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FEDERAL COMMUNICATIONS COMMISSION
Consumer Advisory Committee Meeting

9:00 a.m.

Friday, March 19, 2010

445 12th Street, S.W.

Room TW-C305

Washington, D.C.

P R O C E E D I N G S

1
2 MS. BERLYN: Good morning, everyone, and
3 welcome.

4 We want to get started. We have a few
5 people who are still to come, but we want to get
6 started because Commissioner Clyburn is coming down to
7 welcome us in about 10 minutes. So we want to be
8 ready for her.

9 For those of you who were here yesterday, we
10 had a great afternoon of our working group meetings,
11 and we also had an opportunity to hear from the
12 Consumer Affairs Bureau Chief, Joel Gurin, who will
13 also be joining us in about a half hour.

14 And it was a great opportunity, and we are
15 going to think about trying to do that again in the
16 future to give our working groups a little bit more
17 time to do their work and have discussion. So we'd
18 like your feedback on that format as to whether or not
19 that's a productive opportunity to get our work done.

20 First, I'd like to thank NAB for the food
21 that we have this morning and for lunch. Thank you.

22 [Applause.]

1 MS. BERLYN: Excellent. And then we have a
2 couple of changes and new members and new faces around
3 the table that I'd like to welcome. First of all,
4 Brenda Pennington, who represents NASUCA on the CAC,
5 was just named the Acting People's Counsel, which is
6 really very exciting for Brenda. So she has asked
7 Lawrence Daniels, who works at the People's Counsel in
8 the District of Columbia, to take her spot. And
9 NASUCA has appointed him as the representative for
10 NASUCA.

11 So welcome, Lawrence.

12 MR. DANIELS: Thank you.

13 MS. BERLYN: You are right here. And we
14 also want to welcome back -- oh, and she's just
15 getting coffee. Not good timing.

16 MS. KEARNEY: Sorry.

17 MS. BERLYN: Julie Kearney, who is with --
18 there she is.

19 MS. KEARNEY: Hi, everyone. It's nice to be
20 here.

21 MS. BERLYN: For Consumer Electronics
22 Association, who was here with the CAC and is back.

1 So welcome. Thank you.

2 MS. KEARNEY: Yes. Third time's the charm.

3 MS. BERLYN: Is Alison here? I don't think
4 Alison is here yet, with Dish Network. Alison Minea
5 is the new representative for Dish Network. So we
6 will welcome her when she arrives. She was here
7 yesterday.

8 And we have an opportunity to congratulate
9 for the second time Karen Peltz Strauss for your new
10 position working for the FCC as Deputy Bureau Chief in
11 the Consumer Affairs Bureau on disability issues
12 there.

13 [Applause.]

14 MS. BERLYN: Congratulations, Karen.

15 Also, pitching in for Betty at the FCC, who
16 assists Scott with the CAC, is Carl Simmons, and I
17 don't know if he's in the room.

18 MR. MARSHALL: He just left.

19 MS. BERLYN: But timing, he just left. So
20 thank you, Carl, for everything you're doing to help
21 us today.

22 So why don't we quickly go around -- I don't

1 know if we have -- do we have anyone who was not here
2 yesterday? Anyone who wasn't here yesterday for our
3 meeting?

4 MS. KEARNEY: I wasn't.

5 MS. BERLYN: Just Julie? Anybody else who
6 was not here yesterday? Okay. Well, there will be
7 probably some later. So we don't need to go around
8 the room, I don't think, to introduce ourselves. We
9 won't take the time to do that.

10 Scott, any announcements?

11 MR. MARSHALL: We had a very nice dinner
12 last night at the M&S Grill, what, about 10 of us?

13 MS. BERLYN: Do you want to pull the mike?

14 MR. MARSHALL: Oh.

15 MS. BERLYN: And Scott, actually, before you
16 speak, let me just make an announcement, a reminder,
17 and we have a couple -- at least one new person around
18 the room. When you speak, if you could pull the mike
19 as close to your mouth as possible so that we can
20 record this, as you know. And also raise your hand so
21 that they know to turn your mike on.

22 So thanks. Scott?

1 MR. MARSHALL: And even I need a reminder.

2 So it's okay.

3 Good morning, everybody. We had a very nice
4 dinner, social occasion last night at the M&S Grill.
5 And I think we all had good conversation and good
6 food, and should you choose to do this again and we
7 have another day and a half meeting, I'm sure we could
8 find another equally interesting venue for lunch.

9 For those of you who haven't been here
10 before, the restrooms are right out to my right,
11 straight down the corridor, and make a left as if you
12 were going outside to the 12th Street exit. And both
13 men's and ladies' rooms are there on your left.

14 If you need anything while you're here, let
15 me know, and we'll try to make it happen.

16 And yes, we will be getting the broadband
17 books today sometime. Not sure exactly when, but we
18 will have copies for everyone, and I'll mail copies to
19 those who are not here.

20 Thanks.

21 MS. LEECH: Oh, that's great. Thank you.

22 MS. BERLYN: That's great. Thank you,

1 Scott. That's fantastic. Everyone's printers will
2 greatly appreciate that.

3 MR. MARSHALL: So will the environment.

4 MS. BERLYN: A couple other things. I know
5 it's a beautiful day, and everybody was probably
6 counting on that lunch break to escape outside for a
7 while. But we are going to have, actually, a working
8 lunch for the Consumer Protection Working Group.

9 We have the truth-in-billing principles that
10 you all know we worked and did have a conference call
11 to approve provisionally until this meeting. We have
12 since then had some amendments that were proposed.
13 And yesterday, the working group met and discussed
14 some very brief -- some very simple amendments. And
15 actually, between then and today, we've had some
16 additional amendments suggested.

17 So Scott and I talked, and we thought that
18 it was important that the working group would meet
19 before the CAC meets in the afternoon because,
20 otherwise, it would be too difficult to discuss the
21 amendments and try and amend the document at the same
22 time as we're trying to approve it.

1 So we are going to have a working lunch, and
2 we have a room for that right down the hall for the
3 Consumer Protection Working Group. We will try and
4 discuss the proposed amendments at that time and then
5 bring that document before the full CAC in the
6 afternoon. Right?

7 MR. MARSHALL: Right. And you just take
8 your lunch down to Hearing Room B, and we'll direct
9 you there when we adjourn for lunch.

10 MS. BERLYN: And Commissioner Clyburn,
11 welcome.

12 MR. MARSHALL: Welcome.

13 MS. BERLYN: Perfect timing. If you would
14 like to join us, welcome to the CAC. Thank you so
15 much for coming this morning.

16 COMMISSIONER CLYBURN: Of course. I
17 wouldn't miss it.

18 MS. BERLYN: You are our star today.

19 COMMISSIONER CLYBURN: I trust not.

20 [Laughter.]

21 MS. BERLYN: And always, as we said to your
22 staff. Thank you so much for coming this morning. We

1 really appreciate it, and we appreciate all the
2 commissioners' support of the Consumer Advisory
3 Committee. So thank you so much, and welcome.

4 COMMISSIONER CLYBURN: Absolutely, and thank
5 you, Debra.

6 I tell people in private, and I will go
7 public with it today, that you're one of my favorite
8 people. And I don't mean that just because you have -
9 - you volunteer and you've committed yourself ever
10 since I've known you to causes and institutions and
11 the people's business. I don't say that just because
12 of that. I say that, that you not only show it, you
13 live it. So I appreciate that, and this agency is a
14 beneficiary of that.

15 And I have to say hello to my -- you know,
16 it's easy to say "former colleague," but I don't look
17 at it that way. Commissioner, when he -- I think his
18 first month or two at the commission, he allowed me to
19 come on one of his panels. He took a chance on this
20 very verbose person. I promise I won't do that to you
21 this morning, though.

22 And so, I want to welcome you back to D.C.

1 I think it took you a couple of hours to get here.

2 Okay. Good to see you.

3 Again, thank you for the opportunity to
4 share a few thoughts with you here today.

5 And hello, Claude.

6 MR. STOUT: Hello.

7 COMMISSIONER CLYBURN: Another one of my
8 favorite persons. I am very appreciative of all of
9 the work you do on behalf of those at this agency who
10 we are supposed to protect, and that's the consumers.

11 Given that we have a lot of items on our
12 plate, from the National Broadband Plan to major
13 mergers affecting the American people, this is an
14 exciting time to be here at the FCC. More
15 importantly, it is a critical time for American
16 consumers.

17 Obviously, front and center is the National
18 Broadband Plan. The plan contains many
19 recommendations that will help bring high-speed
20 broadband services to all Americans and help them
21 develop the abilities to maximize its value.

22 One particularly encouraging aspect of the

1 plan is that it seeks to foster improved broadband
2 accessibility and encourage the development of
3 assistive technologies for the disability community.
4 As the Nation's communications infrastructure evolves
5 to an IP-based system, people with disabilities should
6 have equal access to these digital services, as well
7 as to media content, advanced devices and equipment,
8 and civic engagement possibilities.

9 Some of the recommendations, such as
10 updating accessibility laws, rules, and regulations to
11 include IP-based technologies, will require the FCC to
12 work with the Department of Justice and Congress.
13 Other recommendations can be implemented by the
14 commission itself, and we should move expeditiously on
15 those actions that can be taken by this agency alone.

16 I am encouraged by and support fully the
17 plan's call to create a broadband accessibility
18 working group to coordinate the activities of Federal
19 agencies and the executive branch to remove barriers
20 to accessibility and to fulfill its statutory
21 obligations under Section 508 of the Rehabilitation
22 Act.

1 There is also great value in the
2 recommendation for an accessibility and innovation
3 forum that would bring together all of the different
4 players in the broadband ecosystem -- from the FiOS
5 manufacturers to application developers -- to share
6 ideas, new applications, and innovative assistive
7 technologies. Such a forum would enable the private
8 sector and the Federal Government to quickly identify
9 obstacles faced by those with disabilities and also
10 seek out potential solutions.

11 Whether it is using VOIP service to
12 communicate with loved ones or watching television
13 programs on the Internet, people with disabilities
14 should stand on a level playing field in accessing
15 these services that advance our quality of life and
16 improve our productivity. The idea of digital
17 inclusion, ensuring that all Americans have access to
18 broadband services, is and should be a hallmark of the
19 National Broadband Plan. To me, fulfilling the
20 commission's mandate of serving the public interest
21 requires nothing less.

22 Another issue my office has been working

1 diligently on is the consumers' experience with the
2 cell phone billing and service areas. The commission
3 has received numerous complaints in recent years about
4 various aspects of consumers' interactions with mobile
5 phone service providers.

6 In addition, the GAO issued a recent report
7 that noted these issues, as well as the commission's
8 challenges in developing appropriate responses to such
9 concerns. At the forefront of this issue is a valid
10 concern over early termination fees charged by
11 wireless providers. My office continues to explore
12 the continuing, evolving, and often tenuous rationales
13 for the ETFs imposed on consumers by wireless
14 carriers.

15 There are many questions regarding the
16 financial connection between ETFs and the cost of
17 handset devices. For example, do ETFs only recoup the
18 handset subsidy, or do they offset regular business
19 costs, such as marketing and consumer or customer
20 service? What percentage of ETFs recoup these handset
21 discounts?

22 The commission has been looking at ETF

1 policies for quite some time, but our efforts came
2 back into focus when Verizon decided to double its
3 early termination fees for advanced devices and when
4 Google and T-Mobile had a snafu over exorbitant early
5 termination fees when Google's Nexus One product was
6 launched.

7 In addition, the FCC's Consumer Information
8 and Disclosure Proceeding has focused the agency
9 toward the best practices for ensuring that when
10 consumers sign long-term contracts, they do so
11 willingly and knowledgeably.

12 The commission's continued focus on ETFs and
13 disclosure issues in the wireless marketplace has
14 already resulted in some positive changes for
15 consumers. For example, last month, Google reduced
16 its ETF on its Nexus One device by \$200. I have met
17 with many wireless providers and device manufacturers,
18 including AT&T, Verizon, T-Mobile, Sprint, and Google,
19 and I look forward to continuing to work with the
20 Wireless and Consumer and Governmental Affairs Bureaus
21 on these issues.

22 These are just two of the many items we have

1 on our plate here at the commission that have direct
2 impact on consumers. I look forward to working with
3 you, Debra, and the committee to ensure that consumers
4 remain our focus here at the FCC throughout each stage
5 of the process.

6 Thank you again for the opportunity to greet
7 all of you this morning, and thank you again for all
8 of your efforts.

9 Good morning.

10 MS. BERLYN: Thank you, Commissioner. We
11 really appreciate your being here.

12 [Applause.]

13 MS. BERLYN: Thank you so much. We look
14 forward to seeing you again at a future meeting.

15 Thanks.

16 Well, Joel, you're up next. You're welcome
17 to sit there or here, and I will --

18 MR. GURIN: My name is here.

19 MS. BERLYN: Your name is here. You can --
20 you're welcome to -- I can bring your name anywhere.

21 [Laughter.]

22 MS. BERLYN: We can put you here, and I'll

1 get you some water.

2 MR. GURIN: Thank you.

3 MS. BERLYN: I don't think I need to
4 introduce Joel because I think most of you were here
5 yesterday, and we had some opportunity to have time
6 with Joel. And Joel also joined us for dinner last
7 night, which was so nice of you to do, Joel. We
8 really appreciated that.

9 MR. GURIN: Well, it was a pleasure. Thank
10 you.

11 MS. BERLYN: But Joel is going to really
12 give us a broader view of what the bureau is up to,
13 and we appreciate that. So thank you so much, Joel.

14 MR. GURIN: Terrific. And thank you,
15 Commissioner Clyburn. Your office has been so
16 supportive of our work. We really appreciate it, and
17 you did give, I think, a very good preview of and good
18 summary of a lot of what we're working on.

19 So let me just review a little bit the
20 structure of the Consumer and Governmental Affairs
21 Bureau, CGB, and then talk also about some of the -- a
22 little bit more about some of the major initiatives

1 that we're working on right now and also some of the
2 structural developments that are going on in the
3 bureau.

4 So CGB, Consumer and Governmental Affairs,
5 has several major divisions and branches within it.
6 One, of course, is Consumer Policy, which covers
7 everything from things like TCPA to the new
8 initiatives that we're doing around disclosure and
9 transparency. The early termination fee issues that
10 the Commissioner mentioned are very much on our radar
11 now, and we founded -- we participated with Wireless
12 in writing the letters that have, I think, led to some
13 good dialogue with industry already and, hopefully,
14 more to come on that issue.

15 Closely aligned with that is
16 Intergovernmental Affairs, which is headed by Greg
17 Vadas in our bureau. Intergovernmental Affairs is one
18 area that is now going to be ramped up because, in the
19 past, it's been very much an informational function.
20 I think a lot of what IGA has done has been part of
21 our way of communicating to State and local utilities,
22 organizations, governmental bodies about work that's

1 going on at the Federal level.

2 Some of the feedback that we've gotten has
3 been that we really need much more of a dialogue and
4 that it needs to be a two-way dialogue. We actually
5 think there is quite a bit we can learn from what's
6 going on in the States, and we think that dialogue is
7 really going to be necessary to do the kind of
8 coordination between Federal and State and local
9 initiatives that's going to be most valuable. So you
10 can look for some development there as well.

11 In outreach, we have an Outreach Division
12 that has done a lot of good work in the past. The
13 challenge for us now is that outreach has largely been
14 defined as events, with some effort being spent on
15 print publications and also a presence on the Web, but
16 not at a level that matches, for example, what the
17 Federal Trade Commission has done, which I think, in
18 many ways, has set the standard for Government
19 outreach on consumer issues, at least in my view.

20 So my background, as I think you all know by
21 now, is a combination of nonprofit management and
22 publishing. I spent a significant chunk of my life

1 working on magazines, Consumer Reports, launching that
2 Web site and some others as well. So that -- I come
3 here with that interest, but I think it's also really
4 an agency-wide interest. And I think that's part of
5 why I've been brought here is to see what we can do to
6 really increase the communication potential of both
7 our bureau and the FCC as a whole.

8 This ties in very much with what I think
9 most of you heard yesterday, a terrific presentation
10 from Steve Van Roekel about what's happening in new
11 media. We see that as a tremendous area of
12 opportunity.

13 So that area of outreach, we're now going to
14 differentiate a bit more between the event-oriented
15 work that we've done, which also includes workshops,
16 hearings, a lot of work that we've already done and
17 will continue to do with the broadband plan. And what
18 you could think of as state-of-the-art publishing,
19 meaning both print and Web publishing in ways that
20 really can be innovative and get the word out. So
21 that's a major agenda for us.

22 Another area is the Disability Rights

1 Office. You may know that we've been doing a lot of
2 work recently, which I would consider really to be
3 kind of a -- I don't know if "clean-up" is the right
4 word, but it probably is, on video relay services.
5 And we've done that with a lot of, I think, very
6 important and very productive dialogue with several of
7 the people around this table and others, which we've
8 really appreciated.

9 Our fundamental goal here is to maintain VRS
10 as a critical service, to be sure that it's well
11 funded, and to be sure that that industry works in a
12 way that is ultimately going to be above reproach and
13 that will ensure the continuation of the service and
14 the soundness of the fund that supports it.

15 And we really do see this -- we've taken
16 some steps already that I think have been useful, and
17 future steps, we really see as involving an ongoing
18 dialogue with the community, which we've now begun.
19 And I'm very glad we've begun.

20 We also -- of course, for disability rights,
21 we have Karen Peltz Strauss joining us as a deputy,
22 which is just a wonderful development, and I think

1 both shows our commitment to this issue and, Karen, I
2 think shows your commitment to coming back and working
3 with the FCC, which we're really grateful for.

4 Another area is tribal affairs, tribal
5 issues. This is an area that actually has come very
6 much into the fore with the National Broadband Plan.
7 One of the most underserved areas in the country, I
8 think, in terms of broadband are in Indian Country.
9 And the statistics are that right now, about 65
10 percent of the country as a whole has active broadband
11 access. In Indian Country, that's the number who
12 actually have telephone service.

13 And if you look at the penetration of
14 broadband, it's so low that it has not even been
15 accurately measured, but we think it's somewhere below
16 10 percent. So there is a major, major piece of the
17 outreach and work that's going to have to be done to
18 implement the broadband plan is going to be outreach
19 on and connection and the support of tribal issues.

20 What we're doing there is for the first
21 time, we are actually setting up an Office of Tribal
22 Affairs, although this has not yet been -- gone

1 through the official stages, but it's recommended in
2 the broadband plan, and we're in the process of
3 working on that now. Tribal affairs in the past has
4 been represented by a single tribal liaison who has
5 been within the Intergovernmental Affairs Bureau. So
6 it's been, you know, a level or two down within the
7 bureau.

8 This new Office of Tribal Affairs will
9 report directly to me and will really be set up as an
10 office -- not just as a single person, but as a
11 staffed office that can really work on these issues
12 that are so important.

13 So I'm just thinking if I've left anything
14 out. I think that covers the major areas that we're
15 working on in terms of structure and I think gives you
16 a little bit of a sense of how we're developing CGB
17 into what I'm confident is going to be a more and more
18 effective bureau.

19 In terms of major themes and areas for our
20 work, transparency is a huge one, as you know. And I
21 think the work that you'll all be able to do in terms
22 of -- and your working group, Debbie, in terms of

1 giving us input into that process is going to be
2 fantastic, and we can talk about that more if you
3 like.

4 Industry transparency and consumer
5 information are tools that I personally spent a large
6 part of my career developing at Consumer Reports and,
7 actually, in other areas as well. I think the
8 potential of clear information that allows for
9 comparisons between services, between products,
10 between plans that allows consumers to really see what
11 they're getting, what they're paying, and to push for
12 what they need, it's an incredible tool for market
13 change.

14 And I think, ultimately, it's a tool that
15 benefits industry as well as consumers. This is a way
16 of creating a more competitive marketplace, a more
17 level playing field for consumers to compare different
18 products and services, and I think, ultimately, it
19 benefits everybody. So we are going to be doing a lot
20 of work to facilitate that process. So we can talk
21 about that a bit.

22 The work on disability rights and the

1 accessibility of broadband particularly, I think we're
2 going to be moving very quickly from what has been, as
3 I said, almost a kind of clean-up operation with VRS
4 into a much more positive and proactive mode.

5 Certainly, accessibility is a major part of the
6 broadband plan. We are going to be working with the
7 Wireless Bureau and with others to hold different
8 kinds of workshops, contests, and so on to encourage
9 people to develop applications that are helpful.

10 Not just the major companies, but any
11 creative inventor in a garage, we really want to hear
12 from anybody who has ideas about how to improve
13 accessibility. And this will be a major and, I think,
14 very positive development going forward that we really
15 are looking forward to working on.

16 In publishing, we are -- as I said, we're
17 going to be putting a major emphasis on outreach
18 through publishing, and I think a large part of that
19 is really going to be the work on the Web, where I
20 think we have tremendous opportunity not just to use
21 the Web to get copy and video and images out there,
22 but to really develop interactive decision tools that

1 help people understand these markets and help them
2 really make choices in a very informed and creative
3 way. And I think that, ultimately, the Web is so
4 powerful, I think that can be transformational for us.

5 And the work on tribal issues would be
6 another focus. And I think coming back to the
7 Intergovernmental Affairs Division, I would love to
8 get your feedback on that as well because we do see
9 that as an area that can lead to a much more active
10 dialogue, much more proactive, and much more
11 productive in how we work with all of you in the
12 States.

13 So I hope that gives you a good overview,
14 and I'd love to answer any questions or hear any
15 thoughts or ideas you have for us. We are looking
16 forward to an exciting year, and I'm very glad to be
17 here and have a chance to start working with all of
18 you.

19 So, yes?

20 MS. BERLYN: And you all I think have seen
21 this drill before. Remember, the cards? Yes, Ken.
22 Whoa.

1 MR. MCELLOWNEY: Sorry, I forgot the tent
2 card.

3 MS. BERLYN: We have the tent-card system,
4 where if you have a question, put your tent card up,
5 and I will try and recognize those as the cards go up.

6 But I did see your hand go up first, Ken. So, Ken
7 and then Gloria and then Lise.

8 MR. MCELLOWNEY: I had sort of one
9 suggestion and then also a question.

10 One of the things that I think that the
11 telecommunication companies have found quite valuable
12 is, in addition to an office that sort of focuses on
13 disability issues, also having an office that focuses
14 on minorities -- whether it's Native Americans or
15 Latinos or Asians or whoever else -- in terms of being
16 able to get those perspectives. And I think I could
17 see that as being part of your outreach effort.

18 But I think one of the things that we have
19 found over the years, there are some very special
20 issues there. And I think adding some folks in some
21 sort of an office that focuses on minority issues, I
22 think, would be a real positive step.

1 The second, the question really is that when
2 you were talking about intergovernmental issues, one
3 of the things that popped into my mind as just sort of
4 one issue, and that's the whole thing in terms of
5 making purchases with your cell phone. And I guess I
6 was talking to someone from the Fed a little bit
7 earlier, and it seems to me that this is one of those
8 issues that sort of falls between departments right
9 now.

10 And I'm sort of wondering if you could
11 expand a little bit just in terms of sort of what you
12 are doing in terms of working with other governmental
13 agencies in terms of issues like cell phone purchases
14 and other things and privacy issues that sort of span
15 jurisdiction of different agencies?

16 MR. GURIN: You mean, you're talking about
17 like shopping online through your cell phone?

18 MR. MCELDOWNEY: Yes. Yes, right.

19 MR. GURIN: Yes. That's a good question,
20 actually. And I'm sorry, what did you say, Debbie?

21 MS. BERLYN: Parking. Paying for your
22 parking and things like that, too.

1 MR. GURIN: Parking, yes. Yes. Well, you
2 know, one of the interesting challenges we have, of
3 course, is that the lines of jurisdiction have been
4 drawn in a different world. And one of the things --
5 I had a chance to go to the Consumer Electronics Show
6 for the first time this last year, which was a lot of
7 fun. When I was at Consumer Reports, we always sent
8 somebody else. I never got to go. So I felt like I
9 finally got let into the candy store.

10 But what was really striking to me -- and I
11 actually did a blog post about this, which you can
12 read at fcc.gov. What was really striking to me is
13 that for, I don't know, since I won't tell you how
14 long, but a couple of -- I guess since the dawn of the
15 Web in the mid '90s when I was involved with that
16 through my work, for at least 15 years, I've been
17 hearing people talk about convergence. It's all going
18 to come together. It's going to be your cell phone
19 and your TV and everything else.

20 And for years, I've been saying, yes, that
21 will happen someday. And going to CES, I thought this
22 really is now. This really is now. A lot of people

1 at CES, presenters, people I talked to on the floor
2 were talking about there are three screens. There is
3 the handheld screen. There is the computer screen,
4 and there is the TV screen.

5 And within I would say 2 years easily, they
6 are all really going to have the same stuff. That
7 kind of interoperability is that common -- the common
8 content available in different ways, the common
9 applications available in different ways, whether it
10 is Skype coming preinstalled on your new flat-screen
11 TV, or some way of watching, a number of ways being
12 looked at of watching TV on your cell phone or your
13 smart phone. It's clearly here.

14 So I think it's fair to say -- and this
15 really is a question that goes well beyond my bureau,
16 but I think it's fair to say that these are issues
17 we're going to have to look at as an agency and work
18 with other agencies and figure out how to coordinate.

19 Our initial outreach has been strongest with
20 the Federal Trade Commission. I've been talking to
21 some people there in the Consumer Bureau, which, as I
22 said, I think is doing, has done terrific work for a

1 long time. And we'll be following up there.

2 But I think this is -- it's a very good
3 question, Ken, and I don't think we have an easy
4 answer to it. But we're certainly going to have to
5 look at that and all these issues of really -- that
6 come out of convergence.

7 On your first point, we haven't talked about
8 an office focused on minorities and minority issues.
9 It's an interesting idea. We should think about it.
10 But the thing that I think maybe is most immediate and
11 relates to a lot of your work is what we can do in
12 terms of presenting information in different
13 languages, not only Spanish language, but Chinese
14 possibly and others.

15 And we had a good conversation yesterday.
16 I'd love to follow up on that because I think that's
17 something we're really going to need and want to deal
18 with right away.

19 So thank you.

20 MS. BERLYN: Gloria?

21 MS. TRISTANI: Thank you. And it's good to
22 see you again.

1 MR. GURIN: Good to see you.

2 MS. TRISTANI: And appreciate the news of
3 the good work that you're doing on all sorts of
4 fronts.

5 MR. GURIN: Thank you.

6 MS. TRISTANI: But I have two questions.
7 One is process or more procedural, and the other is
8 substantive.

9 First, welcome hearing about the
10 intergovernmental affairs aspect of Consumer Bureau
11 because I think that's been ignored a little bit or --
12 but one question I had there was, is there -- and I'm
13 not sure because I haven't seen this. But is there an
14 active Intergovernmental Affairs -- they've changed
15 the names -- Advisory Committee? So that's one.

16 MR. GURIN: Yes. There is an
17 Intergovernmental Affairs Committee, IAC. It's now up
18 for new membership. So we're in that process now.

19 MS. TRISTANI: So that's being --

20 MR. GURIN: Oh, yes. Yes, that's definitely
21 going to continue.

22 MS. TRISTANI: Oh, good. Good. So that's

1 good to hear.

2 The other question I have, and this refers
3 to something that Commissioner Clyburn mentioned, is -
4 - well, let me backtrack. Wonderful what you're doing
5 with transparency, and we all applaud that and we all
6 look forward to the day where there's clear labeling
7 where consumers can compare. But in the meantime, and
8 even with the clearest and most wonderful transparent
9 labeling, there are constant concerns about consumers
10 at times may be gouged by early termination fees not
11 only in the wireless industry, but across a whole
12 spectrum, including cable modem, the subscription
13 video services.

14 And I guess what I'm asking is are you or is
15 your bureau looking at some kind of proceeding where
16 this will be examined? As a little bit of background,
17 and you may have heard in the prior commission before
18 the new Chairman, there was much talk about there was
19 going to be a proceeding on this, and then it never
20 happened. And it kind of kept everybody from doing
21 anything. But is there going to be a look, at least a
22 factual look at the economics of this?

1 As Commissioner Clyburn said, there are
2 always questions about are they recovering the real
3 costs, or are they adding other things with the
4 handsets? And the same with video subscription. So
5 anything you can tell us about that would be welcome
6 because I brought this up yesterday repeatedly with
7 the Consumer Working Group that I think it's really
8 important for us to look at that for the people we
9 represent.

10 MR. GURIN: Well, thanks, Gloria.

11 And no, that's certainly a good question. I
12 mean, I can tell you what we've been doing so far. I
13 can't really tell you what the next steps will be, but
14 I can tell you we're looking at this actively. This
15 is not an issue that we're just going to put on the
16 shelf.

17 You all know, of course, that we put out the
18 Notice of Inquiry last fall. And as you remember,
19 that was a very, very -- that staked out very, very
20 broad territory. It was truth-in-billing expanded in
21 two major directions.

22 One is going beyond wireless and wireline to

1 look at all communication services, and the other was
2 saying we're not just looking at billing. We're
3 looking at the issues that consumers need to know
4 about when they choose a provider, when they choose a
5 plan, and when they think about switching their
6 service.

7 You also know that we sent letters initially
8 to Verizon about the advanced devices fees, and we're
9 very gratified to see that some changes happened
10 already in that. And also to the four major carriers,
11 where we asked a much more -- we asked everybody the
12 same questions, and it was a list of I think about 15
13 questions, really trying to get at the structure of
14 early termination fees and so on. For us, all of this
15 is in the context of transparency.

16 And as I said, I can't tell you what we'll
17 do next. We're still working it out. But we are
18 really going to continue focusing on transparency as a
19 very important tool for consumers and really a
20 necessity we think for the industry. And part of that
21 will certainly be looking at early termination fees
22 and with the primary goal of making sure that

1 everybody understands what they are, what they're
2 subject to, how they're structured, and so forth.

3 MS. TRISTANI: And I appreciate that, but my
4 question went beyond that, looking at whether they're
5 fair, reasonable, based on cost and -- but that may be
6 beyond your bureau. So --

7 MR. GURIN: I think that's certainly a good
8 question. That's a question for us to consider. I
9 can't tell you where we might go with that, but I take
10 your point that that's something we need to be looking
11 at. Yes, fair enough.

12 Yes?

13 MS. BERLYN: I think Lise was next, yes.

14 MR. GURIN: Hi.

15 MS. HAMLIN: This is Lise Hamlin. Thank
16 you. Yes, I really actually welcome all your remarks.

17 They're really very positive, and we're really
18 looking forward to working with you on a number of
19 issues.

20 MR. GURIN: Thank you.

21 MS. HAMLIN: I had a couple of questions.

22 One, my ears perked up at the intergovernmental

1 affairs, and I hadn't been aware of the committee, and
2 I think it's really good. And from our perspective,
3 there are issues, for example, telecommunications
4 relay, which has oversight for the public utilities
5 commissions in States. And sometimes what happens to
6 them obviously impacts consumers.

7 So what -- I don't know if this is already
8 happening, but if it isn't, I'd like to see consumers
9 involved in workshops or sit-downs similar to we
10 already have a committee on hearing aid compatibility,
11 where industry sits down with consumers at the behest
12 of and with the oversight of the FCC.

13 That kind of thing working on a State level,
14 I think, can sometimes be useful just to exchange
15 information, ideas, and so that no decisions get made
16 sort of nothing about us without us. Same thing for
17 consumers on that level. So, again, it's a suggestion
18 for that.

19 MR. GURIN: Well, I would very much like to
20 do that. You know, we had what I thought was a very,
21 very good first meeting a couple of weeks ago. And at
22 that meeting, we talked about setting up ongoing

1 dialogue around these issues. I very much want to
2 continue doing that. I think with Karen coming in, in
3 however many days it is -- a very small number, less
4 than 2 weeks -- I think we'll talk and you'll really
5 have the opportunity to lead that effort.

6 But we definitely -- we are serious about
7 wanting to establish a real, ongoing dialogue with
8 consumers. It only makes sense from both sides, and
9 we'll figure out the right way to do that, but we'll
10 definitely do it.

11 MS. HAMLIN: That's terrific. And I have a
12 second question. You also mentioned under
13 disabilities talking about making sure that
14 applications are accessible. And this has become an
15 issue. I had always thought, I had presumed that when
16 an application that I can use on my iPhone happens,
17 it's because there was a licensing agreement, and I
18 could go to Apple and say, hey, you've got to make
19 sure.

20 But apparently, that's not true. There are
21 mom and pops can do all kinds of things. So I really
22 am encouraged, and I'd like to see -- I don't know if

1 you have ideas already about ways where the commission
2 can ensure that mom and pop companies can go ahead and
3 be encouraged to be inventive and innovative, but
4 still think about disability access to their
5 applications.

6 MR. GURIN: Absolutely. I mean, I can't
7 remember the number of apps that have been developed
8 for the iPhone, but it's thousands and thousands. And
9 now with the Android platform available for other
10 kinds of phones on other kinds of carriers, that's
11 only going to skyrocket.

12 There are a couple of things we can do. We
13 are -- at one of our events around the broadband plan
14 last week, the event on digital inclusion, we
15 announced an Apps for Inclusion contest that's being
16 funded by the Knight Foundation. That's a little bit
17 more general, but it's really geared toward any kind
18 of applications that would help make the Internet more
19 accessible both through fixed services, through
20 wireless, whatever it would be.

21 And that's something that I think is going
22 to be very interesting, and we really set that up

1 specifically -- this is like the garage band approach
2 to apps. It's anybody in the garage, anybody who has
3 an idea. I think we've also -- we're also thinking
4 about framing things in some ways that we may open it
5 up just to people who don't have the technical
6 expertise but can sort of design what something would
7 look like. And if they have a great idea, we'd like
8 to follow up on that.

9 So Apps for Inclusion, I think, will
10 include, to some extent -- certainly should include
11 accessibility for people with disabilities. But we're
12 also going to be looking at more targeted ways of
13 getting at that. We are planning some major events in
14 July around the 20th anniversary of the ADA, which may
15 -- I think will also include some work in this area.

16 We've been talking with the Wireless Bureau
17 about maybe putting a workshop together that would
18 explore some of these issues. So we're definitely --
19 it's definitely on our radar, and we'd love to hear
20 your ideas as we go forward about what would be the
21 most effective way to do this.

22 So thanks, Lise. Yes?

1 MS. BERLYN: Thank you, Lise.

2 Cheryl?

3 MS. HEPPNER: First, I'd like to thank you
4 very much for all of the work you've already done.

5 MR. GURIN: Thank you.

6 MS. HEPPNER: Coming into the FCC these
7 days, between all the other things that have happened
8 recently and especially since your appointment, there
9 seems to be a lot more openness to hearing from
10 consumers. And we know that it's genuine. It's nice
11 to know that people aren't afraid to talk to us for
12 fear that they're going to get in trouble. And I
13 thank you for your part in that and for the way you
14 encourage our input and try to find ways to make it
15 useful.

16 I'm sure that there is a tremendous backlog
17 of filings and complaints and things like that from
18 people with disabilities, and I wonder if you have any
19 plan as to how that might be addressed by your bureau?

20 MR. GURIN: Sure. Well, my first plan is
21 hiring Karen.

22 [Laughter.]

1 MS. HEPPNER: Good one.

2 MR. GURIN: Thank you. I think so, too.

3 And I think that's actually -- Karen -- going to be
4 one of the things we'll have to look at together when
5 you're onboard. So that's probably, Cheryl, about all
6 I can say for now.

7 But what I will tell you, I don't know if
8 people are aware of this. There is a backlog task
9 force now at the FCC looking at backlog issues not
10 only in this area, but in others as well. So I know
11 it's something that from the Chairman on through the
12 agency, we're taking seriously as an agency, and we
13 certainly will be looking at how to deal with these
14 issues when they relate to disability rights.

15 MS. HEPPNER: Okay. I have never heard of a
16 backlog task force before. That is a first. You have
17 many firsts. You should probably keep a list.

18 And one last question. If I could read my
19 notes. We know that there is a DTV technical working
20 group on trying to resolve captioning and video
21 description issues, and it has been working, but not
22 as fast as it might by a long stretch. The problems

1 are continuing. I haven't seen a whole lot come from
2 it. Is that just going to be another thing you're
3 going to hand to Karen?

4 [Laughter.]

5 MR. GURIN: Well, sounds like a plan to me.

6 [Laughter.]

7 MR. GURIN: Actually, well, not to be too
8 glib. This is an issue more than the backlog issue.
9 This one is one that I have had some involvement in
10 already. It's clearly not an easy fix, and you know
11 the Office of Engineering and Technology, which has
12 terrific expertise, has been looking at this along
13 with us, along with the group.

14 It's a tough one, as I understand it, when
15 I've seen diagrams of just the various, the kinds of
16 information flow and the technical ways in which
17 closed-captioning is delivered. It kind of reminds me
18 when I was a kid, looking at those little Heath Co.
19 diagrams for how to build a transistor radio that I
20 could never quite figure out how to do. There are
21 lines going everywhere.

22 So we have to sort that out. And our

1 experience has been that it's not -- we're not even
2 sure whether the cable companies and others involved
3 know what the problem is and just aren't telling us or
4 really can't quite figure it out themselves. So there
5 is a lot of work to be done there. But we are
6 absolutely not letting this one sit. We're working on
7 it.

8 Karen, I'm sure you'll have -- once you're
9 onboard, I expect you'll have more to say about this
10 one. But we're looking at it, and despite the
11 technical difficulties, we're not just going to walk
12 away from it. We'll figure out some way to cut
13 through that.

14 MS. HEPPNER: Thanks. I appreciate your
15 position.

16 And just for the record, I'm not
17 complaining. If we're going to dump something like
18 that, Karen would be a good place to send it.

19 MS. STRAUSS: If I could just comment?
20 After this meeting, I will be going into hibernation.

21 [Laughter.]

22 MR. GURIN: So that would be your plan.

1 Thank you.

2 MS. BERLYN: Well, Joel, I have one
3 question, and then a comment. Consumer complaints are
4 within your --

5 MR. GURIN: Oh, thank you. I'm sorry. I
6 knew I was leaving out something hugely important, and
7 thank you for the reminder. I don't know how I missed
8 that, yes.

9 MS. BERLYN: And before you address that, I
10 just wanted to ask in that whole category, I think one
11 thing and because you do have such a great eye for
12 communicating with the public, I think that that's one
13 area where we could really use some improvement in
14 working with consumers on how they can carry their
15 complaints to the agency, how to facilitate making it
16 known that they can do that, number one, but then also
17 helping to resolve complaints for consumers. So that
18 process can --

19 MR. GURIN: Well, thanks, Debbie. And let
20 me talk about that a bit.

21 Yes, the consumer center, the consumer
22 complaint center is part of CGB. It's an area we're

1 looking at and are working on very actively. I don't
2 know if any of you were aware of this. But actually,
3 my first day here, December 9th, the GAO gave me a
4 welcome present by issuing a report on our complaint
5 handling system for which I actually was on a panel at
6 NARUC with the guy who wrote the report and had a
7 chance to thank him. But it was actually sincere
8 thanks because it was a spot-on report.

9 And the conclusions were, among other
10 things, they really did not find fault with the people
11 who handle the phone calls, and we have a very large
12 and I think very experienced staff doing that. But
13 they found fault with our systems, and I think
14 everybody, beginning with the phone call center, would
15 agree that the systems need improvement. Steve Van
16 Roekel, who you met yesterday, has been very committed
17 to that. The Office of the Managing Director is very
18 committed to that.

19 So what we're doing, just in a nutshell,
20 because I see we're at 10:00. But in a very quick
21 overview, we're looking at ways to do a few things.
22 One is to simplify the systems because, right now,

1 there are a lot of systems that computer scientists
2 would technically describe as "klugy."

3 They've kind of been built a bit at a time,
4 and they don't really integrate and work well
5 together. We need to fix that. But there is also, I
6 think, a tremendous opportunity that we have not
7 utilized yet, which is to use all of this information
8 to spot consumer trends, and that is actually
9 something that the GAO specifically noted and that we
10 completely agree is a terrific opportunity for us.

11 And then, finally, in terms of complaint
12 handling, our model has been very much based on
13 mediation. One of the things we're looking at is that
14 mediation is often necessary, often useful, but really
15 not the only way to address these problems. I think
16 particularly as we use the Web more and more
17 intelligently, we'll find ways that we can provide
18 self-help kinds of tools for people, ways that we can
19 really help them help themselves, which can just
20 increase the leverage we have in helping solve these
21 problems.

22 MS. BERLYN: Thank you. We have a question

1 from Mark.

2 MR. GURIN: Great. Thank you.

3 Hi, Mark.

4 MR. DEFALCO: I did not know about your
5 Intergovernmental Affairs Committee. I need to
6 understand a little bit more about that. But I do
7 know that before she left NEC, Susan Crawford used to
8 have periodic meetings every week it started, then it
9 went to every other week where it was to just discuss
10 broadband issues in general with all of the Federal
11 agencies.

12 And when Susan left at the end of last year,
13 that was the last meeting. And I personally thought
14 they were very, very beneficial. It was a chance for
15 the different agencies to get together and really go
16 through a lot of things. It was also during the
17 period of time when the RUS and NTIA were going
18 through the grant proceedings. And just soon as she
19 left off, that completely came to a close.

20 MR. GURIN: You know, Mark, I think that's a
21 good heads-up for me. I am conscious that we're at
22 the end of the time, but I will be back for lunch,

1 Debbie. So --

2 MS. BERLYN: Oh, good.

3 MR. GURIN: Yes. So I can follow up with
4 you then. And I would like to. Let's make sure we
5 talk then. Terrific.

6 MS. BERLYN: Thank you so much, Joel.

7 MR. GURIN: Thank you.

8 MS. BERLYN: We appreciate your time.

9 Excellent. Thanks.

10 MR. GURIN: My pleasure. Thanks very much.

11 [Applause.]

12 MS. BERLYN: Well, Blair? Blair, have you
13 had any sleep? I think you have now. But Blair, come
14 up to this end because, Blair, you have brought us
15 some gifts. I don't know if you know this.

16 Thank you so much, Joel.

17 MR. GURIN: Thank you, Debbie. I'll see you
18 at noon.

19 MS. BERLYN: Okay. Excellent.

20 MR. LEVIN: Hi. How are you?

21 MS. BERLYN: Hi. Welcome, Blair Levin. We
22 don't have a tent card for you. We should.

1 As you all know, this is the architect
2 extraordinaire of the, how many pages, 400 and you
3 know?

4 MR. LEVIN: Yes, well, it's actually
5 interesting --

6 MS. BERLYN: We rounded it to 400, I think.

7 MR. LEVIN: Yes, every news report has
8 gotten a different one. So it depends --

9 [Laughter.]

10 MS. BERLYN: The cover, the index.

11 MR. LEVIN: I'll actually tell you the first
12 draft, which we got from our teams on November 30th,
13 was 2,300 pages.

14 MS. BERLYN: Twenty-three hundred, okay.

15 MR. LEVIN: So we decided that actually
16 wouldn't work. So we had to reconceptualize. You
17 should be very grateful. There will be a lot of
18 technical appendices -- thank you -- coming out over
19 the next month. But one of the things you'll note in
20 the plan is that there's a lot of analytic work behind
21 many things that the full analysis is not there
22 because we wanted to focus on the recommendations and

1 stuff. So, anyway.

2 MS. BERLYN: We appreciate your being here
3 this morning to fill us in on the National Broadband
4 Plan, and I don't know if any of you saw, but the box
5 is in. And thanks to Blair and his team, everyone
6 here is going to actually get a covered original copy
7 of the National Broadband Plan, which Blair is going
8 to personally autograph, right?

9 [Laughter.]

10 MS. BERLYN: I know I want mine personally
11 autographed. And we really appreciate all the hard
12 work that went into this. We know that it was a team
13 effort.

14 MR. LEVIN: It really was.

15 MS. BERLYN: And that hours, hundreds,
16 thousands, millions of hours went into this, day,
17 night, weekends, and that you had quite a team that
18 you put together, I know, of people who had
19 extraordinary experience and thoughtful thoughts that
20 went into this. So it's really quite a piece that
21 everybody will, I know, spend a lot of time reading
22 over the course of the next couple of weeks and

1 digesting.

2 But we appreciate your coming in and giving
3 us just the Cliff Notes on, I think, and helping us
4 work through. So thanks.

5 MR. LEVIN: First of all, thank you very
6 much. And thanks, Debra.

7 Debra rescued us in ways that only I know
8 from several mistakes we were going to make in the
9 course of this process. One of the nice things about
10 the process is there were a number of people who kind
11 of very quietly said to me, "You're making a mistake,"
12 and they were thinking about it.

13 One of the advantages of an open and
14 transparent process is that you make your mistakes
15 publicly in September and October so that you can
16 actually do the right thing in February. And
17 personally, I will never reveal how she corrected us
18 because that wouldn't be useful. But I'm really
19 grateful for that.

20 Also, as Debra said, it very much was a team
21 effort. I just saw Elizabeth Lyle came in. Elizabeth
22 ran -- actually, one of the things that was, I think,

1 most interesting and from an historic perspective 10
2 years from now may turn out to be one of the more
3 important things was the disabilities workstream. One
4 of the interesting statistics that is really
5 counterintuitive to me was the high level of
6 nonadopters who have suffered from disabilities.

7 And the reason I say it's counterintuitive
8 is broadband enables a kind of personalization that
9 you actually might think that folks who have
10 disabilities benefit from broadband more, the value
11 proposition is greater. But there are a variety of
12 reasons that John Horrigan's fabulous study document
13 for why it's actually harder, and I think as a
14 country, it's one of the things we really need to
15 focus on.

16 Elizabeth did some fantastic work. It's
17 great that Karen will be joining the FCC to make that
18 vision a reality.

19 I have given so many presentations about the
20 plan. I often have to get up and do PowerPoints, but
21 I'm delighted to actually be here in what we might
22 think of as an "unplugged" session. I have no

1 PowerPoints. I have no presentation.

2 I thought you folks have read probably a
3 fair amount of press about it, but what I thought I
4 would just do is open it up for questions. Of course,
5 I'm happy to chat about it. But I thought it would
6 be better. I will merely say that in the first 24 hours
7 of press, what was most amusing to me was that there
8 were probably 50 or 60 people who were quoted, many of
9 whom very positively, some of whom very negatively.
10 And I felt very confident of this. None of those
11 people had actually read it on both sides.

12 But people are reading it now and are
13 discovering various things about it. My favorite, of
14 course, is the blogger who discovered that this is the
15 first FCC report ever to quote Shakespeare. And I got
16 a lovely note from the head of the Irish equivalent of
17 the FCC this morning noting that and offering another
18 Shakespeare quote kind of in response to the quote
19 that we had, that we used.

20 So all I can say is my mother was happy with
21 the Shakespeare quote. So that's good. But with
22 that, I'm happy to talk. But I'm mostly here really

1 out of respect for the work that you guys are doing,
2 and again, in appreciation for what Debra did several
3 times during the planning process. But I'm happy to
4 answer any questions that you all have.

5 MS. BERLYN: Okay. Well, we have a tent
6 card system. So tent cards will go up, I'm sure. As
7 people speak, I'm going to walk around and hand out
8 the books. So please use this as an opportunity.

9 We did -- Blair, we have a Broadband Working
10 Group. We did meet yesterday to start to talk. And
11 as you say, it is difficult to talk without having
12 read every word of the plan. So we did talk based --
13 although some people I think have started to look at
14 it and read parts of it. So we did start to talk
15 about it, and the discussion will continue.

16 MR. LEVIN: Great.

17 MS. BERLYN: But we will entertain
18 questions, starting with Irene. And if you could,
19 because I don't think we'll take time to go around and
20 introduce ourselves because Blair has been here
21 before. But if you could, before you ask your
22 question, introduce yourself and your affiliation.

1 So thank you.

2 MS. LEECH: Good morning. I'm Irene Leech.

3 And I'm here representing the Consumer Federation of
4 America. And I'm one of the co-chairs of the
5 Broadband Working Group.

6 MR. LEVIN: Great.

7 MS. LEECH: I guess one of our questions to
8 you is how can we help with implementation? What do
9 you anticipate is going to happen from here? And we
10 also are wondering if some of the materials that were
11 collected in the process are going to be used to kind
12 of jump-start the process of proceedings that might
13 come from here?

14 MR. LEVIN: Yes.

15 MS. LEECH: And that data will continue
16 forward versus being lost?

17 MR. LEVIN: Yes. During the planning
18 process, there was a process of integrating the
19 planning process with the traditional bureau and
20 office process. There was a weekly meeting that kind
21 of set forth the agenda. The bureau chiefs all have
22 known which proceedings the plan would call for, and

1 in some sense, they were setting their own agenda.

2 I think the document ought to be looked at
3 as both an analytic piece and an agenda-setting piece.

4 So sometime the next couple of weeks, the FCC will
5 release a document, which is a calendar of those
6 proceedings which it will be doing.

7 Obviously, there are some things which are
8 very important and core to the agenda -- universal
9 service, spectrum, rights of way, other things, the
10 transparency agenda that Joel is going to run. So I
11 would say that, you know, pick your favorite items and
12 support them.

13 I would -- one of the things that's very
14 clear to me watching Washington operate for a lot of
15 years is it's pretty easy to kill things. It's very
16 hard to get things done. I think that one of the
17 things that we captured, and there was a lot of work
18 behind the scenes on this, was that there on some
19 issues an actual consensus.

20 And I don't mean unanimity, but I think
21 there is a greater consensus than people realize about
22 things like universal service reform or comp reform in

1 part because the market is moving those things --
2 we're moving toward a disaster. And I think people
3 really don't want that disaster to occur. And so,
4 it's -- but nonetheless, it's hard to get movement.

5 And so, on a number of issues, and we talked
6 to your folks a lot about the universal service stuff
7 because we wanted to both solve the congressional
8 issue of deploying everywhere without raising the
9 already significant fees on consumers in the rest of
10 the country.

11 So I would just say, yes, all of the
12 information that's a matter of public record, that
13 came in as part of the broadband planning process will
14 be part of the normal notice and comment period. And
15 let the proceedings begin and push them forward and
16 hold the commission's feet to the fire.

17 MS. BERLYN: Thanks, Irene.

18 Gloria?

19 MS. TRISTANI: That answered my question.

20 MS. BERLYN: Oh. Who's next? Claude?

21 MR. STOUT: Yes, and hello, Blair. I am
22 Claude Stout, and I'm with the Deaf and Hard of

1 Hearing Consumer Advocacy Network.

2 On behalf of our deaf and hard of hearing
3 population, I would like to thank you and your team
4 for the wonderful report. And you involved Elizabeth
5 on your team, and that was great because she knows our
6 issues very well.

7 In terms of putting together a plan, that's
8 one thing. But putting it into real practical
9 practice is another thing. Like I told you in my
10 previous email, it's one thing to get access, but it's
11 another thing to maintain and experience that access.

12 And I'm hoping that this plan will give people with
13 disabilities full access, and also with that access,
14 we would experience more opportunities in employment,
15 education, civic participation.

16 So many of us are really left in the dark.
17 And you know, we're always hungry for equal
18 participation within society. So I'm hoping that this
19 plan will give us a more level playing field in the
20 future and let us experience -- you know, and not have
21 to experience that digital divide.

22 Thank you for the wonderful work that was

1 involved in this.

2 MR. LEVIN: Thank you very much.

3 First, let me again thank Elizabeth, who,
4 both in an inspirational way and a very practical way,
5 drove that workstream, did a fantastic job. Very,
6 very grateful to her.

7 Second, let me say that one of the abiding
8 principles of the policy process is you can't get to
9 Act 3 until you go through Act 1. And this is Act 1.

10 There is -- now we move to Act 2, which is kind of a
11 process, and then Act 3 will be see how it works and
12 then correcting that process.

13 But you have to go through that, and I think
14 that part of what we were attempting to do in terms of
15 the agenda setting was making sure that this issue was
16 front and center on the table. And I think we were
17 able to do that. But I'm fully cognizant that that
18 does not mean that Act 2 will, by itself, be a
19 success.

20 So, again, it's very important. It's great,
21 again, that Karen is coming on to make sure that that
22 part, that works.

1 And then, finally, let me again thank you
2 for your support and your pushing. I'll end my answer
3 to this question the same way I ended my answer to the
4 last question. It's about holding the commission's
5 feet to the fire and Congress's. But that's Act 2.

6 MS. BERLYN: Excellent. Without having read
7 all the details, but seeing the summary and the press,
8 one question I have that seems clear that there is a
9 need for many -- a collaborative process and bringing
10 together many parties here that the industry, consumer
11 interests, agency -- Government agencies working
12 together through this.

13 What do you think is the best way to achieve
14 that? I mean, that's a tall order, and how is the
15 best way to do that?

16 MR. LEVIN: Yes. There are certain kind of
17 meta themes that people haven't picked up on yet, but
18 maybe somebody will and maybe somebody won't. The
19 first is that this institution, as we reported at the
20 August meeting, lacked the basic information necessary
21 to make a number of the judgments that you really need
22 to have a thoughtful policy, particularly in the area

1 of competition.

2 There are a variety of reasons why this is
3 true. One of them simply is that broadband is a
4 different animal, and you have to analyze it
5 differently. And it was one thing to have information
6 about a voice service and switched access rates and
7 all kinds of things, but broadband is a different
8 animal.

9 A second is whenever you have a new
10 technology, you have something called "measurement
11 bias," which is you're measuring new technology kind
12 of based on the parameters of the old technology, and
13 it doesn't really work well. So one of the things we
14 called for is we need to have new ways of measuring,
15 very specific about some of the data we need. But one
16 of the things I would say is you all should read that
17 part of it. Hopefully, we got it right.

18 But I think one of the key challenges for
19 this agency is to measure things more accurately. So
20 I would urge you to do that.

21 A second thematic element is that we call
22 for a lot of pilot projects. There is a reason.

1 There is always a need in Government, I think, as in
2 the private sector for what Franklin Roosevelt called
3 "bold, persistent experimentation." It happens in
4 lots of different ways.

5 But, for example, in moving Lifeline and
6 Link-Up to a broadband platform, there are some
7 similarities with the traditional way of doing it, but
8 there are a lot of differences. Voice is a regulated
9 product in terms of pricing. Broadband isn't. That
10 dramatically changes the way you would do something.

11 With voice, I think it's pretty simple to
12 understand what the device is. With broadband, what
13 device should we be supporting? Is it a device that
14 looks like a BlackBerry, or is it a Netbook, or is it
15 a desktop, or is it whatever? So we need to run some
16 experiments, and I think it would be very good if you
17 guys, where you both on -- one of the pilots we need
18 to run, and we've mentioned a bunch in the plan. But
19 also what's the pilot design? So I would say that.

20 A third meta theme is the understanding that
21 Government -- trying to figure out constantly what's
22 the appropriate role of Government? There are some

1 things, such as the management of spectrum or the
2 management of rights of way, where Government has a
3 very clear role. And part of what we're saying in the
4 plan is Government isn't doing a very good job of
5 that, and you need to do a better job.

6 But there are other parts, such as with
7 adoption, where it's very clear that Government plays
8 an important role, but is not a sole actor and very
9 much needs to be involved in a partnership with
10 private sector stakeholders, nonprofit stakeholders,
11 community groups, local governments, et cetera. So,
12 in those areas, I think you play a particular role in
13 making sure that you are a part of those partnerships.

14 MS. BERLYN: Excellent. Thanks, Blair.

15 Okay, Ken? And now, Gloria, do you have a
16 question?

17 MS. TRISTANI: I do.

18 MS. BERLYN: Okay. Ken and then Gloria.

19 MR. MCELDOWNEY: This may be covered in the
20 400 pages or the previous 4 million pages, but I
21 wanted to sort of ask a question. I think that we
22 work a lot on a national basis with thousands of

1 agencies that serve limited English-speaking consumers
2 and consumers for whom Spanish or Asian languages are
3 their primary language.

4 MR. LEVIN: Right.

5 MR. MCELDOWNEY: One of the things that we
6 run into repeatedly and I think is a factor in terms
7 of low penetration rate in those communities is a lack
8 of relevance because materials are not available in
9 their languages. I think that the Federal Government
10 has lagged way behind both the private sector and also
11 corporations in this regard.

12 It would seem to me that a key element of
13 the broadband plan should be encouraging all Federal
14 agencies and State agencies to make sure that
15 materials are available on their Web sites in a
16 variety of languages, and then also supporting efforts
17 by the nonprofit sector in terms of making sure that
18 they have materials on their Web sites that are in
19 different languages.

20 Again, it's not that expensive. Consumer
21 Action has most of its 250 publications available in
22 five different languages. I think it just takes a

1 commitment on the part of the Federal Government to
2 make sure that this happens. And I think by doing so,
3 it makes the -- it makes the Internet much more
4 relevant and, I think, provides a real incentive for
5 people in terms of getting broadband.

6 MR. LEVIN: Yes. Well, thank you. I think
7 that's an important insight.

8 We do in the plan call for just kind of one
9 of the fundamental building blocks of a national
10 broadband policy ought to be a concept that every
11 citizen, regardless of age -- not kids, but at some
12 age and up -- regardless of language, and regardless
13 of income, should have an opportunity to have a
14 digital skills course online that is accessible in a
15 wide variety of languages. That's the first thing,
16 and we explicitly call for that.

17 There is also a bunch of stuff on civic
18 engagement, Government performance that I think calls
19 for things like what you're saying. Obviously, we're
20 doing some here. I do think that that relevance
21 question is a very important one.

22 I think it is partly a matter of language.

1 Though, interestingly, on the mobile side, the
2 language issue seems much less than on the fixed side,
3 which is kind of interesting. I think that there are
4 -- one of the things we're really pleased by is that
5 the planning process led to a large foundation
6 sponsoring a contest called the Applications for
7 Inclusion, and the idea is that there be a contest to
8 develop applications that would help drive more
9 digital adoption, and I think that that's kind of in
10 the same spirit.

11 I think there are some developments coming
12 down the road by companies that are going to make this
13 a very, very simple thing because of the power, the
14 computers just get more powerful and more powerful.
15 And the ability to translate into multiple languages
16 with the click of a button is going to continually get
17 better.

18 So I think it's an important insight. I
19 also think that over time, that's one that we, as a
20 country, really ought to be able to address very, very
21 easily. But it's important to keep it front and
22 center.

1 MS. BERLYN: Gloria?

2 MS. TRISTANI: More on implementation. I
3 note that at the end of the report, there is a
4 recommendation that there be a broadband strategy
5 council at the executive level --

6 MR. LEVIN: Yes.

7 MS. TRISTANI: -- because there are so many
8 other agencies that are tasked with this. Is this
9 something we can expect fairly soon?

10 MR. LEVIN: Yes. That's right. About 50
11 plus percent of the recommendations are to the FCC
12 itself. The bulk of the rest of them actually are not
13 to the Congress, but to the executive agencies.
14 Particularly the National Purposes section is largely
15 directed toward the administration. And there will
16 be, if my understanding is correct, some kind of
17 coordinating body to monitor and drive implementation
18 of those.

19 MS. BERLYN: Great. Lawrence?

20 MR. DANIELS: Hi, Lawrence Daniels on behalf
21 of NASUCA.

22 Debbie described you as the architect of the

1 plan, and you've described that the next step is
2 process, actually going towards implementation.
3 Broadband has a lot of cross-cutting issues that are
4 going to span this entire commission and Government.

5 Will you be that next architect to kind of
6 keep an eye on all those cross-cutting issues, or will
7 there be an office or another Blair to be the focus
8 who will kind of connect all the dots so that the
9 process is actually implemented in a kind of a
10 seamless way? So that the ultimate adoption and
11 implementation is smooth.

12 MR. LEVIN: I have a high level of
13 confidence it will be smooth, but it will not be done
14 by me. I think there is -- I truly do not know what
15 I'm doing next. But I ran this thing through the
16 tape, and fortunately, unlike the marathon runner
17 after the victory at Marathon, I did not collapse as I
18 ran through the tape.

19 But it was definitely -- seriously, and
20 Elizabeth knows this. We had a team. I've worked
21 every day since January 2nd. I probably have had 3
22 days off since I started this about 250 days ago. And

1 the team is working at that kind of pace because that
2 was the only way to get it done.

3 The time is -- it's really important that
4 the torch be passed to the bureaus and to the offices
5 at the FCC to the agencies. We did a huge amount of
6 work that people will not see to make sure that that
7 was seamless. But there was a moment in time when you
8 wanted to have kind of this group doing this thing off
9 on the side, but now it's time to get it back into the
10 regular processes.

11 MS. BERLYN: Well, Blair, we really
12 appreciate your coming down and talking to us and
13 answering these questions. And good luck. We know
14 whatever is next on the horizon will be fantastic.

15 Yes, here's my pen.

16 MR. LEVIN: I will sign this, and then I'll
17 answer one more question. And then I'll leave.

18 MS. BERLYN: Irene?

19 MS. LEECH: I think we also need to more
20 fully express what I heard yesterday from people. We
21 really appreciate the hard work that has gone into
22 this. And we know can't fully understand what all was

1 there, but we know that it's been a huge effort, and
2 we're glad you did it. And thank you for that.

3 MR. LEVIN: Thank you very much. Thank you.

4 I really -- I can't express enough my appreciation to
5 the many, many people. I mean, we're not kidding when
6 -- the authors page or the preface talks about how we
7 put this together, but the author was really America.

8 And it really was. It was designed that way.

9 And Eddie Lazarus gave this speech
10 yesterday. In the morning, he emailed us kind of like
11 what were some of the ideas that really came through
12 that public process? And he said yesterday, within 15
13 minutes, he had gotten 17 ideas from the team. And
14 that was -- it's really true. And so, we're really
15 grateful to everyone participating.

16 I'm going to focus on signing this, and then
17 I will go. But thank you very much.

18 MS. BERLYN: Thank you, Blair.

19 [Applause.]

20 MS. BERLYN: We now have a break. We will
21 get back in our seats at 10:45 a.m. So thank you all.

22 [Break.]

1 MS. BERLYN: Thank you. If everybody could
2 take a seat, we're going to get started.

3 Can I ask if anyone is on the phone? Is
4 anyone on --

5 COMMISSIONER SANTINI: [on telephone] Yes.
6 This is Commissioner Santini. How are you, Debbie?

7 MS. BERLYN: Nixy, hi. Thank you so much
8 for joining us by phone, and my apologies for not
9 recognizing you before.

10 COMMISSIONER SANTINI: That's all right.

11 MS. BERLYN: Commissioner Santini from
12 Puerto Rico, thank you so much for joining us.

13 COMMISSIONER SANTINI: My pleasure.

14 MS. BERLYN: And representing NARUC. And
15 please, feel free to jump in at any point if you have
16 questions.

17 COMMISSIONER SANTINI: Yes. Thank you,
18 Debbie.

19 MS. BERLYN: Okay. Well, next up, we are so
20 pleased that we know that there is another big event,
21 big issue at the commission that I know we've talked a
22 little bit about and the FCC has been looking at, and

1 that's the open Internet issue.

2 And so, we thought we would invite someone
3 to come and talk about that with the CAC today. Zach
4 Katz is Deputy Chief of the Office of Strategic
5 Planning and Policy Analysis at the FCC.

6 MALE SPEAKER: It's a mouthful.

7 MS. BERLYN: It is a mouthful. And I'm so
8 pleased that he is here to tell us a little bit about
9 what's going on with the open Internet issue. Thank
10 you so much.

11 MR. KATZ: Thank you so much for having me,
12 and it's nice to meet you all. This is my first
13 consumer advisory meeting.

14 I thought what I might do is talk for about
15 15 minutes at most about our open Internet proceeding,
16 what it's about, why we initiated it, how we're
17 running the process, and where we are. And then see
18 if folks had questions or wanted to discuss issues
19 that relate to the proceeding.

20 So although we opened this proceeding in
21 October of last year, our focus on the open Internet
22 and open networks more generally goes back, arguably,

1 five decades. We, over the past 5 years, have engaged
2 on open Internet issues in more than a dozen
3 proceedings, starting in 2005 with the Internet Policy
4 Statement that you all may be familiar with, the four
5 principles that were articulated by the commission at
6 the time of the Wireline Broadband Order, which
7 changed the regulatory approach to broadband Internet.

8 In various merger proceedings since then,
9 including the SBC/AT&T merger, the Verizon/MCI merger,
10 the AT&T/BellSouth merger, the commission also engaged
11 with these issues around the open Internet, how to
12 ensure that the Internet retained these kind of core
13 characteristics of openness. And it was really the
14 latest kind of incremental step in this multiyear
15 process that we took in October of last year at the
16 commission meeting.

17 So where do we start in thinking about the
18 open Internet? I guess there are two core ideas that
19 lie at the beginning of this issue for the commission.

20 The first is the importance of the openness, the idea
21 that the absence of gatekeepers has been integral to
22 the Internet success for consumers, for innovation,

1 for investment. And the second idea is that network
2 management, the ability of broadband providers to
3 manage their networks, to provide consumers the
4 experiences the consumers expect, to ensure that the
5 network functions is a core value that has to be
6 protected.

7 So the challenge is to kind of take these
8 two core principles and understand how best to ensure
9 innovation, investment, competition, consumer benefits
10 flow from the Internet. We look at the world and see
11 potentially three categories of conduct that broadband
12 providers can engage in. There are those things that
13 almost everyone would agree are unreasonable.
14 Surreptitious blocking of political content or slowing
15 down a competitor's provision of a VOIP offering over
16 a broadband connection.

17 There is probably a second category of
18 practices that everyone would pretty much agree are
19 reasonable, things like spam filtering or taking
20 certain measures to protect the security of the
21 network.

22 And then there's a third category where

1 reasonable people can disagree about whether a given
2 practice is appropriate or not. And there's a lot of
3 uncertainty we've heard regarding that third category.

4 So the purpose of the proceeding is to
5 provide some clear and a high-level guideline, some
6 rules of the road that make clear that that first
7 category, where everyone would think that conduct is
8 problematic, is, in fact, prohibited, which is not the
9 world we live in today. And secondly, and equally as
10 important, to provide some greater clarity, some
11 guidelines to understand in that third category, where
12 parties can reasonably disagree about whether conduct
13 is appropriate or not, how broadband providers and how
14 the rest of the Internet ecosystem can understand
15 what's appropriate and what's not.

16 To achieve these goals, in October of last
17 year, we -- the commission adopted a Notice of
18 Proposed Rulemaking. That rulemaking kicked off a
19 several month conversation where we have been
20 soliciting, in a number of ways that we can talk about
21 in a little bit, input from the public on proposed
22 rules.

1 The commission felt it was important to
2 actually provide the language of the proposed rules
3 that it was considering adopting, and those are out.
4 It's a page and a half appendix at the end of the NPRM
5 for public comment.

6 We had opening comments come in January
7 14th. We heard from almost 200,000 people and
8 organizations. We're very pleased with the amount of
9 response that we saw. We've also held four staff-
10 level workshops. One in December on broadband network
11 management that pulled together technical experts from
12 a variety of stakeholders. Another also in December
13 on democratic engagement and speech on the open
14 Internet, which tried to draw out some of the non-
15 economic considerations that are at the heart of this
16 proceeding.

17 We had two more workshops in January, one on
18 innovation and investment, which we held up in
19 Cambridge, Massachusetts, and had folks from the
20 Boston area participate. And another on consumers,
21 transparency, and the open Internet.

22 We've also been having a series of meetings

1 coordinated by Julie Knapp, the Chief of our Office of
2 Engineering and Technology, with the Technical
3 Advisory Team, which is a series of engineers here at
4 the FCC across the bureaus and offices that are
5 engaging with a group of engineers outside the agency
6 to make sure that there is a deep technical
7 understanding of the realities relevant to the
8 proceeding.

9 So what the proposal says I thought might be
10 worth summarizing in just a couple of minutes. There
11 are really six principles at issue here. The first
12 four, which are essentially those that were adopted by
13 the commission in 2005, would ensure that broadband
14 providers can't prevent users from accessing the
15 content, application, or services of their choice or
16 depriving them of their entitlement to competition
17 across the broadband ecosystem.

18 The fifth principle is one of
19 nondiscrimination that says that broadband providers
20 must treat lawful content, applications, and services
21 in a nondiscriminatory manner. That is, they may not
22 favor or disfavor lawful content, applications, or

1 services or charge content, application, or service
2 providers for prioritized access to users.

3 And the last principle, and one that I think
4 is really at the heart of what we're trying to do
5 here, is a principle of transparency or disclosure
6 that says that broadband providers must disclose such
7 information concerning their network management
8 practices as is reasonably required for users and
9 content, application, and service providers to enjoy
10 the protection specified in the principles.

11 We also made clear that all principles as
12 proposed would be subject to reasonable network
13 management, including efforts to manage congestion,
14 address things like unlawful content or unlawful
15 transfers of content. And that there would be clear
16 exceptions for emergency communications and the needs
17 of law enforcement and the public safety national and
18 homeland security communities.

19 The proposal also discussed a category of
20 services that might be provisioned over the same
21 infrastructure as broadband Internet access service,
22 but isn't Internet access service. We use the term

1 "manager specialized service" to describe this
2 category. And the notice asked a number of questions
3 about how this category should be described, what
4 policies, if any, should apply to the category.

5 We've talked a little bit, I guess, about
6 the process. I think the last thing I'd like to
7 mention is that we're trying to run as open and as
8 Internet-enabled a process as we can, befitting the
9 open Internet proceeding. So we have launched a
10 dedicated Web site at openinternet.gov, learning from
11 the tremendous efforts of the broadband team and
12 trying to engage the public with a blog there and with
13 a crowd-sourcing platform from IdeaScale, which has
14 hundreds of comments or hundreds of proposals for
15 policy ideas with thousands of comments.

16 I think we may be up to tens of thousands of
17 votes on those ideas. It's been a really impressive
18 outpouring of interest, and our staff has been
19 reviewing those and including those in the record,
20 just as we do the more formally submitted comments
21 that come in through our electronic comment filing
22 system.

1 I mentioned the technical advisory process
2 and the workshops. There will be at least one
3 additional workshop. We have reply comments now due
4 on April 8th, and we strongly encourage participation
5 in those. And particularly around issues regarding
6 consumer needs, what consumers need to know, what
7 consumers need to be able to control to ensure that
8 they can enjoy the many benefits of the open Internet.

9 I think Joel Gurin may have talked a little
10 bit about the broader transparency initiatives
11 underway at the commission, and the broadband plan,
12 obviously, had some discussion of those. We view the
13 six principles as part of that effort, but
14 particularly focused on these network management
15 practices which can have potentially pro-consumer or
16 anti-consumer effects, but about which not enough may
17 be known currently.

18 And so, in thinking about this, I guess in
19 particular, I'd say it's important for us that we
20 think of consumers not just as passive recipients of
21 information over the Internet, but, in fact, as active
22 producers, as two-way communicators. And so, the

1 information that a consumer may need to know about
2 their broadband service may be relevant to their
3 ability to act as a content or application creator or
4 distributor over the network, and the NPRM really
5 emphasizes the importance of those issues as well.

6 So I think I'll stop there and see if there
7 are questions that would be worth discussing.

8 MS. BERLYN: Thank you very much. That's
9 great, Zach. Questions for Zach?

10 I think everybody is digesting the
11 information.

12 MR. KATZ: And that's fine. And I should
13 also say there is more information available on the
14 Web site. One thing we tried to do at
15 openinternet.gov is take an issue that can be very
16 difficult to grasp once you get past the level of kind
17 of slogans or high-level points because there are a
18 lot of technical issues, and it can be very detail
19 oriented. We tried to make some of that more
20 understandable by putting together a summary in kind
21 of plain English of some of the key elements of the
22 proposal.

1 And I would encourage you and others who
2 might be interested to go there to look through that
3 summary, to look through the frequently asked
4 questions that we put on the site, which really came
5 from a recognition that being accessible, being open,
6 being transparent isn't just about posting the NPRM on
7 the Web site, but, in fact, trying to make these ideas
8 more easily accessible to those who may not have the
9 jargon or be as familiar with the regulatory
10 intricacies.

11 MS. BERLYN: Irene?

12 MS. LEECH: I think it's exciting that
13 you're putting this on the Internet. How are you
14 promoting that site to consumers across the country so
15 that they would know that it's there and be able to
16 take advantage of it?

17 MR. KATZ: It's a great question that we
18 have in communications with nonprofit organizations
19 around the country have been touting the Web site and
20 asking people to spread the word. At the public
21 workshops we've held, all of which people can
22 participate in over the Internet. In fact, a number

1 of the questions at a few of these workshops have come
2 in over Twitter, and others have come in through the
3 Web site.

4 We've mentioned the fact that the Web site
5 exists and encourage people to go to it. But we'd
6 certainly like to do more. And if you have ideas for
7 how we could do more to get the word out, we'd very
8 much like to do that.

9 MS. BERLYN: Mark and then Joel. Joel, I'm
10 so sorry. You don't have a tent card. So you do have
11 to use the old-fashioned way of raising your hand. So
12 let me give it to Joel because I think he did have his
13 hand up there without his tent card. So, Joel, we're
14 getting you a tent card.

15 MR. KELSEY: Okay. Just one quick question
16 is -- sure, it's Joel Kelsey. I'm with Consumers
17 Union.

18 Just one quick question is now that the
19 broadband plan is finished, does the commission
20 foresee having future public workshops after the reply
21 comment cycle and exploring kind of other aspects of
22 the rulemaking? And if you had any idea of what

1 aspects those workshops might explore would be, I
2 think, probably I would love to hear it.

3 MR. KATZ: Absolutely. So the short answer
4 is yes. We will be holding at least one additional
5 workshop later in the spring after the reply comments
6 are in. When we thought about the workshops and what
7 we were hoping to achieve at the beginning of this
8 process, we thought about kind of two phases, a first
9 phase that would focus on understanding what those
10 elements are of the Internet's openness or what the
11 kind of consequences are of the Internet's openness
12 that might be relevant to the proceeding.

13 So we focused on speech and democracy,
14 innovation and investment, consumer interests in that
15 first round. And I think got a lot of good stuff into
16 the record about kind of the benefits, maybe some of
17 the costs of preserving openness.

18 The next phase would be to focus on whether
19 there is a need for additional protections here, kind
20 of beyond those that are already in place. And if so,
21 what those should be. So kind of a more direct
22 evaluation of the framework that we've put forward,

1 and I think we're in the process now of putting
2 together that workshop, and I think we'll be publicly
3 announcing something in the not-too-distant future.

4 MS. BERLYN: Thank you. Mark?

5 MR. DEFALCO: Mark DeFalco with the
6 Appalachian Regional Commission.

7 Zach, it's good to see you again. This is a
8 critical issue. I think it's a critical issue in
9 terms of the way the commission determines how they're
10 going to regulate the Internet, and it ties so well
11 into the broadband plan in terms of what you're going
12 to do with the Internet and the infrastructure and how
13 it's going to fit into the plan.

14 I know the plan itself has one page that
15 kind of discusses this, and it's probably because the
16 proceeding is already underway and well down the road.

17 What could this committee do to help move the ball
18 forward for you?

19 MR. KATZ: So let me answer that, but before
20 I do, let me just talk briefly about the relationship
21 between the open Internet proceeding and the broadband
22 plan. I guess the commission sees those as kind of

1 complementary initiatives. So the broadband plan, as
2 you mentioned, discusses the open Internet proceeding
3 in small part, but it wasn't the place for resolution
4 of these issues. Those are going to be handled
5 separately in this proceeding.

6 As far as what this group could do, I think
7 we would love to hear more about the consumer
8 perspective on many of the questions in the
9 proceeding. I think I mentioned a couple in
10 particular.

11 This idea of transparency and what consumers
12 need to know, what they may now know, not just about
13 the speed or other performance characteristics kind of
14 at a high level, but also regarding whether certain
15 applications may work better or worse over their
16 broadband connection. Or if broadband providers were
17 engaged in favoring certain traffic over others, what
18 that would mean to consumers, what they would need to
19 know to be empowered and make the decisions that they
20 need to be able to make with respect both to
21 subscribing to service, but also using that service.
22 I think those are some of the key issues that we see.

1 MS. BERLYN: Excellent. That's really
2 helpful. Thank you.

3 Does anyone have any other questions?

4 [No response.]

5 MS. BERLYN: You've got us ahead of
6 schedule, Zach.

7 MR. KATZ: You're welcome.

8 MS. BERLYN: That may mean we have to talk
9 amongst ourselves. Well, thank you so much. Is there
10 anything else you can tell us about the timing of this
11 proceeding unfolds? What is your expectation of
12 timing? There are other influencing factors here,
13 which a court case, anything you want to mention about
14 that or --

15 MR. KATZ: I think we're looking forward to
16 the comments that are going to come in by April 8th.
17 I mentioned that we'll be having a workshop at some
18 point after that. But I can't say that there's a date
19 certain by which the commission is planning to have an
20 item ready, other than to say kind of stay tuned. I
21 don't know there is much more I can say on timing.

22 MS. BERLYN: Okay. Great. Well, thank you

1 very much, Zach. Appreciate your time. Excellent.

2 [Applause.]

3 MS. BERLYN: Scott, we're a little ahead of
4 schedule here.

5 MR. MARSHALL: Wow.

6 MS. BERLYN: Okay, everybody, stay tuned.
7 We have next on our agenda the Deputy Bureau Chief.
8 So Scott and I will see if we can get him down now.
9 Yes, let's see if we can get him down so we can start
10 that.

11 So don't go far, please. We'll see if we
12 can move, and then we'll have a little bit more of a
13 lunch break, which would be really great seeing most
14 of us will be doing that work of the Consumer
15 Protection Working Group. So don't go far.

16 [Break.]

17 MS. BERLYN: Is it possible to get the mike
18 on? Yes, okay. Good. Good.

19 Why don't we just do one quick thing while
20 we're waiting for Yul to come in the room? I wanted
21 to get some feedback on what people thought about our
22 adding that half-day working group onto our meeting

1 and whether people found that of value, if we would
2 like to try and do that again?

3 And it was a little bit of an experiment for
4 us. But I think that the FCC staff is very supportive
5 of our doing that, I think, in the future. So did
6 folks find that of value?

7 Claude?

8 MR. STOUT: Yes, if I may? Debra, I do
9 think so. Yesterday afternoon's time in the working
10 group meetings I think was well spent. It was very
11 helpful. We won't have one today during the CAC
12 meeting, I see, a full-fledged one. But it was sort
13 of set aside outside of the meeting, and I think it
14 made us productive, especially with the disability
15 access group specifically. For our purposes, I think
16 it worked very well.

17 I think it would be good if we had working
18 groups meetings on that half-day basis before our full
19 CAC meeting and with an FCC staffer assigned to each
20 group in order to help us be even more productive and
21 allow us greater collaboration with the commission
22 staff.

1 MS. BERLYN: Okay. That's a great
2 suggestion.

3 So Karen will work on getting someone there
4 for the Disability Working Group. We did have someone
5 in our Consumer Protection Working Group, which I
6 think was really, really helpful. So I think that's a
7 great suggestion, Claude.

8 Irene?

9 MS. LEECH: I think that it was helpful that
10 we had those meetings, and I know that in Lou's
11 absence, he would want me to emphasize how important
12 he thinks it is that we have some time to do that. He
13 was very disappointed not to be here and is very much
14 hoping that we will plan that next time so that he can
15 be a part of it because he thinks that will really
16 help our process.

17 MS. BERLYN: Good. Sure, please.

18 MR. MARSHALL: Am I on here? Yes, a
19 question for all of you, too. Is there anything else
20 we can do to help support additional working group
21 meetings between regular plenary meetings of the CAC?
22 I know we have the option of conference calls. We

1 have the option of meetings here. I realize that all
2 of us are not in Washington, but we do have the email
3 discussion group set up.

4 Are there any other mechanisms that would be
5 helpful to you in order to be able to meet more
6 regularly and to be able to use your time more
7 effectively?

8 MS. BERLYN: Good question. Cheryl?

9 MS. HEPPNER: A little crowded here. There
10 is one thing that I would like to know if we can have
11 support for, and that is our working group meeting
12 yesterday, I wasn't really sure who would be coming.
13 It's a new format. So I didn't know if we were going
14 to have -- I thought we were going to have breakouts.

15 And I thank Scott for providing that information.

16 And I just wanted to know who would be at
17 that meeting and what I would have to work with. So
18 it would be helpful if we could have a system. And I
19 know for the next time I will poll the people who are
20 on my working group ahead of time, along with Eric,
21 and we will work to find that out.

22 And the other thing that I found difficult

1 is that it's really a challenge for me -- Eric may be
2 way better at this than I am, but it's hard for me to
3 run a meeting with the CART and be able to take notes.

4 I've got notes, but I'm not sure that after a day and
5 a half of this, I'm going to go back and remember what
6 it all means. So if we could have a note-taker
7 specifically for that, it would be a big help.

8 MR. MARSHALL: Question, a follow-up
9 question, if I may? Would the -- if we were able to
10 provide the CART transcript, is that what you are --
11 would that be helpful in terms of notes?

12 MS. HEPPNER: Scott, it's helpful. But
13 that's a full transcript, and I don't need chapter and
14 verse so much as something condensed and quick, the
15 kind of issues we're discussing, any of the actions we
16 decided on.

17 How about you, Eric?

18 MR. BRIDGES: It would be nice. The CART
19 transcript, though, would be a useful first step,
20 though, I think, Scott.

21 MS. BERLYN: Okay, thanks, Cheryl. That's a
22 good suggestion.

1 Any other thoughts on the process of having
2 that half day? Yes, Mark?

3 MR. DEFALCO: Yes, I guess I would -- just
4 to kind of agree with what Cheryl said, I think maybe
5 a little more structure in advance to what the working
6 group is going to do, and then you could maybe do some
7 more preparation so that it would be more productive
8 time when everybody was together.

9 MS. BERLYN: And that's a good suggestion,
10 Mark. We probably do most certainly need that, and
11 we'll talk a little bit more about that in the
12 afternoon.

13 Yes, Lise?

14 MS. HAMLIN: Just to back that up also, I
15 felt that we could have used a little more time in our
16 work group, but some people wanted to go, get into the
17 broadband workshop as well. So it made it a little
18 bit of a conflict. If we know how much time we have
19 in advance, then we could set this up so if there's a
20 conflict we know in advance.

21 There's a little green card on top of his
22 name. Oh, is that --

1 MS. BERLYN: Thank you.

2 Yes, we'll work out those sorts of
3 logistical issues next time a little bit better, and
4 one thing that's helpful is this time we really were
5 not -- Scott and I really weren't sure until very
6 close to our meeting which working groups were
7 actually going to meet.

8 So we need to really get a sense of that
9 information further in advance and have our working
10 groups and, as Mark mentioned, a better sense of that.

11 Could we now hold --

12 MS. TRISTANI: Can I ask one question?

13 MS. BERLYN: Yes.

14 MS. TRISTANI: Because you just said which -
15 - are there other working groups in addition to the
16 three?

17 MS. BERLYN: There is one other working
18 group that Charles Benton chairs.

19 MS. TRISTANI: Which one is that?

20 MS. BERLYN: Consumer Information and
21 Participation Working Group.

22 MS. TRISTANI: Okay. Okay, because that's

1 what I thought, but I couldn't remember.

2 MS. BERLYN: Yes, there are actually four
3 working groups.

4 MS. TRISTANI: Consumer, would that cover
5 public interest and all those things?

6 MS. BERLYN: Let's hold on that because we
7 do have a further discussion about the working groups
8 this afternoon. So let's hold that because that
9 requires further discussion, and I'd like to now that
10 we have our speaker here next to us, I'd like to move
11 back to our agenda.

12 But, yes, thank you, Gloria. That's a good
13 question.

14 Okay. I thought it might be helpful to
15 highlight a couple of distinct areas of the broadband
16 plan, and for those of you who may have seen some of
17 the announcements and events before the actual release
18 of the broadband plan, there were some really great
19 events that happened before March 16th, when the plan
20 was actually released.

21 One of them was a wonderful event, which I
22 wish I could have been at. But one of my favorite,

1 favorite -- hmm, what do we call them -- characters,
2 Elmo actually appeared. Is that correct? Yul was
3 there to talk about the broadband plan and children
4 and families, and I thought it would be really helpful
5 for us to hear a little bit about that.

6 We're also going to have Elizabeth Lyle talk
7 about another focus of the broadband plan on
8 disability issues, and there was a special event on
9 that as well during the rollout week. So I invited
10 Yul, and Scott invited him as well, the Deputy Bureau
11 Chief of Consumer and Government Affairs, to come and
12 share with us a little bit about the broadband plan
13 and children and families. So thank you so much, Yul.

14 MR. KWON: Thank you, Debra, for that
15 introduction.

16 My name is Yul Kwon. I'd like to welcome
17 all of you to the commission today. I'm relatively
18 new. I've been here for all of 4 months, 5 months.
19 And I have kind of a checkered past, which is how
20 you'd call it.

21 I used to be an attorney. Then I worked --
22 spent some time at Google. Before coming here, I had

1 actually been recruited to go onto a reality show,
2 Survivor, about 3 years ago, which I ended up winning.

3 And then after that, I was doing a lot of work
4 helping defend nonprofits, working with a lot of
5 minority communities. And I met Senator Obama at the
6 time, and I was just really blown away.

7 So I started working on the campaign. I got
8 to know the Chairman, Julius Genachowski, and I just
9 thought he had a very vibrant vision of how this
10 country could leverage technology to help consumers
11 and communities. So I bought into that vision, and he
12 asked me if I wanted to come work for him, and I
13 decided to come here.

14 When I asked him where I should go work, I
15 asked him what he saw in terms of a vision for the
16 commission. And one thing he said was that, you know,
17 he really wanted to make the commission much more of a
18 pro-consumer agency. That in the past, the agency
19 historically had not been as inclusive of different
20 voices as it should have been in the past, that the
21 commission often reached out primarily to people who
22 had the connections into the commission.

1 And he really thought that this bureau, the
2 Consumer and Governmental Affairs Bureau had been
3 underleveraged. So one of the things that he wanted
4 to do was reinvigorate this bureau to make it much
5 more inclusive of consumers, different constituencies,
6 minority communities, people with disabilities, tribal
7 communities, and he wanted to bring in a new group of
8 leadership to really make this happen.

9 So as you met this morning Joel Gurin, who
10 is the chief, we're basically all new. And none of us
11 have actually spent a whole long time working in
12 Government, and we're hoping that's a good thing. We
13 all come with consumer backgrounds, and we all come in
14 with a passion for making consumer issues at the
15 forefront of the commission's agenda.

16 So that's sort of the broad view. I've been
17 working on a number of different issues. I've been
18 working with the broadband team specifically on two
19 different projects.

20 One is to help tribal communities, Native
21 American communities which have historically been
22 among the most digitally excluded communities in the

1 country. And so, I worked with the broadband team to
2 come up with a set of recommendations to help those
3 communities specifically.

4 The other area that I have been focusing on
5 are children and families. So the Chairman's agenda
6 for children and families is one that extends beyond
7 just broadband, but obviously, broadband is a critical
8 component of this.

9 In a few minutes, I've invited the adoption
10 director for the broadband team, Elise Cohen, to come
11 and actually speak more specifically on broadband, and
12 she can tell you a little bit about that. But I'm
13 happy to share with you the Chairman's agenda for
14 children and families. Basically, his view is that we
15 need to get every child and every family connected.

16 So he gave a speech with Elmo, which, if you
17 haven't seen, I highly recommend that you go to
18 YouTube and check it out. It was hilarious. But
19 basically, Elmo was complaining about the fact that he
20 didn't have fast broadband, and the Chairman made some
21 commitments to Elmo.

22 But essentially, the Chairman's agenda

1 really focuses around four key pillars, and the idea
2 and the general theme of his agenda is providing
3 digital opportunity to children and families all
4 throughout the country. The four pillars are
5 basically digital access. The first thing we have to
6 do is make sure that every child and every family is
7 connected.

8 The second is digital literacy, which
9 includes media literacy. We have to get kids and
10 families the know-how to actually use technology, and
11 it's not just a matter of using technology and getting
12 on the Internet, but giving them the critical thinking
13 skills that they'll need to understand technology,
14 find the content that they need and understand things
15 like advertising or persuasion. There are a lot of
16 studies that have been coming out and showing that
17 young kids don't understand persuasive intent in
18 advertising.

19 Another critical issue that's become a big
20 deal right now is childhood obesity. The first lady
21 has launched a national campaign against childhood
22 obesity, and there are some very concrete links

1 between advertising of unhealthy foods and childhood
2 obesity. So, again, these are all skills that we need
3 to teach our children.

4 The third pillar is digital citizenship,
5 which is a relatively new and evolving concept. But
6 it's a notion that communities, in order for them to
7 function, have to have social norms. They have to
8 have values, and these don't change just because you
9 go online.

10 So the question facing a lot of parents and
11 families is how do you translate values in the offline
12 world to the online world? And how do we develop
13 these notions of digital citizenship so that we can
14 prepare our children to become engaged members of a
15 vibrant digital democracy and a digital economy?

16 Now the fourth pillar is digital safety. So
17 the conversation on safety has evolved quite a bit
18 over the last 10 years. Initially, the conversation
19 focused around predators and things that made the
20 Internet something to be feared. And we're finding
21 that, one, that's not true from a research standpoint,
22 and second, it's doing a disservice to a lot of

1 families because they're not really understanding
2 technology and understanding that the best way to
3 protect a child is to use a safety software between
4 his or her ears, right? We have to teach our kids to
5 behave responsibly because we can filter out media
6 content.

7 The Kaiser Family Foundation recently came
8 out with a very remarkable study, showing that kids
9 today spend approximately 7.5 hours watching media.
10 And if you account for the fact that they're
11 multitasking, they effectively consume 10 hours and 45
12 minutes of media content every single day.

13 It's more than they spend in school. It's
14 more than they sleep. And they're getting it not just
15 from TVs, but they're getting it from their iPhones,
16 from their laptops, from their iPods. It's
17 ubiquitous.

18 So trying to shield children from this isn't
19 going to work, but what we have to do is give them the
20 set of values and the training and the skills that
21 they need to understand it and use it responsibly.

22 So that's the Chairman's agenda, and I can

1 highlight, if you would like, some of the
2 recommendations in the broadband plan that will help
3 achieve these four pillars. For digital access, we're
4 going to make reforms to USFF. Obviously, that will
5 help lower income children get connected. We'll
6 update and upgrade the E-Rate program so that more
7 schools can help children get connected.

8 There are a number of recommendations to
9 improve digital literacy. So we're creating a digital
10 literacy program that will consist of an online
11 digital literacy portal so that anyone who wants to
12 take lessons on digital literacy can go online.

13 We're creating a digital literacy corps,
14 which will mobilize thousands of youth and technically
15 trained people to go out to different communities and
16 give hands-on training on how to get connected and use
17 technology. For myself, this is something that I'm
18 really excited about.

19 One of the reasons I came to the commission
20 was I had a very interesting experience with my
21 mother, who immigrated from South Korea, didn't speak
22 English, and didn't really know how to use technology.

1 And one day, I decided I needed to teach my mom how
2 to use email because there is a history of Alzheimer's
3 in my family, and I had read studies showing that if
4 you're socially engaged and connected as you get
5 older, it helps you stay mentally acute.

6 So I sat down with my mom one day, and I was
7 trying to teach her how to turn on the computer and
8 all that kind of stuff. And I told her to move the
9 mouse up. So she reaches over, and she literally
10 picks the mouse up off the table. I was like, "No,
11 no. Mom, that's not what I'm talking about." I told
12 her to close a window on the screen, and she literally
13 reaches over and closes a window.

14 And it occurred to me that people like her,
15 you know, people in immigrant communities, people with
16 disabilities, they stand to benefit most from these
17 broadband technologies. My mother, whenever she
18 wanted to get news about what happened in Korea,
19 whenever she wanted to see a Korean video, would have
20 to wait weeks for something to arrive in the mail.
21 But if she could get connected on broadband, she could
22 watch these instantaneously.

1 So it took a while for my mom to develop
2 these skills, but once she got online, it completely
3 transformed her life. My mom communicates with her
4 friends all over the world instantaneously. She can
5 watch whatever it is she wants. She's taking English
6 lessons online, and at her church, she's helping other
7 immigrant families gain the digital literacy skills
8 they need to get connected. And hopefully, for them,
9 it won't take 40 years like it did for my mother.

10 These are the kinds of things that we need
11 to do. I mean, we need to provide online lessons, but
12 we also need to provide people who can go out to these
13 hard-to-reach communities that are inaccessible
14 because of distance, because of linguistic or cultural
15 barriers, and this is one of the ways that we're going
16 to try to achieve this. So we're really excited about
17 this digital literacy program.

18 Beyond the broadband, the Chairman has
19 announced an agenda to have a number of roundtables
20 with key stakeholders and different media groups,
21 different industries. And the idea is how do we
22 galvanize actions? How do we generate accountability

1 and get commitments from different media companies,
2 from other stakeholders, technology companies on what
3 they can do to advance this agenda?

4 And at the end of the year, we're going to
5 have a children's summit, where we invite all the key
6 stakeholders to evaluate what progress we've made and
7 also understand what sort of areas should we be
8 looking at. Do we need to update our rules on the
9 Children Television Act? Do we need to take a hard
10 look at advertising aimed at children?

11 There is a study that came out from Children
12 Now, which had some incredible statistics. A child
13 would have to watch 10 hours of television to see an
14 ad for one healthy food product. In that period of
15 time, he or she would have seen 55 ads for unhealthy
16 foods. Is that right?

17 I mean, is this what we should be doing for
18 our kids, and should we be taking a role here? Those
19 are the kind of questions we want to take a look at
20 because if you look at things right now, it's not
21 clear that our children are being adequately served.

22 So, anyway, we're really excited about the

1 Chairman's agenda. He is very passionate about these
2 issues. And we'd love to work with you going forward
3 as we roll out this agenda and get your feedback and
4 your insight and your comments. I know that the CAC
5 is something that all of us are really excited about
6 in terms of building the partnership and leveraging
7 your expertise and your guidance and your input to a
8 far greater extent than had been the case in the past.

9 Any questions?

10 MS. BERLYN: Wow, that was fantastic.

11 Really exciting. I know I have one. But I guess I
12 will defer to my -- well, can I jump in?

13 Please, I just want to add something to
14 everything that you said, and particularly when you
15 mentioned the children's summit, I was so excited when
16 you talked about your mom and the -- bringing in the
17 families, connecting families to children. Because I
18 think one of the very key elements is the role that
19 the older population plays in this not only from the
20 perspective of as a separate generation, but also the
21 connection to kids. Because one of the things in the
22 work that I've done is the fact that 12 percent of our

1 kids are being brought up by older caretakers,
2 grandparents and others. So the role that they play
3 in all the issues that you've mentioned is critical.

4 So you're doing a children's summit. That's
5 excellent. But you might want to also consider what
6 you do with the older population. So I want to talk
7 to you about an older adult summit. So --

8 MR. KWON: I think that point is extremely
9 well taken. I think one thing that we've been finding
10 the course of investigating this area is the critical
11 role that caretakers and parents and educators
12 generally play.

13 If you're looking at online safety, online
14 digital literacy, there is no substitute for adult
15 supervision and guidance. And the problem is that a
16 lot of times, older people, parents, caretakers, sort
17 of throw their hands up and abdicate the role and
18 responsibility that they have.

19 What we're finding is that the most
20 effective way to protect your children is to engage
21 with them, to talk to them about technology, to go
22 online with them to see what they're actually using,

1 and to have conversations and using any online moments
2 as teachable moments to talk with their kids.

3 So one thing that we've been doing to try to
4 promote this is that there's a great coalition of
5 Federal agencies called OnGuard Online that's led by
6 the FTC. We worked with the FTC and the Secretary of
7 Education to produce a booklet called "Net Cetera,"
8 which you can just download from the OnGuard Online
9 Web site. It's basically a great booklet for parents
10 on how to talk to your kids about technology, and it
11 explains things like cyber bullying, which currently
12 is the biggest risk that kids face online.

13 A lot of risk that kids face online are not
14 from predators, as it turns out, but from peer-to-peer
15 relationships. So cyber bullying. Sexting has become
16 a major issue.

17 So, again, the way to deal with these issues
18 is to talk to your kids, and there is no substitute
19 for that. Government can't step in and play this
20 role. It's really the caretakers and the older
21 adults. And so, I think, Debra, your point is
22 extremely well taken.

1 MS. BERLYN: Thank you. I saw Gloria's card
2 go up and then Ken and then Irene.

3 And Elise, do you want to join us up here?

4 MR. KWON: Yes, why don't I take a question?

5 I know Elise is short on time as well. So I'll take
6 a question and then turn it over to Elise. And then
7 if she has to go, she can go. But then we can take
8 questions together.

9 But please, go ahead. I think someone had a
10 question.

11 MS. TRISTANI: Very glad that you're here.
12 Just full disclosure. I'm a board member of Children
13 Now, which produced that study, and I've been involved
14 in many of the children's issues for many, many years
15 wearing other hats.

16 But I think it's terrific what the
17 commission is doing, going forward, the four
18 principles -- digital access, digital literacy,
19 digital citizenship, digital safety. And as a mother
20 of a 17-year-old, I know that there's no way you can
21 shield your kids from what's going on. But there is a
22 reality that up to age 7 or 8, no amount of digital

1 literacy or teaching can teach a child how to
2 differentiate between an ad that's on media that's
3 unhealthy and healthy. I mean, that's just a reality
4 because kids -- maybe even older than that, kids'
5 brains are not programmed. They don't even know
6 what's real and what's not.

7 So I applaud the focus on education, but I
8 think the Commissioner really has to keep in mind that
9 we need to look at are our kids, particularly our
10 younger kids, being bombarded with unhealthy food
11 messages, unhealthy violence messages, and what can we
12 do within the constraints of the First Amendment to
13 protect them in this world where they're going to --
14 they're 24-7 with this stuff.

15 And you get on airplanes, there are moms
16 putting videos in front of their 2-year-olds or even
17 younger, even though the American Academy of
18 Pediatrics has said no TV before 2. So these are
19 complex issues, but I think it's being a little bit
20 naive to say we can solve it all with education.

21 And one last plug. Every parent tries to do
22 what they can to sit with their children. There's a

1 reality of children that don't have caretakers who can
2 be there, for many different reasons, to guide them
3 through this. So it's a real issue. We need to put
4 in, aside from those four principles, a fifth
5 principle of what can we do to shield the vulnerable,
6 particularly the very young population for which there
7 are studies and studies that this media has a
8 tremendous influence.

9 MR. KWON: I think you are absolutely spot
10 on, and your points are extremely well taken. We've
11 spoken extensively with Children Now, and I just want
12 to reiterate and clarify that the children's agenda is
13 not limited to the broadband agenda. This is
14 obviously topical. This is a big part of how we're
15 going to get kids connected and teach them skills.

16 But you're absolutely right. Especially for
17 young children, they're not going to be able to learn
18 to distinguish. Their brains just aren't mature
19 enough, and we need to take a hard look at these. So
20 I just want to clarify that all these issues are on
21 the table, and these are all things that we want to
22 look at.

1 And one thing that we're actually planning
2 on doing is getting together children's advocacy
3 groups like Children Now and actually having a meeting
4 with the Chairman so they can honestly air what their
5 concerns are, and we can help develop this agenda
6 together.

7 Okay. So let me turn this over to --

8 MS. BERLYN: Could I just remind folks to
9 introduce yourself and your affiliation as you ask
10 your question? Thank you.

11 MS. COHEN: Thanks. As Yul said, I'm Elise
12 Cohen. I am the adoption director for the broadband
13 team.

14 And picking up a little bit on what Yul
15 said, the broadband adoption agenda is obviously not
16 limited to children. As we started out, we started
17 gathering the data, luckily had John Horrigan from the
18 Pew Foundation who had come over, and not
19 surprisingly, as many of us in this room already knew,
20 America is behind. Approximately a third of our
21 population has not adopted broadband at home.

22 And also not surprisingly, vulnerable

1 populations are even further behind, whether that is
2 older Americans, low income, Native Americans, rural,
3 people with disabilities. And as we came up with our
4 recommendations, John had done a lot of research into
5 the barriers and reasons for why people don't adopt.
6 And so, as we developed the recommendations, one of
7 our -- we wanted to attack those barriers, but we also
8 wanted to empower people and groups and communities
9 who are able to interact more directly with
10 nonadopters.

11 Some of John's research and a lot of other
12 research in this area points to the importance of
13 building up a social infrastructure, and this goes to
14 something, Debra, that you said in terms of the role,
15 when we were talking about children, that older
16 Americans can play in pulling them online. Similarly,
17 they can have a role in pulling each other online.

18 And as we talked about the digital literacy
19 corps, which Yul discussed, a lot of times that gets
20 thought of as this generation of young Americans going
21 out on the streets. But the vision is actually much
22 broader in that that could be peer-to-peer digital

1 literacy, whether that's seniors teaching seniors or
2 persons with disabilities helping other persons with
3 disabilities, whether it's youth helping youth.

4 So that is a key part of the strategy as a
5 whole. And I'm happy to walk through all of the
6 recommendations. I'm not sure if that's the best use
7 of time here because I'm sure many of you have
8 questions, I know, for Yul, some for me.

9 But I just wanted to highlight in terms of
10 attacking the barriers, we do see a role, obviously,
11 for the Federal Government in helping particularly
12 with affordability, in terms of making sure our laws
13 are up to date on accessibility, in terms of kind of
14 coordinating different groups within the Federal
15 Government and, again, empowering and continuing some
16 funding for State and local efforts.

17 And then really again also using certain
18 Federal channels. For instance, HUD communities where
19 you have a large concentration of nonadopters, that's
20 someplace where the Federal Government can come in and
21 have a role in coordinating private-public
22 partnerships to really target those communities. But

1 it's certainly not solely the Federal Government
2 there. Whether that is people in the private
3 nonprofit sector or local housing authorities, we want
4 to make sure that we are building up systems to reach
5 nonadopters where they are, and we also want to
6 continue to collect data.

7 Data was a big part of what got us to where
8 we are in this process. Unfortunately, what we found
9 when we started this process was there's not a lot of
10 data out there about what works. There is 15 years or
11 so of trying to attack the digital divide, but
12 historically, there is not funding to support research
13 and evaluation of those efforts. And so, that's
14 something that makes it very difficult to say what
15 works best.

16 And in addition to encouraging funding for
17 data, as we develop Federal programs like as we expand
18 Lifeline and Link-Up to cover broadband, we want to do
19 it in a way that we are continuing to actually collect
20 data and figure out, for instance, what is the right
21 level of subsidy, and what is the best way to
22 structure subsidies between monthly service or

1 installation fees?

2 And these are things that continuing with
3 some of the points that Yul made about how this
4 commission wants to run processes going forward and
5 how we try to do things on the broadband plan, this is
6 an area where we are going to continue to seek input,
7 but I don't want people to confuse that with delay
8 either. While we are going to continue to try to make
9 sure that there is an open process, we are also very
10 committed to moving forward quickly on these things
11 and making sure that they get up and running. We just
12 want to do it in an intelligent way.

13 With that, I'm not going to go through the
14 recommendations unless you'd like me to. But I'd
15 rather open it up to some questions.

16 MS. BERLYN: Okay. Great. So we have Yul
17 and Elise here. And Joel, do you have a card yet? Do
18 you have a question?

19 MR. KELSEY: No.

20 MS. BERLYN: Okay. You know, I have a card
21 for you. Actually, would you like to be the chairman?

22 I have a card. I'm going to make the Joel the

1 chairman because he doesn't have a card. Oh, wait.
2 I'm sorry. I don't have -- oh, yes, I do. Here.
3 Pass this down to Joel. Huh? Oh, goodness gracious.
4 In case he comes.

5 Okay. So, here, Mark, if you could pass
6 that down to Joel. Thank you. Oh, well, sorry. You
7 can choose who you want to be, Joel.

8 FEMALE SPEAKER: He's been demoted.

9 [Laughter.]

10 MS. BERLYN: We won't get into that. Okay.

11 Let's see. I have Ken, Irene -- Ken, Irene,
12 Cheryl, Mark, Claude? Okay. There we go. Ken?

13 MR. MCELLOWNEY: Yes, for some of you, it's
14 going to be like a broken record. But sort of each
15 time new people come in from the commission, I play
16 the record again. I was glad to hear about your
17 experience with your mother. I think that that
18 experience is very typical of poorer folks who
19 immigrated to the United States.

20 I am with Consumer Action. We work with a
21 national network of some 8,000 community groups,
22 thousands of which reach recent immigrants. I like

1 the fact that you're doing a summit on children. I
2 would also urge you to do a summit for people of
3 color, or, particularly, limited English-speaking
4 consumers. I think there are some unique issues there
5 that need to be addressed.

6 Failing that, Consumer Action was able to
7 set up two conference calls for the GAO with
8 representatives from our network. We did one for
9 groups that were serving Latinos, another serving
10 Asian Americans and also Pacific Islanders. This was
11 on financial literacy, but my guess is that in the
12 absence of a summit, that a conference call like that
13 could be very valuable in terms of getting unique
14 issues involved, in terms of reaching people of color
15 and also limited English-speaking consumers.

16 MR. KWON: Absolutely. One of the reasons I
17 came was because I wanted to make sure that
18 communities of color had their interests adequately
19 represented and had a voice within the commission.
20 That's something I would be absolutely delighted to
21 pursue.

22 MS. BERLYN: Irene?

1 MS. LEECH: I'm going to be speaking about
2 your mother as well. My mother experience is that we
3 haven't been able to get her to accept the technology.

4 And in fact, we should bring our laptops to be used
5 on occasion, but we darned well better take them with
6 us when we leave.

7 And even though she's a person who has typed
8 all her life and done lots of writing and so forth,
9 and she's a rural person. So that brings up really
10 two points for me, and one is I think we really need
11 to talk about those who are nonadopters or slow
12 adopters.

13 My sister has followed my mother's lead, and
14 when she had an accident and needed to be sitting
15 around for a long time recovering, I suggested that
16 she learned to use the electronic -- the computer and
17 the Internet and so forth, and she told me flat out
18 no. And now I will say that in the last year, she
19 started doing some things, but I think we still have a
20 population that is operating that way. And so, I
21 think we need to come up with special strategies to
22 try to help them understand.

1 Then the other piece is the folks who were
2 in rural areas and are not close to one another and so
3 forth, and also some of the challenges that some kind
4 of terrain provide. So need to think about those
5 special situations, I believe, as you go forward.

6 MR. KWON: Absolutely. My parents are like
7 Luddites. My dad still does not use a telephone or
8 cell phone. He doesn't keep it on. He only keeps it
9 for emergencies, and so we can't get a hold of him.

10 What worked with my mom, surprisingly, was
11 two things, and I'm sure this is probably the case for
12 a lot of other people. Once her friends started using
13 it, then it made a huge difference.

14 MS. LEECH: I even tried that. Her friends
15 do it, and she loves to be in contact with her
16 friends. But that one didn't work.

17 MR. KWON: The other thing that I've heard
18 is true for a lot of parents and certainly happened
19 with mine is that once they realize that the way to
20 keep in contact with their kids is through texting,
21 through email, then parents become much more engaged.

22 And I've heard from many parents that said, "My kids

1 would not talk to me. We had no communication channel
2 until I started texting, and now we text each other
3 every day."

4 But I'll let Elise talk about this a little
5 bit more because these are some of the structural
6 issues that she and her team have been digging
7 through.

8 MS. COHEN: Right. And I think the most
9 important point is there is no one-size-fits-all
10 solution. I mean, for people where the barrier is
11 affordability and they're all ready to go, you can say
12 that's a relatively easy thing to solve. But when
13 someone doesn't understand why they should or want to
14 adopt, there is absolutely no one-size-fits-all.

15 But everything that we have seen and heard
16 through our own experiences, through research, it is
17 the importance of building up the social network
18 because whether that is because her friends are online
19 or just because there is going to be -- it increases
20 the chances that she will hear of some kind of
21 application that is interesting to her. And for that,
22 aside from the digital literacy corps, that's one of

1 the reasons that we are also going to try to build up
2 infrastructure at libraries. But with rural
3 communities, not everybody is that close to a library.

4 That's another reason why we're kind of
5 trying to emphasize that some of the money that goes
6 towards libraries is thought of more broadly as public
7 access points because you need to find the right
8 community. One of the grants that got issued in the
9 BTOP funding right now actually is building, using
10 fire stations in West Virginia. So you never know
11 where the best community public access point is, and
12 we won't want to limit it to libraries. We want it to
13 be more open.

14 And for rural Americans, you know, a lot of
15 the country has access. Not all of rural America
16 does. So part of that also has to do with some real
17 deployment and the USF reforms and making sure that
18 the infrastructure is out there, and that is I think
19 rural communities are I think it's more than twice as
20 likely to say access is an issue.

21 And again, getting the funding to States and
22 local governments and communities so that they can

1 figure out what is the best way to make it relevant in
2 their communities.

3 MS. LEECH: And from what I've seen,
4 mountainous areas are another real challenge and added
5 to the rural.

6 MS. BERLYN: Okay. So now we're running
7 behind, of course. This happens, but that's because
8 this is such a great opportunity for so many good
9 consumer issues. And so, we do have a number of
10 questions still to come.

11 So if we could move quickly, those who are
12 asking, left to ask questions. Cheryl and then Mark?

13 MS. HEPPNER: My name is Cheryl Heppner. I
14 represent the Northern Virginia Resource Center for
15 Deaf and Hard of Hearing Persons, and I'll try to move
16 this along.

17 In relation with what you said about trying
18 to keep the kids safe while making things accessible
19 and how important it is that the parents be engaged, I
20 wanted to be sure that you know that we traditionally
21 have had a lot of difficulties because the content of
22 the Web is not captioned in many cases. And we've

1 gone through this big growth since the time when
2 captioning first began.

3 I believe a lot of the funding came from the
4 Department of Education, and one of the shows that was
5 selected for captioning was [indiscernible], I
6 believe. [Indiscernible] on that show that was being
7 captioned, was very upset and wanted to pull funding
8 for it. But that's exactly why we needed the
9 captioning, so that the parents can monitor what it is
10 that their kids are watching and hearing. So that's
11 the first thing.

12 The second is that I really love the whole
13 concept of peer-to-peer texting because years ago, we
14 got a small grant in my center to try to help people
15 who are deaf and hard of hearing learn to use their
16 computers. They have them, but they just weren't
17 using them. They didn't know how.

18 And through different classes you go to, you
19 have an instructor who is in front of you or behind
20 you and tells you what to do. But if you are deaf or
21 hard of hearing, you have to see them and the computer
22 at the same time because you're looking for

1 instructions and then you're having to do it. You
2 can't do both together.

3 So we set it up to have peer-to-instructor
4 communication concept, and it was very successful. As
5 a matter of fact, we had one-on-one or one-on-two.
6 They could proceed at their own pace. We would find
7 that [indiscernible] do that, one teacher for one
8 person. I still think that's the way to go, the best
9 way. So good luck.

10 MS. BERLYN: Thanks, Cheryl.

11 Mark?

12 MR. DEFALCO: Hi. I'm Mark DeFalco with the
13 Appalachian Regional Commission.

14 We do economic development in Appalachia.
15 So we have distressed areas. We have lots of rural
16 population. We have the mountains, like Irene brought
17 up, which does make it all very challenging.

18 So much of this is related to a money issue,
19 money for the access to go out into these rural areas,
20 and then it doesn't do any good to get the access out
21 there if people can't afford the computers to make it
22 work, too. But I wanted to just -- you had mentioned

1 the adoption and that being such a big part of this,
2 and the education to get people to understand how they
3 could use the broadband and to just help in all the
4 different ways of life that it could be used.

5 And I know from -- I think we have a maybe -
6 - I know from reading the plan and the work that the
7 commission has done, and Mary and I were talking about
8 this over the break, the digital connector policy that
9 one economy has where they're teaching youth to go out
10 into the community and do things. And it seems to me
11 that one of the very underutilized things that are in
12 our region and many across the country is the
13 community colleges that are everywhere.

14 And maybe if the commission could work with
15 the Department of Education or whatever to put
16 together a training package, which could then be
17 released to the community colleges, you could create a
18 process to at least get people who don't know how to
19 do this onboard with what they could do to make it
20 work for them.

21 Now you still have the issue of getting the
22 people to come to the college and things like that,

1 but coupled in that could be the outreach something
2 like what they're doing at One Economy with the
3 digital connector program to take the most adaptable
4 kids who want to do this, give them the right
5 training, and then turn them loose in the communities
6 to make it happen for those communities.

7 MS. COHEN: The way we looked at the digital
8 literacy recommendations is that they are three
9 recommendations that are very closely tied together.
10 So the online portal that Yul mentioned is -- part of
11 the goal of that and putting the content online is to
12 make it accessible to community colleges anywhere, to
13 anyone, anywhere 24-7. But recognizing that not
14 everyone can get online, so you need to make sure that
15 there is infrastructure at the libraries and the other
16 public access points, which could include community
17 colleges.

18 And then also provide some funding through
19 the Federal Government to kind of go out and build the
20 connector model, essentially, but again, not just
21 youth. But focus on empowering individuals to go out
22 and train other individuals. But certainly, you know

1 that whatever funding we provide is not going to reach
2 all corners of America, which is why we want to have
3 the material online so that people can access it and
4 make sure that there's resources to answer questions
5 and build exactly the model that you're talking about.

6 MR. KWON: I just wanted to add one comment.

7 And as we're looking toward implementing the digital
8 literacy corps and other programs like it, I think one
9 thing that we want to do is leverage existing
10 resources, partner with industry. I used to work at
11 Google, and one of the things that we did was partner
12 with a local nonprofit.

13 And Google would actually bus kids onto
14 campus. These are poor, disadvantaged kids who were
15 at risk. And we had Google volunteers, engineers come
16 in and teach these kids how to use computers, how to
17 build computers, and it was incredibly successful.

18 Those are the kind of things that we want to
19 leverage as part of this program. So it's not just
20 going to be the Federal Government doing this, but
21 trying to find other partners that we can work with to
22 train. And community colleges would be a great

1 platform. Other large technology companies or just
2 any large company that has an interest in doing
3 something like this are all partners we could
4 leverage.

5 MS. COHEN: And we have -- I should add that
6 with the online portal, we have already talked to
7 people in the private industry, as well as at the
8 Department of Education. So that is exactly the
9 vision.

10 MS. BERLYN: Great. Claude?

11 MS. TRISTANI: Could I -- I put up my --

12 MS. BERLYN: I know. I think Claude had his
13 up for a while.

14 MR. STOUT: Thank you for recognizing me,
15 Madam Chair. Yes, is it my turn? Am I on?

16 MS. BERLYN: Yes. And then, Gloria, we'll
17 get to you, and then we will close this out.

18 MR. STOUT: Claude Stout. I'm with --

19 MS. BERLYN: Use the other mike.

20 MR. STOUT: Hello. This is Claude Stout,
21 and I'm with the Deaf and Hard of Hearing Consumer
22 Advocacy Network today.

1 I'm very excited to hear that there are
2 plans afoot for the children's summit, and I would
3 encourage you to involve parents who also have
4 children with disabilities, reason being parents can
5 best indicate where the gaps are, where the lack is
6 when they're surfing the Internet, and how they can
7 develop that with their children, be they blind or
8 deaf or hard of hearing kids.

9 Some parents sign in the home with their
10 children. Some parents choose not to, prefer instead
11 to use oral augmentation and speech therapy, which is
12 an individual decision. But my point is that you
13 should involve the parents of children with
14 disabilities in your summit.

15 There are two ideas or examples, children --
16 parents of kids to give you feedback on how you can
17 support them in the role of parenting. For example,
18 parents can teach their children to learn to use the
19 relay service at 2, 3, and 4 years old.

20 For example, when I was born until when I
21 was 5 years old, I knew five words, right? But now,
22 today, these days children with disabilities who are

1 deaf and hard of hearing like me in the future are
2 going to have a vocabulary base that far outpaces what
3 I had. So you need to start from birth and toddler
4 age, when they're infants and when they're very, very
5 small.

6 When they learn to sign, of course, they
7 receive even more vocabulary. When they learn to
8 write, then their literacy skills go up. When they're
9 ready to surf the Internet on the computer, it's just
10 vital that that education begin -- the basis for which
11 that education should begin when they are so very
12 small, in the infant range. It shouldn't start by the
13 time they go to school. That shouldn't be the first
14 time they sit in front of the computer. It needs to
15 start when they're babies.

16 MR. KWON: That's a terrific suggestion, and
17 I absolutely will.

18 Thank you.

19 MS. BERLYN: Okay, Gloria, you're going to
20 close this out.

21 MS. TRISTANI: Yes. Irene's comment on her
22 mother, your comment on your mother reminded me of my

1 mother, who is 84. And we tried many years ago to get
2 her on the Internet, and the main problem she had was
3 dexterity, which is something I'm not sure if that's -
4 - if there have been studies on how many older seniors
5 can't get on. And she can't see real well either. So
6 if anything's small, she can't see it even with her
7 glasses.

8 So I was thinking if the commission has
9 looked, and I haven't read that -- I've read some
10 portions of the report, but I haven't looked at the
11 barriers to adoption, where they've looked at
12 particular problems seniors have. Because they're
13 older and as they become older, we all become a little
14 bit -- we hear less and we see less, and also we can't
15 -- the mouse isn't the easiest thing for those who --
16 it's not easy for me, and I won't say my age.

17 So that's something that I think you ought
18 to think about, and I think we also should think about
19 in this committee as part of because, I guess, it's a
20 disability of sorts if you can't handle a computer.
21 And that goes to equipment manufacturers to what
22 extent -- not require, but start working with industry

1 of making certain things universally available so that
2 my mother can not have to shop -- I mean, can find a
3 computer easily that's not very expensive that would
4 work for her Internet adoption. I think that's
5 something we need.

6 You know, I took her to physical therapy,
7 actually to her first orthopedic visit, and the doctor
8 -- you know what they require now, that you sign in at
9 the computer. If I hadn't been with my mother, there
10 is no way my mother could have signed in. They would
11 have had to come help her. But it's -- you know where
12 we're at with that. So we need to really make sure
13 that we have -- we do everything we can for our
14 seniors.

15 MS. COHEN: Absolutely. I mean, seniors are
16 30 percent below in terms of adoption. So that's
17 something we're very focused on. And in terms of
18 research that's out there, there is some. But one of
19 the recommendations actually is to do more research in
20 the area and also try to work with the private sector
21 to develop solutions aimed specifically at seniors.

22 The other thing on that is there is a lot of

1 overlap between seniors and persons with disabilities.

2 So we do expect -- and one of the recommendations
3 that we talked about with respect to accessibility is
4 an accessibility and innovation for where we would be
5 working with private industry and the public sector to
6 try to encourage innovation and universal design that
7 we expect to benefit all Americans. Even though it's
8 most commonly thought of accessibility as an issue for
9 people with disability, just like captioning, it will
10 benefit many Americans for several reasons.

11 So we are focused on both those issues, and
12 also I think that probably the most helpful thing we -
13 - the plan can't take credit for, but the commission
14 can is hiring Karen Peltz Strauss to come in and lead
15 up the disability initiatives. So I think that we
16 know that there will be a voice within the commission
17 to make sure that the recommendations there get
18 carried forward. And again, we expect those to
19 benefit older Americans and other Americans as well.

20 MS. BERLYN: Well, thank you both. This has
21 been great, a perfect session to give us this level of
22 detail. So thank you both very, very much.

1 MR. KATZ: Thank you very much.

2 MS. COHEN: Thank you.

3 [Applause.]

4 MS. BERLYN: Okay. We have a lunch break.

5 We have the box lunches over here behind us and
6 drinks. And if you could remember -- let's give
7 ourselves a little bit of a break. I know we all need
8 it.

9 The Consumer Protection Working Group is
10 going to Hearing Room B. And Scott, that is?

11 MR. MARSHALL: That is out to my right,
12 straight ahead across the intersecting hallway, going
13 to the restrooms, keep going straight, and it will be
14 on your left-hand side with a big sign overhead that
15 says Hearing Room B.

16 MS. BERLYN: And it's about -- let's see, it
17 is 12:10 p.m. Let's plan on meeting there, if we
18 could, in 15 minutes. That will give us a little bit
19 over a half hour for our discussion. So 12:25 p.m.,
20 if we could, meet in Hearing Room B.

21 Anyone who is not in the Consumer Protection
22 Working Group, we're meeting back here at 1:00 p.m.

1 MR. MARSHALL: With a speaker.

2 MS. BERLYN: With a speaker. Yes.

3 MR. MARSHALL: At 1:00 p.m. and 1:30 p.m.

4 So --

5 MS. BERLYN: And we do have a couple
6 speakers in a row. So let's try and be --

7 [Break.]

8 MS. BERLYN: All right, everyone, if you
9 could be seated?

10 Okay. Thank you, everybody. We'll get back
11 to our afternoon schedule. We have a lot of great
12 things that we're going to be doing today and people
13 that we're going to be hearing from.

14 And our next speaker on the agenda is
15 Elizabeth Lyle, and I'm really pleased to welcome
16 Elizabeth. She is going to talk about the broadband
17 plan and people with disabilities.

18 And as I mentioned when Yul came this
19 morning, as the broadband plan was rolled out,
20 previous to its unveiling last week, there were some
21 events related to the broadband plan. And there was a
22 disability event, and I thought it would be helpful to

1 have Elizabeth come and talk to us.

2 She has worked on the Omnibus Broadband
3 Initiative, and I thought it would be helpful for her
4 to just highlight some of the things in the broadband
5 plan that we all want to hear about and just take a
6 few minutes to do that.

7 So thank you so much, Elizabeth, for joining
8 us.

9 MS. LYLE: Sure. Thanks very much, Debra.

10 I'm really happy to be here and look forward
11 to engaging with you and answering any questions that
12 you might have. And I'm glad to have the opportunity
13 to discuss the broadband plan. I think it's a very
14 ambitious blueprint. It wouldn't have happened
15 without the work of advocates like you, both in the
16 record and the years leading up to the broadband plan.

17 And I'm delighted that the broadband plan
18 could be a vehicle to express a lot of these ideas,
19 and that's because of the support of people like Blair
20 and the Chairman that it could be this kind of
21 vehicle.

22 And I just have to say that who could be a

1 better person to lead the implementation efforts for
2 this than Karen? I am so thrilled that she will be
3 coming back to the commission and doing all this. And
4 I just want to say personally just how happy I am that
5 she is coming and just delighted. And I look forward
6 to helping her out in any way that I can. And it's
7 just a thrill.

8 [Laughter.]

9 MS. BERLYN: Today is being renamed "Karen
10 Peltz Strauss Day."

11 MS. STRAUSS: I just have to keep telling
12 myself that as I'm working at 3:00 in the morning in a
13 couple of weeks, day after day.

14 MS. LYLE: Well, Karen is a true public
15 servant, looking forward to that.

16 So, and I'm not going to do a detailed
17 recitation of the recommendations like I did last
18 week, which I think it's always more interesting for
19 people before something comes out than after. And so,
20 I mean, I will certainly kind of cover the major
21 points and welcome to -- I'm happy to engage in a
22 deeper level as you wish, but I won't sit up here for

1 20 minutes and drone on and on for all of our sakes.

2 But I think I will mention that if you do a
3 search online for disability accessibility, you'll see
4 that it crops up about 20 times in the report,
5 references, and it might be about Government
6 performance or R&D or public safety or education. And
7 within the adoption chapter, we also took that
8 approach to -- I mean, obviously, when you do reforms
9 to universal service that helps all low-income people,
10 including people with disabilities.

11 But we also thought really specifically when
12 we do a digital literacy program, how can we make sure
13 that that's inclusive of people with disabilities? If
14 you do outreach programs, how can you make sure that's
15 inclusive with people with disabilities? And so, I
16 think that it's important that the message is
17 permeated throughout the plan.

18 With respect to the accessibility
19 recommendations, there are really three broad
20 umbrellas of recommendations. One is to set up a
21 Broadband Accessibility Working Group within the
22 executive branch. One is to set up an accessibility

1 and innovation forum here at the FCC. And then we
2 have about seven or eight specific recommendations,
3 action items that we think need to be taken.

4 With respect to the Broadband Accessibility
5 Working Group, the way this is conceived, it would
6 probably be about 15 agencies. One of the first
7 things on the top of their list is to make sure that
8 Section 508 is implemented, that the Government itself
9 is a model of accessibility.

10 There is also a need for cross-cutting and
11 deep thought about different policy issues and
12 different spending priorities within the executive
13 branch, and there's a need to have that kind of
14 coordination. The plan also recommends a biannual
15 report coming out about the state of accessibility
16 that would focus on broadband adoption of people with
17 disabilities because I think what we know is we don't
18 have enough information about these issues and the
19 barriers and the different communities within the
20 disability community.

21 We don't know enough about assistive
22 technologies and where the gaps still are. And so,

1 this would be a vehicle where these issues could be
2 explored in depth and look at the root causes of the
3 problems.

4 The accessibility and innovation forum is
5 something that we're very excited about. While we
6 recognize the importance of updating regulation, and
7 we clearly recommend that and we build upon H.R. 3101
8 as a vehicle for doing that, the broadband -- the
9 accessibility and innovation forum recognizes the
10 importance of technology is moving so quickly. There
11 are so many diverse stakeholders, and that there is an
12 importance for ongoing work in this area.

13 And we actually also see this forum
14 coordinating with existing groups such as yours as
15 well. But this would be a way to have some ongoing
16 workshops on key issues. We would have an annual
17 award that the Chairman would give for accessibility
18 and innovation.

19 We would have an online presence, a
20 clearinghouse, and a way to have collaborative
21 problem-solving and bring people that have certain
22 barriers that they want to bring to the table and have

1 certain people that are able to solve those problems
2 and reach out to groups that aren't necessarily part
3 of the FCC normally so they could be the inventors,
4 the students, the application providers, and device
5 manufacturers, and just all kinds of people that might
6 be able to solve some problems.

7 And then there is a big agenda as far as the
8 different proceedings that we have on tap for the FCC
9 to do. There are three things with respect to
10 services and equipment. One is to update the Section
11 255 rules. Another is to update the hearing aid
12 compatibility rules. Another thing that we need to be
13 involved, engaged in is any time there is VOIP, we
14 should have real-time text.

15 And then we have content recommendations as
16 well. This also mirrors the Markey bill. We want to
17 open up a proceeding that looks at the technical
18 issues and technical studies that deal with
19 programming and the devices that play those
20 programming, as well as the related user guides and
21 menus.

22 And we also recommend that the Department of

1 Justice open up a proceeding on the ADA and its
2 applicability to commercial Web sites. We say that we
3 need to go back to Congress to get our video
4 description authority. That's one of the
5 recommendations under the content. And then we also
6 look at how can we update our own subsidy regulations,
7 and that looks at both universal service as a
8 mechanism to do that. We recommend a \$10 million fund
9 for developers of innovative devices that can be used
10 to solve accessibility problems.

11 We also, in a way that mirrors the Markey
12 bill, set up a \$10 million fund for consumers who are
13 deaf/blind. I have to admit there is a typo. If you
14 haven't caught it, it's not deaf or blind, it's
15 deaf/blind, just for people who -- and that's going to
16 be corrected. We need an allotment for that. And so,
17 that got done at the very last moment, and but that's
18 -- anyway just wanted to clarify that publicly that
19 that is for deaf/blind.

20 Telecommunications relay service. We also,
21 as part of the ongoing reform there, looked at does it
22 make sense to use the telecommunication relay services

1 funds for both for subsidies for broadband, for low-
2 income users, for people with disabilities, and also
3 for assistive devices that could be used in the
4 service.

5 So that's sort of the overall rundown, the
6 5-minute version instead of the 20-minute version. So
7 I'm happy to take any questions that you might have.

8 MS. BERLYN: Thank you so much. I'm sure we
9 will have some questions. Eric has a question and
10 then Claude. Eric, your mike is right to your left
11 there.

12 MR. BRIDGES: Hi, Elizabeth. It's Eric
13 Bridges. I'm with the American Council of the Blind.

14 MS. LYLE: Hi, Eric.

15 MR. BRIDGES: Hi, again. The reason -- I
16 guess not really a question so much as a comment and
17 just to let the commission know how pleased my
18 organization is with the recommendations that are
19 contained in the plan. For many years, there have
20 been several issues that in particular the blindness
21 community has been battling and has been falling
22 behind, due to the advancement of technology.

1 And as a founding member of COAT and a huge,
2 obviously, gigantic supporter of H.R. 3101, it does my
3 organization's heart good to see that many of these
4 provisions have found their way into the plan. It's
5 been a little bit like Christmas over the last week.
6 Actually hearing a Federal agency talk about these
7 issues, issues pertaining to televised emergency
8 information, user interfaces, being able to use one's
9 home theater system at some point in the future to the
10 fullest extent, having access to accessible wireless
11 devices.

12 Those issues mean an incredible amount to my
13 members and, personally, to me because when I go home
14 at night, I'm still blind. So these issues are huge,
15 along with updating 255.

16 And last, but not least, the issue that you
17 raised dealing with the ADA's applicability to
18 commercial Web sites and asking the Department of
19 Justice to look at this. This is a gigantic
20 frustration and growing frustration within the
21 blindness and visually impaired community.

22 Just a couple of nights ago, as a matter of

1 fact, I was on an eCommerce site, a commercial Web
2 site, and had all my stuff in my shopping cart. And
3 then what happened? The "buy" button? Couldn't find
4 it. So \$80 worth of stuff, and I can't find the buy
5 button. Anyway, that's just a personal story that's
6 rather irrelevant to all of this. But it does sort of
7 highlight the need for this, for commercial sites to
8 be accessible.

9 And I guess last, but not least, I just
10 wanted to thank you for your work on the broadband
11 plan and the really close attention that you and
12 others in the commission have paid to the disability
13 community and its wants and its needs.

14 Thank you.

15 MS. LYLE: Thank you.

16 MS. BERLYN: Thanks, Eric.

17 Claude and then Lise.

18 MR. STOUT: Yes. Hello, I'm Claude Stout
19 with the Deaf and Hard of Hearing Consumer Advocacy
20 Network. Thank you for your wonderful work with this
21 report.

22 And I would like to ask you -- well, first

1 of all, I haven't read the entire report.

2 MS. LYLE: Neither have I.

3 MR. STOUT: But have you included Dr.
4 Vanderheiden's idea? I think it's called public
5 infrastructure? I can't -- what is it? Oh, it's
6 NPII, National Public Inclusive Infrastructure. Is
7 that included within the report? Yes, and also could
8 you explain that concept to all of us here because I
9 think that people would find it very valuable.

10 MS. LYLE: Wow. I'll answer the first part,
11 and then I'll try for the second part, if I may? The
12 answer is yes to the first question. It is discussed
13 in the report. We weren't given a lot of space in the
14 report, and to that end, we will have a working paper
15 coming out in the next near future -- the next near
16 future.

17 And that will go into that in a little more
18 depth, but how it is mentioned in the report is as
19 follows. I mentioned the Broadband Accessibility
20 Working Group, which is an executive branch group that
21 will try to coordinate policy. And one of the
22 examples of a policy that should be coordinated is

1 that they should consider Dr. Vanderheiden's proposal
2 and give that more thought, that this is worthy of
3 more consideration.

4 Now, let's see, without any notes, can I
5 describe this? This is a real test here. What it is,
6 the proposal is for a public-private partnership --

7 MR. STOUT: Okay. Yes, I'm not going to
8 tell people your grade, you know? Well, I won't
9 announce it to the full group. But I'll give you a
10 grade on this afterwards, okay, one-on-one.

11 MS. LYLE: Sure that's fair enough. And now
12 let's have a lawyer talk about one of Gregg
13 Vanderheiden's proposals. But it's really a neat
14 idea, and the bottom line is that it says that we can
15 have a platform. And cloud computing is one of the
16 platforms in which we could have this, and it would be
17 a public-private partnership.

18 And the public partnership piece of it would
19 fund things such as the infrastructure and real
20 security, but then there would be a role for the
21 private sector as well, where you could have
22 commercial software involved in it. You could have

1 open source software. And the idea is this, that you
2 should be able -- a user can go to a public computing
3 station and with their own devices pull down the
4 accessibility features that they need. And so, this
5 would be a way of making assistive technologies more
6 affordable because we would have an infrastructure to
7 support it.

8 That's sort of my first take in sort of
9 laymen's terms, lay people's terms. Is that
10 sufficient? Do I get a B-minus maybe? If I had to
11 grade myself, that's what I would say.

12 MR. STOUT: Oh, no. You deserve an A for
13 that.

14 MS. BERLYN: Thanks.

15 Lise, I want to get to your question, and I
16 just want to also tell folks that we will have -- our
17 next speaker is going to be on the phone. So we want
18 to try and move quickly to -- I don't know if he's on.
19 Is our speaker on the phone yet?

20 DR. HOLLADAY: [on telephone] Yes, I'm here.

21 MS. BERLYN: Okay. Great. Just a few more
22 minutes, and then we'll get to you. So thanks.

1 DR. HOLLADAY: Great.

2 MS. BERLYN: Lise?

3 MS. HAMLIN: Lise Hamlin from Hearing Loss
4 Association. And I also want to add my thanks for all
5 the work you did to pull this together. And I feel
6 like Eric. It felt like Christmas this past week when
7 we learned about this. So thank you.

8 I did have a question about 508 regs, which
9 -- I'm happy to see all of this. But the 508 was of
10 concern to me recently because as consumers, looking
11 at 508 is looking at each department, if I had a
12 complaint, a 508 complaint, I have to go to that
13 department. There is not a consolidated place.

14 So if I have questions across the board,
15 like I'd like all of the videos to be captioned, no
16 matter what department it is, it's hard for me as a
17 consumer to send out to that word.

18 And then more on another level, recently we
19 learned that a consumer was trying to call with help
20 the Social Security Administration, and they refused a
21 captioned telephone call. Now I'm trying to find the
22 right person to talk to also for that consumer. How

1 do they find --

2 So there are two issues. First, there is
3 the one of let's try and let everybody know what all
4 the rules are, and also making sure that when
5 consumers need to talk to a particular agency, how do
6 they find those people? Is that something you see as
7 being a part of this?

8 MS. LYLE: Yes. I think the executive
9 branch understands the importance of having a more
10 centralized process to deal with Section 508 issues,
11 and we kind of suggest very broadly that this is an
12 issue that needs to be addressed, and we are meeting
13 and coordinating with them.

14 They agree that there was a need to move
15 forward on Section 508 and come up with a way that
16 there could be a more centralized approach, both to
17 people understanding what the rights were and who to
18 contact and those sorts of things, but also a public
19 and ongoing assessment of how each agency was doing
20 and making sure that somebody was in charge of that.

21 MS. BERLYN: Okay. Well, thank you so much
22 for giving us this great description. We appreciate

1 it. I'm sure we'll be talking again at a future CAC
2 meeting.

3 MS. LYLE: Great. Well, thank you for
4 having me.

5 MS. BERLYN: Thanks, Elizabeth. Great.

6 [Applause.]

7 MS. BERLYN: Well, our next guest speaker is
8 actually on the phone, and I want to introduce him and
9 the topic that he's going to be speaking about.

10 Dr. Scott Holladay -- there's a typo on your
11 program. Dr. Scott Holladay is a fellow in economics
12 with NYU School of Law. And we thought it might be of
13 interest as we look at our working group and our task
14 force, which I'll explain later, and our CAC as a
15 whole is going to be looking at issues about consumer
16 information, what consumers need to know about their
17 communication services and how to disclose that
18 information. We thought it might be interesting to
19 hear about this a little bit more broadly.

20 Dr. Holladay is going to talk about the
21 impact of meaningful information disclosure on markets
22 and consumer choices, issues that he has been looking

1 at and studying. And he's joining us today by phone.

2 We greatly appreciate your jumping in and doing that
3 at the 11th hour.

4 Perhaps we'll get to meet in person some
5 day, but we appreciate your talking to us today. So
6 welcome.

7 DR. HOLLADAY: Great. Thanks so much for
8 having me.

9 Now, can you guys hear me?

10 MS. BERLYN: Yes, we can.

11 DR. HOLLADAY: Okay. Excellent. Yes, so I
12 wanted to talk -- well, first, I wanted to thank you
13 for the opportunity to address the CAC. It sounds
14 like there are some exciting things going on there.

15 And today, I want to talk a little bit about
16 the impact of information on markets and consumers.
17 And I guess, to be honest, I don't have a ton of
18 prepared remarks. I wanted to save some time for
19 questions and get a sense of exactly what you were
20 thinking.

21 But I thought I might start talking just a
22 little bit about why economists are interested in this

1 topic, and it's basically because information has a
2 lot of value, and we've developed a lot of markets in
3 recent years to kind of try to quantify that value.
4 But basically, the benefit is additional information
5 tends to let consumers make choices that yield higher
6 expected payouts, higher expected utilities in
7 economic terms than choices that would be made under
8 uncertainty.

9 So, basically, when we give consumers more
10 information, they tend to make choices that make them
11 happier. And for a lot of reasons, that tends to lead
12 to better market-wide outcomes.

13 So the basic problem we run into here is
14 what they call an information asymmetry, and that's
15 what happens when one party in a transaction has
16 significantly more information about, say, the quality
17 of the product or service or the cost than the other
18 party. And when we get that, we can sometimes get,
19 from an economic perspective, suboptimal outcomes.

20 And so, you might have heard terms like
21 "adverse selection" or "moral hazard," and those are
22 concepts that come into play when we have an

1 information asymmetry. The party that has more
2 information can take advantage of that advantage of
3 the additional information they have and kind of
4 dictate the terms of an agreement.

5 That tends to be good for the party with the
6 information advantage and bad for the party at the
7 disadvantage. But then also it tends to be bad for
8 the economy as a whole. We like to argue that markets
9 are the best tool for allocating capital and labor
10 efficiently. When there is an information asymmetry,
11 and we're getting these outcomes, the market is not
12 able to do its job.

13 So then the question becomes can we fix this
14 information asymmetry easily and at a low cost? If
15 so, then I think it makes sense to do that. If we
16 can't fix that information asymmetry at a low cost,
17 then we need to come up with another way to kind of
18 get around that problem.

19 Let's see, so the information externality is
20 another issue that kind of comes into play here.
21 Information is a funny good in a way because buying
22 and selling information isn't like buying and selling

1 Internet service, for example, or most other goods.
2 It's what they call nonrivalrous, which means that
3 when you consume information, it doesn't affect other
4 people who might be interested in consuming that
5 information, unlike, say -- I can't think of an
6 example off the top of my head -- a cup of coffee.

7 When you purchase a cup of coffee, it means
8 no one else can purchase it. When you purchase a
9 piece of information, it gives you the ability to
10 share it, and you can replicate that information at a
11 very low cost.

12 And so, for that reason, information is kind
13 of a funny concept, and that externality is a classic
14 market failure. And so, if you leave the free market
15 kind of to its own devices, it's going to tend to
16 under provide information. And again, that's a
17 situation we're going to try to correct, if possible,
18 without affecting the functioning of the market.

19 So let's think a little bit about what
20 increasing the availability of information does to
21 markets first. And I guess maybe the best thing to
22 think about here might be the airline industry. The

1 airline industry, you can see the impacts of changes
2 in technology on information, on competition.

3 So in the fairly distant past, if you wanted
4 to purchase an airline ticket, you used to have to
5 call up each airline and ask them the price of the
6 flight from New York to Atlanta, say. You used to
7 have to call up. You would get a list of times, and
8 you'd get that information. The more airlines you
9 wanted to check, the more time consuming that process
10 was.

11 In the Internet era, obviously, we've been
12 able to go to a Web site and get a list of every
13 airline that flies a particular route and the price of
14 flying that route. So that's led to a huge increase
15 in competition in the airline markets. Obviously, a
16 lot of other changes have happened there, but we've
17 got some nice empirical studies that show us that this
18 new kind of pricing openness has led to a huge
19 increase in competition.

20 It's led to a significant decrease in fares.

21 It's also led to a significant decrease in certain
22 types of services. So certainly, and not all positive

1 there.

2 And recently, you see the airlines have been
3 pulling back from that by adding additional fees that
4 don't come on top of the ticket price so that when you
5 go to a travel Web site, you're not going to see the
6 full price of the flight anymore. You'll have to take
7 into account baggage fees and other things, and that
8 information can be hard to acquire. So you can see
9 that the airlines are trying to kind of pull back from
10 this intense competition that's been partially
11 enhanced by making information more available to
12 consumers.

13 So, basically, the general consensus among
14 economists is that increasing information in the
15 marketplace is going to lead to increased competition.

16 And there are a couple of things that kind of
17 economic heterodoxy rest on. The first is that the
18 information really has to be comparable.

19 So, for example, if different airlines are
20 releasing different types of information, such as one
21 airline releasing the price of a flight without taxes
22 and fees and another including taxes and fees, it

1 makes the comparison harder. And anything that makes
2 comparison shopping harder is going to reduce the
3 intensity of competition a little bit.

4 And the market also has to be what we call
5 liquid, which means, basically, you have to be able to
6 buy and sell easily. In the airline market, that
7 happens relatively quickly. After you take a trip,
8 you can buy another ticket. You can evaluate your
9 experience on a particular airline and decide whether
10 you want to fly with them again or fly a different
11 airline.

12 In the Internet, the service market,
13 obviously, that's a little bit different. There are
14 some contracts and some switching costs that can
15 sometimes make it difficult to change after you've
16 made a decision. And so, it just -- in that
17 situation, I'd suggest that information could be even
18 more valuable.

19 Let's see, so that's pretty much it in terms
20 of my comments on impact to competition on the market.

21 I'll just say a little bit about the impacts of
22 information on consumers and then be glad to listen to

1 any questions you guys had.

2 For the most part, information for consumers
3 is, at least among economists, generally considered to
4 be a win-win thing. And it's because of those
5 information externalities I touched on earlier. So by
6 providing information to one consumer, you're going to
7 allow them to look at -- to make an informed decision
8 and presumably reach a more efficient outcome, which
9 is a good thing.

10 But then also, it's relatively costless for
11 that original consumer to share that information with
12 other people, and we find that's a big advantage
13 because once the information is out there, it's low
14 cost to share. That means that other people, even
15 those who haven't been given the initial information,
16 can kind of take advantage of that low cost of sharing
17 information and reach an efficient outcome as well.

18 And so, because of that, getting information
19 into the market has what we call "multiplier effects."

20 The people who initially receive the information
21 benefit, but then additional people, potentially even
22 those who didn't receive the information, also are

1 able to benefit from that initial dose of information
2 into the market.

3 So from an economic perspective, we like for
4 consumers to have as much information as possible, and
5 we like for that information to make comparisons
6 across products very easy. The easier it is, the more
7 of these efficiency gains you're going to see.

8 All right? So that's kind of it for my
9 outline. I'd be glad to listen to any questions you
10 guys have.

11 MS. BERLYN: Great. Thank you so much.
12 That was really interesting and good food for thought
13 for us. As we look at this in the communication
14 sector, some of these same questions are ones that we
15 are contemplating.

16 So I'm not sure, as I look around the room,
17 does anyone have any follow-up questions or even
18 comments that you would like to make? Okay. And if
19 you could, for Dr. Holladay, if you could identify
20 name and affiliation as we go.

21 Mary?

22 MS. CRESPI: Hi. This is Mary Crespy. I'm

1 with Verizon.

2 You made a good point about making sure that
3 information to be useful must be comparable. Do you
4 have any input on when there is too much information
5 and the consumers have information overload?

6 DR. HOLLADAY: Oh, yes, absolutely. That's
7 certainly an issue. So consumers need easy to
8 understand information to make a comparison. So what
9 we see is in a lot of markets, consumers can be
10 swamped with information. So there is certainly a
11 tradeoff.

12 What we find from an efficiency standpoint
13 is consumers like to have the comparison made
14 straightforward and easy. And the airline Web site is
15 another example, where you can look at pricing
16 information, and it's very straightforward to compare
17 the price of a flight on two different airlines.

18 But there is also advantages to making more
19 detailed information available. Some consumers like
20 and find advantage in that information, but we also
21 find that other companies can often sprout up and take
22 advantage of that information and help consumers make

1 decisions. And again, in the airline industry, you
2 see that a lot with Web sites that track fares over
3 time and track additional fees.

4 And we've seen the same thing in the
5 investment industry as well. You get information
6 disclosure for mutual funds. We find that consumers
7 can quickly become overburdened by information. They
8 tend to look at certain pieces of information,
9 particularly the 1-year return, which is certainly not
10 the best thing to look at when choosing retirement
11 options, for example.

12 So you can find consumers being overburdened
13 by information. But you also find, particularly if
14 the additional information is machine readable, that
15 other companies can come in, take advantage of that
16 additional information, use that to help guide
17 consumers.

18 So you're absolutely right. There's a
19 tradeoff. And I guess in an ideal kind of efficient
20 market world, you would have one level of very high-
21 level information that makes comparison extremely easy
22 for consumers and then another level of more detailed

1 information that's machine readable that the majority
2 of consumers, frankly, will disregard, but that other
3 organizations -- a small number of consumers might
4 take advantage of that, but then also other
5 organizations might be able to step in and potentially
6 help guide consumers there.

7 MS. BERLYN: Thanks. Irene?

8 MS. LEECH: I'm Irene Leech, and I am --

9 MS. BERLYN: You've got to keep your hand
10 up. Could you repeat it again now that your mike's
11 on?

12 MS. LEECH: I'm Irene Leech, representing
13 the Consumer Federation of America.

14 What information might you have about
15 situations where consumers get information that's so
16 simplistic that it's really not complete and then
17 misunderstand what's there?

18 DR. HOLLADAY: Yes. No, that's a good
19 question. So I don't have any economic research I can
20 point to. I can just tell you that the kind of
21 results I've been discussing about how efficiency --
22 information can improve efficiencies in markets.

1 That's conditional on that information being
2 sufficient to make the right decision for that
3 consumer, right?

4 So there needs to be sufficient information.

5 It's certainly a balancing act because to get this
6 kind of efficient result I've been talking about, you
7 need sufficient information for the consumer to make
8 the correct decision, but not so much information that
9 the consumer is overburdened and ignores the
10 information or uses incorrect or misleading
11 information.

12 And so, it's certainly a balancing act. But
13 in terms of what is too simplistic? Unfortunately, I
14 don't have a great answer for you other than in
15 economists' minds, the correct amount of information
16 is the amount of information that allows consumers to
17 make the right choice or the most efficient choice for
18 them. And that's the choice that leads to their
19 highest utility, which in this case would be highest
20 satisfaction with the service at a given price.

21 How they get to that information,
22 unfortunately, I'm afraid I don't have a ton of

1 guidance. But I believe that's why you guys are
2 meeting and optimistic that you guys can come up with
3 something.

4 [Laughter.]

5 MS. BERLYN: Lawrence? Raise your hand,
6 Lawrence, so you get the mike on.

7 MR. DANIELS: Lawrence Daniels with NASUCA.
8 I was wondering did you have perhaps a
9 research paper on this topic or if you are aware of
10 any that you could forward to us?

11 DR. HOLLADAY: Yes, absolutely. I have a
12 research paper that's not on this exact topic, but
13 that's on Internet neutrality rules that kind of
14 touches on this economics of information issue that
15 we've been talking a little bit about that I'd be glad
16 to send to you guys. And also there is kind of a rich
17 literature here on information economics, and I'd be
18 glad -- I think I can respond to the email here from
19 Scott Marshall with a set of suggested readings
20 perhaps, and I think Scott could probably forward that
21 around to everybody.

22 MS. BERLYN: Thank you. Does anyone else

1 have any questions?

2 [No response.]

3 MS. BERLYN: Gloria? I think that's an old
4 lifting of the card there.

5 Okay. Well, great. Well, thank you so
6 much, Dr. Holladay. We very much appreciate your
7 joining us today and taking time to talk about this
8 topic. We are going to be doing some work on this
9 issue, and we'll keep you posted.

10 DR. HOLLADAY: Great. It was my pleasure,
11 and thanks for all the excellent questions. It's
12 definitely got me thinking. Thanks a lot.

13 MS. BERLYN: Great. Thank you.

14 Okay. Well, we have -- we're a few minutes
15 ahead now. I love this when we go back and forth on
16 our agenda here. We're a few minutes ahead.

17 That concludes our speakers for the day. So
18 now we get to the work of the day, and we have our
19 working group reports, and then we also have our
20 ratification of and our discussion of our truth-in-
21 billing principles, and then just a wrap-up and
22 discussion. So we'll proceed.

1 And our public comment period as well. So
2 that's our working afternoon that's ahead of us. And
3 so, why don't we start -- I'm sorry, Scott? And maybe
4 a break, although I feel like we just got back from
5 our break.

6 So let's start with our working group
7 reports based on our meetings yesterday, and we have
8 three working groups that met yesterday. If we could,
9 let's start with our Disability Working Group. So,
10 Cheryl, do you want to kick things off, if you're
11 ready, or do you want to take a pass? She has to find
12 her notes.

13 Okay, how about our Broadband Working Group?

14 Irene, do you want to just summarize the activity
15 discussions?

16 MS. LEECH: Okay. Has it got my mike on
17 now?

18 All right. We were talking about what we'll
19 do next really, and I think the conclusion that we
20 came to is that what we want to do is focus on
21 implementation, that we all need to thoroughly study
22 the plan that we received this week and that none of

1 us have had time to fully study. So we didn't have
2 any real specific things to come out with today, but
3 we plan to continue working and anticipate that there
4 will be some things in the future.

5 Anyone like to add anything to that?

6 MS. BERLYN: Anyone want to add anything
7 from the Broadband Working Group? Lawrence?

8 MR. DANIELS: Just one thing, I guess --

9 MS. BERLYN: Raise your hand there.

10 MR. DANIELS: I guess we haven't decided yet
11 as a body whether or not we're going to do a
12 statement. Or is that part of our discussion, a CAC
13 statement on the plan?

14 MS. BERLYN: I think we concluded that we
15 were not going to do a statement. That was my sense
16 of it.

17 MR. DANIELS: Okay. All right.

18 MS. BERLYN: Yes. I know I also carry a
19 message from Charles Benton, who was sorry that he
20 couldn't make this meeting, and I think that was in my
21 notes, actually, wasn't it, Scott? Yes, Charles,
22 unfortunately, couldn't make this meeting.

1 But he has expressed an interest in working
2 with the Broadband Working Group as well on the Benton
3 Foundation, who has done quite a bit of work on
4 looking at the broadband plan and is going to be doing
5 quite a bit of analysis on it as well. And so,
6 Charles has said he wants to help with that working
7 group and that process as well.

8 So now turning to Cheryl.

9 MS. HEPPNER: Lise is letting me look at her
10 notes. I can tell you that we basically, Eric and I,
11 have worked with Claude and Lise and Karen, and we
12 were basically trying to identify what should be the
13 priority for us now because there are tons of
14 proceedings and issues that haven't been addressed for
15 the last maybe as many as 8 years that's just been
16 sitting in places about the FCC.

17 [Laughter.]

18 MS. HEPPNER: Some of the issues, but this
19 is not a complete list, we talked about -- well, there
20 still were a few that have come up that we have about
21 the [indiscernible]. I'm not going to do it with any
22 kind of separation. Just to give you some idea of the

1 breadth, one is that we really would like to have some
2 input into the role of the Disability Rights Office
3 and have disability as sort of internalized as
4 something that everybody throughout the agency is
5 aware of and has an understanding of the different
6 issues.

7 We talked about the Technical Working Group
8 that's currently working on problems of captioning and
9 video description and trying to resolve them and how
10 it's been very slow going, and we haven't accomplished
11 a whole lot despite all of the time involved.

12 We talked about a new issue that has
13 concerned the deaf and hard of hearing community and
14 hasn't been addressed before, and that is the original
15 rule said that only the top 25 markets, TV stations in
16 what they call the top 25 markets have to provide
17 real-time captioning. And this has resulted in
18 throughout the rest of the country people in the
19 smaller, more rural areas are not getting captions of
20 good quality and sometimes not at all because they are
21 only usually providing whatever is on the teleprompter
22 that they know. And there are many things like live

1 interviews and breaking news that are never run
2 through teleprompters.

3 We talked about captioned telephone issues
4 like some of the ones that Lise mentioned today.
5 Captioned telephones are something that we addressed
6 last time, at our last meeting that we'd like to see
7 the commission take a look at mandating.

8 We talked about the current legislation,
9 H.R. 3101, that thankfully have been incorporated into
10 the broadband plan to a very high degree. And we're
11 very pleased, but we want to be sure that it stays
12 now. We also talked about hearing aid compatibility
13 issues and that we've never gotten a response to I
14 think the hearing aid compatibility.

15 MS. HAMLIN: Right. VOIP. There are still
16 issues related to VOIP in terms of compatibility
17 issues. There are still issues out there with a phone
18 like Apple, which is really accessible on -- the
19 iPhone is really accessible on some levels, but
20 because they only have two handsets, they believe they
21 don't reach the de minimis. They are protected under
22 de minimis, and we don't agree with them. That's

1 never been ruled on.

2 And the ongoing needs of ensuring that the
3 number of handsets that are offered, which we had
4 settled on negotiations and had agreed to increase the
5 number of hearing aid compatible handsets that are
6 available through providers, and we need to take a
7 look to see that that's actually enforced, that there
8 are the numbers that we had agreed to reach at
9 different stages. So there is an HAC committee. It's
10 ongoing, but it hasn't met recently. We need to bump
11 that up and make it something that we're all paying
12 attention to again.

13 MS. HEPPNER: Thank you, Lise.

14 And we talked about not really being sure
15 what the FCC [indiscernible] in the whole experience
16 of consumer electronics, and truly, we're glad to see
17 you back because Scott and Eric and I were talking
18 about how we felt the meetings that we had 2 years ago
19 at the CEA were very helpful because now we're
20 starting to see manufacturers come out with a caption
21 button on the remote control just like we asked them
22 to, some of them anyway. And smart buttons, we feel

1 very good about that.

2 But a bigger issue with that, it is not in a
3 standard place, and the menus aren't standard. And
4 so, every time, if you're Eric or me or Lise or Claude
5 and you're traveling and you need to turn the captions
6 on on your TV, you have to learn for every single new
7 television and remote control, and it can make you
8 crazy sometimes. But [indiscernible] aren't getting
9 it set up. We feel we should [indiscernible] about
10 electronics engineering.

11 MS. BERLYN: You're hired.

12 MS. HEPPNER: Anyway, you know, we would
13 like to talk with the CEA again to see what we can do
14 to put our heads together on this.

15 We talked about a wide range of
16 telecommunication relay service issues. We also
17 talked many of the things that others at the FCC have
18 talked about today, like updating the 255 and 508
19 rules. And I will let Eric and any other things you
20 remember. The only other thing I have is that we had
21 raised a question about whether it was anything we
22 could recommend or could be considered under the

1 charter, but it would be very good to have someone
2 back on the Consumer Advisory Committee who can
3 represent the speech-impaired community and the
4 deaf/blind community.

5 Eric?

6 MR. BRIDGES: Well, as Cheryl said, there is
7 really only one or two things that we're concerned
8 with. The one thing that I would add is that -- and
9 this just sort of echoes what other people have been
10 saying throughout the day is that I think having a
11 representative of the Disability Rights Office
12 participate in our work group meetings to the extent
13 that they are available, I think, would help to guide
14 our work group.

15 As you heard, there is a litany of issues
16 that, obviously, the disability community is concerned
17 with. And to the extent that the DRO or others could
18 be involved in these working groups leading up to CAC
19 meetings, I think that that would be tremendously
20 helpful, and I think that that was agreed to yesterday
21 in our work group.

22 The other aspect is also adding a deaf/blind

1 organization and quite possibly with a reach out to
2 maybe one more blindness organization. I am the voice
3 of the blind, at least in this committee, which is
4 great. It is a challenge. I think that's about it.

5 Cheryl, if you had anything else?

6 MS. HAMLIN: I just want to -- this is Lise
7 Hamlin. I just wanted to add one more thing.

8 We had looked through -- Cheryl was looking
9 through a pile. One of the things we wanted to do was
10 look at what have our recommendations been as a
11 committee that we've already done, and where are they?

12 So one of the things we were talking about is perhaps
13 we need reports back periodically on where are we with
14 some of the recommendations that we've made, and we
15 know there's a backlog.

16 Instead of us looking through and trying to
17 figure out where we are, can we get reports back?

18 MS. BERLYN: That is a great point. Oh, how
19 many times have we addressed that, and we probably
20 have to revisit that. We've had a honeymoon period
21 here with the new commission. So understandably,
22 we've got all new folks here, but it's an excellent

1 point that we have had recommendations from this CAC,
2 and there is no reason to revisit what the status of
3 all of our recommendations that we've made are.

4 So that's a very good point. And I know
5 we've pushed that in previous years. So good
6 reminder, and let's see what we can do about that.
7 Not only from your working group, but from all the
8 outstanding recommendations that we have that are
9 still relevant. If they are still relevant to do --
10 yes, Gloria?

11 MS. TRISTANI: I would push to going back to
12 prior CACs because there are some going back at least
13 to two that are still relevant, and I think they've
14 never been responded to. And I'm thinking some of
15 which Charles Benton put in, when I wasn't on and he
16 was on, on public interests which are just still
17 sitting there.

18 And I mean, you know, I don't want to create
19 more work for the commission, but the least the
20 commission can do is issue some kind of report back to
21 a committee made up of volunteers who devote a lot of
22 time, sometimes to have -- I mean we know -- we love

1 what we do. But this is time consuming, and we don't
2 do it just to come sit here. We want to see what
3 happens. So I would urge that it go back at least two
4 or three.

5 MS. BERLYN: Before Cheryl brings up a
6 point, I would like to respond to that. And I think
7 that if we do want to go beyond this CAC, what I think
8 we would need to have a motion with that regard
9 because I'm not sure that this CAC should direct
10 previous actions, direct anything back without making
11 that a recommendation of this CAC.

12 So we can do that, but I would think we
13 would want to have that be a recommendation of the
14 CAC.

15 MS. TRISTANI: And maybe --

16 MS. BERLYN: I'm just saying as a formal
17 recommendation.

18 MS. TRISTANI: You may be correct on that,
19 but I think it would inform this committee a lot,
20 without making value judgments even on prior CACs, to
21 know what happens and what's the status. I mean, a
22 lot of -- some committee members that are relatively

1 new to this may have no clue as to what are the things
2 that were discussed 2, 3 years ago.

3 MS. BERLYN: Yes. I just --

4 MS. TRISTANI: I'm happy to do in whichever
5 way, form, you want, and if there are objections I'm
6 happy to let it go.

7 MS. BERLYN: Just we are this CAC, and I
8 don't know -- maybe, Scott, correct me. And I was
9 probably on that CAC. So I feel comfortable, but
10 there may be people here who were not a part of that
11 CAC who might say, "Oh, gee, I wonder what that
12 recommendation was?" And so, they might want to at
13 least be knowledgeable about former recommendations
14 without saying, "Yes, oh, yes. Let's follow it up."

15 MS. TRISTANI: Well, could I amend my
16 request to find out for two prior CACs what
17 recommendations were made and if we could get copies
18 of those?

19 MS. BERLYN: Absolutely.

20 MS. TRISTANI: And then perhaps we can see
21 whether we want --

22 MS. BERLYN: Maybe what we should do is do a

1 history check and look at, if we could, see what has
2 been resolved, what has not been resolved, take a look
3 at what has not been resolved that still might be
4 relevant, and then take a look in June at what has not
5 been resolved, what is still relevant. Have the CAC
6 look at it and then determine what we want to ask this
7 FCC to still address.

8 MS. TRISTANI: And that's what I was asking
9 for. I wasn't asking for commission action. I was
10 asking for precisely that.

11 MS. BERLYN: Okay.

12 MS. TRISTANI: What has happened. So that's
13 why I was, without passing value, what happened to
14 these? You know, maybe even a pie chart, this is what
15 happened. But I don't think we should have to do it.

16 I think the FCC should do that.

17 MS. BERLYN: Okay. Perhaps we're agreeing.

18 MS. TRISTANI: I don't know if others would
19 want to comment on that.

20 MS. BERLYN: I'm not sure we're agreeing,
21 but maybe we're agreeing.

22 MS. TRISTANI: I'd love to hear input from

1 others because maybe you don't care. I mean, I don't
2 know.

3 MS. BERLYN: Cheryl?

4 MS. HEPPNER: Yes, just a quick comment that
5 I really want to thank Scott for putting together the
6 Web site. It was invaluable because I was able to go
7 through and pull up, I hope, all the disability-
8 related stuff and recommendations going back to 2002,
9 was it? Terrific job, Scott. Thank you.

10 MS. BERLYN: Yes?

11 MS. LEECH: As one who was not here for the
12 previous ones, I would be very interesting in seeing
13 what those recommendations were, and we maybe don't
14 need to re-create the wheel.

15 MS. BERLYN: Exactly, and I think, Gloria --
16 well, Scott, do you want to respond?

17 MR. MARSHALL: Am I on here? I guess I am.

18 All of the past recommendations are on the
19 Web site, and maybe a possible approach would be for a
20 group of this committee to look at them and see which
21 ones you continue to be particularly interested in or
22 that are particularly still current. And then I can

1 take those back and try to obtain an update on where
2 those particular recommendations are in any
3 rulemakings, that kind of thing.

4 I think it would be useful to have at least
5 a threshold indication from you as to which of the
6 recommendations -- and, obviously, some of them are
7 probably way outdated by now -- are particularly of
8 interest and which ones aren't.

9 MS. BERLYN: Thanks, Scott.

10 I guess I'm just sitting here trying to
11 figure out what's the easiest way to facilitate this
12 process and whose time and who is easiest to kind of
13 start this. And I hear Gloria saying is it worth our
14 time to go back and figure out what we're interested
15 in if, perhaps, an issue is already no longer active
16 at the FCC?

17 The staff is probably best equipped to make
18 that determination, and I think that's -- is that what
19 you're thinking, Gloria?

20 MS. TRISTANI: I thought so. I mean, like I
21 can think of most of the DTV ones. I'm not saying all
22 of them, not all of them because some of them were the

1 captioning and all that. But there are a whole lot of
2 them about the actual transition that, obviously, are
3 not relevant.

4 MS. BERLYN: But I think the point that's
5 being raised is an excellent one, which is if there
6 are issues that have been recommended that are still
7 unresolved, I think the point is we still want -- we
8 may, as the CAC, even if it goes back before this CAC,
9 we still may want to look at those issues and say what
10 is going on?

11 At the very least for this CAC, if there are
12 issues that we have recommended that precede this
13 commission, which is the case, we want this commission
14 to follow up on those. So I think that's sort of step
15 one. And then step two is perhaps to look a little
16 bit back at the history.

17 So I think we have a two-step process. The
18 first one is a lot easier for us to look at
19 recommendations that we have made since the charter of
20 this CAC and follow up on those issues. And then we
21 need to go a little bit into history and let Scott and
22 I get together and figure out the second task, which I

1 think is just a little more detailed of how we get to
2 that.

3 Scott? I'm sorry. Claude?

4 MR. STOUT: Yes, this is Claude with the
5 Deaf and Hard of Hearing Consumer Advocacy Network.

6 It's up to us here to advise well. It boils
7 down to accountability. We have to remember what the
8 function of the CAC is. We are here to advise the FCC
9 on a variety of issues. We make recommendations, and
10 we count on the FCC to report back on the status of
11 our recommendations.

12 So if we go by this CAC, if we look at the
13 history, we've asked them to give us status reports on
14 each recommendation, and now we -- well, let's set the
15 tone so they know that they have to act on future
16 recommendations that we make. Many of us will be more
17 willing to come to the meetings and make more
18 recommendations knowing that we'll be given a report
19 on them. I think that it has to be two-way
20 communication, and that has to happen here between us
21 and the FCC.

22 MS. BERLYN: Thank you. I think we all

1 agree.

2 Okay. Back on track to reports. Okay, the
3 Consumer Protection Working Group. As I mentioned,
4 yesterday, Brenda Pennington, who chairs the Consumer
5 Protection Working Group has a new job, and her
6 replacement on the CAC is Lawrence Daniels from
7 NASUCA. Lawrence is going to take over the co-
8 chairing with Dan Isett, who could not make this
9 meeting either.

10 He's going to take over the Consumer
11 Protection Working Group, but because this was sort of
12 more first day at the CAC office, I offered to chair
13 the working group. So, Lawrence, jump in, and I'll
14 give you a chance to add to our report of yesterday's
15 working group.

16 We talked about the NOI on truth-in-billing
17 and disclosure issues, and we had an FCC staff person,
18 Julie Solier? Yes, thank you. Cannot get her
19 pronunciation right. But she was very helpful in
20 going through the NOI with us, and we had a discussion
21 about it.

22 I also discussed the fact that we're going

1 to have a task force that is going to be meeting on a
2 regular basis to address two issues, two questions
3 that Joel Gurin has brought up when he addressed us as
4 well yesterday and today. The two issues of what --

5 The Chairman is here. Oh, my goodness. The
6 Chairman is here.

7 Chairman! Oh, my goodness. Did you come to
8 see us?

9 [Laughter.]

10 CHAIRMAN GENACHOWSKI: I'm so happy to be
11 here. Are you talking about the broadband plan?

12 MS. BERLYN: We're giving our reports, and
13 we're so happy you're here.

14 CHAIRMAN GENACHOWSKI: I'm happy to be here,
15 too. But now that I'm here, I thank you all for being
16 here. This is just so important. And I hope, as you
17 continue to move forward, that you look at all of the
18 different consumer-related initiatives in the
19 broadband plan.

20 MS. BERLYN: Can you talk into the mike,
21 just for our -- just so our people who are on the --

22 We are so excited to see you. We are so

1 excited to see you.

2 CHAIRMAN GENACHOWSKI: I'm very happy to be
3 here.

4 MS. BERLYN: Well, thank you so much. I
5 know you have nothing else going on right now.

6 CHAIRMAN GENACHOWSKI: No, I'm actually --
7 I'm literally supposed to be in a different room. If
8 I had been given the choice, I would have --

9 MS. BERLYN: You got lost, and all of a
10 sudden, you saw the Consumer Advisory Committee.

11 CHAIRMAN GENACHOWSKI: But it's terrific to
12 see everyone here, and it's a group of increasingly
13 familiar faces, and I think that's great. I don't
14 want to interrupt the important work that you're
15 doing.

16 MS. BERLYN: No, please.

17 CHAIRMAN GENACHOWSKI: But I will suggest,
18 this is probably happening anyway, that there are a
19 whole series of initiatives and topics in the
20 broadband plan that I would hope this group can take
21 up.

22 There are consumer information, disclosure,

1 transparency issues that we're very excited about as
2 an important way to help fuel a healthy broadband
3 future. There is an important section and a series of
4 initiatives with respect to disabled Americans and
5 making sure that Americans with disabilities aren't
6 left behind in a broadband future, and I think --
7 well, let me ask. Is broadband on your agenda?

8 MS. BERLYN: Yes. Actually, we spent a good
9 time in the morning.

10 CHAIRMAN GENACHOWSKI: Good. Oh, great.

11 MS. BERLYN: Blair was here. Yul was here
12 and told us about children and families, and Elizabeth
13 Lyle told us about disabilities. So we've been
14 talking quite a bit about it, and we're going to talk
15 more about it. Absolutely.

16 CHAIRMAN GENACHOWSKI: Good. Well, it's
17 really important. And I think since the last time
18 we've met, there have really been a number of
19 important developments. So people like Joel Gurin and
20 Yul and now Karen Peltz Strauss were not on staff a
21 few months ago that are on staff now. I think Karen
22 will be here as of March 31st.

1 The broadband plan was a work in progress,
2 and now we have a plan that's a real agenda for
3 action. And I just -- the work that this committee is
4 doing is so important, and keep going. And it's a
5 pleasure to come by and say hi. Are there any
6 questions? I could take a couple of questions while
7 I'm here if anyone has any?

8 MS. TRISTANI: I won't be shy. We have
9 heard from Blair that in less than a couple of weeks,
10 we're going to have a calendar with the different FCC
11 proceedings that are going to be initiated to
12 implement the broadband plan, and is that so? And
13 anything else you can tell us about what we can expect
14 fairly soon?

15 CHAIRMAN GENACHOWSKI: Absolutely. So, yes.
16 It took a tremendous amount of work by the full staff
17 of the FCC to get the plan done. I really -- I don't
18 see copies here, which makes me --

19 MS. BERLYN: We all got them.

20 CHAIRMAN GENACHOWSKI: All right. There we
21 go. Good.

22 MS. BERLYN: We got bound copies.

1 CHAIRMAN GENACHOWSKI: You know, I'm very
2 proud of it on behalf of the FCC because, you know,
3 technically, I guess, it was an option for the FCC to
4 say, oh, Congress wants a plan on broadband. We'll
5 whip up some numbers and some ideas and send it to
6 Congress. And of course, the decision that we made,
7 and I owe this all to the team that worked so hard on
8 this, was to take the challenge seriously and to
9 really try to push the ball forward on the opportunity
10 issues and the global competitiveness issues.

11 And it's a real plan, and there is a lot of
12 meat in this plan for the FCC and for all of our
13 advisory committees to take up. And now that the plan
14 is out, the next step is to move to implementation.
15 There are a lot of rulemakings. There is a lot of
16 work for us to do. So we're going to take that on
17 energetically.

18 MS. BERLYN: I know you really don't have a
19 lot of time. So 10 seconds, 10 seconds. So, Irene,
20 quick. Quick, quick, quick.

21 CHAIRMAN GENACHOWSKI: Two questions, and
22 then I've got to go.

1 MS. LEECH: Okay. Irene Leech, representing
2 the Consumer Federation of America.

3 We also talked with him about the data, all
4 the information that was collected in the process, and
5 we're pleased to hear that it's going to move forward
6 with the proceedings that occur. And I think that's
7 an important piece since you really did involve so
8 many people in that process as you were putting it
9 together.

10 CHAIRMAN GENACHOWSKI: Great. No, thank you
11 for that. And it was a very healthy part of the
12 process. The input, the data that we got I think we
13 both were able to gather a tremendous amount of
14 helpful information and data and also identify areas
15 where the data that we have is incomplete, where we
16 need to do more work and where we need to
17 institutionalize, focus on facts and data as part of
18 our processes.

19 And you also know -- I assume someone has
20 told you this, but we're experimenting with new
21 mechanisms for gathering data. So if you haven't seen
22 our new speed apps, which you can get on your smart

1 phone or you can get on the Internet. We've had --
2 this is an application that lets the consumer go and
3 just measure their speed. We didn't invent this
4 application -- they were out there -- but we are
5 deploying it.

6 We've gotten already almost 400,000 speed
7 tests, 80,000 smart phone application downloads
8 already just in a few days. And it tells you a few
9 interesting things. It tells you that consumers are
10 really interested. They want to understand better the
11 services that they're receiving. And I think it, in a
12 very preliminary way, confirms one of the theses of
13 the plan, which is that empowering consumers with more
14 information, more knowledge about the products and
15 services can help make the market work and lead to
16 better speeds, better services at lower prices.

17 One more question.

18 MS. BERLYN: Good. Lise, quick.

19 MS. HAMLIN: Lise Hamlin, Hearing Loss
20 Association.

21 I just wanted to say quickly that we're
22 thrilled with a lot of -- obviously haven't read the

1 whole thing. But Elizabeth Lyle came in today, and
2 she's done a fantabulous, terrific job on including
3 people with disabilities. And she mentioned it was
4 within the whole plan, and the whole change of seeing
5 disabilities noted at the commission is just
6 wonderful.

7 I also wanted to mention that we're also
8 really thrilled with the blogs because consumers find
9 it really difficult to file comments individually.
10 They're very intimidated, especially people with
11 disabilities who feel the process is intimidating.
12 The blogs, I think, is a huge asset for the commission
13 to get information from people, and I want to thank
14 you for both -- leading the way on both of those
15 things.

16 CHAIRMAN GENACHOWSKI: I appreciate it.
17 Just two hat tips before I go. One is to our new
18 media team, which has just worked so hard to deliver a
19 series of cutting-edge, path-breaking techniques,
20 applications around information technology and their
21 use in Government.

22 And really, I couldn't be prouder of them.

1 This is not a big team. We have a SWAT team, average
2 age 22.

3 [Laughter.]

4 CHAIRMAN GENACHOWSKI: And they're doing
5 just incredible work and literally had at least one,
6 if not more, all-nighters trying to get those parts of
7 the plan done.

8 The second hat tip goes to our general
9 counsel's office because all of these issues of using
10 new information technologies to generate more consumer
11 citizen input, they all raise legal issues. And can
12 you do this under the Administrative Procedures Act?
13 And how is it counted as a formal comment? And those
14 are all hard issues.

15 And I give a lot of credit to our general
16 counsel's office to adopting "how can we make this
17 work" perspective. And when you think about -- some
18 of you have done this, and so you know the amount of
19 legal work that has to happen behind getting these
20 applications launched, actually including citizen
21 comments, consumer comments as part of the record if
22 they're delivered through a blog or through an online

1 comment that's delivered at an open workshop.

2 It's interesting. When I look at it, I look
3 at it and say, well, that doesn't look so hard. But
4 when I talk to the new media team and I talk to our
5 legal team, I just know how hard it is to make it look
6 easy. And so, to our new media team, our general
7 counsel's team, and the broadband team as a whole, as
8 well as the rest of the staff of the FCC, I'm just
9 really proud at how many hard things they've been
10 doing over the last few months and making it look easy
11 from the outside. But it's not.

12 And so, we continue to need your input and
13 your help. What you're doing is very important, and
14 it's really -- it's two ways. I hope you can help us
15 spread the word and the ideas and the applications and
16 the kinds of things that we're working on to a broader
17 community. And then I really hope you can continue to
18 channel input into us so that can be included as part
19 of what we're doing and really inform our activities.

20 MS. BERLYN: Excellent. Thank you so much
21 for stopping by.

22 CHAIRMAN GENACHOWSKI: Thank you, everyone.

1 Take care. Have a nice day.

2 [Applause.]

3 MS. BERLYN: Great. Well, thank you so
4 much, Chairman.

5 Thank you, Mary, for noticing him in the
6 door.

7 Okay. Well, back to our reports. Okay.
8 Let's see, where were we? Consumer Protection Working
9 Group, I was telling you about the task force that
10 we've set up.

11 So we've set up a task force. And actually,
12 this might be a model for other working groups to
13 consider as well because we have these working groups
14 that are very large because we want to be as inclusive
15 as possible, but it is, as we know, difficult to
16 really roll up our sleeves and get to very specific
17 work products.

18 So whatever we call them -- subcommittees,
19 whatever -- we have a task force that we set up for
20 the Consumer Protection Working Group that will
21 address specific questions related to the NOI. And
22 the questions that we're looking at are what

1 information do consumers need when they are getting
2 their communication services? And then what is the
3 best way to communicate that information to consumers?

4 So this task force will be addressing those
5 questions. We'll be meeting at a minimum once every 2
6 weeks, and we will be developing our ideas and then
7 communicating those to the working group. And then
8 the working group will be presenting that to the CAC
9 at our next meeting. We'll be talking about that, but
10 our next meeting we hope to have in June.

11 So that's the plan. And our task force will
12 bring in others that from time to time, hopefully, FCC
13 staff, representatives from the industry, and others
14 as advisors when we need that kind of expertise. But
15 hopefully, this will be a way to get quicker work
16 products through our CAC process because we only meet
17 once every few months.

18 So it is difficult to get through, to slog
19 through issues. And particularly this, the FCC is
20 really looking to us for our expertise and help. So
21 we want to be able to provide that.

22 So that's what happening with the Consumer

1 Protection Working Group. In addition to that --

2 MS. TRISTANI: Can I ask a question, please?

3 MS. BERLYN: Sure.

4 MS. TRISTANI: Because it's still not clear
5 to me, and you've decided on the task force on the one
6 issue.

7 MS. BERLYN: Yes.

8 MS. TRISTANI: But there are other issues
9 that the Consumer Advisory --

10 MS. BERLYN: Working group.

11 MS. TRISTANI: So are we precluded from
12 working on other issues?

13 MS. BERLYN: Not at all, no. I mean, there
14 is a working group Lawrence is chairing, and I just --
15 Lawrence and I just talked offline very quickly, and I
16 told Lawrence to try and convene the working group in
17 the next few weeks. So --

18 MS. TRISTANI: And I guess my other question
19 is when will we know who's going to be on the task
20 force?

21 MS. BERLYN: In the next week. Is that --
22 I'll send out a memo, email.

1 MS. TRISTANI: Thank you.

2 MS. BERLYN: Yes. But, no, Lawrence is
3 convening the working group in the next few weeks for
4 everybody to be able to participate in the working
5 group. And no, I mean, this is not to preclude other
6 issues.

7 MS. TRISTANI: Do we know how many members
8 there are going to be on the task force?

9 MS. BERLYN: We're keeping it as small as
10 possible. So seven or eight members. And some people
11 we've already talked to about being on it.

12 And to be honest with you, the idea of the
13 task force in this case is to draw on the history of
14 experience of consumer organizations that are best
15 able to answer those questions --

16 MS. TRISTANI: No, I understand that. But
17 it seems a little not transparent, to be frank. I
18 mean, at least to me.

19 MS. BERLYN: Scott and I have looked at the
20 working group, and we've tried to identify consumer
21 organizations that are members of the working group.
22 So I'm only hesitating because I don't have a list,

1 but Consumers Union, CFA. We've asked Eric for the
2 American Council on the Blind. Help me, Scott. I'm
3 having a senior moment. NASUCA, thank you. Lawrence
4 Daniels.

5 MR. MARSHALL: AARP.

6 MS. BERLYN: AARP. Call for Action. Ken
7 McEldowney.

8 MS. TRISTANI: Is AARP here today or --

9 MS. BERLYN: No. Marti had some medical
10 issues and was unable to make it today.

11 MS. TRISTANI: Okay. I just wanted to have
12 a sense of what was going on.

13 MS. BERLYN: Is there anyone else that we
14 talked to? I'm sorry. It's not to be nontransparent.

15 It's just that we have not talked to -- we have not
16 been able to put the task force together before this
17 meeting completely. Joel Kelsey, CU. I think I
18 mentioned CFA.

19 MR. MARSHALL: That's it at the moment.

20 MS. BERLYN: I think that's it. So a total
21 of seven or eight organizations.

22 MS. TRISTANI: Thank you.

1 MS. BERLYN: I think we asked Lise -- did we
2 ask Lise?

3 MR. MARSHALL: Yes. Lise is unable to do
4 it.

5 MS. BERLYN: Unable to do it, but we'll find
6 someone else from the community. And we'll get the
7 list out as soon as all the spots -- as soon as we've
8 completed putting the task force together, we'll send
9 that out to the working group and to the full CAC.

10 Is there anything else that I've missed,
11 Lawrence, from the working group? Any working group
12 members from yesterday's discussion have anything to
13 add?

14 [No response.]

15 MS. BERLYN: Okay. We are now at a break.
16 Do we need a break? Yes, I think we're going to skip
17 it.

18 Comments from the public?

19 MR. MARSHALL: We've got one written one.

20 MS. BERLYN: Hold on one second. Scott
21 informs me we have a written comment. So hold on one
22 second. I shall find it. Yes, I saw it in my notes.

1 MR. MARSHALL: These two pages with a
2 paperclip.

3 MS. BERLYN: It's Matthew Elvey. Okay, do
4 you want me to just read it?

5 Okay. We have one comment from Matthew
6 Elvey.

7 "Hello, Scott. Please make the committee
8 aware of and/or consider putting on a future meeting
9 agenda for discussion my proposal below.

10 "U.S. mobile phone carriers should block the
11 INEIs of phones that are reported stolen and have
12 INEIs as is already mandated in, for example,
13 Australia. I'd like to ask the committee membership
14 to consider filing a petition for rulemaking proposing
15 that the FCC propose rules to mandate this.

16 "A couple of weeks ago, I was witness to a
17 young woman punched in the face and kicked when she
18 tried to chase down someone who had stolen her phone.

19 Millions of dollars worth of phones and information
20 on them are lost when owners never get their phones
21 back. Thousands of assaults are motivated by the
22 street value of a stolen phone.

1 "INEI blocking will ensure that stolen
2 phones have no street value, thereby causing activity
3 in great economic and other benefits. Carriers are
4 unresponsive to consumer requests that they do this.
5 So regulatory action is needed. I guess I could file
6 a petition for rulemaking myself, but I think the
7 committee is in a better position to do so.

8 "Again, I'd like to propose that the FCC
9 consider mandating that mobile phone carriers block
10 phones that are reported stolen from being used on
11 their network. If the agenda for the next meeting has
12 been finalized" -- that's this meeting -- "then I ask
13 that this be considered for the meeting after that. I
14 am unable to travel to comment in the meeting.
15 Perhaps my proposal could be read. Please let me
16 know. Thanks."

17 Do you want to have any discussion?

18 I'm asking Scott about our steps with
19 something like this. We could refer it to the
20 Consumer Protection Working Group for further action.

21 Yes, Mark?

22 MR. DEFALCO: Is that, in fact, true?

1 Because, yes, it seems to me that about 2 years ago or
2 3 years ago, I lost my phone, my cell phone, and it
3 actually fell down between the seat in the car, and I
4 thought, "Oh, boy, I'm in trouble." So I called my
5 provider, and they said, "No problem, we'll deactivate
6 it."

7 And then about 3 hours later, I found it,
8 and I called back, and I said, "Could you un-
9 deactivate it?" And they were able to do it. So I
10 guess I'm just -- I'm not saying it's not true. But
11 it seems to me that you can get -- if your phone is
12 stolen, you can get it shut down real quick.

13 MS. BERLYN: Raise your hand.

14 MS. CRESPI: I had the exact same thing
15 happen to me. The same thing happened with my
16 daughter. I don't know all the rules, and I should,
17 but I don't. But our provider did the same thing,
18 canceled it on the spot. When she found her phone,
19 they reactivated it. So --

20 MS. BERLYN: Ed?

21 MR. BARTHOLME: Obviously, I'm not part of
22 the industry. So I'm not an expert on this

1 technically. But I think the distinction to be made
2 is the cancellation of service and the ability to rack
3 up charges on your plan and your account versus the
4 inability to use the device in the future.

5 So, for instance, your phone, had you never
6 found it and it was your service was cut off, someone
7 else could have then found your phone and gone to
8 whoever and said, "I have this cell phone. I'd like
9 to get service on it."

10 So, basically, if someone was to steal like
11 an iPhone, I can call and say, "Okay, cut off my
12 service for that phone," and I won't be charged
13 anymore. But they could then take my iPhone into an
14 AT&T or an Apple store and get it activated with their
15 own line of service. So that's where the street value
16 comes in, the ability to steal and then resell the
17 device.

18 MR. DEFALCO: The device itself.

19 MR. BARTHOLME: Right.

20 MS. BERLYN: Not the content. Not the
21 content.

22 MS. TRISTANI: On an issue like that, I

1 mean, I know it's been assigned to the Consumer
2 Protection. But could we get some advice from the FCC
3 on whether there is any FCC rule that applies to that,
4 or do we have to do the research?

5 MR. MARSHALL: I could certainly make that
6 inquiry.

7 MS. TRISTANI: I mean, maybe with consumers
8 affairs, they could ask. Maybe a complaint or a
9 question has come up? I'm just saying to help us if I
10 could ask that.

11 MS. BERLYN: Yes?

12 MR. MARSHALL: We received this email like
13 yesterday or the day before yesterday.

14 MS. TRISTANI: Because I don't know.

15 MR. BARTHOLME: Debbie, if I could just --

16 MS. BERLYN: Yes?

17 MR. BARTHOLME: To a certain extent, I
18 believe that there are other types of providers. Like
19 I think that satellite radio companies do this
20 already. So if you have a satellite radio in your
21 car, someone breaks in and steals that, you can notify
22 them, and then no one will ever be able to activate

1 that for service moving forward because it's filed as
2 a stolen item.

3 So it does exist in other places, and I
4 don't know how the cell phone companies, carriers
5 handle it individually.

6 MS. BERLYN: Okay. Thanks.

7 Okay. And no other comments from the
8 public, I don't think, in the room?

9 [No response.]

10 MS. BERLYN: All right. We'll move on then.

11 We have one piece of old business, and Scott
12 is checking our Robert's Rules of Order. Do we need
13 to ratify the old TIB principles first? Is that what
14 we need to do or --

15 MR. MARSHALL: If you're amending from that
16 document. If you're amending that document.

17 MS. BERLYN: We are going to amend that
18 document.

19 MR. MARSHALL: Yes. Because right now, that
20 document has no effect at all because of the notice
21 problem at the last meeting.

22 MS. BERLYN: So can we just take the -- so

1 can we just not ratify it and continue to work on it
2 and then --

3 MR. MARSHALL: Pass a --

4 MS. BERLYN: A new one?

5 MR. MARSHALL: Yes, you could do that also
6 if you wanted to.

7 MS. BERLYN: We could do that also. So we
8 don't really need to ratify the old one. We're just
9 doing a little Robert's Rules check here.

10 MR. MARSHALL: You could do either.

11 MS. BERLYN: We could do either.

12 MR. MARSHALL: You could do either.

13 MS. BERLYN: So we don't really need -- I
14 don't see any reason to ratify the old one then, if we
15 can do either.

16 Okay. So moving on, we have truth-in-
17 billing principles which are in your packet. So if
18 you could pull those out? These are our truth-in-
19 billing principles. And for those of you who were on
20 the phone, we did have a discussion and we did approve
21 them back in February, but they were not published in
22 the Federal Register. So we knew that we needed to

1 bring them up again at this meeting.

2 And -- there is no sense in ratifying
3 something we don't need to do, right?

4 MR. MARSHALL: Well, yes. Assuming that you
5 had a sense of the group in February that they wanted
6 to pass that document.

7 MS. BERLYN: Right.

8 MR. MARSHALL: And if people are comfortable
9 with starting afresh and just forgetting about what
10 was done previously --

11 MS. BERLYN: Want me to get a sense of the
12 group?

13 MR. MARSHALL: Yes. Get a sense of the
14 group.

15 MS. BERLYN: Okay. Let me get a sense --
16 Scott would like me to get a sense of the group about
17 our procedure here. So we have a document that we did
18 approve in February with the understanding that we
19 would ratify it at this meeting as a CAC of the whole.

20 But we have amendments.

21 So would the group -- is it the group's
22 pleasure that we not ratify the document from

1 February, but that we proceed with amendments that
2 have been proposed in the working group? There are
3 some that actually have not been privy to discussion.

4 So that's a fair question, Scott.

5 We have had a series of amendments that have
6 come up in yesterday's meeting of the working group
7 and also over lunch discussion today, just to inform
8 you of that.

9 So we could ratify the one in February and
10 then start with a series of amendments, or we could
11 dispense with ratifying our February truth-in-billing
12 document and just amend it. So it's just a matter of
13 whether we take a vote on ratifying and then go
14 forward with amendments or not.

15 So does the group feel a need to ratify the
16 document from February? And I would like to see a
17 hand of anyone who would like to ratify the February
18 document first before moving forward with amendments.

19 Is there anyone who would like to do that procedure?

20 [No response.]

21 MS. BERLYN: No. Okay. So I think
22 everybody is comfortable with working from the

1 document and doing amendments.

2 MR. MARSHALL: Okay.

3 MS. BERLYN: Okay. I saw no hands, Scott.

4 Okay. Now, Scott, help me out. The copy that is in
5 everybody's packet, does that show the --

6 MR. MARSHALL: That is the redline that
7 shows the --

8 MS. BERLYN: The amendments from yesterday.

9 MR. MARSHALL: Well, the amendments that
10 Mary from Verizon had offered.

11 MS. BERLYN: Okay. Okay.

12 MR. MARSHALL: It does not reflect --

13 MS. BERLYN: Any discussion today.

14 MR. MARSHALL: -- the amendments from
15 yesterday, last night to today.

16 MS. BERLYN: Okay.

17 MR. MCELLOWNEY: Debbie?

18 MS. BERLYN: Ken?

19 MR. MCELLOWNEY: I wonder if -- and again, I
20 may be missing this. But it seems like a lot of them
21 are editorial. I would certainly defer to the chair
22 in terms of saying that we would accept the editorial

1 ones and leave it up to you to sort of present the
2 amendments that you think deal with content so we
3 don't debate typos.

4 MS. BERLYN: Okay. Is everybody okay with
5 that? I'm going to ask Lawrence to come up here
6 because I've got an awful lot of paper here, and I
7 don't want to be confused. And -- okay. All right.

8 So everybody has a copy of the truth-in-
9 billing principles with you will see some tracked
10 changes that were made after the working group met
11 yesterday and approved some changes. And so, take a
12 look at that copy. The changes that you see were
13 relatively simple.

14 Most of what you see here is that we just
15 changed from the word "telecommunications" to
16 "communications" to more closely reflect what the
17 FCC's NOI is all about. It's not just about
18 telecommunications providers. It's more broadly about
19 communications providers.

20 So that is -- yes?

21 MS. CRESPIY: I think there were two what I
22 would call more substantive changes from Joel.

1 MS. BERLYN: We're not on his yet.

2 MS. CRESPI: Oh, okay.

3 MS. BERLYN: So that's the recommendation of
4 the working group. The working group did approve
5 these amendment to the truth-in-billing principles.

6 So, let me see Robert's Rules here. So
7 would someone like to move to amend the draft
8 document? Ken?

9 MR. MCELLOWNEY: So moved.

10 MS. BERLYN: Okay. Second?

11 MS. LEECH: Irene. Second it.

12 MS. BERLYN: All right. All those in favor
13 of the changes that you see reflected in the copy that
14 you have, all those in favor say aye.

15 [A chorus of ayes.]

16 MS. BERLYN: Opposed?

17 [No response.]

18 MS. BERLYN: Abstained?

19 [No response.]

20 MS. BERLYN: Okay. Any further amendments?

21 MS. TRISTANI: Debra, didn't that working
22 group approve Joel's amendments that we --

1 MS. BERLYN: Yes.

2 MS. TRISTANI: Okay. So --

3 MS. BERLYN: Yes. So if someone wants to
4 move and explain them, I have -- these are Joel's
5 right here. Let's see if we can -- and, anyone,
6 please help me because I tried to take some notes. I
7 also have his redlined version here. I wish that Joel
8 was here, but he's not back. He said he'd be back.

9 MS. TRISTANI: I can help, but I don't have
10 his amendments in front of me. I just wrote notes.

11 MS. BERLYN: I do, and we'll see what we can
12 do here. Okay. Gloria, do you want to come up? Do
13 you want to come up, too?

14 MS. TRISTANI: Sure.

15 MS. BERLYN: We're all struggling a bit
16 because we all -- yes?

17 MS. CRESPIY: To the earlier point, most of
18 them are just clarifications and what I would call
19 edits. I think there were two that were a little bit
20 policy and a little bit different direction that we
21 need to discuss. Of Joel's changes, yes.

22 MS. TRISTANI: I think we need to let

1 everybody know what his changes are.

2 MS. BERLYN: What all of the changes are.

3 MS. CRESPI: But I thought in order to speed
4 this up, we were not going to talk about the ones that
5 were just purely editorial, but just the two --

6 MS. TRISTANI: We do need to know.

7 MS. CRESPI: Oh, okay. Okay.

8 MS. TRISTANI: The committee doesn't know.
9 They don't have copies of these.

10 MS. BERLYN: Right. So, you know, the plain
11 language --

12 MS. CRESPI: I was trying to address the
13 plain language. Never mind.

14 MS. BERLYN: Okay. So this is his copy. So
15 I have his copy here, and so some of these
16 recommendations are quite simple. And I don't think
17 you even have them all because I got this --

18 MS. TRISTANI: Do you want me to try and
19 explain it because I tried to follow him?

20 MS. BERLYN: Sure, but let me give the
21 simple ones first. He has recommended some editorial
22 changes. I guess I don't need to say those.

1 Okay. The first one, and you have this one,
2 is to change the first paragraph to cross out "as the
3 marketplace becomes more competitive" and change that
4 to "through updating the commission's truth-in-billing
5 rules." Is that your understanding?

6 MS. TRISTANI: Yes.

7 MS. BERLYN: Okay. So that's the first
8 change that we have in the first paragraph.

9 MR. MARSHALL: Do you want to address them
10 individually or as a bloc?

11 MS. BERLYN: No. Let's address because I
12 think some of them are very simple, and then we'll go
13 back to those that may require discussion.

14 And then there is a series of language he
15 added. He adds the words "in plain language" in
16 several different places. So, after A, where it says
17 "clearly written, consistent, and accurate information
18 in plain language," and after then C, "clearly
19 written, consistent, and accurate information in plain
20 language." So you'll see consistently in D and E, and
21 then in F, "full disclosure, in plain language."

22 I don't have it in B. No, I wonder if he

1 missed that one. Because he has "clearly written,
2 consistent, and accurate information." So why not in
3 there?

4 MS. TRISTANI: I would have it there as
5 well.

6 MR. MARSHALL: I think he did --

7 MS. BERLYN: Yes. He doesn't have it in his
8 redline.

9 MS. TRISTANI: Also in B.

10 MS. BERLYN: We can add that also. It
11 should be probably in B, "clearly written, consistent,
12 and accurate information in plain language" in B as
13 well.

14 Okay. The next change that he has is that
15 in B, he has "clearly written, consistent, and
16 accurate information in plain language regarding
17 actual speeds of Internet access services not just" --
18 and he adds the word "just" -- "theoretical maximum or
19 up-to speeds."

20 Is that correct to what you have here?

21 Okay.

22 All right. Okay, and then the next one --

1 okay, now I have to go back to my notes because I
2 think we -- did we change this next one here?

3 Okay. So we wanted to add a new -- we were
4 thinking of adding, and this is one that our working
5 group crafted along with Joel's recommendation is
6 crafting a separate Roman numeral IV that would say
7 something like that "The commission should consider
8 how to apply all these principles to all technologies
9 based on how consumers interact with these services."

10 MS. HAMLIN: Debra, could you read that
11 again?

12 MS. BERLYN: "The commission should consider
13 how to apply all these principles to all technologies
14 based on how consumers interact with these services."

15 Oh, here's Joel.

16 MS. LEECH: The intention of that was so
17 that it's all providers and whether you pay for them
18 or whether you just go to the Web somewhere and access
19 them. And so, that's what the language is trying to
20 represent. I had trouble when I first saw it, but I
21 haven't come up with anything better.

22 MS. BERLYN: Joel, you're back. Joel, we're

1 on the truth-in-billing principles. And so, I've been
2 trying to work off of your redlined version and talk
3 about these changes. So, and Lawrence and Gloria are
4 helping. So I think --

5 MR. KELSEY: There is one more.

6 MS. BERLYN: We do have one more.

7 MR. KELSEY: One more change.

8 MS. BERLYN: I think we do have one more.
9 We've been trying to cover them all, but there is one
10 more under Roman numeral -- is it Roman numeral I,
11 letter M, Legal and Privacy Policies. To add a second
12 sentence that would say, "Subscribers should be
13 supplied with a contract --"

14 Actually, we were thinking of making a
15 separate, making it N and saying, "Subscribers should
16 be supplied with a contract both at the point of sale
17 or subsequently if they request it." And should the
18 word "both" be out? "Subscribers should be supplied
19 with a contract at the point of sale or subsequently?"

20 Or should it be both?

21 MR. KELSEY: I don't think it matters.

22 MS. BERLYN: I don't know. It doesn't

1 matter. Okay. Anyway, so it should be after M. It
2 would be N. Subscribers should be supplied with a
3 contract both at the point of sale or subsequently if
4 they request it.

5 Only if they request it? Okay. So I think
6 we've captured all the edits. Is that correct to your
7 understanding, Gloria?

8 MS. TRISTANI: Yes. Yes.

9 MS. BERLYN: And yours, Lawrence?

10 MR. DANIELS: Yes.

11 MS. BERLYN: And everybody else who was at
12 the working group? And Ed? Yes, Ed?

13 MR. BARTHOLME: I had a question. You said
14 for the one where we're adding the entire clause about
15 looking at -- the commission should look at everybody
16 and basically treat them the same kind of thing. You
17 said to add that as number IV?

18 MS. BERLYN: We were thinking of making a
19 separate Roman numeral for that so that it would apply
20 to everything.

21 MR. BARTHOLME: Okay. Would it not fit
22 under Roman numeral II as an N? Like actions by the

1 commission or FCC actions?

2 MS. TRISTANI: It's probably better there.

3 MS. BERLYN: Yes. Yes.

4 MR. BARTHOLME: And then you don't have to
5 come up with a title for Section IV and all that.

6 MS. BERLYN: Okay. That makes sense. Does
7 that make sense to everybody to put that under FCC
8 Action as -- I'm getting so confused because
9 everything is numbered differently. So it would be
10 number -- I have numbers on mine.

11 MR. DANIELS: I know. But this is -- everybody
12 else has letters.

13 MS. BERLYN: Oh, everybody else has -- so
14 it's after Code of conduct. Okay. So it would not be
15 Roman numeral IV. It would be -- yes, I have 15.
16 Okay.

17 Okay. So it would be under FCC Action.
18 Yes, makes sense, Ed.

19 Okay. So now let's take all of that for
20 point of discussion. Yes, Mark?

21 MR. DEFALCO: Yes, I just have a question,
22 and I'm not sure what the answer is and from a voting

1 perspective it doesn't make a difference to me either
2 way. But on the first page at the bottom, I-B, where
3 we're going to say "written consistent information
4 regarding the actual speeds of the service as opposed
5 to the theoretical or up-to speeds," is that possible
6 for a cable modem service, where the speed you
7 actually get is dependent based on the number of
8 people who are on the system at any given time?

9 So I don't know that you could say what the
10 actual speed is. Your actual speed at one point of
11 time is going to be different than it is at another
12 point of time. So I just will raise the question. I
13 don't think that's the case for DSL, but I think it is
14 the case for cable modem.

15 MS. BERLYN: Yes. No, it's a good point.

16 Yes, Ed?

17 MR. BARTHOLME: I was going to say I think
18 with DSL, and I might be wrong, the distance you are
19 from the point of origin affects that. So as each
20 person gets further down the line, I think there is a
21 deterioration in speed. So that would be another
22 caveat where --

1 MS. BERLYN: And isn't this something that
2 the technology, that advisory task force is actually,
3 whatever they're calling it, that technology team is
4 sort of looking at, it is that sort of information?

5 MS. CRESPY: I think the word "actual" is a
6 little, very difficult to get at, and what you often
7 see is something more like "typical" or "expected,"
8 something along those lines.

9 MR. KELSEY: Or I would suggest "average."
10 But yes, I mean, I think the idea is for the
11 commission to look at how -- I mean, the idea here is
12 up-to speeds are delivered only 50 to 80 percent of
13 the time, based on the commission's report in
14 September. And so, how do we get to a number that
15 gives consumers a more meaningful idea of what they
16 can expect to experience based on how much they're
17 paying per month?

18 And so, I think that the measurement may be
19 different based on the different technology. But
20 certainly providers can give an idea of what an
21 average speed is in a neighborhood, given how many
22 subscribers they have in a particular neighborhood or

1 census track.

2 And then there is also language that's been
3 suggested out there that isn't in here, but just has
4 been suggested in the docket that they could, for
5 example, say if 95 percent of our subscriber base is
6 online at the same time between 5:00 p.m. and 8:00
7 p.m., this is what you could expect versus if no one
8 is on the service at noon, this is what you could
9 expect. And give consumers kind of an idea of the
10 different speeds that are delivered based on the
11 technology, based on the folks that are subscribing in
12 the footprint, et cetera, et cetera.

13 That's not in this docket, but the idea is
14 the commission can make those determinations based on
15 a full airing of those issues once folks have an
16 opportunity to talk about them.

17 MS. BERLYN: I like two words that you
18 mentioned when you were talking about realistic
19 expectations. I wonder if that's an important concept
20 to put in here?

21 Yes, Ed?

22 MR. BARTHOLME: I was going to say I think

1 it's important to keep in mind that this specifically
2 says "at the point of sale." So, hopefully, by the
3 time it's that far along, they're going to know the
4 neighborhood. They should have a record of how many
5 other subscribers they have in it. So it's not in
6 general mass advertising where they have to come out
7 with a blanket statement. That's my point.

8 MR. MARSHALL: Do you want to discuss the
9 changes she had?

10 MS. BERLYN: Oh, we're not going to go there
11 yet. We want to take care of all these first.

12 So are we comfortable with the language as
13 it is in B? I-B.

14 MS. CRESPI: I thought -- are we leaving
15 "actual" in? Was that your question, Mark?

16 MS. TRISTANI: I'm comfortable because we're
17 making a recommendation, and the commission will best
18 determine how to make it fit in. The idea is to give
19 the consumers a sense of what the possibilities are
20 out there, as somebody said, whether 8:00 p.m. or
21 12:00, noon. So you know?

22 MR. DEFALCO: I would favor "typical." I

1 think "actual" is we know it's going to vary, and
2 therefore, I don't think a provider could say what the
3 actual speed is going to be unless they say it's going
4 to be X at 2:00 p.m. and X at 4:00 p.m. and Y at 10:00
5 p.m. and that kind of thing.

6 So I think if you say "typical," you're
7 covering all the bases.

8 MS. BERLYN: Typical.

9 MS. TRISTANI: I've not seen "typical" used,
10 but --

11 MR. DEFALCO: I'm okay if you go with
12 "actual." I'm just telling you what I think. That's
13 all.

14 MS. BERLYN: Anyone else want to weigh in?

15 MR. BARTHOLME: I think Joel mentioned
16 "average" as a possible word. I do kind of see some
17 validity to the concept of if you used "actual," it
18 gives people an immediate ability to say, "Oh, well,
19 that's impossible so we can't do that," and move on.
20 Because of the unpredictability and things change and
21 stuff like that.

22 MR. KELSEY: I think Gloria is right that

1 the commission can make that determination. I like
2 the word "actual," and the commission can decide
3 whether it's typical or average, where it's an up-to,
4 whether there are a number of different speeds. You
5 know, we can kind of allow the bureau to make that
6 determination based on the record.

7 MS. BERLYN: Okay. Anybody else? Okay.
8 Keep going. Other issues to discuss within the
9 amendments that we have just proposed? Lise?

10 MS. HAMLIN: The way I have this on the new
11 N for number, I guess this is under I, where it says,
12 "Subscribers should be supplied with contract at the
13 point of sale or subsequently if they request it"
14 sounds to me like they don't get provided a contract
15 unless they request it. Is that what was intended?

16 MR. KELSEY: No, I think they should
17 absolutely be given a contract when they sign up for
18 service. And then a year later, if they are thinking
19 of switching, if they are looking at the terms and
20 they don't have it, they request it, and it's supplied
21 to them. So it's something --

22 MS. HAMLIN: I think you want to make it two

1 sentences then or some way that it's really clear that
2 they should be provided with a contract, period.
3 That's what you're saying. And then if they need a
4 subsequent --

5 MR. KELSEY: I'd be happy with that.
6 Anything that captures the sentiment.

7 MS. HAMLIN: Something like that.

8 MS. BERLYN: I think the way it's written,
9 you want to divide it into two sentences. Is that
10 what you're thinking?

11 MS. HAMLIN: So it's a matter of anything
12 else, just the way I read it, first of all, I wasn't -
13 -

14 MS. BERLYN: Provided a contract at the
15 point of sale, period. And I don't know. We'll come
16 up with a second sentence here.

17 MR. DANIELS: And subsequent -- if they
18 request another contract at a later time, it will also
19 be supplied.

20 MR. KELSEY: I think it would be the same
21 contract that they signed originally. So it would
22 just be "and subsequently, if they request it, or upon

1 request."

2 MR. DANIELS: Subsequently, if they request
3 a copy of it.

4 MS. BERLYN: I think it is one sentence, but
5 I don't think it's two --

6 MR. KELSEY: Making it "and." Does that
7 help?

8 MS. BERLYN: Yes. I think if we have the
9 word "and," it makes it clear. "And subsequently."

10 MR. DANIELS: If they request it at a later
11 time.

12 MR. DANIELS: And subsequently upon request.
13 "Subscribers should be supplied with a contract at
14 point of sale and subsequently upon request."

15 MS. BERLYN: Yes, Ken?

16 MR. MCELDFOWNEY: Debbie, I would think that
17 it should be required to be -- the contract should be
18 required to be sent out again if, in fact -- I would
19 say on an annual basis if, in fact, changes have been
20 made to the contract by the carrier.

21 MS. BERLYN: Or if changes have been made.
22 That's different.

1 MS. TRISTANI: Just to clarify, is that only
2 if changes have been made should it be required to be
3 sending it, or what if you lost your copy of your
4 contract?

5 MS. BERLYN: Then you can request it. So
6 this is a third, this would be a third one.

7 MR. DANIELS: Point of sale, upon request,
8 and based upon change.

9 MS. BERLYN: And if changes are made?

10 MR. KELSEY: Seems like maybe that's the
11 second sentence. If changes are made, carriers should
12 be required to send those changes out. Changes are
13 made in the terms and conditions.

14 MS. BERLYN: To terms and conditions.

15 MR. DANIELS: "The carrier should be
16 required to provide the amended contract."

17 MS. BERLYN: Yes. If you could write that,
18 that would be great.

19 MR. DANIELS: Okay. So it looks like, "If
20 changes are made to the contract, contract terms and
21 conditions, the carrier should be required to supply
22 the amended contract."

1 MR. KELSEY: Correct.

2 MS. BERLYN: A copy of the amended contract.

3 MR. DANIELS: Okay. "A copy of the amended
4 contract." Okay. Okay.

5 MS. BERLYN: Okay. Any other -- yes, Lise?

6 MS. HAMLIN: I found the last one, I found
7 it confusing. I didn't really understand what it
8 meant. And I'm wondering if we just say, "The
9 commission should consider applying all the principles
10 to all technologies, period." Rather than just the
11 "based on how consumers interact with them," I didn't
12 know what it meant. There may be another way to say
13 that, but I found it really confusing.

14 I thought maybe just leave it at -- just
15 stop in the middle there.

16 MR. KELSEY: So the idea was --

17 MS. BERLYN: Raise your hand there, Joel, so
18 they can see.

19 MR. KELSEY: Sorry. The idea was at some
20 point in the principles, the words "in addition to
21 communication services," which is what the NOI talks
22 about, that the commission should also consider

1 applications providers. And I had suggested we either
2 clarify what they mean by that or we delete it. And
3 so, the idea was the commission should look at
4 applying truth-in-billing practices and principles to
5 all technologies.

6 But if you're a consumer and you're using an
7 application, you're not signing a contract. You're
8 not paying for the service. You're not doing a lot of
9 the things that are within here. There are certainly
10 privacy principles that probably apply. But the idea
11 is based on how consumers interact. So if you're
12 using a Web site rather than signing up for a service
13 that you pay month to month for, that that may have a
14 different approach to how they have to disclose things
15 to consumers.

16 MS. HAMLIN: So what you're saying -- this
17 is Lise again. What you're saying is as they are
18 applicable? There are some of the provisions aren't
19 applicable. Some of them are. So you should consider
20 applying the principles to all technologies as they
21 are applicable to those technologies.

22 Because when you say -- I understand what

1 you're saying now. But this doesn't say that to me,
2 "as they apply."

3 MS. BERLYN: Can you think of some language
4 that you think would be better, Lise?

5 MS. HAMLIN: Might be, but there may be even
6 a better way to say that.

7 MS. BERLYN: We're looking for drafting help
8 here. So you're saying the commission should consider
9 how to apply all these principles to technologies as
10 they are --

11 MS. HAMLIN: As appropriate or as applicable
12 or as needed. No, not as needed.

13 MS. BERLYN: Based on how consumers interact
14 with these services?

15 MALE SPEAKER: That's what we had.

16 MS. BERLYN: Yes, that's what we had, sort
17 of.

18 MR. KELSEY: I guess I'm comfortable either
19 way. I don't know if other folks have opinions?

20 MR. DANIELS: Lise? If we cut off the
21 portion "based upon how consumers interact with these
22 services," do you think that would capture what it is

1 that we're trying to say or we think it's incomplete?

2 MS. HAMLIN: But I'm not sure that Joel
3 would agree. I think he wants to make it really clear
4 that it's not -- we understand that they wouldn't all
5 apply. Not all of these principles would apply in
6 every situation.

7 MR. DANIELS: Well, Joel, if we were to say,
8 "The commission should consider how to apply all of
9 these principles to all of these technologies that's
10 applicable."

11 MR. KELSEY: I think "as they are
12 applicable" probably makes the most sense. Yes.

13 MS. BERLYN: And then we can drop the rest
14 of it, you think?

15 MR. KELSEY: Sure.

16 MS. BERLYN: Okay. So the new sentence
17 reads --

18 MR. DANIELS: "The commission should
19 consider how to apply all of these principles to all
20 technologies as they are applicable."

21 MS. BERLYN: Okay? Sound okay? Okay.

22 All right. Is there anything else left from

1 these amendments that we have thus far to discuss, for
2 discussion? Speak now.

3 [No response.]

4 MS. BERLYN: Okay. Now before we go to do
5 anything further, Alison had a question.

6 MR. MARSHALL: Do you want to move? Did we
7 adopt those amendments?

8 MS. BERLYN: No, we didn't. Should we do
9 that first?

10 MR. MARSHALL: Before you go to Alison's,
11 maybe you ought to --

12 MS. BERLYN: Okay. All right. We can do
13 that. All right. So does someone want to move the
14 adoption of these amendments?

15 MR. MCELLOWNEY: So moved.

16 MS. BERLYN: Thank you, Ken. Second?

17 MS. LEECH: Second.

18 MS. BERLYN: All those in favor of adopting
19 these amendments to the truth-in-billing principles,
20 signify by saying aye.

21 [A chorus of ayes.]

22 MS. BERLYN: Opposed?

1 [No response.]

2 MS. BERLYN: Anyone abstaining?

3 [No response.]

4 MS. BERLYN: They are approved unanimously.

5 Thank you.

6 Okay. Now, Alison, we will move to further
7 discussion.

8 MS. MINEA: Thank you. I've got a question
9 about I-A.

10 MS. BERLYN: Alison, could you just raise
11 your hand? I want to make sure they have you on the
12 mike. Okay.

13 MS. MINEA: Thanks. I had a question about
14 I-A, which would require providers to disclose at the
15 point of sale written information about, among other
16 things, estimated taxes and surcharges. My particular
17 question about that was for companies that provide a
18 national service, such as satellite companies, and who
19 advertise nationally with one price, explaining to a
20 consumer in writing the actual taxes that would apply
21 to them could vary almost down to the zip code when
22 factoring State and local taxes.

1 So I'm wondering if requiring written
2 disclosure at the point of sale might be very
3 confusing and lead to very long and cumbersome
4 disclosures compared with what we do now, which is
5 simply to say here is the price plus applicable taxes.

6 And I think at least at Dish, we feel that most
7 consumers do expect that taxes will be added.

8 So I'm just wondering if that was what we
9 intended was to have a disclosure specific to each
10 locality for national services? Thanks.

11 MS. BERLYN: Someone want to address that
12 issue? We did talk a little bit about that in the
13 working group. But yes, go ahead, Gloria.

14 MS. TRISTANI: We discussed a little bit
15 during the working group, and it was a sense that --
16 at least some of us, that to many consumers, it is
17 very important information to know what the tax is
18 going to be because the tax can be 5, 10, 15 percent,
19 depending on where you are. And it's very hard to
20 make a choice if you don't know what the whole cost is
21 going to be.

22 So it doesn't matter. You want to have a

1 sense of what you're going to be paying total. The
2 idea here is to have an idea, to know what you're
3 going to pay.

4 MS. BERLYN: And the distinction that we
5 made, Alison, was that this is at the point of sale,
6 which is at a point in which you do know where you are
7 and not -- so it wouldn't impact national advertising
8 campaigns. It would be at a point at which you are
9 purchasing them in your locality, with information
10 about exactly where you are so that information about
11 what the taxes are should be available. Does that
12 help?

13 MS. MINEA: That certainly helps our concern
14 about the advertising, and that's very helpful. So
15 what exactly would be the documentation to which this
16 recommendation would apply? Would it be -- would it
17 be a contract or some other type of documentation that
18 I'm just not thinking about?

19 MS. BERLYN: Go ahead.

20 MR. MCELLOWNEY: I would think certainly --
21 I know what some carriers do is they give you at the
22 time of purchase an estimated first bill. Or you

1 could find out about an estimated first bill, or very
2 soon after you do it, you get a notice of estimated
3 first bill. I would think that would be the way that
4 a consumer would be notified.

5 MR. KELSEY: I think it would probably vary,
6 based on what service you're signing up for. So the
7 NOI covers wireless service, like cell phones and
8 mobile devices. It covers pay TV. It covers
9 broadband. It covers long-distance telephone. It
10 covers the bundle. And so, I think it would probably
11 vary based on which service it is because each of them
12 operate and interface with consumers a little bit
13 differently.

14 So my guess is that the commission, when
15 promulgating the rules or issuing the NPRM, would ask
16 how it should be interpreted, if they decide to take
17 our principle.

18 MS. BERLYN: Any further discussion? Did
19 you have an amendment that you wanted to actually
20 offer, Alison, to address that?

21 MS. MINEA: I don't think an amendment is
22 needed. The advertising piece was the part that

1 concerned me the most, and I think, as written, this
2 is just fine.

3 Thank you very much.

4 MS. BERLYN: Okay. Thank you.

5 So we have -- yes, there is no amendment.

6 So we have an amended version of the truth-in-billing
7 document. So we can now -- do I have a motion to
8 approve the truth-in-billing principles?

9 MR. MCELLOWNEY: So moved.

10 MS. BERLYN: Oh, I have -- Gloria raised her
11 hand. Ken, do you want to second?

12 MS. TRISTANI: I was going to move, too.
13 I'll second it. I don't care.

14 MS. BERLYN: Okay. So now all those in
15 favor of the truth-in-billing principles signify by
16 saying aye.

17 [A chorus of ayes.]

18 MS. BERLYN: Any opposed?

19 [No response.]

20 MS. BERLYN: Any abstentions?

21 MS. CRESPI: Verizon abstains.

22 MS. BERLYN: We have one abstention with

1 Verizon. Any other abstentions?

2 MS. MINEA: Dish abstains.

3 MS. BERLYN: And Dish Network, thank you.

4 And Dish is an abstention.

5 Okay. Thank you very much.

6 All right. Good work. Let's go to I think

7 -- are we at the end here, Scott?

8 MR. MARSHALL: We are.

9 MS. BERLYN: Thank you. I lost my agenda.

10 We have done our -- oh, is there any other

11 old business to conduct? I don't think so. No.

12 MR. MCELDOWNEY: Move to wrap up and

13 adjourn.

14 MS. BERLYN: Well, let's do a wrap-up.

15 Scott and I are going to work on a date in June for

16 the Consumer Advisory Committee to meet again. That's

17 our aim now is to get us together again in June.

18 MR. MARSHALL: For a day and a half.

19 MS. BERLYN: And we will attempt to do this

20 day and a half again. I think that would really be a

21 good idea. I hope that in between now and June,

22 working groups will meet and will attempt to do some

1 recommendations so that we will actually have business
2 to conduct during that half day.

3 And also, one thing I did want to mention is
4 that Charles is interested in switching his work that
5 he does at the CAC from the Working Group on Consumer
6 Information and Participation to the Broadband Working
7 Group. So we may, indeed, need someone who might be
8 interested in taking the leadership for that working
9 group. So if you are interested, please let me know.

10 That working group is designated to do some
11 things that were -- actually, we designated that
12 before we had this new leadership at the FCC. So some
13 of the intent of that working group has, quite
14 honestly, been taken care of with this new FCC. But
15 there are other issues that this CAC can work with the
16 commission on.

17 And the whole question of how to ensure that
18 consumers can participate in the activities of the
19 FCC, in the decisions and proceedings that the FCC has
20 underway, I think is still a very important and
21 relevant issue. And so, if that working group can
22 focus on those questions, I think that there is still

1 that work to be done.

2 But it needs a leader who is interested in
3 pulling that group together to address those issues.
4 We know there is a lot of activity going on at the
5 FCC. There will be the broadband implementation, and
6 so the idea of how to ensure that the consumer
7 community, not only the inside the Beltway, but
8 outside the Beltway, is involved in the activities of
9 the FCC and in the decision-making process I think is
10 still critical.

11 So I look to all of you to think about
12 whether or not you want to take a leadership role and
13 pull that working group together. So think about
14 that.

15 And with that said, we look forward to
16 working groups getting together between now and June.

17 MR. MARSHALL: I can help with any -- I can
18 help with any logistics with that. Just give us a few
19 days' notice, especially if you need remote captioning
20 on a conference call or whatever. But be happy to
21 help with any logistics for those meetings.

22 MS. BERLYN: Lise?

1 MS. HAMLIN: I have a question about are we
2 going to try to do another half day? Can I ask you,
3 are the committee meetings considered open meetings?
4 We had a question about that from someone.

5 MS. BERLYN: The working group meetings?

6 MS. HAMLIN: Right. Can people from the
7 public just join in and watch what's happening in the
8 committee meetings?

9 MR. MARSHALL: The working group meetings or
10 the committee meetings?

11 MS. BERLYN: Are you talking about the
12 working group?

13 MS. HAMLIN: Working groups, I'm sorry.

14 MR. MARSHALL: The working groups are not
15 part of the CAC meeting. Traditionally, people have
16 been involved in those groups, have been invited to
17 participate if the group wanted them to participate on
18 kind of an ad hoc basis. But only CAC members would
19 have a vote in those groups.

20 But they're not mini FACAs. They're not
21 something from the Federal Advisory Committee Act and
22 all that sort of stuff. Only the full committee

1 meeting is. Does that help?

2 MS. HAMLIN: Yes. That answers. Thank you.

3 MS. BERLYN: Any other questions or issues
4 to address today? If not, I will entertain a motion
5 to adjourn.

6 MR. MCELLOWNEY: So moved.

7 MS. BERLYN: Oh, sorry. Wait a minute.

8 MS. LEECH: Are we going to talk about when
9 in June we might --

10 MS. BERLYN: We don't have a date yet. We
11 have to check the availability of this room. I know
12 June is a difficult month with a number of people. So
13 if you have -- I don't even know if I want to ask the
14 question about whether people have good days and bad
15 days.

16 MR. MARSHALL: Bad days that they know of
17 right now might help.

18 MS. BERLYN: Yes, any bad days. We usually
19 do do these on Thursdays and Fridays. So that limits
20 us right there. We also want to make sure this room
21 is available. We also want to make sure we don't
22 conflict with any major events that the FCC has.

1 MR. MARSHALL: Or its constituency
2 organizations.

3 MS. BERLYN: Right, or any big association
4 meetings.

5 So does anyone know of any June meetings or
6 June events or dates in June that are impossible,
7 focusing on Thursdays and Fridays. Yes?

8 MS. HAMLIN: I don't have the exact date --
9 so I'll get it to Scott -- but we do have a conference
10 in Milwaukee in June. And it's the end of June, I'm
11 pretty sure. But we do go Thursday, Friday, through
12 the weekend. So I'll send that to Scott.

13 MS. BERLYN: Okay. That would be great.
14 Thank you, Lise.

15 MR. MARSHALL: Good to know. That's why we
16 asked.

17 MS. BERLYN: Irene?

18 MS. LEECH: I've got a conflict, well, a
19 series of things the week of the 14th of June and
20 couldn't be here the 17th and 18th if you wanted to do
21 Thursday, Friday that week.

22 MS. BERLYN: So you could not be here the

1 17th and 18th?

2 MS. LEECH: The 14th through 18th, I'm out.

3 MS. BERLYN: And please understand that we
4 know that we'll probably hit a date when someone in
5 the CAC won't be able to make it. But we hope we hit
6 a date when most of you will be able to make it.

7 We also do really appreciate when we have
8 our have leaders or -- having the Chairman drop by
9 today was fantastic, and having Commissioner Clyburn
10 come and key people at the FCC. So although we can't
11 always make sure that happens, we want to make sure
12 it's not a day when there is a European meeting that
13 takes them all out of here.

14 So we'll check all those things out, get
15 back to you, and hopefully, we'll pick a date that
16 works for almost all of us.

17 So now, for that motion, Ken? Motion to
18 adjourn?

19 MR. MCELDFOWNEY: Again.

20 MS. BERLYN: Thank you. All those in favor?

21 [A chorus of ayes.]

22 MS. BERLYN: Thank you all.

1 MR. MARSHALL: Thanks, everybody.

2 MS. BERLYN: We'll see you next time.

3 [Whereupon, at 3:25 p.m., the meeting was
4 adjourned.]

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