through the process at the  
9 FCC, in conjunction with the process at the PSC, we  
10 were not able to get them an adequate resolution.  
11 Basically they still had to pay whatever it was that  
12 the local company was demanding that they pay in order  
13 for their services to be restored.

14 So we took a different tactic. The local  
15 company, which is Verizon, is under a price cap plan,  
16 an alternative regulatory plan, while hopefully the  
17 local market moves into competition. And this was a  
18 litigated case before the Commission. But what the  
19 People's Counsel decided to do was, since none of the  
20 issues that we had heard from consumers were before the  
21 Commission, in point one of B- this disconnect for non-  
22 payment, we negotiated with the company. It was that

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1 same year that the city council had held quality of  
2 service hearings over a two-day period and over 600  
3 consumer came. While these -- all of these consumers  
4 were not just concerned about the quality of service  
5 with Verizon, there was also concern about the quality  
6 of service with Pepco and Washington Gas. But we were  
7 able to take directly from consumers their concerns,  
8 and negotiate with the company on getting a resolution.

9 Certainly for further complainants regarding  
10 disconnect -- non-disconnection -- that their local  
11 services would not be disconnected for non-payment of  
12 mobile services. So we had to, you know, be creative  
13 in the way in which we could address consumers'  
14 concerns.

15 Certainly as we move into more intermodal  
16 competition, we will be seeing more of that, and I  
17 definitely think that we're going to need to work  
18 together. I think that some rules may need to be  
19 changed as the local market moves into more  
20 competition. Thank you.

21 MR. BREYALULT: Thank you very much. Those  
22 were wonderful remarks by all the panelists, and I

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1 really do appreciate it.

2 I do have a list of questions here that I  
3 wanted to make sure were aired before we open it up to  
4 questions from the CAC as a whole.

5 You all mentioned the increase in complaints  
6 from consumers due to bundled service. Today -- it  
7 used to be when you had a problem with your phone  
8 service, you called the phone company. When you had a  
9 problem with TV service, you called the cable company.

10 And with consumers increasingly using bundled  
11 services, oftentimes they don't know who to turn to.

12 And -- but one of the offshoots of this is  
13 that consumers who do have access to the Internet are  
14 now turning online to air their complaints. They are  
15 not always using traditional complaint avenues. Blogs,  
16 for example -- consumerist-dot-com, if you've never  
17 been on there, has a wonderful blog, but they  
18 oftentimes are a clearinghouse for complaints,  
19 complaint boards, like ripoffreports.com. People are  
20 turning to social networks like Facebook and Twitter to  
21 air their complaints. Many companies are now  
22 monitoring these sites, and Facebook and Twitter and

0116

1 social networks, to protect their brands, one, and also  
2 to nip consumer complaints in the bud.

3 How is the -- how are these technologies and  
4 the increasing use of these technologies to air  
5 consumer complaints, affected what you are doing at  
6 your agencies, and Susan at AT&T, to address consumer  
7 complaints? Anybody?

8 MR. ZIPERMAN: From a law enforcement  
9 perspective, we use those sites all the time. One of  
10 the issues that we need to face is if a business is  
11 generating complaints, does it -- is there a basic  
12 misunderstanding between the business or the consumer,  
13 or is the business actually doing something, from an  
14 enforcement perspective, that's deceptive? And so  
15 we'll look to the Internet and some of these sites to  
16 see at least what sort of information is being shared  
17 among consumers with the understanding that the  
18 accuracy of what's being said on these sites can only  
19 go so far.

20 On the other hand from a mediation  
21 perspective, we don't go looking for complaints on the  
22 Internet. We like the complaints to come to us. And

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1 the only other thing I can say in a recent experience  
2 that I had, or that my office had, we were -- it wasn't  
3 broadband. We were investigating a lawyer in  
4 Frederick, Maryland that was taking people's money,  
5 promising to settle their debts, and then stealing it.

6 When the word got out on some of these social  
7 networking sites that my office was investigating, we  
8 got inundated with complaints.

9 MR. WATKINS: Well, I would have to agree  
10 with Philip. We really don't go looking for

11 complaints. We have enough that come to us. If you go  
12 on DSL Reports, under one of the cable company's  
13 headings on DSL Reports, it has horror stories, and  
14 it's kind of funny. I've read through those before,  
15 and the stories that you read in other parts of the  
16 country are identical to what we're seeing. It's like  
17 Dragnet, you know, everything's the same except the  
18 names have been changed.

19 [Laughter.]

20 MR. WATKINS: So that's about it.

21 MS. MAZRUI: On the other hand, at AT&T we  
22 actually do look -- go looking for complaints. We do

0118  
1 have a new social media team that looks at sites like  
2 Twitter and Facebook, and try to use that as a feedback  
3 tool. Because, you know, basically complaints are a  
4 form of feedback, and you can use that to improve what  
5 you're doing. You can also use that to address  
6 specific complaints.

7 We do, however, have to be incredibly  
8 cautious. And when you get to sites I think like  
9 Consumernista where you can't respond back privately,  
10 we can't respond back because privacy is such a  
11 paramount concern within AT&T. So we do look at new  
12 sites. We can't always work with them as transparently  
13 as some folks would like just because of our policies  
14 where privacy and, you know, our work is a regulated  
15 entity. But it is a great feedback tool, and it's  
16 certainly something we're looking at.

17 MS. PENNINGTON: My office -- while many of  
18 our complaints, most of our complaints, come by  
19 telephone, we certainly do have an active e-mail  
20 address specifically for consumer complaints. We also  
21 send out e-mail blasts to community organizations when  
22 the Public Service Commission is considering taking

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1 action on issues so that we could maximize the amount  
2 of involvement that we get from other community  
3 organizations.

4 And with the increase in social networking,  
5 my office has taken an active role in the SmartMeter  
6 program regarding Pepco and these SmartMeters. And we  
7 actually created a blog where we encouraged people who  
8 were participants in the SmartMeter pilot program to e-  
9 mail and to keep in contact with the other  
10 participants, you know, as well as anyone who'd be  
11 interested in learning about it -- about their daily  
12 activities with regard to the SmartMeter program  
13 participation. So we are increasing our technological  
14 reach.

15 We certainly -- the People's Counsel is  
16 certainly very committed to doing a lot with technology  
17 because that is the way that we would be able to  
18 maximize our participation out in the community. Thank  
19 you.

20 MR. ZIPERMAN: I think the use of these sites  
21 from either the businesses' perspective or from a



22 regulator's perspective, is -- one of the questions

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1 that we always have to ask ourselves is a complaint  
2 being generated from an isolated incident, or is it a  
3 pattern or practice that's occurring within the  
4 industry. And so where we use these sites, whether  
5 it's a ripoffreport.com, or whether or not we're going  
6 to the Federal Trade Commission's site for gathering  
7 complaint data, or sharing data among our various state  
8 AGs, and we gather data. It's useful in determining  
9 whether there's a pattern, and if the pattern's  
10 repeating itself in multiple geographic regions or from  
11 multiple sources, then it becomes more of a concern and  
12 less of an individual complaint-based issue.

13 MR. BREYAUULT: Thanks. You know, one of the  
14 issues that the League where I work that is dealing  
15 with complaints and from -- we hear directly from  
16 consumers is they feel often that their complaints go  
17 into a black hole. That they go in, and they never  
18 hear back.

19 One thing that we would -- are interested in  
20 hearing about is efforts to track these complaints that  
21 the consumers themselves can access. For example, when  
22 I mail a package through FedEx, I can track that

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1 package at every stage of the process. Have your  
2 agencies considered some sort of complaint tracking  
3 system that a consumer could access to address this  
4 worry that they make the complaint and then they never  
5 hear anything back?

6 MR. ZIPERMAN: We do have a complaint  
7 tracking system, and it's in Atlanta. That's what it's  
8 called. It's our complaint tracking system. Consumers  
9 can access data from our -- we call it CTS -- from our  
10 CTS system not so much for the purpose of tracking  
11 their own complaints, but for the purposes of seeing  
12 where complaints are being lodged and against whom.  
13 What we do in our office is we assign a specific  
14 mediator to each complaint that comes in so that the  
15 consumer is provided with a name and a phone number.  
16 Through that Complaint Tracking System we, track the  
17 progress of the complaint, and we keep the data that's  
18 being provided in support of the complaint from either  
19 the business or the consumer.

20 If a consumer wants to track the progress of  
21 his or her complaint, they need to call. We don't yet  
22 have remote access to specific complaint data. And

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1 quite honestly, not because of any technological  
2 reason, but because we don't want to provide them with  
3 that data. We don't want to provide business with that  
4 data because for law enforcement purposes, we consider  
5 it privileged, or the Attorney General's office. And  
6 so everything we do to investigate a complaint, we  
7 consider it attorney work product. Everything's being  
8 done under the supervision of an attorney, and we don't  
9 want to create data that could be used, should the

10 matter turn into a law enforcement action, that could  
11 be used in the litigation. And so there's a legal  
12 reason for it, not a technological one.

13 MR. WATKINS: Well, we have a database that  
14 tracks all the complaints, but that's not available to  
15 the complainant.

16 With every complaint that we receive, we  
17 certainly inform the complainant that they -- if they  
18 don't hear from the cable provider within a day or so,  
19 to call, you know, to call me back. I give them my  
20 direct number, give them my e-mail address, so they  
21 have all of my contact information.

22 Many times we won't hear back with a

0123

1 resolution until it's actually been resolved by the  
2 cable provider. But we certainly coach the complainant  
3 that if they haven't heard from the provider to contact  
4 us back. Each provider has a group of individuals  
5 that's designed specifically to handle county  
6 complaints, so that's a very good benefit. And usually  
7 the provider calls that person back, depending on when  
8 the complaint comes in, usually we get the complaints  
9 in immediately. And if it's early in the day, they'll  
10 call them back the same day. If not, they'll call them  
11 back the next business day. But we certainly coach  
12 them to notify us if they're not contacted quickly.

13 MS. MAZRUI: And I'm not going to answer that  
14 question. I'm going to actually take it to another  
15 point, which is to reaffirm what you said.

16 One of the pieces was you have -- people have  
17 a way of contacting you. I think one of the critical  
18 pieces in this new ecosystem is that the companies, the  
19 agencies, all need to work together to have good  
20 contacts. We have, for example, 800 numbers or numbers  
21 that we have directly with agencies that help us  
22 resolve something more quickly. That helps.

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1 But you also need to have it on your web  
2 sites in multiple ways, including ways that are  
3 accessible for people with disabilities, available.  
4 And that regardless of whether you're an Internet  
5 service provider, or whether you're a manufacturer,  
6 there needs to be that ability to contact companies,  
7 agencies, organizations.

8 MS. PENNINGTON: Yeah. My organization as  
9 well keeps a data base, but that is not available to  
10 consumers. When consumers call in they are assigned a  
11 consumer complaint resolution specialist that is in our  
12 Consumer Services Division. They open a matter. They  
13 contact the utility, and they wait to get resolution  
14 from the utility. And we usually are negotiating at  
15 some point, you know, once we get the full story of  
16 what happened, what's the complaint, what does the  
17 consumer want for a resolution, we try to negotiate  
18 within that.

19 Also with respect to utility contacts and  
20 being able to negotiate, that negotiated agreement that

21 I was telling you about earlier with the price cap  
22 plan, we were coming into an issue of consumers getting  
0125

1 their complaints resolved in an expeditious manner with  
2 one of the utility companies. So we were able to put  
3 into that negotiated agreement that there would be two  
4 dedicated people from the utility company which -- who  
5 would resolve the complaints. Now we don't give those  
6 names out to the consumers, of course, but two  
7 dedicated people that would address the complaints when  
8 the Office of the People's Counsel calls. Thank you.

9 MR. BREYAUULT: Great. One quick question for  
10 Susan. You know, an idea that I've seen floated around  
11 from time to time in -- for banks, an example of a  
12 bank, I have a bank account where I -- if I go in to  
13 see a teller, I have to pay a fee, for example. And I  
14 use -- but I -- and I'm encouraged to do all my banking  
15 through the ATM or online, and that's fine with me. I  
16 don't need to go in to talk to somebody all the time,  
17 but there are certainly people who do. Similarly in  
18 broadband service, some people need more customer  
19 service, let's say hand-holding, than others. Would  
20 AT&T consider moving to a per-call fee in exchange for  
21 lower monthly subscription fees if the customer wanted  
22 that?

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1 MS. MAZRUI: I have no idea. I can bring  
2 that question back, but I -- any answer I gave would be  
3 wholly uninformed, so I don't think it would be a good  
4 use of the time.

5 MR. BREYAUULT: That's okay. Just a --  
6 putting it out there as a question that I've seen --  
7 it's certainly people who are a little more consumer  
8 savvy and know how to reset their modem, for example.  
9 For Brenda. You mentioned in your remarks  
10 that the settlement that OPC reached with Verizon in  
11 March of '08 addressing consumer complaints related to  
12 telephone service, and one of the agreements in that  
13 settlement was that Verizon would increase how fast  
14 they were deploying FiOS within the District. Now a  
15 little -- we're going on two years since that agreement  
16 was reached. Can you give us an update on whether that  
17 agreement has resulted in better consumer -- customer  
18 service for D.C. consumers now than when that  
19 settlement was reached?

20 MS. PENNINGTON: Right. Well, let me give  
21 you a little background on what happened with that  
22 negotiated point.

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1 The Office of the People's Counsel is not  
2 involved in any way in the negotiations with Verizon  
3 bringing FiOS to the District of Columbia. The reason  
4 that we put that into the -- and that jurisdiction is  
5 solely under the auspices of the Office of Cable  
6 Television. But the reason that we put that in there  
7 is because we received so many consumer complaints  
8 concerns frustrations regarding the deployment of FiOS

9 in neighboring suburban jurisdictions in Maryland and  
10 Virginia. We wanted to show our concern, our support,  
11 and our desire for an expeditious rollout of FiOS. So  
12 my office is only privy to information that, you know,  
13 Verizon has released to the public.

14 This is a question that is very important to  
15 D.C. residents. They want to know when is FiOS coming  
16 to their neighborhood. And so we've only been able to  
17 respond with the information that Verizon, you know,  
18 has given publicly. But we certainly do encourage and  
19 look forward to a full deployment of FiOS throughout  
20 D.C.

21 MR. BREYAULT: Well, I'd like to open it up  
22 for Q&A while we have some time left. Yes, Mark?

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1 CHAIR BERLYN: And John, just to tell you  
2 that we have a format here, a process of asking all our  
3 participants around the table to put their cards up as  
4 an easy way to recognize, and then do the order. So  
5 you'll look around the room and recognize those who  
6 have their cards up as an easy way to keep track.

7 MR. BREYAULT: Thank you.

8 MR. DeFALCO: I think as we start going to  
9 things like metered broadband and things like that  
10 that, the propensity for complaints could go up very  
11 high. But I'm interested in knowing from the panel --  
12 I think I know what Susan would say to this -- but from  
13 the rest of the panel -- and Susan you could weigh in  
14 too -- do you think -- especially when you start  
15 talking about like Voice-Over-Internet and things, do  
16 you think the Internet should be regulated from your  
17 perspective? Because I think you're going to get a lot  
18 of questions coming, and a lot of complaints coming in  
19 from people about my charges for my broadband, and did  
20 I go over the cap that I'm supposed to have? And what  
21 about poor voice quality in my -- with my Skype, or  
22 with my MagicJack? Do you think the Internet should be

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1 regulated to some degree?

2 MR. WATKINS: Well, I think that it's not so  
3 much maybe that the Internet should be regulated, but  
4 yet the delivery of Internet is what I think should be  
5 regulated. Not so much as, you know, you can have it,  
6 you can't have it, but if it goes down, I think there  
7 should be some sort of service level that would require  
8 the provider to get you up and running in a reasonable  
9 amount of time. And if they don't, then there should  
10 be some penalty that is imposed on the provider.  
11 That's where I think B-

12 Now, you know, I know that Internet providers  
13 can throttle back and forth download speeds, and they  
14 have caps. But yet you don't really know what the cap  
15 is because they don't want the heavy users of Internet  
16 to go up to the cap and then stop. So they just say  
17 yeah, we have a cap. If you go over it, we'll let you  
18 know. Well, I think in the Count, Montgomery County,  
19 we've only had I think either two or three cases where

20 the people have actually gone over the cap. So -- and  
21 then they shut them off. They just completely shut  
22 them off.

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1 But I just think there should be some  
2 enforcement on the delivery of Internet. And of course  
3 all the companies say oh, we're going to give you 50  
4 mgs. But yet, in the fine print, it's "up to." So  
5 it's the speed that they say that they're going to  
6 deliver, but in actuality it's not really that. And  
7 that's what seems to be the most frustrating for  
8 people. They think they're going to get this great --  
9 you know, this -- oh, I'm super fast. It's the best  
10 you've ever seen. And then when they get it, it's  
11 really not. So it's a little misleading, but of course  
12 they always have that little disclaimer, "up to" the  
13 certain speed. So that's what I think.

14 MR. ZIPERMAN: Why don't I jump in for a  
15 minute? In the absence of such a regulation, if an  
16 Internet -- excuse me, if a broadband provider is  
17 promising something that it's not delivering, then in  
18 the absence of regulation, that would still be an  
19 unfair and deceptive trade practice. Conversely, if --  
20 or on a related note, if -- so taking Kate's example,  
21 there are laws in place with respect to fine print.  
22 You can't promise one thing and then disclaim it away

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1 on the back or in smaller print. You can't sell a  
2 service and not inform the consumer of material facts.  
3 In the absence of a misrepresentation or material  
4 omission in advertising, then without a regulatory  
5 scheme, I think it leaves the law enforcement community  
6 with little to do.

7 MS. MAZRUI: I think you probably know I  
8 would say we want a level playing field. That's all.

9 [Laughter.]

10 MS. PENNINGTON: My agency has not come out  
11 with a policy position on that. However, we certainly  
12 would want consumer protections across the board so  
13 that consumers, you know, there's a direct way in which  
14 their complaints can be resolved expeditiously, and  
15 it's, you know, in a B- it's in clear print. We just  
16 want to make sure that consumers are protected with  
17 whatever technological service that they choose to use.

18 MR. BREYAUULT: Let me go to Gloria, and then  
19 Chuck -- Claude, sorry.

20 MS. TRISTANI: Thank you. I'd like to step  
21 back and ask the Maryland AG and Montgomery Cable and  
22 People's Counsel. And by the way disclaimer. I live

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1 in Montgomery County, and I know if I have a cable or a  
2 FiOS complaint, because I now have FiOS -- where to  
3 go.

4 MR. WATKINS: I'll give you my card.

5 MS. TRISTANI: Yeah, yeah, I know. Trust me,  
6 I know.

7 But I think one of the initial problems --

8 and I'm going to say the average consumer, many  
9 consumers have, is that they have no idea where to go.  
10 And nothing against companies, but oftentimes if you  
11 call a company and ask them where to go, the front line  
12 is very reluctant to tell them. I had that actually  
13 personally happen to me twice, three times with three  
14 different companies on other issues.

15 So what -- how -- I heard you do blasts of e-  
16 mails to agencies to let consumers know, but what do  
17 your agencies do to let consumers know, particularly  
18 those consumers that are not savvy, that may not be  
19 able to get on the Internet, and immediately find out  
20 where to go to get their complaints resolved?

21 MR. WATKINS: Well, we have a Cable and  
22 Communication Advisory Committee in the County. In

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1 fact, Claude sat on that for a number of years. And  
2 they put together a cable rights brochure that's  
3 available on our web site, and also that is in paper as  
4 well that we hand out. But our information is on  
5 everyone's bill, but there's one provider that placed  
6 it on the bill such that when you tore off your  
7 remittance, the information went with your remittance,  
8 so you never kept it. So that was very strategically  
9 placed.

10 But, you know, I always tell folks to -- I  
11 always try to give them my direct number, if they have  
12 any neighbors. You know, word of mouth is kind of the  
13 only way, because -- I don't know, that's the issue,  
14 how do you get that out? I mean I don't think we can  
15 do PSAs on the channel because that would seem to be  
16 creating more of an issue, and that's -- you know, the  
17 providers certainly don't want that. And then they'll  
18 -- their lobbyists would call, so, you know, that  
19 creates an issue, yeah.

20 MR. ZIPERMAN: With my agency we have the  
21 advantage of publicity from our law enforcement  
22 efforts. And so, to a large degree, when we take

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1 enforcement actions in any regulated area, it'll  
2 publicize that we're here, that you can complain to us.

3 We do regular public outreach. We have a  
4 consumer publication that we call Consumer's Edge that  
5 we e-mail to all -- and fax to relevant industry, all  
6 media outlets. We go and try to be in the public's  
7 eye.

8 With respect to some industries, and I don't  
9 know that I can use Verizon as an example, although I  
10 will say this, people seem to be finding their way to  
11 us to complain about Verizon because they are our  
12 number one complaint generator as far as a business.  
13 But we've required in settlements that businesses  
14 notify consumers of our existence and not on the back  
15 of a return bill. We require a bold face, 12 point  
16 prominent disclosure above the signature. And  
17 generally speaking that would be the smaller  
18 industries. If we've got a homebuilder, for example,

19 that wants to keep its license and it's causing a  
20 problem, then we'll require in its building contracts  
21 to tell folks that if you have a problem call the  
22 Attorney General's office. And we've done it with --

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1 done that repeatedly with a variety of different  
2 industries.

3 The largest industry -- business I can think  
4 of is a Internet-based business that was selling  
5 subscriptions, had a customer base of close to 100,000,  
6 and we required it as part of its business practices to  
7 tell folks of our existence.

8 MS. PENNINGTON: We have a tremendous  
9 consumer education and outreach program. We are out in  
10 the community at least three times a week during the  
11 day, evening meetings. We go to the ANC meetings. We  
12 go to community meetings, particularly if the company  
13 is going to be there. We always go if we have taken a  
14 position on the issue. We also have brochures and  
15 other leaflets that we continually distribute.

16 But you are right. It's a very important  
17 issue because even though we are on the back of the  
18 bill, we do get a lot of calls confusing us with the  
19 company, not knowing really what we do. So we still do  
20 have a very big job in order to not only let folks know  
21 that we're here, but what we do and how we can help.  
22 So it is -- that was a good question because it's a

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1 really big issue.

2 MR. BREYALD: Claude. Then Debbie.

3 MS. STOUT: I'm Claude. I think this may be  
4 a question for both Keith in Montgomery County and also  
5 Brenda in D.C., in D.C.'s office, excuse me. So I  
6 basically have two questions.

7 The first being have you seen a continual  
8 rise of consumer complaints in regard to television  
9 captioning? So that's the first question. And also, I  
10 know in Montgomery County you do have franchise  
11 agreements like you referred to with RCN, with Verizon,  
12 and with Comcast. Do you do the best within your area  
13 of authority to ensure that providers are captioning  
14 television programs and voluntarily providing caption  
15 streaming when they provide these broadcasts through --  
16 cable broadcasts through Internet means?

17 MR. WATKINS: Well, I'm not familiar with  
18 captioning through Internet means as much as I am with  
19 the cable television portion. The only part that --  
20 we've only received very few complaints on captioning --  
21 -- is the ease in which you can either engage or  
22 disengage the captioning feature for a cable box or for

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1 a television. Other than that, that's pretty much it.

2 MS. PENNINGTON: Because my office deals  
3 strictly with the public utilities that operate in  
4 D.C., we have never -- or at least to the best of my  
5 knowledge -- we have not ever gotten any complaints  
6 regarding TV captioning. I'm sure that if a complaint

7 of that sort came into the office, that the person  
8 would be redirected to the appropriate agency by our  
9 receptionist, and those calls would not get back to the  
10 staff because we really, you know, have no jurisdiction  
11 over that area at all. Not even remotely. Because if  
12 we did, we certainly tried to help the consumer, give  
13 them as much information as they would need.

14 MR. BREYALTY: Debbie?

15 CHAIR BERLYN: I just wanted to get back to  
16 Gloria's good point. And what we are as a consumer  
17 advisory committee to the FCC charged with looking at  
18 is ways in which we can advise the FCC on this matter.

19 I'm just thinking about consumer education and  
20 outreach on this issue. The most basic of basic  
21 confusions here consumers are confused, it seems to me,  
22 and may not even really understand who their Internet

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1 service provider is in many cases. So just something  
2 for us to think about is what part we could play in  
3 helping with that process to help consumers understand  
4 some of these basic issues and confusions and perhaps  
5 work with the FCC to help with that process.

6 MR. BREYALTY: Any comments from the panel?  
7 No? Charles.

8 MR. BENTON: As I remember, Gloria, it was  
9 you who suggested originally that there be a consumer  
10 protection -- you were the one that raised the issue of  
11 consumer protection with respect to the CAC. And I'm  
12 just wondering from today's panel, since in line with  
13 your experience being a commissioner at the FCC, what  
14 is it that the CAC could or should do with respect to  
15 consumer protection in line with what we've heard  
16 today? What are your suggestions about what we do?

17 MS. TRISTANI: You left me speechless,  
18 Charles, because, you know, I'm not ready to give the  
19 one answer to that, but I think -- I think there -- we  
20 do need to focus on how do we aid the consumer  
21 initially. You know, if I were to -- if my mother had  
22 a problem with her cable service - she's 84 -- she

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1 would not have a clue where to go, and she lives in a  
2 condominium, which has a different type of provider. I  
3 don't even know who her provider is. And so, you know,  
4 I get concerned about how do you aid people.

5 And it was interesting to me to hear about  
6 the closed captioning question that Claude had because  
7 I know many complaints come to the FCC because they  
8 really -- they are the agency that has jurisdiction.  
9 But it's very hard for people in new Mexico to think of  
10 that's where I have to go, so a whole host of issues.  
11 And I guess it's something we need to address.

12 But I think with all things at the FCC, we  
13 need to get the attention of not just the Bureau, but  
14 of the 8th floor. I assume this is important, critical  
15 issue. And I think this is going to become worse  
16 before it becomes any better because you have so many  
17 different jurisdictions. You have ongoing legal



18 fights. We're not going to get into that about  
19 jurisdiction, and it's a very difficult world for the  
20 consumer to maneuver.

21 And one last point which brings us back to  
22 broadband is that you know, everybody says we put it on  
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1 the web page. We put it, you know -- you can easily  
2 find it there, and what do you do with all the people  
3 who don't have the web pages? Or let's -- it'll cost  
4 you more if you call. That's a real problem.

5 CHAIR BERLYN: That's a real problem,  
6 considering the numbers, which we will hopefully find  
7 out soon of how many are not online. But we know it's  
8 an extraordinary number of individuals, and  
9 particularly those who can least afford to not have  
10 that sort of access and information. So we have to  
11 make sure while we have the eyes and ears of the  
12 Commission to make sure that we don't only rely on that  
13 information being online.

14 MS. TRISTANI: And I guess one last point is  
15 I do want to commend what all the local and state  
16 government agencies do to do this. And I know you know  
17 this better than I that the better you can work  
18 together and work with the FCC and everybody work  
19 together, it's better for the consumer.

20 MR. BREYALD: Well, I've gotten the wrap-up  
21 B- oh, sorry. One B

22 CHAIR BERLYN: Marti has a point, and then  
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1 Karen, and then wrap up.

2 MS. DONEGHY: Good morning, and thank you  
3 very much for this panel. As always, very relevant and  
4 critical.

5 I just wanted to throw out not so much a  
6 question, I guess comment/question for all of us to  
7 think about as a consumer advisory panel to this  
8 Commission. And it's my understanding that there is  
9 some legislation, federal legislation out there that  
10 could possibly move, or has the potential to move even  
11 telephone service into IP, as an IP level, that the  
12 industry may want.

13 And I guess what I'm saying a lot of  
14 telephone service is now moving to IP, which would  
15 remove state consumer protections. So thank you  
16 because sometimes my vocabulary gets -- thank you,  
17 Gloria.

18 So anyway, I just throw out for a comment.  
19 This would eliminate a lot of state consumer  
20 protections if it were to go through, if it were to  
21 happen. I know I read that Mitsuko's very concerned.  
22 And then, Gloria, you just mentioned the point about

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1 what if it's not on the web. So I just think that this  
2 panel is more critical than ever because consumers --  
3 you mentioned confusion -- but if state regulators are  
4 preempted, then there's an even bigger job ahead. So I  
5 hope that we can look at that at some point in the

6 future. And we have no way of knowing how fast it may  
7 move through Congress, or if it will be successful, but  
8 we need to be think about that I think.

9 MR. BREYAUULT: Brenda?

10 MS. PENNINGTON: I just wanted to say support  
11 both of the issues that Gloria as well as Marti have  
12 addressed to the committee today. Being a member of  
13 the CAC, I would definitely like us to look at and  
14 undertake the issue of how to help consumers navigate  
15 where they go, but also to make certain that there are  
16 still state consumer protections that flow to  
17 consumers. My office's policy is that if it's a local  
18 service, we're getting involved. Thanks.

19 MR. BREYAUULT: Karen?

20 MS. STRAUSS: This is just a quick comment  
21 just to reiterate something that somebody said in the  
22 context of disability access.

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1 You talked about how fragmented the various  
2 services are. We are now working on legislation, as  
3 everybody knows, HR-3101, to try to make sure that  
4 broadband services and equipment are accessible to  
5 people with disabilities. And from the time that we  
6 started working on the bill, which was about two years  
7 ago to now, we have already seen such an enormous shift  
8 in the way that these services are provided in terms of  
9 applications. And we're now having to confront the  
10 issue of exempting, for example, service providers from  
11 liability where they are not responsible for the  
12 application.

13 And this is not uncommon. There are other  
14 similar provisions in other laws where they're passed  
15 through B- the entity just passing through the  
16 application B- is not held liable, except that it's  
17 becoming so incredibly complicated, as well as for  
18 general consumers, for people with disabilities because  
19 when a product doesn't work, or a service doesn't work,  
20 trying to figure out who in that chain was responsible  
21 for the lack of access is going to become -- I mean  
22 almost impossible at some point.

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1 And just -- I'm just raising the issue.  
2 There's no resolution now, but it's something that  
3 we're having to grapple with in terms of this  
4 legislation, and it's going to become only worse. So  
5 as you take on complaints from people with  
6 disabilities, be aware that this is even going to  
7 become more confusing for this population.

8 MR. WATKINS: I always advise people -- just  
9 one last -- briefly. Because all the cable companies  
10 require equipment now to view enhanced products and  
11 even basic products, any time that there's a change of  
12 equipment, just make sure -- I always tell the consumer  
13 just make sure you get a receipt for any equipment that  
14 you've returned, or that's been picked up, or that's  
15 been swapped out because many times that equipment will  
16 not be removed off of your account. And the cable

17 company will then look to you for payment,  
18 reimbursement of that equipment. And sometimes that  
19 can equal 5- or \$600 if it was an HD/DVR box or  
20 something like that. And the only thing they'll accept  
21 to remove that off is a copy of their own receipt. So  
22 you have to really make sure you protect yourself that

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1 way.

2 And particularly when you have billing that's  
3 an automatic debit or automatically -- auto pay through  
4 your credit card, make sure you monitor that very  
5 closely because if there's a mistake, you want to catch  
6 it right away. So many times I get complaints from a  
7 consumer that says I've been paying for three boxes  
8 when I only have one box, and I've been paying that  
9 fee, that extra fee, for five years. And now all of a  
10 sudden I've caught it, and I want the cable company to  
11 reimburse me for those five years of overpayment.  
12 Well, the cable company doesn't want to do that.  
13 They're in the money receiving business, not the money  
14 giving business. So that=s it. Thank you.

15 MR. BREYALULT: So I will leave the panel --  
16 and all of the questions and feedback we've gotten here  
17 has been great. I'm glad to see this dialogue.

18 I want to end with one question to the panel.

19 Phil mentioned at the beginning that there was a --  
20 his office had a 68 percent resolution rate on  
21 complaints. As -- would it be useful for you as state  
22 and local agencies and to the service provider

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1 community at AT&T to get guidance from the FCC  
2 potentially as part of the national broadband plan on a  
3 goal for complaint resolution rates? Do -- for  
4 example, would you, if you moved to -- if the goal was  
5 to move to 75 percent, or 80 percent resolution within  
6 five years, is that something that would be useful to  
7 your company and your agencies?

8 MR. ZIPERMAN: I don't know that setting a  
9 goal would necessarily be useful to my agency. I will  
10 say this. Before I came today, I looked at the  
11 complaint forms that the FCC has in place, and I was  
12 actually very impressed. I mean I think that the fact  
13 that the FCC is taking complaints based on practices  
14 and trying to categorize its complaints is a very  
15 useful thing.

16 I think if I had to -- and first of all, up  
17 front I should thank you all for inviting me here  
18 today. Thank you very much. I think what's been  
19 crucial to the success of my agency -- and we have the  
20 advantage of size, and so to a certain degree, it's  
21 unique to our size, but we have a lot of people working  
22 on resolving complaints, and they're heavily trained,

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1 heavily supervised, and heavily re-educated on a  
2 consistent basis.

3 And so going back to Debbie's issue before  
4 with respect to getting people to the right place, we

5 have an institutional experience where one of the  
6 things that we're focusing on when consumers call us is  
7 just that. I mean we're not simply a conduit through  
8 which information passes from the consumer to the  
9 business and the business back to the consumer. We're  
10 a law enforcement agency, but we have a lot of  
11 experience mitigating complaints. We have a lot of  
12 experience about the way the laws work, and we try to  
13 rely on that institutional experience so that when a  
14 consumer comes to the agency, we can not just pass on  
15 his or her complaint, but we can actually actively get  
16 involved in resolving it. We can give them meaningful  
17 advice with respect to who they need to complain to if  
18 it is not us. The last thing you want is some consumer  
19 that is going to be passed to the wrong place because  
20 then they're only going to be angry with the agency  
21 that's now receiving them, but they're going to be  
22 angry at us, and they're probably going to call us

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1 back.

2 And so ultimately, you know, we are the  
3 Consumer Protection Division. It's our goal and our  
4 job to protect people and to make them happy. And so  
5 do the best you can to train and retrain, and then  
6 retrain the folks that are dealing with consumers so  
7 that they can provide them with meaningful advice. Get  
8 actively involved in resolving the complaint, and not  
9 simply act as a conduit, but get involved in actually  
10 mediating complaints. I think you'll have a successful  
11 program.

12 MR. WATKINS: I don't really think a  
13 threshold would be that beneficial because many times  
14 the cable provider will say, well, we resolved this  
15 complaint, but the consumer will say, well, they didn't  
16 resolve it to my satisfaction. So you have two issues  
17 there. You have, you know, a resolution, but then is  
18 the complainant satisfied with the resolution. So  
19 that's --

20 MS. MAZRUI: And I would add that I think  
21 there definitely is a role that the FCC can play and  
22 agencies in terms of bringing the right players

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1 together so that complaints go in the right directions,  
2 are resolved more quickly. I think there's also a role  
3 within this organization in terms of outreach for  
4 preventing complaints, and for ensuring that consumers  
5 are educated and know what their rights are, and know  
6 how to resolve complaints or how to avoid them.

7 I think that there's educational opportunities  
8 within the community, which you all have tremendous  
9 outreach for, but I think you also have the opportunity  
10 to educate the industry and the agency as well because  
11 you have more experience and background than most of us  
12 do. So I think that that to me is a huge role and a  
13 big need that you guys could fulfill.

14 MS. PENNINGTON: Having a specific goal would  
15 not necessarily help my agency, which was one of the

16 questions. However, I do think that it would help in  
17 the resolution of complaints, setting a goal for  
18 consumers. I think that it would help with the issue  
19 of consumers believing that sometimes their complaints  
20 may fall into a black hole because it gives you a goal  
21 and an objective from which to work from.

22 MR. BREYALD: Well, thank you. And seeing

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1 no other questions, thank you, Debbie, and the CAC for  
2 hosting this panel, and I'd ask you to join me in  
3 thanking our panelists today.

4 [Applause.]

5 CHAIR BERLYN: Thank you, John. I really  
6 appreciate. You did a fantastic job, and thank you all  
7 -- panelists -- for coming today from as far as  
8 Baltimore and Montgomery County. Great Montgomery  
9 County.

10 We are just putting lunch out, so it looks  
11 like our timing is perfect here. We have an actual  
12 break until 1 o'clock, and please take a little break,  
13 then get your lunch.

14 This is a good time for informal discussions.

15 Use your time well. I think we can use this time,  
16 although we don't -- we won't have any discussions as a  
17 whole, but this is a time if you would like to have  
18 some discussions in a couple of your -- with colleagues  
19 about some issues just together, if you have some  
20 thoughts. We are going to try and find some time this  
21 afternoon to continue our discussion about our planning  
22 going forward. So thank you all, and we will reconvene

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1 at 1 o'clock.

2 (Off the record.)

3 [Beginning of Track 2 at 1:05 p.m.]

4 CHAIR BERLYN: In the interest of keeping on  
5 schedule, we're going to get started. I think there  
6 are a couple of people out in the hallway, but they  
7 will come if they hear we have started.

8 I know a number of you are interested in  
9 hearing about -- an update about what's happening with  
10 the Web site redesign. We've heard that the FCC is  
11 working on that, and that's very -- of great interest  
12 to all of us. We know that this is an important first  
13 step in terms of communicating with consumers.

14 And so today we have Gray Brooks and Haley  
15 van Dyck, who are with FCC's new media effort, and  
16 they're going to fill us in on the status of the Web  
17 site redesign. So welcome to you both. Thank you very  
18 much.

19 MS. VAN DYCK: It's great to come back and  
20 speak with you again. So yes, thank you again for the  
21 opportunity to come back and speak with you guys. I  
22 wanted to introduce you to my colleague Gray, who will

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1 be joining us this time around, which we're very  
2 pleased about. I wanted to give you a quick couple of  
3 updates on some of the things -- projects and

4 initiatives we've been working on since I spoke to you  
5 last, a few months ago.

6         Broadband.gov, which we touched base on a few  
7 months ago, has been functioning fantastically well.  
8 We've gotten a ton of support from -- and participation  
9 online. We've now done over 30 workshops helping  
10 engage the community and the discussion on the National  
11 Broadband Plan, which have all been streamed online  
12 with the ability to participate through Twitter or  
13 Facebook, or other online mechanisms in the workshops.

14         Those have been, actually, so successful that we're  
15 planning on doing similar implementations of those for  
16 some other initiatives we're working on at the FCC,  
17 which we will talk about coming up.

18         Actually, Gray, do you want to continue with  
19 broadband? Sorry about that.

20         MR. BROOKS: Sure. First of all, it's a  
21 pleasure to be here as well. Thank you for regularly  
22 meeting with us and -- or allowing us to meet with you,

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1 I should say -- and there's a number of things that  
2 we're going to be touching on. We have, you know,  
3 brief glimpses as well of our Web pages. I'm not sure,  
4 with this room, what the best way will be, but perhaps  
5 if everyone's all able to, say, you know, reference the  
6 Web site, the gentleman in the back can pull up -- I  
7 mean all of you are familiar with FCC.gov. You know,  
8 it is our old friend. It's been with us for quite a  
9 while. And we're going to be touching on mainly  
10 projects that are related but separate. But the  
11 overarching part of this conversation will get back to  
12 not just how -- not just other projects that the FCC is  
13 doing online, but where FCC.gov, as a Web site itself,  
14 is moving to as well. Bear with us.

15         But to go ahead and start moving into it,  
16 we'll address some of the topics that we've been  
17 working on, and then of course, you know, look forward  
18 to questions in a short period of time.

19         Many of you are familiar with broadband.gov  
20 as a Web site that launched earlier this year. It's  
21 gone through a number of updates and has been, you  
22 know, an important basis for innovation that we've

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1 started to experiment with, and then once it's been  
2 proven, adopting other platforms, and start adopting  
3 for the agency-wide. You'll note up here there is a  
4 link to "en español," for the Spanish version of the  
5 Web site. That is -- you know, it is a project that is  
6 -- become more standard by now but has a lot of room  
7 for innovation. Something we'll touch on a bit more.  
8 We've had over 30 workshops that have been hosted  
9 online. They've been live stream. They've taken  
10 questions from the Internet, live. It's been a very  
11 active source of blogging. The National Broadband Task  
12 Force have been fantastic about, not just going through  
13 the paces as a government entity, but also talking  
14 about what they're doing and why they're doing it.

15           The comments -- we've had over 500 comments  
16 on the blog itself. Through the crowd-sourcing  
17 Ideascale platform, there've been a little over 5,000  
18 votes, 500 ideas, several hundred comments. But moving  
19 forward, one of the questions is also how we can not  
20 just have this be a traditional, you know, new media  
21 engine, but at what point we can also start involving  
22 even further collaboration with the public. And with

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1 that I'll, kind of, hint with a, you know, to be  
2 continued. But I think even though there are other  
3 projects that have launched since then, in between now  
4 and February you're going to see quite a good bit more  
5 innovation with broadband.gov.

6           One of the things that I wanted to just touch  
7 on as, you know, we lead into the social networks is,  
8 you know, there are many things which I think everyone  
9 has in mind when people hear "new media" and new media  
10 with the government, and we'll touch on, you know, the  
11 Web sites that we've launched, and are going to be  
12 launching, the platforms that we're going upon. But  
13 it's -- you know, when we talk about where we're at  
14 with Facebook, YouTube, Twitter, the important thing is  
15 to not just see the numbers growing but to also start  
16 seeing them implemented in our day-to-day activities at  
17 the agency. And the point isn't just to have a  
18 presence on these sites, but to start integrating them  
19 into what we're doing across the board. Transitioning  
20 a little bit there.

21           MS. VAN DYCK: One example of integrating the  
22 social networks into the daily functions of our

0156

1 operations here is Facebook -- FCC live, where we were  
2 actually live streaming everything that's on FCC.gov,  
3 including this event -- on Facebook, which is pulled up  
4 on the screen over here as well, to help increase FCC's  
5 visibility to these different audiences. Doing  
6 everything we can to lower the barrier to participation  
7 and getting the content and things coming out of the  
8 FCC easy to access and available for audiences that may  
9 not have been as able to engage with the FCC before.  
10 This is one example of how we're doing it.

11           Twitter, also a fun update. We passed  
12 200,000 followers on Twitter this morning, actually.  
13 So a very, very significant base that we are reaching  
14 out to on a daily basis. That also puts us at the  
15 third-largest Twitter account in the Federal  
16 government. We're behind White House, who gets to  
17 tweet about Barack Obama; CDC, who, you know, gets to  
18 tweet about H1-N1 and updates; and we recently just  
19 passed NASA, who's been tweeting from space, so we're  
20 kind of proud to join the ranks of the top of the list  
21 there.

22           To touch on quickly another project that

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1 we've been working on since we spoke last is "give" --  
2 FCC.gov/give -- a site that we put up to help employees

3 donate to the Combined Federal Campaign. Started using  
4 some more new media tools to help get this message  
5 across. That's another little project to cite for you  
6 guys that we've been working on.

7 The largest initiative that we've been --  
8 we've been trying to harness public participation on  
9 since our last meeting has been OpenInternet.gov. We  
10 launched this Web site following the beginning of the  
11 Open Internet NPRM proceeding. Since it has launched,  
12 we've received a ton of participation online. We've  
13 received over 30,000 opinions and ideas shared from the  
14 public about the FCC's actions regarding the Open  
15 Internet NPRM, as well as over 15,000 comments via the  
16 blog engine and Ideascale crowd-sourcing platform. So  
17 we're very pleased at how this has been going, again,  
18 using this as a model, learning from our experiences  
19 here as to how we can best engage the public going  
20 forward in FCC proceedings.

21 We will be setting up similar workshops which  
22 are starting on Tuesday, around the Open Internet NPRM,

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1 similar to how we did broadband, with some  
2 improvements. Our goal is to make them more  
3 accessible. We'll also be launching them on  
4 Accessibility Event, which is a, you know, platform  
5 that I'm sure many people in this room are familiar  
6 with. But it's easier for screen readers to help with  
7 participatory elements and joining the workshop online.

8 We'll also be live streaming this on OpenInternet.gov,  
9 and Facebook, with no registration technically  
10 required, so hopefully it will be much easier for  
11 people to get involved.

12 There will be conversations that will be  
13 happening online around these workshops -- around the  
14 content of these workshops -- both before and after, to  
15 give it a much longer breadth of discussion. We will  
16 be using the Ideascale platform for that as well, and  
17 soon launching mobile elements of this site too, so you  
18 will be able to access it through your cell phones,  
19 through mobile access pages, WAP pages, to help again  
20 increase the audience and the reach that we have to  
21 involve people with this NPRM.

22 At which point we've been working on some

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1 other accessibility issues, which Gray is going to talk  
2 about a little bit further right now, as well.

3 MR. BROOKS: There's several dynamics here  
4 that I think are overarching, and what we've found,  
5 very quickly, is not only that accessibility issues are  
6 common across the government, but also there's even a  
7 slightly wider question as far as, What are fundamental  
8 aspects of a new media presence that the government  
9 should have that they are -- could do better with? And  
10 this again gets to something where it's not just an FCC  
11 issue; it's an EPA issue, it's a FEC issue, et cetera,  
12 et cetera. And having friends in these other agencies,  
13 we've been communicating, collaborating, more.



14           A very exciting incident happened a couple  
15 of weeks ago that some of you may be familiar with,  
16 and we were able to be invited for the unveiling of  
17 this, where Google announced, two weeks ago a project  
18 whereby -- first of all, everyone on every YouTube  
19 account right now is able to create captioning much  
20 more readily. Up till now, we have been creating  
21 subtitling files through a tool that -- you know, you  
22 have to go through and parse out the text based on the  
0160

1 timing. They now have the ability to just take a raw  
2 transcript and create the captioning based on that.  
3 That dramatically lowers the investment of time, and  
4 getting good closed captioning up for our video  
5 presence on YouTube.

6           A very interesting parallel announcement was  
7 only relevant to about a dozen education institutes  
8 that are partnering with YouTube, but what it involves  
9 is the ability to have machine closed captioning that  
10 is as good as, or better than, broadcast quality,  
11 without any human involvement whatsoever. It's also  
12 tied with their translation engine, so that you're  
13 having alternative language subtitling on these videos  
14 in 50 languages -- again, automatically, with every  
15 video being launched in these channels. We reached out  
16 to them at that event and followed up with the people  
17 who coordinate YouTube across the board and also with  
18 the government to say that we understand them starting  
19 with a partnership of a dozen education institutes and  
20 looking to scale up from there, but that Federal  
21 YouTube accounts are a prime candidate to be followed  
22 up on that. They were very receptive, and there's --  
0161

1 there will always be more work we can be doing along  
2 these lines to make it better, but the idea of not just  
3 having very smooth captioning available for all of our  
4 videos in YouTube, but to actually have it available  
5 and also Spanish, also French, German, you know, on  
6 down through to, you know, Finnish, Mandarin, Swahili -  
7 - is just -- it's interesting because it's something  
8 that is -- that we can build upon. It's not just  
9 another tool, but we can take that and build it in and  
10 then go farther.

11           You know, similarly, we -- as we roll out  
12 more new media tools we're dealing with greater and  
13 greater volume of material. You know, there have been  
14 docketed items in the past that have had lots of  
15 comments on them, in the realm of hundreds of  
16 thousands, and so the tools that we're bringing to the  
17 table are not inventing a new problem. The problem --  
18 the question has always been, How do we best deal with  
19 getting a large amount of citizen involvement? And,  
20 again, this is something which is not specific to the  
21 Federal Communications Commission.

22           Along those lines, we are working in parallel  
0162  
1 on two projects that are very important and have rich

2 dividends down the road. They include an internal  
3 dashboard where we're able to start viewing not just  
4 numbers of comments at certain times and across certain  
5 platforms, but also starting to work on how we can, you  
6 know, learn more from these comments other than, you  
7 know, the traditional means of printing them out and  
8 looking at them and putting them in folders.

9 We're working with some partners to  
10 experiment with some other comment handling. We -- you  
11 know, when we receive x number of thousands of comments  
12 for an issue, how can we start tagging them and sorting  
13 them in ways that are much more advanced and allow  
14 multiple people to be interacting with this data in a  
15 much more efficient way? And that is us working with  
16 the other offices and bureaus to try to give back, if  
17 you will, and not just be, you know, creating platforms  
18 that result in more comments being on their plate, but  
19 actually give them tools by which they can much more  
20 efficiently interact with those comments.

21 Another project, which Haley's going to talk  
22 more about, I think has been familiar with you in some

0163

1 ways, even before, you know, this term came up earlier  
2 in the year. But that is the question of  
3 reboot.FCC.gov.

4 MS. VAN DYCK: And as we continue to work out  
5 the internal processes of how to best handle comments,  
6 and field input from the public, we're afforded other  
7 opportunities to keep asking for input online.  
8 Reboot.FCC.gov is going to be one of the large forums  
9 that we will be doing that through and be launching  
10 very soon. The purpose of reboot is to serve as a  
11 platform for public engagement on how to best create  
12 changes at the FCC and to FCC.gov. It is going to be a  
13 platform to outline our reform agenda to have input  
14 from the public to help us shape our goals and  
15 objectives for what we can be doing going forward at  
16 the FCC.

17 The way that we will be outlining this will  
18 be following the process of systems, rules and  
19 processes, data store, engagement, and the site  
20 redesign. When reboot launches, there will be forums  
21 on each of these subjects, broken down into further  
22 defined subjects such as, you know, under systems, ECFS

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1 and CLS and these different, you know, large systems  
2 that consumers interact with very frequently through  
3 our online operations. And we will be asking the  
4 public and the heavy users of our online operations how  
5 we can best improve these services for consumers, for  
6 heavy users. And we really want to hear from the  
7 public on what we can be doing best, which is  
8 partially where we would love to ask you guys for your  
9 help and support in these efforts, in taking reboot and  
10 this site to your members of your various organizations  
11 and really drive participation on the site as everybody  
12 in this room and many of your member organizations know

13 ways that the FCC can be improving its ability to  
14 access -- or to help consumers online -- that it's not  
15 doing now. And we want to hear from you guys on the  
16 best ways to create these changes, and would love for -  
17 - when reboot goes public -- to be able to turn this  
18 around to you guys and ask for your participation and  
19 support as well.

20 We look very forward -- we're looking forward  
21 very much to the launch of that in the near future and  
22 will, you know, alert you guys to when that's coming

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1 out and give you a warning on that as well.

2 MR. BROOKS: It's always a good reminder  
3 whenever we think to ourselves, you know, that we've  
4 been talking a good while. So I guess I would put it  
5 out, and I don't know what amount of time you want to  
6 budget, but, I mean, we would like to answer any of you  
7 questions.

8 CHAIR BERLYN: Let's do cards, and that's our  
9 technique here is to put up cards, and then we go  
10 around the room and -- so, Karen and then Lisa?

11 MS. STRAUSS: Thank you. I'm Karen Strauss,  
12 I'm with Communication Service for the Deaf, and I was  
13 also at the -- I don't know if we were at the same  
14 event, but we were at the Google -- several of us here  
15 were at the Google event. And one of the concerns that  
16 we had -- we're ecstatic -- let me just say that we're  
17 ecstatic with the ability to create an easy mechanism  
18 for people to time-stamp captions. That is an  
19 extraordinary breakthrough because that is probably,  
20 you know, at least 75 percent of the hassle, if not  
21 almost 100 percent of the hassle, of adding captions.  
22 But we are aware that the accuracy is not nearly as

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1 good as a human being, and the knowledge that it was 80  
2 percent with broadcaster speech, which is very clear,  
3 distinguished speech. So we're just a little concerned  
4 when we hear an agency say that this is as good as  
5 regular captioning, so we want to make sure that you  
6 know that you have to go back over the captions once  
7 they're -- the automatic portion is great, but then you  
8 have to go back over and fix them. And it can't be  
9 relied on for real-time captioning.

10 MR. BROOKS: I mean -- I completely  
11 understand that, and, yes, you're absolutely right.  
12 Everything that we talk about up here I believe we take  
13 very seriously to heart is not the end and is merely a  
14 question of whether it's moving the ball forward.

15 Specific to that point, one of the important  
16 aspects that they discussed on the launch was that you  
17 can use the machine translation or the autocaptioning  
18 from uploading the transcript, and then download the  
19 SRT file, or the other subcaptioning file back for  
20 further editing. I mean it's very much in the engine's  
21 interest as well, because we are providing a human  
22 corrective element to it. But no, you're absolutely

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1 right, and this is only a matter of where it can be  
2 further with of help than we currently have

3 CHAIR BERLYN: Thank you. Lisa Hamlin?

4 MS. HAMLIN: I'm from Hearing Loss  
5 Association of America, and I was there too, and yeah,  
6 in broadcast -- captioning --

7 MR. BROOKS: Sorry you didn't meet us.

8 MS. HAMLIN: Yeah -- broadcast captioning is  
9 2 percent error rate, so we're looking at a huge  
10 difference between 20 percent and 2 percent. You need  
11 to -- when you get the word out to the other agencies,  
12 you need to really make clear that they must go back  
13 and make those corrections.

14 But I had another question. You -- I think -  
15 - I have been looking at the workshops on broadband  
16 when I can see it streamed, and I love that, and it's  
17 wonderful. But I'm thinking about a day like today,  
18 where usually what happens is on the screen there's  
19 something -- there's captioning under -- it's  
20 captioning. Today we have CART. What do you do when  
21 you're streaming -- I'm thinking people are home  
22 looking at our meeting, and -- or in their office or

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1 wherever -- and are they getting a separate window that  
2 has the captions?

3 MR. BROOKS: So, to answer your question,  
4 there is a mélange of current answers to that right  
5 now. And it depends on which -- we're trying to  
6 standardize across the board, but right now for  
7 instance the field events are done slightly differently  
8 than the workshops, which are done in here with  
9 broadband.

10 The answer is that everyone is having access  
11 to captions. Depending on the event, sometimes it is  
12 what is the standard for the open commission meetings,  
13 where there is, you know, the black captioning along  
14 the bottom of the video. Other times it's a matter of  
15 an engine called Accessibility -- I'm sorry, Accessible  
16 Events, actually -- which involves, I believe, opening  
17 up a second window that provides streaming captioning.

18 At the end of the day. we know exactly where  
19 we should be getting to, and that is to have a  
20 seamlessly integrated, turn-on, turn-off, you know,  
21 choose your settings, captioning functionality, both  
22 for archived video and live video. We're not resting

0169

1 until we get to that point, and it's smooth and  
2 seamless across all events, but the answer is that we  
3 are captioning -- we are captioning all live events  
4 that are being broadcast, and the mechanisms range as  
5 far as which one's being done in what way, but it's  
6 happening.

7 MS. HAMLIN: Okay. That's -- just to be  
8 clear, it is happening right now, as we speak, that  
9 somebody can open up a second window and see the CART?

10 CHAIR BERLYN: Here, Scott, sorry.

11 MR. MARSHALL: We have had technological

12 problems today, and I don't think we're real-time on  
13 the stream at the moment, because of equipment problems  
14 here in the room. I'm sorry you didn't get the message  
15 I sent out about that.

16 But I believe what we're going to do is  
17 caption after the fact, you know, as a sort of a stop-  
18 gap measure, because of the problems today. But the  
19 equipment is here, and it just needs to be installed,  
20 and hopefully that will occur quickly so this will not  
21 be a recurring problem.

22 MR. BROOKS: And I apologize. I mean, for --  
0170

1 that's -- I apologize for my incorrectness on that. My  
2 understanding is also, then, that, I mean, it is not a  
3 matter that this has been lacking up through now, that  
4 today is an exception.

5 MR. MARSHALL: Yes.

6 MR. BROOKS: And we'll work on that.

7 MS. HAMLIN: And I totally understand, and I  
8 think the FCC does a fabulous job of getting the  
9 access. I love coming to this room, because I know I  
10 can get what I need, both -- in terms of that.

11 Bu I -- what -- I didn't bring it up as point  
12 of saying, you know, terrible things are happening  
13 today. I just wanted to know, in terms of backup, what  
14 do you have if things -- we know with technology things  
15 don't always go the way they're supposed to. All I'm  
16 asking is, Are there plans for backup? Not just here,  
17 but when you advise other agencies, you're saying,  
18 Look, we're a model, but this is what we do when things  
19 don't go right. That's really my point, not that today  
20 --

21 MR. BROOKS: You're absolutely right. I  
22 mean, the question of what makes sense and what should

0171  
1 be is what is driving this whole process. Both with  
2 accessibilities and across the board. And you're  
3 absolutely right in that, you know, what we currently  
4 have can be better. And the good news is that under  
5 the current Chairman's leadership, you know, there are  
6 not barriers to moving forward on this. You know,  
7 whatever should be is in the process of becoming.

8 CHAIR BERLYN: I have Irene and Charles. And  
9 Irene, I was wondering if I could just ask a quick  
10 question that is sort of a follow up to Lisa's  
11 question, and that's -- as Scott knows, I've tried to,  
12 from home, go on and listen in to various proceedings,  
13 and sometimes things just don't work right. And so, on  
14 behalf of consumers who are trying to take advantage of  
15 all the great opportunities that you have -- and you're  
16 there, and you're home, and you want to watch a  
17 proceeding, but things aren't working well. There's  
18 nothing much -- there's nothing you can really do.  
19 There's no one to talk to, real-time. And so you miss  
20 out.

21 And I, fortunately, live a half-hour away, so  
22 I jump in my car and I come down and I sit in, and I

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1 come here to listen. But one suggestion might be that  
2 there should be someone on hand during all these  
3 proceedings to help consumers work through problems  
4 when things don't go well, to help. To say, you know,  
5 I clicked and nothing happened, so what am I doing  
6 wrong, or do I not have the right software, or, you  
7 know, what's going on?

8 MR. BROOKS: And there are several follow-ups  
9 to that. One is, we've been doing several fundamental  
10 back-end changes. It's hard to tell if -- actually you  
11 can switch back to the computer screen here and see,  
12 you know, what we currently have -- you don't notice a  
13 difference, but this is based on Flash streaming video,  
14 as opposed to RealAudio. We -- which is simply  
15 because, you know, one is much more modern and much  
16 more ubiquitous.

17 We're trying to implement standards that just  
18 work better. But also in what you're seeing there is a  
19 commenting functionality, so that the people who are  
20 viewing this from Facebook, for instance, have the  
21 ability to, right next to the video, say, Hey, this is  
22 not working. And that's happened before. We are doing

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1 more and more live coverage, where we're doing live  
2 Tweeting, live blogging. And both of those have  
3 mechanisms where, while we're doing that, we're able to  
4 see the comments coming in below the blog post or back  
5 to us on Twitter.

6 At the end of the day, you know, I feel bad  
7 with the repetition of this answer; you're absolutely  
8 right, and we're angling strongly in the direction of  
9 progress.

10 CHAIR BERLYN: It may not be your fault. And  
11 with more and more consumers who will be getting --  
12 being new users of the Internet, it may not be a  
13 problem on your end. That's not refined. It may just  
14 be that the consumer, who is maybe a relative neophyte  
15 to using the Internet, has not downloaded the right  
16 software, or --

17 MR. BROOKS: Then we need to take that into  
18 account.

19 CHAIR BERLYN: Yeah.

20 MS. VAN DYCK: And one of the things that we  
21 noticed during the broadband workshops is that a lot of  
22 consumers were having difficulty downloading the WebX

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1 software, and getting the ability to watch those  
2 workshops online. So we're making a change for open  
3 Internet to help address that issue. That's why we got  
4 rid of -- we're not using the WebX platform anymore.  
5 So there's no registration required, you can go  
6 straight to the URL, and it'll be streaming live right  
7 there on the site without downloading anything or  
8 signing up for anything. So you are completely right,  
9 and that's one of the small things we're doing to help  
10 make that more accessible.

11 MR. BROOKS: And, again, one of the, you  
12 know, non-romantic, you know, small but substantive  
13 changes going on in the background is us moving  
14 forward, having the ability to host all of this video  
15 in several file formats to enable it so that anyone  
16 doesn't have to go digging for it but can readily, you  
17 know, find -- say, Where can I find the video of last  
18 year's open commission meeting? Where can I find the  
19 video of the last four CAC meetings complete with  
20 transcripts, audio, et cetera.? That's a work in  
21 progress, but it's happening, and it's happening  
22 retroactively as well.

0175

1 CHAIR BERLYN: Thank you.

2 Irene?

3 MS. LEECH: This is really exciting to hear  
4 about, but just bringing up the point that, at my house  
5 I can't get this. I've got to be at my office in order  
6 to do that. And so, you know, for all my interest in  
7 broadband and so forth, I don't have a very good way to  
8 participate in your blog and your whatever, because at  
9 my home that's something I can't get. And there are a  
10 lot of other consumers in that situation. So as you  
11 analyze your data and so forth, please remember those  
12 of us who have real concerns -- and I desperately want  
13 that capability -- but what the folks in my state keep  
14 telling me is that I need to move if that's what I  
15 want, and that's not the answer.

16 MS. VAN DYCK: One of the motivating, or  
17 driving, purposes behind our interest in launching on  
18 mobile platforms is that we can start to engage people  
19 through their cellular devices and help increase access  
20 to those who don't have Internet connection. You know,  
21 we also have the National Broadband Plan. He's working  
22 on the larger issues behind that. But from our

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1 perspective, that's one of the motivating reasons for  
2 our wireless.

3 MS. LEECH: Granted, but even the wireless is  
4 slow and -- in the areas where people are having  
5 trouble getting that, I mean wireless is the best that  
6 I've got right now, but it's still hard and some things  
7 just don't work very well when that's all you've got.  
8 So just -- I just wanted you to be aware that there  
9 are some locations where it's a real problem.

10 MR. BROOKS: And an example that we're  
11 experimenting with, to roll out in the not-distant  
12 future, would be to not only just have -- for instance  
13 of this event -- live streaming video, but an option at  
14 the bottom to click and choose a lower resolution  
15 version of the same that's much more accessible for  
16 lower speeds.

17 This gets back to the same issue that, you  
18 know, we're the Federal Communications Commission, and  
19 we should not be resting at any point, as far as making  
20 this more open and accessible.

21 CHAIR BERLYN: Charles?

22 MR. BENTON: Your job is daunting, to put it  
0177

1 mildly. Haley, I wonder -- I think it would be useful  
2 -- you ran through the reboot.FCC.gov really quickly,  
3 and I think it would be really useful to slow down a  
4 little and give us a little more of the structure of  
5 that.

6 My understanding is that reboot.FCC.gov --  
7 and please correct me if I'm wrong -- is the effort to  
8 get systematic about the restructuring of the FCC Web  
9 site, which as I understand it from the Sunlight  
10 Foundation original analysis, when they came -- when  
11 they started this last year, you had -- FCC had 14  
12 different -- or something like that -- different Web  
13 sites, all driven by different bureaus, so that there  
14 was -- I mean you're going from a, sort of, bureau-  
15 centric multiple Web site to trying to get an overall  
16 FCC Web site, where you can trace rulings, where you  
17 can focus in on specific ideas or concepts, let alone  
18 people. It is just a radical transformation.

19 And so, if you could talk a little more about  
20 the history and what reboot.FCC.gov represents in terms  
21 of this structural reform that it seems to me you're  
22 leading the charge on, and in the five points on the  
0178

1 reboot, go a little more slowly. Give us these five  
2 points so that we really can understand what it is  
3 you're talking about, and as we understand it maybe  
4 there will be -- we'll be able to figure out in a more  
5 concrete way how, collectively or individually, we can  
6 be helpful.

7 MS. VAN DYCK: Sure. And thank you for  
8 bringing up Sunlight too. We are very grateful to the  
9 Sunlight Foundation and the work they did for the  
10 redesign. As some of you may or may not know, they  
11 have launched a project that's gone through and, fairly  
12 systematically, picked different government and Federal  
13 Web sites that can be redesigned to have better access  
14 for consumers and usability in general. And FCC.gov  
15 was one that they chose to do a redesign for.

16 They did a great job with it. They actually  
17 came to the FCC and met with us the day after they  
18 launched it publicly. We had a very productive meeting  
19 with them. And we're very receptive and glad to hear  
20 their ideas, all fabulous ideas, and definitely all  
21 part of the things that we're incorporating into our  
22 redesign thoughts. We appreciate everything they  
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1 offered and have a lot more expectations as well, above  
2 and beyond some of the things that were part of their  
3 design.

4 But one of the big things you'll notice, and  
5 what Sunlight presented, is a shift, like you were  
6 saying, Charles, in how the information is presented.  
7 Right now there is so much information and content on  
8 FCC.gov, and it is incredibly difficult to navigate,  
9 particularly because you don't necessarily -- unless



10 you're very familiar with the way that it is laid out  
11 for, you know, usually a professional purpose -- it's  
12 hard to figure out where the information that you're  
13 wanting to access lives, just sort of by the inherent  
14 structure of it right now. And so one of the purposes  
15 of reboot is going to, you know, highlight how we can  
16 best work through these systems that we offer and make  
17 the systems themselves much more usable.

18 To go walk through reboot a little bit more  
19 slowly -- and sorry for going through that so fast --  
20 one of the big -- of the five cones -- we'll start with  
21 systems. Each of -- the goal is to break out the  
22 conversation into smaller pieces, so that if you have,

0180  
1 you know, a lot of experience with ECFS and have a lot  
2 of ideas and input on how we can change and, you know,  
3 start the dialogue on ECFS 3.0 -- you know, 2.0, I  
4 think -- I believe -- came out since we were last  
5 speaking, which was, you know, a wonderful effort by  
6 Bill Cline, who did a fabulous job and a lot of work on  
7 2.0, and as Gray has mentioned earlier, you know, we  
8 would always like to keep conversation moving, and  
9 while we did just launch that, we were already looking  
10 and thinking about 3.0 and would like to start  
11 fomenting conversation on what is most needed for the  
12 next iteration of ECFS.

13 So, systems. ECFS is one of the largest ones  
14 we'd like to focus on. CLS is another. Consumer  
15 complaints; fee filing; and we'll have a larger section  
16 for "other," too, where if there's systems that we're  
17 missing, parsing out specific conversations for, users  
18 can flag and say, We would like to have more  
19 conversation on fee filing processes and what not.

20 Rules and Processes. In that section, a lot  
21 of the attention -- we're going to want to focus on ex  
22 parte reform and how we can incorporate online tools to

0181  
1 make this form -- or this process easier to understand,  
2 easier to file, and sunshine act reform, and other  
3 necessary rule changes are going to be the three  
4 breakouts of what we're going to be talking about under  
5 Rules and Processes.

6 Datastore is another cone, and it's going to  
7 be a long, long process to how we start really  
8 reforming how the FCC presents its bulk data to  
9 consumers. We hope to come out with an initial  
10 attempt at just a clearinghouse for what is currently  
11 available online as we start moving towards reworking  
12 how we can actually present every -- immense amount of  
13 data that's stored within the FCC in a much more -- an  
14 easier way to access. One of the initial low-hanging  
15 fruit that we tackled was incorporating RSS stream, or  
16 feeds, into a lot of the data coming out of the  
17 building. A simple easy thing that actually, I  
18 believe, the Consumer Advisory Committee suggested we  
19 do, I think it was 3 or 4 years ago, and one of the  
20 first things we've implemented to start making data

21 coming outside this building easier to process.

22 As I said, a lot more work will be done on

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1 that. Initially, though, we would like to start just  
2 putting everything in one space so you can find  
3 everything that's coming out of this building in bulk  
4 downloads.

5 Actually, do you have anything more to add on  
6 data?

7 MR. BROOKS: No.

8 MS. VAN DYCK: And engagement is another  
9 cone. The e-rulemaking process -- the FCC again is not  
10 unique in engaging the public in its rulemaking  
11 processes, but we would really like to develop more  
12 mechanisms to allow consumers industry and other  
13 constituents to learn in real-time about the FCC  
14 process, the e-rulemaking that's going on inside this  
15 building, and foster new and deep levels of citizen  
16 engagement and participation in these rulemakings.  
17 Workshops is a small way that we've been doing that.  
18 We want to be working -- the commenting process, this  
19 internal dashboard that Gray mentioned earlier are all  
20 parts of this process.

21 And then lastly the redesign, which we will  
22 also be opening up to discussion on how best to lay out

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1 the information, what's the easiest way for people to  
2 access the information that they're looking for,  
3 audience segmentation and what the structures for that  
4 are going to be.

5 If there's any further questions on that, I  
6 would be happy to talk in depth about any of those  
7 subjects.

8 Thank you for raising that, Charles. I  
9 appreciate it --

10 CHAIR BERLYN: Brandon, and then I think  
11 we're going to try and wrap this up because we're close  
12 to the end of this session. Thanks.

13 MR. STEPHENS: I wanted to ask a question  
14 about that, because all throughout Indian Country we  
15 have various tribes that want to make comments about  
16 their particular areas. And talking with Shana  
17 Bearhand, one of our tribal -- or, our tribal liaison  
18 and senior attorney, who works for the FCC in the  
19 consumer and governmental affairs area. We wanted to  
20 be able to, potentially, make comments on rulemaking,  
21 and she showed me an area in your Web site where we can  
22 -- sort of like a blog that was set up. Can you talk a

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1 little bit about that? And whenever we place comments  
2 into that area, does that automatically go into some of  
3 the -- I guess, the archives or the record making or  
4 some of the comments are read by the FCC on some of the  
5 items that they are going to start making for  
6 rulemaking?

7 MS. VAN DYCK: We -- I'm sorry, I didn't mean  
8 to interrupt you. Were you --

9 MR. STEPHENS: Go ahead.

10 MS. VAN DYCK: We are very grateful, I think  
11 on a daily basis, Gray and I, get to say that we love  
12 the general counsel of the FCC. We've been working  
13 very closely with them to reevaluate how we define  
14 comments on the public record.

15 And one of the wonderful things that we've  
16 been able to do in the last few months is take  
17 discussion and conversation that we're having online,  
18 on these Web sites, and actually include them as part  
19 of the public record for these different docketed  
20 proceedings. And the main purpose of that is to be  
21 able to engage, you know, people like your communities,  
22 who may not be as familiar with how to engage in the

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1 commenting-filing process, which is a very, you know,  
2 legal process that can sometimes turn off people who  
3 are not as used to participating in these systems on a  
4 regular basis. It's much easier to comment on a blog,  
5 or through a crowd-sourcing platform or other ways that  
6 may be more intuitive for online consumers than going  
7 through the legal processes of filing paper comments or  
8 through ECFS or things like that. So those are  
9 absolutely some of the goals and motives of what we're  
10 doing with these sites.

11 CHAIR BERLYN: Could I just ask a quick  
12 clarification on the last point on the reboot, is --  
13 the redesign of the Web site? Is that a -- going to be  
14 an ongoing process? You said you're going to launch  
15 reboot in the near future, and then will you continue  
16 to work on the design of the Web site at that point --

17 MS. VAN DYCK: Absolutely.

18 CHAIR BERLYN: -- after you launch reboot?

19 MR. BROOKS: One of the fundamental overtones  
20 of this launch will be beginning a conversation on how  
21 we can be doing things differently, on a large scale as  
22 well as a very specific scale. We are interested in

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1 looking at the different parts that make up the current  
2 FCC.gov Web site and saying, both on a very drilled-  
3 down level, and then in other conversations more  
4 broadly, you know, how can this be done differently?  
5 How can it be done better? What are we doing right?  
6 What are we doing wrong?

7 One of the things we're experimenting with  
8 for the reboot site will be a page-specific, you know,  
9 link at the bottom that people can use to get feedback  
10 for that specific page, to say what's right on this  
11 page, what's wrong on this page, et cetera. And these  
12 are all tools that we're bringing into the -- to our  
13 toolbox but it's -- you know -- the idea is not for any  
14 of these to be one-time usage. I mean the idea is to  
15 start implementing an iterative process that should not  
16 -- I mean, you know, we're moving forward from a period  
17 where FCC.gov has maintained a fairly static appearance  
18 for a number of years, but going forward it should be  
19 constantly asking itself how it could be better.

20 MS. VAN DYCK: Part of why we're packaging this  
21 with reboot is because it's also about addressing a lot  
22 of the systems that are in place behind it, not just the  
0187

1 simple Web interface. So while it's definitely a huge  
2 part of it, it's not the only part, which makes this FCC  
3 redesign in many terms much more complex than other  
4 Federal sites redesigns, and why we're so interested in  
5 doing this process of reboot together, and put in  
6 feedback from people who do use the systems behind our  
7 Web site.

8 CHAIR BERLYN: And then a final -- just a  
9 final question is, with that continuous effort, would  
10 you be willing to work with a small number of CAC  
11 members on a regular basis to work on that give-and-  
12 take feedback process as you are looking at redesign of  
13 the Web site? Just -- it's sort of hard to do this on  
14 a -- you know, every few months to talk about it, but  
15 maybe on a regular basis to work together on that?

16 MS. VAN DYCK: Absolutely.

17 MR. BROOKS: And I think -- I mean, I think  
18 an important aspect, you know, will be that -- I mean,  
19 there will be functionality for any person in this  
20 room, or any person watching this live stream, or any  
21 person new to the FCC in the future, to become part of  
22 that conversation, both in directing feedback to us and  
0188

1 then also discussing it with each other. You know, how  
2 we will go about that is going to be a very complicated  
3 and never-ending process, but it's -- yes, it's going  
4 to happen, and we always want good ideas and further  
5 conversation.

6 CHAIR BERLYN: Okay. Great. Thank you very  
7 much. Really appreciate it. Thank you.

8 Okay. Very quickly, now. Let's see, we are  
9 at 1:45 -- a few minutes past, but we want to move  
10 quickly to our recommendations and progress reports,  
11 and we're going to start with Karen and Lisa on -- we're  
12 starting with the disability working group, correct?

13 MALE SPEAKER: Right.

14 RECOMMENDATIONS SESSION

15 CHAIR BERLYN: This should be information in  
16 our packet, right?

17 Lisa Hamlin?

18 MS. HAMLIN: Are we on? I'm on. Okay.

19 Yes, the proposal, the recommendation that  
20 we're making from the disability working group is in  
21 your packet on the right-hand side. I had looked  
22 through this, this morning. I had hoped I could just  
0189

1 go through highlights, but, frankly, everything that we  
2 want here is important to your understanding of the  
3 recommendations, and I'm going to go through it. If at  
4 some point you feel that you -- feel free to interrupt  
5 me at any point. Also if you feel like I'm -- it's too  
6 much detail, you can stop me at any point. Debra,  
7 okay?

8 CHAIR BERLYN: Okay. Before you start, Lisa,  
9 let me just mention that we have -- for those of you  
10 who are cold in this room -- of which I am one -- we  
11 have mentioned several times about the temperature in  
12 here, and we're waiting -- we're waiting -- but,  
13 anyway, my apologies. We hope to warm it up shortly.  
14 Hopefully before 4:00.

15 All right, thank you. Lisa?

16 MS. HAMLIN: I think it'll be warm right as  
17 we're leaving, is what's going to happen. And I was  
18 just -- I've just gotten a note here that I cannot go  
19 through the whole thing, so I'm really going to try to  
20 hit the highlights. Everything's here that you would  
21 need to know about it. But let me just go through a  
22 few of the important points here, so that you can have

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1 some understanding, because we would like to take a  
2 vote today, if we can do that.

3 Let me start with the introduction. This  
4 proposal, the FCC's -- in this proposal, the FCC's  
5 Consumer Advisory Committee Disability Working Group  
6 requests the full Consumer Advisory Committee to  
7 approve a resolution requesting the FCC to mandate  
8 nationwide caption telephone relay service, to the  
9 extent the service is provided over the publicly  
10 switched telephone network. At present, the provision  
11 of caption telephone relay service varies widely from  
12 State to State and is the only PSTN-based relay service  
13 proven to be functionally equivalent that is not  
14 uniformly and consistently available to anyone who  
15 needs it throughout the United States and its  
16 territories.

17 That's the basis of why we come here. This  
18 is a caption service -- caption telephone service is  
19 not provided universally at all. Each State has  
20 different rules and regulations. We would like to see  
21 this mandated across the board.

22 A little bit of history. I'm going to go

0191

1 through each paragraph but just a little bit, cover the  
2 highlights.

3 Title 4 of the Americans with Disabilities  
4 Act of 1990 requires the provision of  
5 telecommunications relay services to people who are  
6 deaf, hard of hearing, or speech disabled, that is  
7 functionally equivalent. Caption telephone service is  
8 one type of relay service that achieves this goal by  
9 enabling a person to use his or her own voice to speak  
10 directly to another party while reading responses from  
11 the other party in captions, and if he or she has  
12 residual hearing, hearing the responses voiced back by  
13 that individual.

14 So what it is, is it's phone that looks like  
15 and is used like a typical phone. Like somebody who is  
16 hearing -- for hearing -- picks up the phone, dials  
17 out, makes a connection. What happens with a caption  
18 phone is I pick up my phone; I can dial out to the

19 party I'm calling, but it leads directly to a relay  
20 operator, who then revoices, using speech recognition  
21 technology, and what I see is the text of what the  
22 other person is saying. So now I can use my own voice,

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1 I can hear what -- hear the other person talking, and I  
2 can get text to catch -- just like the text that's  
3 coming up with CART -- I can get text to get everything  
4 I'm missing. This is hugely important to people who  
5 are older, who age into hearing loss, who have no idea  
6 what a TTY is, and of course now the TTYs are being --  
7 falling by the wayside. It's also been used -- I've  
8 had experience not with my own -- it's just -- it's so  
9 smooth. You use a TTY, you have to wait. One person  
10 speaks, then the other person speaks. Even IP relay,  
11 with an operator, you get -- the operator will call you  
12 -- will be repeating back, if you're on the listening  
13 end, but you have to wait. You have to take turns.  
14 Here, I can talk to somebody. I can interrupt them.  
15 They can interrupt me. There's a smooth, functionally  
16 -- it's equivalent to the way a hearing person would  
17 use a telephone.

18 And, again, that's important, not just in,  
19 you know, me talking to my two children on the phone,  
20 but it's important at work. Somebody has to be able to  
21 function at work on telephones. They need a  
22 functionally equivalent phone.

0193

1 The problem is -- I can give you a little bit  
2 more background. The procedure has been -- on July  
3 25th, 2003, the FCC approved single-line caption  
4 telephone. That would be a form of advanced voice  
5 carry over relay service. Then in 2005 they authorized  
6 a two-line version. A two-line version is not only  
7 that I can call out, but I can get the relay service  
8 coming in as well. And then in 2007 the FCC released a  
9 ruling approving Internet protocol version of this  
10 service so I can use my computer to get the same kind  
11 of service.

12 But during none of these procedures did the  
13 FCC ever mandate any form of caption telephone relay  
14 service. The service is totally voluntary, which means  
15 each State has picked it up one at a time, and we still  
16 have three States that don't -- it's two States now,  
17 it's Massachusetts and Delaware -- or Louisiana? I  
18 can't remember which ones picked it up. But one of the  
19 two did pick it up. But now this is seriously, after --  
20 -- since 2003 it's been available, and some States still  
21 don't have it. And in fact we're D.C. -- D.C. was  
22 covered by Federal relay, and then I heard from people

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1 when D.C. had no relay -- had no caption services. I  
2 was hearing from consumers who were panicked they would  
3 lose the service that they had gotten used to.

4 Because caption telephone relay service is  
5 authorized but not mandated by the FCC, States are free  
6 to decide whether or not to offer the service to all of

7 their residents, and -- well, okay, we have the two  
8 States.

9 But not only that, they're -- each one has a  
10 whole -- each State can put whatever regulations in  
11 place they see fit. So, for example, on a monthly  
12 basis, Michigan only allows 25 additional program  
13 participants. Tennessee allows 16. Connecticut allows  
14 15. And so forth. At least 36 States have  
15 limitations. Some also limit through the back door by  
16 placing restrictions on the number of caption telephone  
17 devices that can be sold or acquired or used in their  
18 jurisdiction. For example, an individual may get a  
19 device in one State, but not be permitted to use it in  
20 another State. So when I was working in NVRC, I'm  
21 living in Maryland; I go to Virginia. Well, what  
22 happens if the Virginia phone -- she's wonderful, she

0195  
1 already provided me a CapTel, and I had one at home,  
2 but what if one of mine broke? I could not necessarily  
3 take my one that I was using at home to work, because  
4 it wouldn't be allowed to work in that State. Now, I  
5 don't know what Maryland -- I don't know what the rules  
6 are, but that's an example of some ways it could be --  
7 not be usable.

8 Did you want to add something here?

9 MS. STRAUSS: I just want to comment on the  
10 absurdity of this. I don't know whether you're getting  
11 this. Can you imagine not being able -- buying a phone  
12 in a store and wanting to take it to work, and imagine  
13 that you're not allowed to use it there? Or moving, or  
14 going on vacation, and you cannot -- you absolutely are  
15 barred from being able to make telephone calls.

16 And just to enhance a little bit of what Lisa  
17 said, this is -- and I guess she'll get into this also,  
18 but this is the only form of relay service that has  
19 been proven to be functionally equivalent, that's not  
20 ubiquitously available to anybody who needs it. There  
21 are lots of different kinds. One of the things that  
22 this memo doesn't describe is that there's a lot of

0196  
1 different kinds of relay services now. The original  
2 one was text-to-speech, where you typed on a TTY and a  
3 relay operator read everything that you said and then  
4 typed back. That's pretty much antiquated. I mean,  
5 there's still a very small portion of the population  
6 that uses it. It's very burdensome. It takes a lot of  
7 time. There's caption telephone. There's video relay  
8 service, which uses interpreters. But that's provided  
9 -- video relay and IP text relay are provided on an  
10 interstate basis and reimbursed through the -- through  
11 a Federal fund, basically, and are available to anybody  
12 through that means. There's also speech-to-speech,  
13 which is used for speech-disabled people.

14 All these other kinds of relay services are  
15 available to anybody who needs them, anywhere. This  
16 one is not, because this one is a PSTN-based version.  
17 It's a public switch -- we're not talking about the

18 Internet -- we're not talking about mandating the  
19 Internet version. We're talking about mandating the  
20 State-versus-Federal version, and it's -- basically  
21 it's a PSTN version, and the reimbursement is divided  
22 up into State and Federal jurisdictions.

0197

1 Because it is divided up -- the payment --  
2 the States have been reluctant to adopt this on their  
3 own, because they -- well, you know, they have  
4 limitations; they don't want to pay for it. But in  
5 fact the consequences are that consumers are losing out  
6 everywhere.

7 Did you have a question that we can answer  
8 now?

9 CHAIR BERLYN: Do you want to wait until we  
10 have our discussion?

11 MR. STEPHENS: I'll defer it till you finish  
12 your statements, but I do have a question that is  
13 dovetailing off what you're talking about with the  
14 cost. But go ahead.

15 MS. HAMLIN: So let me continue through, and  
16 we will try to answer all questions that we can here.

17 So, the consequence of this is that -- okay,  
18 she was saying, I have to catch up to where she was. I  
19 don't want to leave anything out because I really want  
20 you to have an understanding of where we are with this.

21 In order to remedy the situation, 30  
22 organizations -- do you want me to -- did you want to --

0198

1 - you can stop me at any time, if I'm missing  
2 something. Okay.

3 In order to remedy this, October 31st 2005  
4 more than 30 organizations representing people with  
5 hearing loss filed a petition requesting a mandate.  
6 And that was back in 2005. The lack of response from  
7 the Commission prompted a second FCC petition, which  
8 was filed this year, June 10th, and which various  
9 consumers -- a number of the same organizations-- some  
10 new ones and some that didn't sign on that I couldn't  
11 find -- since 2005 -- they renewed it. They renewed  
12 and supplemented their petition -- our petition -- to  
13 the FCC, initiating -- to initiate a rulemaking for the  
14 purpose of mandating caption telephone relay services.

15 Both the 2005 and the 2009 petitions  
16 described at length the significant ways in which  
17 caption telephone relay services enhance the ability of  
18 people with hearing loss to communicate by phone. And  
19 in fact there were a number of stories in that petition  
20 -- we can make that available if you want it -- where  
21 real people were really being affected, people who  
22 hadn't been able to communicate by phone. Once they

0199

1 got it, they found that it was the only way they could  
2 communicate. It was their way to -- then it opened up  
3 whole new areas, both for older people and for people --  
4 - working people as well. Real stories all over.

5 Though the caption -- although the caption



6 telephone relay service provides a phone experience  
7 that closely approximates the experience of  
8 conventional phone users when making phone calls,  
9 without a mandate the provision of in-State caption  
10 telephone services have been subject to the vagaries  
11 and internal State political and budgetary processes.  
12 And I can tell you myself it got frozen in Maryland, so  
13 people in my office could not get a hold of a caption  
14 phone when they needed it.

15 And this is just here, and I don't know  
16 what's going on in the rest of the States, but I know,  
17 again, these limitations have been severely impacting  
18 people.

19 A service that has been, over the past 7  
20 years, including a trial period, proven itself to be  
21 technologically feasible, cost-efficient, and most  
22 importantly, the most appropriate and functionally

0200  
1 equivalent form of communications access for this  
2 population.

3 And let me emphasize that. There is new --  
4 with video relay services, people who are deaf, who use  
5 sign language, have a really fluent way, a smooth way  
6 to communicate. But I can't use that. Because I don't  
7 understand enough sign language to use it. And a lot  
8 of the people that I know -- again, senior citizens  
9 won't tend to have video in their homes or think to get  
10 video.

11 And the other issue for me is that, as long  
12 as it's not mandated, because there are restrictions  
13 there isn't a lot of outreach to the community. The  
14 community doesn't even know it's out there, and these  
15 are people who could really benefit by having access to  
16 telephone service that they don't now have access to.  
17 And just yesterday I got an email from somebody who was  
18 trying to get a hold of legal services, but didn't have  
19 the process -- they knew about, actually, caption  
20 phone, but the process of getting a caption phone made  
21 it impossible for them to get it in time to talk to  
22 legal services. So it has a real impact on real

0201  
1 people.

2 Do you want to add to that?

3 MS. STRAUSS: The only thing I want to add is  
4 a little bit more background in terms of the ADA. The  
5 ADA, as you know, was enacted in 1990, and that  
6 contains a very, very clear directive to the FCC to  
7 create nationwide relay services. So this is really  
8 just fulfillment of nationwide relay services, as Lisa  
9 said, that's functionally equivalent to voice telephone  
10 services.

11 One of the reasons -- the main reason that  
12 that section was enacted is because, before the ADA,  
13 there were these relay services across the States that  
14 were very inconsistent and not uniform with each other,  
15 and imposed all kinds of restrictions on their users.  
16 Like they limited the number of calls you could make a

17 day; they limited the number of hours that you could --  
18 or the amount of time you could stay on a call. And  
19 they had very similar jurisdictional restrictions.

20 So, we've already been there. We've already  
21 gotten Congress's stamp of approval on eliminating  
22 those restrictions, but the FCC has been slow to adopt

0202

1 this particular form of relay service, even though  
2 they've approved it. They've allowed this -- these  
3 State inconsistencies to go on.

4 So, I guess we can open it up to questions  
5 now.

6 MR. STEPHENS: Am I the first? Well, this --  
7 are you guys going to introduce the resolution into  
8 this? I was just asking --

9 MS. STRAUSS: I guess we should go ahead and  
10 --

11 CHAIR BERLYN: Yeah, I think you should move  
12 the resolution, and then we --

13 MS. STRAUSS: Okay, and then have questions.

14 CHAIR BERLYN: We're following our Roberts  
15 Rules here.

16 MR. STEPHENS: I was going to say, if there  
17 was a point of order here to -- I would make a move to  
18 accept the resolution, you know, to get that on the  
19 floor, to get a second, and then have the discussion.  
20 So if that's a point of order, so -- I'll make a move  
21 to accept the resolution as presented.

22 CHAIR BERLYN: Do I hear a second?

0203

1 MS. STRAUSS: Second.

2 Okay, well, why don't you let Irene do it?

3 MS. LEECH: I will second.

4 CHAIR BERLYN: Okay. Discussion?

5 MR. STEPHENS: Now the discussion.

6 The -- the first question I just have is,  
7 since you talk about State limitations inside of the  
8 resolution, is this going to be incumbent on the State,  
9 Federal government, or the users to make the cost of  
10 this? And what are the costs to making the  
11 improvements to these systems?

12 And -- this doesn't -- and I want to just  
13 make this -- when I ask these questions, that doesn't  
14 reflect my opinion of the resolution. I find it very  
15 necessary to put in these different devices so that  
16 everyone has open access to communications. But I just  
17 have those questions, just where -- what are the costs?

18 Or what do you think the costs may be? And who foots  
19 the bill?

20 MS. STRAUSS: First of all, we're not talking  
21 about devices; we're talking about services.

22 MR. STEPHENS: I understand.

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1 MS. STRAUSS: Okay. I just want to be very  
2 clear that that's --

3 MR. STEPHENS: And I'm sorry that that's just  
4 my --

5 MS. STRAUSS: No, no. That's okay. And what  
6 we're really talking about is just making sure that all  
7 of the States provide uniformly these services to  
8 people. The cost per minute is how relay costs are  
9 evaluated, and I don't have it with me, the exact cost.

10 It's about \$1.60 a minute, I think, right?

11 FEMALE SPEAKER: More or less.

12 MS. STRAUSS: Around that area. It's  
13 actually now the cheapest, right -- it's the cheapest  
14 form of relay service that there is. It's actually,  
15 now, even cheaper than TTY-to-voice, because hardly  
16 anybody's using TTY-to-voice, so there's no economies  
17 of scale.

18 So, just by way of comparison, video relay  
19 service is over \$6 a minute. And other relay services  
20 -- speech-to-speech -- is also in the \$1-plus range.  
21 But it's around \$1.50, \$1.60, something like that.  
22 It's paid for through -- each State can decide itself

0205  
1 how it wants to pay for it, but generally it's a  
2 surcharge on bills. That's the way it's been since  
3 1990. Some States incorporate it into their rate base,  
4 so the consumers don't see a surcharge at all. So it's  
5 perceived as a universal service function. That's the  
6 way it was originally created. Just the way rural  
7 customers that -- it might cost more to provide service  
8 to a rural customer because they're further out from  
9 the network facilities, but those customers don't pay  
10 any more. It's the same kind of reasoning. It costs a  
11 little more to provide the service for people with  
12 disabilities, but everybody shares in the cost.

13 MR. STEPHENS: Okay, so, it's not necessarily  
14 just me, who's making a phone call over to Karen, and  
15 I'm the person who's -- has the hearing impairment, am  
16 I going to pay that --

17 MS. STRAUSS: No, no individual pays for each  
18 individual call. The calls are -- it's basically a  
19 monthly, either surcharge, or just incorporated in the  
20 month.

21 MR. STEPHENS: Same as 9-1-1 charge, or --

22 MS. STRAUSS: Exactly.

0206  
1 MR. STEPHENS: -- something like that. So  
2 it's just spread around to everyone.

3 MS. STRAUSS: Right.

4 MR. STEPHENS: Okay.

5 MS. HAMLIN: Let me just add to that to make  
6 it clear. You're not -- the surcharge pays for the  
7 relay services. But when I call Karen, I'm billed for  
8 calling Karen. I just am not billed for the relay  
9 piece of it. Everybody picks up that piece. But I  
10 still have to pay my phone bill. Yeah, I do.

11 MS. STRAUSS: From the point of origination  
12 to the point of destination. That's the functionally  
13 equivalent part.

14 MR. STEPHENS: And the reluctance here on the  
15 States' part to do this, I'm curious as to why. Maybe

16 calling from North Carolina to South Carolina, maybe  
17 there's a difference. Let's say North Carolina has  
18 that service and say South Carolina doesn't, or I can  
19 call Tennessee, but then Virginia -- you know, you get  
20 the picture.

21 MS. STRAUSS: Yeah, that's it exactly.

22 MR. STEPHENS: So what's the problem there?

0207

1 Or, what are you guys perceiving as the problem?

2 MS. STRAUSS: Well, this is the only relay  
3 service where States have been allowed to limit the  
4 number of users that can use a relay service. That's  
5 what is so bizarre. I mean, in that situation, if  
6 North Carolina says that only 25 people in the State  
7 can come on a particular month, and there's a 26th  
8 person that wants to join the service, and they're not  
9 on board, if they try -- if somebody else tries to call  
10 them or if they try to call somebody else, that call is  
11 going to be blocked. That's the ramifications, and  
12 that's the problem.

13 MR. STEPHENS: And I'm just wondering, you  
14 mention universal service funds, and I know several of  
15 the activities that USF will try to pay, I know that  
16 with Lifeline and Linkup and some of those things, I'm  
17 curious as to -- you know, this couldn't go to --

18 MS. STRAUSS: This is separate.

19 MR. STEPHENS: Even to -- even in here to  
20 help foot that cost.

21 MS. STRAUSS: No, it's separate. USF  
22 actually copied TRS -- Telecommunication Relay Services

0208

1 came first and created a USF-type mechanism, but it's a  
2 separate fund. So --

3 MR. STEPHENS: If costs were going to be an  
4 issue, if that is something we need to tackle --

5 MS. STRAUSS: Costs will not be an issue once  
6 the FCC mandates this. It's the same thing as what  
7 occurred before 1990, where the States were a little --  
8 some of the States were hesitant; the FCC mandated it,  
9 and it became a routine cost. It is not a lot of money  
10 per person. It's literally pennies. Usually the  
11 surcharge is way under a dollar. It's usually maybe 50  
12 cents or so.

13 MS. HAMLIN: I think what the problem is, is  
14 that what happens is the States go to their  
15 legislatures and say, "This is voluntary," and the  
16 States say, "Ah, well, then I don't want to spend my  
17 budget on this service," and not understanding the  
18 ramifications of what they're saying, or they want to  
19 limit it -- that kind of thing. That's what the  
20 problem is. If we mandate it in every State, they must  
21 say to every State that you must have this, and we  
22 create guidelines that are universal, not one State

0209

1 doing different things than the other.

2 MR. STEPHENS: Madam Chair, I have no problem  
3 supporting this resolution.

4 CHAIR BERLYN: Let's continue the discussion.  
5 Gloria?

6 MS. TRISTANI: I have a series of questions,  
7 and I think that some of them follow up on your very  
8 good questions and very good answers.

9 But one thing I want to understand before the  
10 questions, or an initial question, is the FCC has not  
11 even initiated a rulemaking here, right? Or, are you  
12 asking for a ruling? I want to make clear what the  
13 petition -- are you asking for the FCC to issue a  
14 declaratory ruling that it should be mandated, or are  
15 you asking for a rulemaking? Because they're two very  
16 different things.

17 MS. STRAUSS: We would love it if they just  
18 declared it, but there have been some concerns raised,  
19 I think by -- no, you're Verizon -- by AT&T, who  
20 actually, interestingly enough, the first time the  
21 petition was filed opposed it and now supports it, but  
22 they've asked for a rulemaking. So if you look at the

0210  
1 resolution, it is for the CAC to urge the FCC to grant  
2 the petitions by initiating --

3 MS. TRISTANI: By they're asking for --

4 MS. STRAUSS: -- initiating and completing a  
5 rulemaking.

6 MS. TRISTANI: Okay. But I think that should  
7 be clarified, because I think it would be easier to  
8 support initiating a rulemaking than an outlay.

9 MS. STRAUSS: The petitions ask for a  
10 rulemaking.

11 MS. TRISTANI: The first one as well?

12 MS. STRAUSS: I believe so.

13 MS. HAMLIN: I'll have to look.

14 MS. STRAUSS: Do you have the petition with  
15 you?

16 MS. HAMLIN: I'm just trying to --

17 MS. STRAUSS: In any case, the resolution  
18 asks for -- and we can always take out the phrase, if  
19 it doesn't, but I thought it did. We're asking for a  
20 rulemaking.

21 MS. TRISTANI: Because I think one of the --  
22 I don't know who's been opposing this. Someone

0211  
1 obviously has been opposing this.

2 MS. STRAUSS: No, no one has been opposing  
3 it. We had 8 years of inaction in this agency.

4 MS. TRISTANI: Well -- but I suspect there  
5 may be some States -- I'm not speaking for States --  
6 but there may be some States that will say, at the end  
7 of the day it's going to cost us more money to -- you  
8 know, and I think it's for the public good. I support  
9 the principle and all, but I think if that's the case,  
10 then that needs to be explored in a rulemaking to give  
11 everybody an opportunity.

12 MS. STRAUSS: Actually, let me clarify one  
13 thing. There has been one State that came out in  
14 opposition just recently, and that was the State of

15 California. There's other issues with California that  
16 are not worth going into, and you're right, they would  
17 come out during a rulemaking. They want to actually  
18 alter the way the service is provided. They're the  
19 only State that has requested doing so, but Lisa just  
20 confirmed that the petitions asked for a rulemaking.

21 MS. TRISTANI: That was actually my principal  
22 concern, because I guess a follow-up question is, you

0212

1 say no one else has opposed this?

2 MS. STRAUSS: No one else has opposed it on  
3 the record.

4 MS. TRISTANI: On the record?

5 MS. STRAUSS: No. Overwhelmingly, literally  
6 hundreds if not thousands of consumers have come  
7 forward to support it.

8 MS. TRISTANI: Okay. Okay. And you have a -  
9 - this was filed in -- the second petition was filed in  
10 June, and no one has opposed it?

11 MS. STRAUSS: Only California.

12 MS. TRISTANI: Only California? No carrier  
13 has opposed this either?

14 MS. STRAUSS: No carrier has opposed it; in  
15 fact, it has been supported by Sprint, AT&T. I don't  
16 think any other carrier has commented. Yeah.

17 MS. TRISTANI: So, one party opposing it?

18 MS. STRAUSS: One party opposing it.

19 MS. TRISTANI: Okay. Well, that's -- I don't  
20 need to ask anything further.

21 CHAIR BERLYN: Cheryl?

22 MS. HEPPNER: I just want to add a little

0213

1 detail, maybe a bit of a human face. But I use the  
2 CapTel phone, and I was actually involved in the early  
3 pilot testing, and let me point out a couple of things  
4 that I think would be interesting for you to know.

5 In fact, pretty much any one of you who  
6 doesn't have a hearing loss could walk into, say, a  
7 Costco or a Walmart, and you could get a Vonage, say,  
8 brand name, phone for their home. And it would cost  
9 you maybe \$39 to have three or even four of them, and  
10 that would be cheaper than one caption telephone. The  
11 consumers have to pay some other -- some times there  
12 are special offers. And also Lisa mentioned that we're  
13 still paying for the phone service, but when you do  
14 things by telephone -- not the Internet version of it,  
15 but that particular telephone -- you can only make  
16 outgoing calls easily. If you want to have incoming  
17 calls routed to your phone, you need to pay for a  
18 second phone line.

19 And I also want to tell you that at my  
20 center, we place a lot of these phones with people.  
21 They are specially desirable for people who are  
22 starting to lose their hearing, because they want a

0214

1 phone that looks just like the phone they're used to.

2 You don't have to do anything special. You don't have

3 to dial a special number and wait for somebody to get  
4 on the line. You pick the phone up, you just dial the  
5 number of the person you want to call, and this service  
6 takes care of everything and puts you through to it.

7 Especially for those who are having memory  
8 problems and are just overwhelmed by a lot of modern  
9 technology, this has been literally a lifesaver. It's  
10 a very, very important service. It needs to be widely  
11 available. And I cannot believe the FCC has not taken  
12 action on this. A whole huge group of people are  
13 disenfranchised from communicating with their friends,  
14 their loved ones, emergency services, you name it.

15 CHAIR BERLYN: Claude?

16 MS. STOUT: I strongly encourage all of you  
17 to support this resolution. Without video relay  
18 service, many of us, you know, would have these  
19 limitations. There's no limit on that kind of service  
20 for those of us who use sign language as our primary  
21 form of communication. There's no limitation on  
22 Internet-based relay services or speech-to-speech. And

0215

1 I can't tell you how much this upsets me, how  
2 disheartening it is. We really need to send a clear  
3 message to the folks upstairs that we can no longer  
4 deal with the limitation, that, you know, there are  
5 people among us who do not have basic access to phone  
6 service.

7 I use a CapTel phone on occasion when I talk  
8 with my children, and they are delighted to be able to  
9 hear my voice while I'm using that. The relay service  
10 does not just benefit people who've lost their hearing  
11 later in life, people who've grown up using speech, or  
12 are accustomed to using their voice; but the person on  
13 the other end of the call sometimes is the beneficiary  
14 of this kind of service as well. So, you know, being  
15 able to build and continue personal relationships, to  
16 contact my family -- people who are senior citizens,  
17 who often are living away from their family, who often  
18 don't have a lot of social contacts, for children to be  
19 able to hear their parents voices. There are so many  
20 situations where people get this feedback, this direct  
21 line of communications with their loved ones. So,  
22 again, I urge you to support the resolution.

0216

1 CHAIR BERLYN: We'll have one more comment.  
2 Mark -- and then we'll move to -- oh, I'm sorry. I  
3 didn't see you.

4 MR. DeFALCO: Can we get Mary after I speak,  
5 or do you want me to give her my time?

6 CHAIR BERLYN: Do you have a brief --

7 MR. DeFALCO: I'll be very brief. I don't  
8 know much about this at all, so I think my whole  
9 knowledge level of this is the presentation you just  
10 gave, because I've not been exposed to it before.

11 I would just raise one point. Gloria is  
12 right. There are some parties out there -- I don't  
13 know who they are -- who, for whatever reason, are

14 against this, because -- I guess it's money. And the  
15 States are going to incur some kind of a cost involved  
16 here. So, my only -- I will support it. I have no  
17 problem supporting it whatsoever, the limited knowledge  
18 of it that I have.

19 But the only point I would make is, the FCC  
20 has just opened a proceeding to start looking at IP  
21 networks for the future. And it's really a transition  
22 from the public-switch telephone network to the IP

0217  
1 network. And this is -- kind of strikes me as, you're  
2 asking for a rulemaking, which is going to take a long  
3 period of time to occur. And then when the ruling is  
4 made, then the States have to come up with a way of  
5 getting together the money that they individually need,  
6 so you're going to have a bunch of proceedings in  
7 different States to come up with the funding, and  
8 that's going to take a lot of time too. And are you  
9 going to put a lot of effort into something that is  
10 going to be obsolete by the time you get it  
11 accomplished? Because you're going to be starting to  
12 migrate to the new network. So I'll support it, I have  
13 no problem with that, but at the same time you should  
14 be working at trying to get your comments on this issue  
15 teed up with the IP rulemaking as well.

16 MS. STRAUSS: The real short answer to that  
17 is that there is an IP version of this available, but  
18 that this is specifically for all of those people that  
19 we talked about this morning who don't have access to  
20 broadband. And that's going to be a huge number of  
21 senior citizens.

22 I'm almost -- I'm really sorry that we didn't  
0218  
1 bring some sample comments, because you can't believe  
2 it. I mean, people pouring their heart out about how  
3 this, as Cheryl said, is a lifesaver, a godsend, it's  
4 the best thing since sliced bread, since the invention  
5 of the airplane, since the invention of the sandwich.  
6 I mean, there's all these analogies, because what it  
7 did for senior citizens is it gave them the opportunity  
8 to use the phones that they're used to using their  
9 whole live, and enabled them to keep using them. They  
10 don't want to go to IP. They want to stay with their  
11 regular conventional telephones.

12 CHAIR BERLYN: That's a good point.  
13 Mary?

14 MS. CRESPIY: Hi. This is Mary Crespy with  
15 Verizon. Just a really quick point of clarification.  
16 Four years ago when the petition was filed, our  
17 predecessor company, MCI, had filed an opposition, and  
18 then during comments and reply comments, Verizon  
19 purchased MCI's TRS business, and we went on record  
20 opposing it as well. And at that point, there was just  
21 one vendor that provided the underlying technology, and  
22 our TRS business was unable -- this is what I

0219  
1 understand -- unable to get access to that technology.



2 And that's why we went on record in opposition.  
3 Verizon is no longer a TRS provider, and we did not  
4 file in the proceeding this past summer, so we don't  
5 really have a position, at this point, that would  
6 oppose it. But I just wanted to make that  
7 clarification, and I don't know if the industry has  
8 changed in the past 4 years, with regards to that  
9 technology.

10 And very briefly, on a personal note, I  
11 bought a IP CapTel for my mom 2 years ago when she lost  
12 her hearing, and it's been amazing, because we were  
13 going through the Dad relay --

14 [Laughter.]

15 MS. CRESPI: And it was wonderful to hear my  
16 mom's voice again and talk with her on the phone.

17 CHAIR BERLYN: Excellent.

18 So, are we ready to call the question?

19 MS. STRAUSS: Can we move to adopt the  
20 resolution as proposed?

21 CHAIR BERLYN: All those in favor?

22 [A chorus of ayes.]

0220

1 CHAIR BERLYN: Any opposed?

2 [No response.]

3 CHAIR BERLYN: Any abstentions?

4 [A show of two hands.]

5 CHAIR BERLYN: Two? Two abstentions. Two  
6 abstentions: Ann Bobeck, NAB; and CEA. And all else  
7 were ayes.

8 MS. STRAUSS: Thank you very, very much.

9 CHAIR BERLYN: Thank you all. Okay.

10 How many people here have BlackBerrys or  
11 iPhones or some sort of device where you can look at  
12 your email, or something in front of you? Could I ask  
13 everyone to stay in your seat and look at your email.  
14 We have a mandatory break for our CART facilitator  
15 here, but I don't want to make this a break, kind of --  
16 or -- okay, you can go to the ladies' room or men's  
17 room. But please come back within 5 minutes, because  
18 otherwise we're not going to have an opportunity to  
19 complete our schedule on time. So 5 minutes maximum.

20 Yes, Gloria?

21 MS. TRISTANI: We are going to have a chance  
22 to discuss future issues?

0221

1 CHAIR BERLYN: That's exactly why I don't  
2 want to lose our scheduled time here. So, yes, we  
3 will. Yes, we can.

4 [Laughter.]

5 [Recess.]

6 CHAIR BERLYN: We're trying to get started.  
7 If anyone's in the room who needs to be in their chair  
8 -- I knew this would happen. See what happens? I  
9 knew it.

10 Brenda, do you mind starting with your  
11 working group report?

12 MS. PENNINGTON: Sure.

13 CHAIR BERLYN: Thank you.  
14 MS. PENNINGTON: Do you want me to start now?  
15 CHAIR BERLYN: Yes, if you could. Thank you.  
16 MS. PENNINGTON: Oh, no problem at all.  
17 What I've passed out while we were on break  
18 is a memo that's dated December 4th, and it's -- I'll  
19 go through the memo.  
20 It deals with truth-in-billing principles,  
21 which is an issue that the Consumer Protection  
22 Subcommittee has undertaken --

0222

1 CHAIR BERLYN: I'm sorry. Could you just  
2 hold up the -- what you distributed and make sure  
3 everybody has it, because I don't think -- I don't know  
4 if I have a copy.  
5 MS. PENNINGTON: Oh, okay.  
6 MALE SPEKER: It wasn't in the packet.  
7 MS. PENNINGTON: No, it wasn't in the packet,  
8 but I sent it around while we were on break.  
9 CHAIR BERLYN: All right. Thank you, Brenda.

10  
11 MS. PENNINGTON: Sure.  
12 CHAIR BERLYN: Now you can go again.  
13 MS. PENNINGTON: And, basically, this issue  
14 we decided to undertake as it's a very important issue.  
15 It -- we've seen other issues that are tangentially  
16 related to that, during our discussion of the consumer  
17 complaints. We had -- which I thought were two very  
18 good issues that were brought up by Gloria and Marti.  
19 Consumers are still confused about their  
20 telephone bill. What it says, what the taxes and  
21 surcharges are. My office in particular gets an  
22 abundance of consumer complaints still asking about,

0223

1 What is this TRS? You know, that we just discussed.  
2 What is the universal service fund? Do I have to pay  
3 these taxes and surcharges? Who mandated them? And  
4 why?  
5 But it's not just taxes and surcharges that  
6 we're looking at. So, the FCC issued an NOI in late  
7 August, and I'm very excited about the work that we can  
8 do at the CAC in order to give the Commission some  
9 guidance. The Commission had already come up with  
10 principles and rules that they put into place with  
11 truth in billing on the wireline side. And they've  
12 also done some on the wireless. What they really are  
13 looking for is an indication from industry and from  
14 consumers as to whether or not there needs to be rules  
15 that are put in place for broadband as well as the  
16 strengthening of the rules that they currently have.

17 Of course, being a consumer advocate, I say  
18 "yes." But it also addresses a consumer concern. So  
19 it's not just "yes," we want tougher, stronger rules;  
20 but it actually will help reduce consumer confusion.

21 A large portion of the telephone bill now  
22 really does revolve around taxes and surcharges. So

0224

1 the subcommittee has come up with about 20 principles.

2 And while we're not going to take a vote today,  
3 because even though we've had a couple of -- we  
4 convened a couple of teleconferences, it wasn't  
5 convenient for the subcommittee to meet so that we  
6 could get a quorum.

7 What I'd like to do -- my goal is to have you  
8 all read this memo. Even though there are 20  
9 principles on here, what has come out in some of the  
10 conference calls is that I'd like to cull down and make  
11 the principles sharper. What I'm thinking about doing  
12 is to come up with four categories, and those  
13 categories would be something like consumer  
14 protections; enforcement; consumer -- point-of-sale  
15 requirements, that at the point of sale these are  
16 things that need to be addressed with the consumer; and  
17 information that should be clearly and concisely  
18 written.

19 Some of these principles, like 3 and 16, are  
20 duplicative of one another, but I think that if, you  
21 know, we put them together, we'll still get -- we'll  
22 make a stronger impact. So, I'm asking that the

0225

1 committee get back to me by January 8th -- and I'm  
2 certainly going to send out an email -- and I'd like  
3 everyone to get back by January 8th with respect to  
4 their comments, so then we could put this document in a  
5 form that could be voted on by the full CAC.

6 CHAIR BERLYN: Thank you, Brenda. So,  
7 procedurally, what we're going to do, then, Brenda, is  
8 you're going to be working with your working group over  
9 the next month --

10 MS. PENNINGTON: Yes.

11 CHAIR BERLYN: -- and then what we will need  
12 to do is have a teleconference to approve these  
13 principles, so that they can then be forwarded to the  
14 full -- we'll have a teleconference of the full CAC to  
15 approve these principles so that they can be given to  
16 the FCC before our March meeting.

17 MS. PENNINGTON: Yes. And Scott has already  
18 taken the initiative and talked with Erica McMahon, and  
19 they're looking forward to our comments. And we're  
20 thinking about having a teleconference with the FCC  
21 before our March meeting, so that -- is that the  
22 correct understanding, Scott?

0226

1 CHAIR BERLYN: No.

2 MR. MARSHALL: The teleconference would be of  
3 the full CAC to act upon the document as it has  
4 evolved. The -- Erica had indicated that it would be  
5 useful to have this information to her by January or  
6 early February.

7 MS. PENNINGTON: Right.

8 MR. MARSHALL: And that's why it's -- it will  
9 be necessary for us to have a special teleconference  
10 meeting. We've done this in the past, when something  
11 was time of the essence.

12 MS. PENNINGTON: Okay. Well, with that  
13 clarification, it's still is in keeping with the  
14 schedule that we had discussed.

15 MR. MARSHALL: Right. Correct.

16 CHAIR BERLYN: The staff person from the FCC  
17 is on your left here, who will give us some -- I'm  
18 sorry. On your right. I'm sorry.

19 MR. MARSHALL: Sure. This is Julie Saulnier,  
20 from Erica's group, who knows infinitely more about  
21 this topic than I do. Did you want to make a comment?

22 MS. SAULNIER: I'll try to be very brief,

0227

1 just because I know you have a full schedule.

2 My name is Julie Saulnier. I'm Erica  
3 McMahon's deputy in the Consumer Policy division. I  
4 just want to repeat the information that we are very  
5 much looking forward to any input that you might have.

6 At this point the Notice of Inquiry was  
7 issued in August. The official comment period has  
8 closed. And we're -- what we're doing now is  
9 considering the comments. So it is very timely.

10 We don't have -- we don't really know right  
11 now when this notice is going to move again. The  
12 Commission, as you probably know, is sort of focused,  
13 and will be focused for a while, on getting out the  
14 broadband plan in February. But it is a good time for  
15 -- and we would look forward to your input.

16 And just one additional note about the Notice  
17 of Inquiry. It's very much -- we used -- the vehicle  
18 we used for putting it out was our existing truth-in-  
19 billing proceeding, but as Brenda appropriately pointed  
20 out, it extends beyond wireline and wireless telephone  
21 service to broadband services. It also extends to all  
22 -- the full range of communication services, even

0228

1 including cable and VoIP. And basically we put  
2 everything on the table, just because we asked, very  
3 broadly, what additional information consumers may need  
4 when they're making their purchasing decisions.

5 So, it does -- it covers not only billing,  
6 point-of-sale disclosures, but anything else that we --  
7 that might come up -- to your attention.

8 And just to be sure you have all the  
9 information in your hands, I wanted to mention two  
10 other proceedings which involve consumer issues. I  
11 think the broadband proceeding has already come up  
12 once. There is currently -- it was very recently  
13 issued -- a public notice, in our general broadband --  
14 open broadband initiative, seeking comment on what  
15 additional transparency, is the word used in that  
16 proceeding. That -- we mean by that the full range of  
17 consumer disclosures, what additional transparency and  
18 consumer information might be appropriate in the  
19 broadband context. And I'm flagging that for you  
20 because the broadband plan timeline is -- we're bumping  
21 up against the deadline of February 17th. It's a very  
22 short comment framework, and the comments on that

0229

1 public notice are due December 14th.

2 And I also wanted to let you know in the much  
3 more recent open Internet, sometimes called "net  
4 neutrality" proceeding, the 6th principle that we --  
5 the Commission is proposing to codify is a principle on  
6 transparency. So, again, consumer information and  
7 disclosure issues are posed in that proceeding. And  
8 that's much newer. The comment deadline is still open,  
9 so there's -- that -- we're also -- any input you might  
10 have in either of those proceedings would be helpful.

11 All of the information that I'm giving you is  
12 available on our Web site. I can get you copies of  
13 these things if you don't have them right now, but it's  
14 all up on the Web site, so please help yourself.

15 Thank you.

16 CHAIR BERLYN: Thank you very much.

17 Appreciate it.

18 Well, that helps a great deal to reinforce  
19 the timeliness of this. So, I guess that means,  
20 working group, look for information from Brenda and be  
21 prepared for feedback and discussion. And then, CAC,  
22 look for notice for a teleconference sometime. We

0230

1 anticipate around the end of January.

2 So, very good. Thank you very much, Brenda.

3 MS. PENNINGTON: Thank you.

4 CHAIR BERLYN: Okay. On our agenda, next up  
5 -- and Jamie, help me out here -- we have Brian  
6 Markwalter -- is he in the room?

7 Oh, okay. Great, would you come join us up  
8 at the table? We have a report -- progress report --  
9 from the Digital Closed Captioning and Video  
10 Description Working Group.

11 Thank you for being with us. Do you need to  
12 hook up?

13 MR. MARKWALTER: No. We talked about this.

14 CHAIR BERLYN: You can come right up here  
15 then.

16 MR. MARKWALTER: Okay.

17 CHAIR BERLYN: Actually, I think I even might  
18 have a tag for you.

19 MR. MARKWALTER: Thank you. Thank you for  
20 having me. I'll try to be quick.

21 When I put together the information -- I  
22 guess, first of all, I drew the short straw on

0231

1 presenting for the Closed Captioning and Video  
2 Description Working Group. Karen would have gladly  
3 done it actually, but she has a travel obligation. So  
4 let me get through this quickly. I'm going to compress  
5 19 slides I put together, and spare you from that, and  
6 just do this verbally.

7 The purpose of the working group is to  
8 conduct an assessment of closed captioning and video  
9 description, technical issues associated with the  
10 switch to digital television, and to recommend to the

11 CAC solutions to any technical problems arising with  
12 these services in conjunction with the DTV transition.  
13 That was from the public notice originally, when the  
14 members of the working group were announced.

15 The group had its first meeting on May 18th,  
16 there was a broad discussion of types of accessibility  
17 problems when we were first trying to get hands around  
18 the issues that we were facing. We did a review of the  
19 CSD captioning survey that they had conducted, which  
20 provided us good information on consumer views of  
21 captioning problems. And we partitioned our overall  
22 talk into a number of sub-tasks and created five

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1 subgroups under the working group to attack the  
2 different areas. And I'll go to the subgroups in just  
3 a moment, try to give you a little status update on  
4 each piece, since the work is really happening in  
5 subgroups at this point.

6 We had a second meeting on November 9th, and  
7 the bulk of that meeting was spent in progress reports  
8 of the subgroups. I think virtually all of whom -- I  
9 believe all of them -- I'm not on everyone -- but I  
10 think all of them had met at least once. And in the  
11 case of subgroups I lead, we had met four times. So,  
12 most have met two or three or four times in between the  
13 first meeting of the working group and the second.

14 The majority of that meeting, besides the  
15 reports, was spent in discussing the main issues being  
16 resource constraints on the people involved -- it's  
17 just the amount of work, the complexity of the  
18 problems, and the limited people time, mostly. There  
19 are some funding issues, but mostly people resources to  
20 take apart some of these problems and understand them.

21 The lack of any identifiable, what I would  
22 call, low-hanging-fruit; there were no obvious stand-

0233

1 out problems that we could say, Let's go deal with that  
2 first. They seemed to be scattered around and coming  
3 from many different areas.

4 And then the last part, there were some, kind  
5 of, process questions, since quite a few of us are not  
6 familiar -- we did not come from a CAC background, so  
7 how to make recommendations. We came in sort of going  
8 from work in subgroups to trying to put something  
9 together in time for this meeting itself. And so we  
10 struggled a little bit with how people -- how we should  
11 make proposals internally and bundle them up and reach  
12 consensus on them.

13 I want to briefly discuss the five subgroups,  
14 so you'll get a feeling for how we've broken out the  
15 problems. The first one is -- I'll use short names --  
16 there are longer names associated with them -- but the  
17 first one is the -- I'll call it the Data Needs  
18 subgroup. And it's focused on figuring out what data  
19 service providers, equipment manufacturers, and the  
20 captioning service providers -- I'm sorry, the first,  
21 "service provider," by that I mean the video

22 programming distributors -- the manufacturers, and then  
0234

1 the caption service providers -- the kinds of data they  
2 need to be able to track down and solve problems.

3 From that comes -- once you sort of get a  
4 handle on that, then the natural next step is, well, if  
5 you've tracked down a problem and solved it, then  
6 you're beginning to build a data base of problems and  
7 solutions. And so, that was sort of a natural next  
8 extension. There's an open question in that group --  
9 besides the fact they're still working on the  
10 fundamental issue of who needs what data to solve  
11 problems? If we do move towards this data base, how  
12 would you operate it, populate it, and fund it?

13 And, last, I think this is true of several of  
14 the working groups, there is overlapping scope, if you  
15 will, because this data base probably feeds into the  
16 consumer information subgroup that I'll mention in a  
17 moment.

18 The second one, which are -- is Lessons  
19 Learned and Unsolved Mysteries subgroup. So, these  
20 are, sort of, our detectives right now. So, it's a  
21 pretty large group. They focused on collecting data of  
22 problems. And by "data" I mean not just, like an

0235  
1 incident report. What we figured out is that, in many  
2 cases, we actually have to capture the bitstream, the  
3 signal itself and have an expert take it apart. CEA  
4 has funded an engineering consultant to document how  
5 slightly technically savvy users have their -- in the  
6 captioning user community -- could help us capture some  
7 streams, and then this consultant would analyze them.  
8 We had a couple that the FCC already had; we had a  
9 couple of signals that EchoStar had seen that had  
10 experienced problems. So that's under way. We're  
11 identifying a couple more consumers to help us get  
12 these bitstreams, and then we will analyze them and  
13 figure out what it tells us about where the problems  
14 come from.

15 The goals for that group -- and this is a  
16 really critical group, because it helps us understand  
17 what these problems really are underneath, besides what  
18 the consumer sees on the screen. So, their goal is to  
19 be able to kind of have an interim report in the first  
20 quarter. I guess it could be final, but I don't think  
21 we know enough to know yet whether it'll be final. But  
22 in the first quarter -- and again, we're sort of

0236  
1 resource-bound. CEA, at least the funding that I had  
2 provided through my group, was for this year, so we'll  
3 have to see what happens when we cross over into  
4 January.

5 There's also an issue that was noted and  
6 discussed a little bit in our last meeting about  
7 confidentiality. So that -- you can imagine, when  
8 you're sitting in front of the FCC who also has an  
9 enforcement function, and you're talking about the --

10 you know, somebody -- some problem with captions, and  
11 there's lots of sensitivities about taking those apart.

12 And who's willing to say openly, "Well, this  
13 happened," or how do you document this stuff without  
14 effectively saying, "This person violated some  
15 procedures, or apparently did"?

16 Then there's a Video Description Challenges  
17 subgroup that Larry Goldberg leads, and in this case --  
18 this is about the video description audio track that is  
19 associated with TV services. And the consensus is that  
20 although the standards document how to provide these  
21 other audio programs, which in the past would have been  
22 done as simply a secondary audio program in analog TV,

0237  
1 it's a little bit more complicated, because the digital  
2 television is much more robust, so it allows many  
3 different associated analog programs. The problem is  
4 how does a content producer indicate that what's called  
5 metadata -- the associated data that says this  
6 particular audio stream is the video description that's  
7 meant to go with this program. So getting audio there  
8 is less of a problem than tagging the audio and getting  
9 it through the whole chain and getting the receivers  
10 and the subtitle boxes to know how to find it.

11 CEA -- in this case we already had a working  
12 group that was working in this area on this type of  
13 problem, of finding audio and finding the desirable  
14 audio in a digital television program. So we're  
15 working on a recommended practice in our standards  
16 venue, and essentially Larry's group is waiting for  
17 that, which we're going to provide a draft this week,  
18 and then I think through Larry's group, we'll try to  
19 get a handle on the impacts

20 So the recommended practice will say, Here's  
21 what we think we ought to be doing. There's a separate  
22 issue of what of the legacy equipment, what if the

0238  
1 equipment that's out there, simply can't do it the way  
2 we think it ought to be done. In other words, people  
3 made decisions about implementing that -- in the  
4 absence of clear enough guidance in the standards that  
5 we need to make a correction for.

6 The other piece of Larry's work in the video  
7 description area relates to the -- making devices  
8 themselves accessible. And by that we're talking about  
9 having audible interfaces for what are otherwise  
10 graphical interfaces on TVs and set-top boxes. So, in  
11 this case, this so visually impaired people can find  
12 and use the controls on their equipment. And actually  
13 CEA separately has engaged in dialogue with a couple of  
14 the visually impaired groups, trying to figure out how  
15 we can get started on that. But I have some things  
16 that -- that they would like to pursue in terms of  
17 design approaches, and we're trying to gather the TV  
18 manufacturers together. So, that's not under Larry's  
19 group itself, but we are trying to get that dialogue  
20 going.



21           The Consumer Information subgroup -- this is  
22 Karen's -- and they had -- they reached general  
0239

1    agreement -- and she probably has the -- in some ways  
2    the most important piece, which is to take all this  
3    technical work that's going on and turn it into  
4    material for the outside world. They have general  
5    agreement on the need for easy-to-understand guidelines  
6    on how to set up and activate captioning and video  
7    description. That's an area that my group is also  
8    looking at, and I'll get to my group in just a second.  
9    That service provider, manufacturer, Web sites should  
10   be searchable, so that people with disabilities have a  
11   better chance of finding the specific solutions that  
12   they need. We think -- or we hope to get the  
13   information there, but then you've got to be able to  
14   find it without too much effort. And there's a  
15   recommendation that FCC should provide a single Web  
16   portal as a clearing house of information. The analogy  
17   that's consistently given is what was done with the DTV  
18   transition itself, but more focused on accessibility  
19   issues directly.

20           Some others suggested that FCC actions -- and  
21 I'm sure she'll drill down on these further -- public  
22 advisors on complaint processes, how video devices  
0240

1    interconnect with each other -- and that's actually a  
2    separate -- my subgroup identified that separately.  
3    And HDMI, which is one of -- is the new digital  
4    interface on TVs, and some usability problems  
5    associated with it.

6           There's a recommendation to conduct large-  
7    scale consumer education by mainstream media and PSAs,  
8    et cetera, and in publishing articles on consumer  
9    organization newsletters, blogs, and Web sites.

10           Okay, the last group is mine, HDMI and Video  
11 Sources subgroup. And this goes to the problems  
12 associated with the transition, not of digital  
13 television broadcast, but of digital interfaces on  
14 products, which do not handle captions the same way  
15 that analog interfaces do. Analog passes captions just  
16 like a broadcast signal, and that doesn't exist in the  
17 digital world anymore. So, there are some expectations  
18 and, sort of, things are just different in the way they  
19 behave, and where you need to turn on captions.

20           And so, our group has agreed that we need to  
21 document best practices. This is essentially the same  
22 thing that Karen's group identified, that we need to  
0241

1    write down in simple -- probably some combination of  
2    words and pictures -- how you connect equipment, and  
3    what you should expect, and where you turn on caption  
4    decoding, to help consumers understand what's become a  
5    fairly complex interconnection process now.

6           The other piece that's identified in our work  
7    is understanding HDMI, which right now is essentially  
8    just a picture-passing interface. What it does is,

9 instead of passing a video signal that the TV takes  
10 apart as is done with analog TV, it literally passes  
11 the pictures and just says make this picture on your  
12 screen. And it was not set up originally to do -- to  
13 pass captioning. So we need to think through, and we  
14 actually have asked the HDMI licensing organization,  
15 the owners of HDMI interface specification, to join our  
16 next call, which they've agreed to do. And talk to  
17 them about how they update their spec and what their  
18 plans are, and also express to them the needs of the --  
19 especially the hearing-impaired community, in this  
20 case. And that's it.

21 CHAIR BERLYN: Thank you very much.  
22 Appreciate it. And we look forward to your continuing  
0242

1 -- your efforts and hearing more from you.

2 Okay. Thanks.

3 We're going to take advantage of the next 20  
4 minutes on our schedule, and maybe squeeze a few more  
5 minutes if we need to, to have our follow-up discussion  
6 from this morning. We want to talk a little bit about  
7 the issues going forward as Brandon teed up this  
8 morning, and also talk about our process going forward.  
9 And so, I would invite Brandon, if you want, to  
10 continue where you left off.

11 But let me just start off by saying, I think,  
12 for the most part, we have a couple things that are  
13 clear. So I'll start with that. One thing we know  
14 that's clear is that we have a National Broadband Plan,  
15 that will be coming out February 17th, that the FCC  
16 will need to implement. So, we know that will be  
17 happening. That's number one.

18 Number two, we have a couple of proceedings  
19 that are going on, you know, number one, the one that  
20 Brenda's working group is working on, the NOI, but then  
21 there will likely be an NPRM that will come out of  
22 that, that will be going on in the coming year.

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1 And then we also have this reboot FCC.gov  
2 effort that is going on, that at the very least will  
3 have the redesign of the Web site, where this group  
4 could have a participatory effort. So those are just a  
5 few things to mention that we know that we can  
6 participate in, in addition to, of course, the  
7 disability issues that are always ongoing that the  
8 working group has made such a tremendous effort and a  
9 difference in over the past couple years. So, anyway.

10 With that said, I'd like to open it up for  
11 further discussion.

12 MR. STEPHENS: If you don't mind I'll start  
13 out and go again, but I'll just make a few general  
14 comments. My interest in what I've heard in most cases  
15 from a lot of my constituency, either from my own Tribe  
16 and the State that I serve, or in the -- well, even  
17 Mark's areas of the Appalachian Regional Commission, of  
18 rural Appalachia and all across Indian country,  
19 broadband has to be one of the premier issues. And

20 also, just listening to some White House staffers  
21 earlier this week, we know that one of the key issues  
22 has to be infrastructure for the future. So, where

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1 does that leave us here, to say, What are some of the  
2 things that we needed to work on?

3 Now, in the last term, not this current term,  
4 you know, I was working with the broadband group,  
5 Charles and I were, and in that there were several key  
6 issues that we needed to really move forward. But now  
7 that the plan is going forward, I'm kind of wondering  
8 where we should even focus our efforts, because the  
9 broadband plan will -- once we meet once again that  
10 will already have been published. We will have just a  
11 small amount of time left in this term. And I'm  
12 wondering if there are other key issues that the FCC  
13 has to focus, or do we have any other kind of filings  
14 to make or comments to make to the FCC, or are there  
15 areas inside of our own interest groups from those that  
16 are physically challenged, or those from Indian  
17 country, or the regulatory, or wherever we happen to --  
18 our interests happen to lie?

19 I believe that there are certain things that  
20 we need to really key up, and I'm not at the forefront  
21 to -- I think there are some things that I could really  
22 speak on and waste a lot of time sitting here talking

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1 about those things, but I think that we should -- I  
2 have a keen interest in wanting to propel broadband,  
3 but I'm not really sure where this group wants to take  
4 that, knowing that there are certain things, that we're  
5 kind of in the middle of a crunch of time where the  
6 broadband plan that's come out, and then we'll have a  
7 limited time inside the term that we'll serve.

8 So, but I think it's -- I think there are  
9 some opportunities for us to work. I'll just leave  
10 those out for discussion, or if anybody else wants to  
11 talk about that.

12 CHAIR BERLYN: Charles, and Gloria, and  
13 Irene?

14 MR. BENTON: Well, I'm delighted that we're  
15 open to new initiatives to be more effective and  
16 productive, Madam Chairman, I think this is very  
17 exciting. And I think the most exciting -- the single  
18 most exciting idea I've heard today about our future  
19 possibilities is the one to focus on the National  
20 Broadband Plan implementation. We can't influence this  
21 plan now, I don't think. We don't have the time or the  
22 capacity to do that. But, as Commissioner Copps said

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1 this morning, in his 8 and a half years at the FCC this  
2 is the single most impressive and exciting initiative  
3 in his total FCC experience. And certainly, from my  
4 involvement with the FCC over the past years, I am so  
5 impressed with the leadership of Blair Levin and Erik  
6 Garr, the whole team. I mean, it is an extraordinary  
7 exercise they're going through. And the kind outreach,

8 with their 26 public notices, and my God, it is just --  
9 the hearings and the midterm report to the full FCC --  
10 I mean, it really is an amazing effort.

11 So, I would recommend that as soon as the  
12 report is made to Congress on the 17th of February, and  
13 I believe they will stick to that timescale, that  
14 immediately one of the first actions is that, Scott,  
15 you should send a copy of that report to every member  
16 of the CAC right away so we have it in front of us.  
17 And then maybe we set up an ad hoc committee that kind  
18 of crosses all the other committees of people  
19 interested in this. We have Lou and Irene as the co-  
20 chairs of the Broadband Committee, but there will be  
21 others. Maybe we can re-recruit Brandon from his  
22 former chairmanship. I certainly would be willing to

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1 volunteer on this one, and I'm sure there are others as  
2 well. But we can have sort of an ad hoc, voluntary  
3 committee -- and you could begin to determine  
4 interested members today -- that would agree to focus  
5 in on the recommendations as they are made, then have a  
6 meeting end of February, early March, by telephone,  
7 that -- where we could begin to get a preliminary look  
8 at, and consideration of, possibilities. And then at  
9 least bring an outline of possible further involvement  
10 to the March 19th meeting, so that there would have  
11 been some forethought given to this by anyone and  
12 everyone on the CAC that's interested in volunteering  
13 for this ad hoc effort.

14 And then growing out of the discussion of  
15 that, those options that we would lay out on the 19th,  
16 we could then figure out new structures for further  
17 follow-up that would make sense. That would be my  
18 recommendation as to how to proceed.

19 CHAIR BERLYN: Okay. Thanks, Charles.

20 I have Gloria, and then Irene and Lisa.

21 MS. TRISTANI: Thank you, Debbie.

22 Just two issues, or actually two proceedings,

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1 that I wanted to highlight, or that have been -- that  
2 are being teed up. And one was mentioned by Marti  
3 earlier today. And that's the -- was notice number 25  
4 of the National Broadband Plan, and it asked questions  
5 about the transition to all-IP networks. And it was in  
6 -- I haven't read it thoroughly. Actually, it was kind  
7 of short, but it talked about leading to an NPRM, and  
8 among the -- one of the questions it asks, for example  
9 was, Which regulatory structures will facilitate or  
10 hinder the more efficient transition to the all-IP  
11 network?

12 I bring that up because I think, for those of  
13 us who care about local governments being at the  
14 forefront of consumer protection, this is something  
15 that we have to watch -- actually, watch and get  
16 involved in very carefully, because I could envision a  
17 -- you know, some kind of new rules in transition that  
18 say exclusive Federal jurisdiction in this area. And I

19 can envision that because coincidentally this week a  
20 group of companies wrote a letter to the leadership of  
21 the Commerce Committee in the House and the Senate, and  
22 those companies included Verizon, AT&T, Microsoft,

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1 Google, T-Mobile, and so on, big groups, saying that  
2 there should be exclusive Federal jurisdiction for all  
3 services that are IP-related. So I'm just highlighting  
4 that. I think it's something Consumer Protection, and  
5 maybe your committee, Brenda, should get involved in,  
6 because this is going to move at some level. It's  
7 already moving.

8 The other proceeding I wanted to mention, and  
9 I don't know if Ann was going to bring this up, was --  
10 and it's something that's being much talked about --  
11 it's this question about, in looking for spectrum for  
12 broadband, there's vigorous talk about telling  
13 broadcasters to give back some of the digital spectrum  
14 that was supposed to be used for digital and HDTV, and  
15 there was a notice this week. I can't remember which --  
16 -- maybe you can help us with that. But I think that  
17 also raises some very, very important public interest  
18 and consumer questions, and we should give very careful  
19 thought to.

20 And, by the way, Charles, because I know  
21 public interest is your -- and it's one of my favorite  
22 topics -- it does ask one question about public

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1 interest. It's related to what we've been trying to do  
2 for a long time. Just one sentence, but it does raise,  
3 you know, what are the programming obligations, as far  
4 as civic programming, et cetera. So I just thought I  
5 would highlight. And we do have a resolution on that,  
6 from this committee. So, anyway, I just wanted to  
7 mention those two proceedings, and hope that you'll  
8 give it attention.

9 CHAIR BERLYN: Okay. Thanks.

10 You want to just comment on that one issue  
11 quickly?

12 MS. BOBECK: Just a quick follow-up -- public  
13 notice on the National Broadband Plan for those who  
14 couldn't count, we're at -- it's Public Notice number  
15 26, and comments on that are due December 21st. I  
16 believe that's the same day that comments on Public  
17 Notice number 27 are due. So it's a busy season. I  
18 know that they're trying to get that done so that they  
19 can wrap up the information collecting and start the  
20 drafting for broadcasters. Obviously, to use the  
21 spectrum is important, not only for the promises we  
22 made to America, why it's important to invest in new

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1 digital televisions, you know, HD sets, but also to  
2 ensure that we can multicast, that we can provide local  
3 service to our communities, and that we can start  
4 rolling out our mobile DTV service as well, so that you  
5 can watch us on multiple platforms. So, look for --  
6 forward to our comments and discussions. And I'm sure

7 that my neighbor to my left here -- your right -- will  
8 have some interesting dialogue that will be going forth  
9 in the National Broadband Plan. But I think it's an  
10 important issue to raise globally, is how do you roll  
11 out spectrum and look to the future in terms of  
12 partnerships and collaboration, and we view ourselves  
13 as part of the wireless solution.

14 CHAIR BERLYN: Okay.  
15 Lisa?

16 MS. HAMLIN: I just wanted to add -- and  
17 we're looking at trying to make a plan for the future  
18 here -- is that since I've been here, and it hasn't  
19 been as long as some of the other people, it's been --  
20 there was a huge focus on DTV, and now a huge focus on  
21 broadband. And those are appropriate, and I understand  
22 that deadlines came from elsewhere.

0252  
1 But I don't want it to get lost that there  
2 are other issues and especially in the disability  
3 realm. We have lots of things that we haven't been able  
4 to see move ahead. I mean, just the issue we brought  
5 together today, that started in 2005. So, I'd still  
6 want to see our disability issues, and I'd like to see  
7 that work group continue and have input on these other  
8 issues as well. Because I think you're right, these  
9 are important issues to deal with. But I just wanted  
10 to put this word in. I don't want them to get lost.

11 CHAIR BERLYN: And I think that's important  
12 feedback. Whereas with the previous life of the CAC,  
13 we had a very clear directive from the chairman: Work  
14 on DTV. We don't necessarily have that directive from  
15 this chairman to only, singularly, work on broadband  
16 issues. So, you know, we do need to consider where --  
17 the direction that we take, we have a charge to advise  
18 the Commission on consumer issues. But we're not in  
19 that sort of box that we were before. So, you know,  
20 that's why it is incumbent upon us to consider the full  
21 range of issues that consumers face. So, your comments  
22 are well put.

0253  
1 MR. BENTON: Just a tiny point. Lisa, lest  
2 you feel that broadband is not including disability  
3 issues, there is a major section in the broadband plan  
4 about disability issues under consumer adoption and  
5 use. So don't feel left out as we're focusing on  
6 broadband. It's just putting it into a larger context.  
7 And I think the more of those issues that you can get  
8 -- and there's something we can talk about, of course,  
9 in March -- so that, as we're talking the National  
10 Broadband Plan, where do the disability issues fit?  
11 And where are they? So this is not either/or, here, at  
12 all.

13 MS. HAMLIN: No, and I didn't mean to say  
14 that. I want it to be both.

15 CHAIR BERLYN: A couple of things I just want  
16 to mention going forward is, we are going to try and  
17 aim for that March 19th meeting, and Scott and I will

18 continue to advocate for the possibility of doing a  
19 two-day meeting. It might likely be more like a day  
20 and a half, where we start with an afternoon -- first  
21 day being an afternoon -- and then the second day being  
22 similar to what we have now, so that people can travel

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1 in, in the morning the first day.

2 So, think about that going forward. So it  
3 might be March 18-19. And also one thing that I've  
4 picked up in our discussion that it would be very  
5 helpful to have is a flow of more information to the  
6 CAC. And so one thing I've thought about and checked  
7 out with Scott during the day today is he -- that he is  
8 willing to do -- don't need to pile on to Scott -- but  
9 that he disseminate information on a regular basis to  
10 all of us.

11 Now, there are several people in the room  
12 that are excellent resources for documents, and what I  
13 -- but what I would like to do is to do it in an  
14 organized fashion. So, rather than have some of us  
15 distribute information from time to time to the CAC, if  
16 I could ask those of you that do get great information  
17 -- documents, you know, and I know Charles is a great  
18 resource, and Gloria, you are as well -- and sometimes  
19 I get -- and others in the room, Karen and others --  
20 friends in the industry -- if you could, when you get a  
21 document that you think would be helpful for all of us  
22 to see on the committee, if you could immediately send

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1 it to Scott. And Scott will send it out to the CAC.  
2 So he will be our resource. And that way, he will know  
3 everything that's going out, and we will all get  
4 everything in a timely fashion, and we will all get  
5 everything at the same time. So, I think that -- let's  
6 try that.

7 And then we will all, also, be eyes and ears  
8 and look for information that you think might be  
9 helpful for the CAC to have on a regular basis,  
10 because I think that will be helpful, if we all can get  
11 information in between the meeting times.

12 I will be looking at ways to that we can  
13 perhaps re-jigger the working groups with the  
14 information that you've given me to see ways that we  
15 can for the next -- our next year -- look at the issues  
16 that we are now faced with for this next year and  
17 figure out ways that we can be productive to match the  
18 issues that the FCC is facing.

19 And, also, with respect to our friends with  
20 the New Media Group, I think it would really be helpful  
21 to stay with them in this process, and I would like to  
22 see if there is a small core group that would be

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1 interested in working very closely with the New Media  
2 Group and getting them regular feedback. So, if you  
3 could, if you are interested in doing that, and that  
4 might mean more meetings here at the FCC with them on a  
5 more regular basis to look at what they're doing in

6 terms of the redesign of the Web site -- if you could,  
7 volunteer for that process. And I'm not looking for a  
8 large group; I'm looking more for a group -- and if you  
9 have connections that you can then, you know, feed back  
10 to your community, I think that's what they're looking  
11 for as well. But -- you know, they can do that in  
12 other ways, but I think what I'm really looking for is  
13 more of hands-on assistance with this new media effort.

14 So, if you could, volunteer for that effort,  
15 three/four people from the CAC would be perfect. You  
16 can email me, you can come up to me after the meeting,  
17 you can slip me a note, whatever. Whatever works best.  
18 Just let me know.

19 Okay, thank you all. We're --

20 MALE SPEAKER: Bill Cline is here.

21 CHAIR BERLYN: Bill Cline is here, but -- so  
22 -- you want to come on up here?

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1 Oh, did we have --

2 Irene and I see Claude, I'm sorry. Claude  
3 has a card up, and we have two people who still -- I'm  
4 sorry. I didn't mean to cut off here. Can I get  
5 comments from Claude and Irene?

6 Claude?

7 MS. STOUT: If I'm following the  
8 conversations correctly, we're looking towards the  
9 higher -- the bigger goals that we're working towards  
10 in the next year. Now, the terms, as members, when do  
11 these terms expire and when are they up?

12 MR. MARSHALL: November 17th, 2010, I  
13 believe.

14 CHAIR BERLYN: November 2010, so just a  
15 little less than a year.

16 MS. STOUT: Okay, thank you. The reason for  
17 my question is because -- is it possible to somehow  
18 bring up the issues within the term about the merger  
19 that's happening? I was reading this morning about  
20 NBC, Universal, and Comcast. I don't know if consumers  
21 are going to actually come out on the winning end of  
22 that, or what the result will be, and so our choices in

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1 content and programming may be reduced as a result of  
2 that, or possibly not. So I think it's critical to  
3 start considering -- I don't know, in light of that,  
4 and coming up on, you know, a year left of our terms,  
5 how that might affect us.

6 CHAIR BERLYN: Have we ever dealt with  
7 mergers and --

8 MR. MARSHALL: No, but that doesn't stop us  
9 from doing it.

10 CHAIR BERLYN: Yeah.

11 MR. MARSHALL: I'm sure we will have a role  
12 in that ultimate decision.

13 CHAIR BERLYN: I know the FCC has a role in  
14 that. Good point.

15 Irene?

16 MS. LEECH: Mine has mostly been taken care



17 of. When I put my card up it was to say that I think  
18 once we see the plan, that what we may need to do is to  
19 divide the broadband into some discrete areas --

20 CHAIR BERLYN: Yeah.

21 MS. LEECH: -- and try to really target some  
22 things that people are particularly interested in

0259

1 working on. But at this point, I really think we need  
2 to see that report and make some decisions after that  
3 happens.

4 CHAIR BERLYN: I think that's a good point.  
5 Yeah.

6 Mark?

7 MR. DeFALCO: Just a -- I guess this is a  
8 question. The expiration of the committee -- is that  
9 what it is in November? And how does that happen? And  
10 what is the reappointment, or --

11 CHAIR BERLYN: Yes, our -- we are a two-year  
12 cycle, and so our two years is up in November. The  
13 chairman will then consider whether or not he wants to  
14 re- -- what do we call it? Reappoint, recharge, the  
15 CAC -- recharter, thank you -- recharter the Consumer  
16 Advisory Committee, and then he will determine how he  
17 fills the committee at that point.

18 MS. TRISTANI: Is that November 1, or the end  
19 of November?

20 CHAIR BERLYN: We go until November 17th.  
21 Now, when the chairman -- as you can recall from years  
22 past, there's sometimes a significant gap between the

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1 time our term runs out and the time in which the next  
2 CAC begins. So this -- you know, it's not -- the 18th  
3 is not the time in which the next CAC may necessarily  
4 begin. Although it could be.

5 MR. DeFALCO: And, Deb, if the committee is  
6 reauthorized, or re-established --

7 CHAIR BERLYN: Rechartered --

8 MR. DeFALCO: Rechartered, thank you.

9 CHAIR BERLYN: -- is the word. Right.

10 MR. DeFALCO: -- then do current -- how does  
11 the -- does the chairman then appoint the new members  
12 for the committee, or do you succeed just because you  
13 were on the old committee?

14 CHAIR BERLYN: No, it's completely up to the  
15 chairman.

16 Are there any other comments?

17 Gloria? You're -- okay. All right. We're  
18 all set, I think, and ready to move on.

19 Bill?

20 MR. CLINE: Thank you.

21 CHAIR BERLYN: Bill Cline, thank you for  
22 being with us.

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1 DEMONSTRATION SESSION

2 MR. CLINE: Nice to see you, and sorry I'm  
3 late. I didn't get here --

4 CHAIR BERLYN: We're late.

5 MR. CLINE: -- until a little while ago, so I  
6 didn't have -- what I mean is, I did have a  
7 presentation to put up here on the screen -- okay.  
8 Here we go. I have some presentations here on the  
9 side, and right there. If you'll pass those down if  
10 that will help.

11 I'm here to talk to you about ECFS 2.0. And  
12 I'll wait for those to get around. But I'm glad to --

13 MALE SPEAKER: If you could send me an  
14 electronic version --

15 MR. CLINE: That's exactly what I'll do.

16 MALE SPEAKER: -- and I'll send those out.

17 MR. CLINE: Yeah. I had a death in the  
18 family on Wednesday, and so I came in and didn't get it  
19 to you.

20 MALE SPEAKER: That's all right.

21 MR. CLINE: So, what I'd like to talk to you  
22 about is -- what you have in front of you is the

0262  
1 presentation that went before the chairman for the  
2 approval of launching ECFS 2.0. We did a hard -- soft  
3 launch here in the Commission internally, in September,  
4 and then we did the launch externally in October on the  
5 23rd. Hopefully, some of you have gotten to use the  
6 new system. I get some thumbs up here. That's always  
7 good.

8 It's -- ECFS launched 11 years ago this  
9 month, as a matter of fact. And it stayed the same for  
10 those 11 years, with some minor tweaks in the back end  
11 to make it a little bit faster in terms of indexing the  
12 database. Part of the reason was that we were poor  
13 around here. And if I'd made any changes to ECFS,  
14 quite frankly, as you know, you had to -- if you made  
15 any substantive changes, then you had to make it 508  
16 compliant. And we did not have the resources. We did  
17 not have the technology to do that.

18 And so, in 2006, I had -- I got approval we  
19 finally had a suite of software that we agreed to,  
20 using Java. And that's what ECFS is built around.  
21 J2ee, as then refer to it in the tech land. And we  
22 started out with a list of things that you recommended,

0263  
1 from the CAC's past, and -- from the FCBA access  
2 committee, and as you know -- and you probably used  
3 ECFS help, where we ran both a phone line as well as an  
4 email account. That's ECFShelp-at-FCC.gov. And so  
5 some of the enhancements came from that.

6 This presentation will sort of walk you  
7 through some of that. I'm going to just hit the  
8 highlights. I don't like being read to either. It's  
9 late, and I think I'm probably your last session. So  
10 you probably want to leave as well.

11 There's the history that I just spoke to, on  
12 the first page. The -- some of the biggest  
13 enhancements to this is it is used -- you can use  
14 screen readers, of course. It has tags built into it  
15 to help you -- prompt you along the way. It also will

16 allow you, finally, to submit to multiple proceedings  
17 in a single submission. Additionally, you can submit  
18 multiple documents. Sometimes people want to do a face  
19 letter; they then want to do the actual filing itself;  
20 and then they want to do maybe an additional  
21 spreadsheet or something of that nature. And now you  
22 can actually do that, all with one submission, without

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1 having to hit the back button, fill out the  
2 information, resubmit, and go back and forth.

3 There's a couple more features here, though.

4 Once you get the documents ready and you press submit,  
5 now there's actually a review place -- a reviewing  
6 place. You can actually look at your documents, making  
7 sure that you did not submit the red-lined version --

8 [Laughter.]

9 MR. CLINE: -- making sure that it is the  
10 accurate copy. You can also make modifications at that  
11 point. You can actually remove the -- if it's the  
12 incorrect document -- and reattach the correct  
13 document. You can change the indexing information, and  
14 then you can press submit again, or hit continue, and  
15 it'll give you back, then, a confirmation sheet that  
16 not only has the number of the proceeding but the  
17 official name of the proceeding and the documents that  
18 you attached and your indexing information, just so  
19 that you can have a sheet there of everything that was  
20 submitted before the Commission.

21 We've also done some things for the  
22 territories -- the American Territories. In the past,

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1 you always put 999. If there are -- if you are a law  
2 firm and working with international firms, you'll still  
3 put in D.C. and then 9999. We didn't see a lot of that  
4 in the past, so we didn't spend a lot of time working  
5 on that portion of it.

6 The neat things are on the queries. There's  
7 a lot more features than you had before. All of the  
8 metadata that is in the record is available for you to  
9 do the searches on. We do put a date in there, you'll  
10 see on date received we put a date in there. You're  
11 welcome to change that. When you come on and do a  
12 query, it has a date sitting in the received field  
13 that's a year prior to the date that you're making the  
14 query. That's to try to minimize what we call  
15 indefinite searches, that you don't put a date in, and  
16 you put in comments, and it goes out and crawls over  
17 the entire database. Just to give you some statistics.

18 There are over 50 million pages of information in  
19 ECFS. Over 1.4 million filings. And so if you do an  
20 indefinite search, not only is it going to tie up your  
21 PC but it's going to tie up our server. And so we've  
22 tried to force some ways for you to minimize that.

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1 The other nice thing is that, once you've  
2 done a search, you can export it all to an Excel  
3 spreadsheet, forward to search, and it keeps the links

4 inside of it. You can do an RSS feed. Once you've set  
5 your criteria and you've done a search -- whether it's  
6 a comment, maybe it's a particular proceeding, maybe  
7 it's a date range of information you're asking for --  
8 you can now do an RSS feed. And I understand that  
9 externally you actually get a little notification that  
10 you've got an RSS feed. Here in the Commission we've  
11 locked down Internet Explorer so tight that we don't  
12 get that. But it still sets a favorite in your  
13 bookmark, and you can -- we can then, here in the  
14 Commission, go out and see that new, revised RSS feed  
15 every day. And I encourage you to use it. It will  
16 minimize you having to come do the search, especially  
17 after you set it to your criteria, your search  
18 criteria, you might as well set the RSS feed and have  
19 it sent to you automatically.

20 We've done some changes on proceeding search,  
21 now. If you don't know the number, you can search by  
22 the bureau. You can search by the date that the

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1 proceeding was opened. There's a number of ways, now,  
2 that you did not have available to you in the past to  
3 try to find a particular proceeding.

4 Oh, the other thing that you can do is, once  
5 you've done your search criteria, you can create a pdf  
6 of those search criteria. In essence, it's called a --  
7 it would take your entire search criteria, create a  
8 pdf, and then give you a listing of all the filings  
9 that are contained in that pdf. I encourage you to use  
10 it. It's a nice feature if you want to have one large  
11 pdf of everything that you've assimilated, and it helps  
12 speed up the printing and then gives you a record of  
13 the data that you searched.

14 Reason I'm talking about this is there's no  
15 way for me to show you all of this in a half hour on  
16 these screens, also. But this document you can take  
17 with you, and sort of walk through -- at least that's  
18 what Karen Strauss did when I did the presentation. It  
19 went on for 80 minutes, and Karen was clicking and  
20 sending me emails asking me questions the next day. So  
21 I saw her walking away earlier, I told her thank you.

22 The Internet and the batch printing screen,

0268

1 folks, that's really internal. If you've ever come to  
2 the Commission to the Reference Information Center,  
3 these features are available for you internally. I  
4 don't know if you're aware of it, but if you come to  
5 the Commission and you cue up an ECFS document, and  
6 let's just say -- oh, my goodness, let's just say it's  
7 9645, universal service, with its half million  
8 comments. And you actually, for some reason, wanted  
9 to print all of that, if you come to the reference  
10 information center you can cue it up, and it will  
11 actually batch-print to the copy contractor, and you  
12 can purchase those, those filings. So, just for your  
13 information, if you have a large print job that you  
14 want to do, I highly recommend you come to the

15 Commission and perform that, and get it from the  
16 duplicating contractor. It will minimize your printer  
17 and save paper, because they can do it two-sided.

18 Oh, one other thing that -- I heard Debra  
19 speaking about DTV. Many of us were consumed with that  
20 little effort. And while I was away in Ohio and in the  
21 East Central region, we went through and converted  
22 every single document that is in ECFS to something

0269  
1 that's called Image Plus Text. It in essence is an OCR  
2 version of the text sitting on top of the pdf document.

3 So that you can copy, cut, and paste every single  
4 document now, in ECFS. But it gave us one other  
5 feature. It now allows us to use Google search  
6 appliance to do keyword search. That's the other  
7 feature that you'll see on ECFS now, is keyword search.

8 Now, I caution you not to type in "broadband."

9 [Laughter.]

10 MR. CLINE: If you type in "broadband,"  
11 you're going to get a huge list. But if you type in  
12 something along the lines -- let's just -- and I  
13 recommend that you try it. I don't have all of the  
14 answers here, ladies and gentlemen, but I do know that  
15 if you put in "white space devices" -- if you put  
16 "white space devices" in quotes, it changes the search  
17 as if it was white space devices, without quotes. And  
18 so if you go to Google.com, they have a guide that  
19 helps you in using the various pluses and in quotes and  
20 so forth for using the keyword search. But that's the  
21 other benefit now that we went through and converted  
22 all these documents, is it's a great feature, people

0270  
1 have given us much kudos for that. It is a work in  
2 progress because we can only provide the services that  
3 Google allows us in terms of their programming tools.

4 The last thing, really, was all the things  
5 that we've done in terms of this is a very secure  
6 system now. We have pulled down, as of Monday, the old  
7 version of ECFS. It had, and what we didn't want to  
8 make available, we can now, is that because the code  
9 was so old it had some -- it was intruded a few times  
10 here recently. That's why we made -- you'll notice  
11 that you did some searches, and it limited how big your  
12 search was. And we did some other features that now  
13 that we've shelved it we don't have to worry about any  
14 longer.

15 You have my name, obviously, on your agenda.

16 I'm easily found. It's bill.cline@fcc.gov. If you  
17 have recommendations, if you have -- especially low-  
18 hanging fruit of things that we can do to improve ECFS,  
19 we do not intend to wait 11 years before we make a 2.1.

20 And so, we're soliciting your opinions, your ideas,  
21 your thoughts. And continue the dialogue. If you've  
22 got any questions, I'll try to answer.

0271  
1 Yes, sir?

2 MR. HEDLUND: Just -- first of all, this is

3 great. It's a huge improvement to ECFS 1.0, and I  
4 really applaud the hard work that you've done to put  
5 the new thing together.

6 One thing I did like about the old one was  
7 that you could -- there was a box you could check to  
8 exclude one page, or --

9 MR. CLINE: Brief text comments.

10 MR. HEDLUND: Brief text comments.

11 MR. CLINE: It is still there.

12 MR. HEDLUND: It is still there? Okay.

13 MR. CLINE: Absolutely. Because I was told  
14 by the FCBA, do not eliminate that check.

15 MR. HEDLUND: Okay. I didn't see it. Okay.

16 Great.

17 MR. CLINE: It is there. It's under the  
18 queries. You'll notice it's buried down under the  
19 dates, right before the final selection of what type of  
20 filing. But that box is still there.

21 MR. HEDLUND: That's terrific. Great.

22 MR. CLINE: Is that it?

0272

1 Yes, ma'am.

2 MS. BOBECK: I just again wanted -- this is  
3 Ann Bobeck from NAB. I just also want to echo our  
4 thanks, not only for the great improvements online, but  
5 also that your office is always available to us,  
6 especially people that are technology-unsavvy, like  
7 myself, that occasionally do an incorrect filing. You  
8 always are there as a great reference and resource, and  
9 available by phone. So, just know that the FCC really  
10 is user-friendly through your office, and we really  
11 appreciate all the help that you extend us.

12 MR. CLINE: Thank you very much.

13 Yes, ma'am.

14 MS. HEPPNER: I first wanted to say that I  
15 watched your Web cast.

16 MR. CLINE: I'm sorry?

17 MS. HEPPNER: I watched your Web cast about  
18 this. You did a Web cast.

19 MR. CLINE: Oh, oh -- the presentation is on  
20 FCC.gov. The 80-minute presentation that we did for  
21 the training on ECFS. It is at -- if you go to the FCC  
22 live, on the homepage, it will give you a link to it,

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1 so that you can actually see the training presentation.

2 MS. HEPPNER: It's good to know it's in the  
3 archive. I watched you. I watched you wade into the  
4 audience. And I do want to thank you, because that is  
5 the first Web cast I've ever watched that was like  
6 that, with captions, that was useful to me. It was  
7 wonderful, and it was very consumer-friendly, about as  
8 much as you can make it consumer-friendly on that topic  
9 particularly.

10 But there's one little thing that I would  
11 recommend that you do the next time. I have the  
12 captions, but it sometimes seems to me that you were  
13 talking to some disembodied personality in the room,

14 because you had control of the microphone, and  
15 apparently other people were asking you questions, but  
16 the camera didn't catch them.

17 MR. CLINE: Yeah. I felt like a mouse  
18 running back and forth to people's questions. I truly  
19 did. I apologize, and I've got to tell you that  
20 fortunately I had done that same presentation 30 days  
21 before, so it gave me a dry run. That's the only  
22 reason I was able to act that way. But I tell you my

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1 daughter saw it on YouTube and said, "Dad, you've got  
2 to have a better delivery style."

3 Is there anything else? I thank you much for  
4 the kudos, and let me know -- let me hear from you.

5 CHAIR BERLYN: Thank you very much. Thanks  
6 for coming.

7 [Applause.]

8 CHAIR BERLYN: Okay. Well, good work, team.

9 Once again, we are pretty close to on time here. We  
10 do have a public comment period, so I will invite -- is  
11 there anyone in the room who has a public comment?

12 I don't think so. I think actually we've  
13 driven everyone out of the room.

14 Does anyone else want to make any general  
15 comment, of this group? I don't think we have any  
16 public comments. Is there anyone from the CAC that has  
17 anything else you want to comment on or any leftover  
18 issues? Old business? New business? Any business?

19 We will work on dates for the year, for the  
20 CAC, taking into account the fact that it is helpful to  
21 have the dates well in advance, I know, for folks. And  
22 we're going to work on the two dates, absolutely. I

0275

1 know that's the proposal. There are some costs  
2 involved, so we do have to get the FCC to approve that.

3 There are some additional costs.

4 Well, thank you --

5 MR. MARSHALL: I don't want it to come out of  
6 my salary, you understand.

7 [Laughter.]

8 CHAIR BERLYN: We definitely don't want that  
9 to happen.

10 Well, thank you all for being here today.  
11 Appreciate it. And we'll see you in March, and talk to  
12 you before then, and most certainly in January and  
13 hopefully on various phone calls. So, thank you all.

14 AUDIENCE MEMBERS: Thank you.

15 [Whereupon, the meeting concluded.]

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18  
19  
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21  
22