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FEDERAL COMMUNICATIONS COMMISSION

CONSUMER ADVISORY COMMITTEE MEETING

Room TW-C305
Federal Communications
Commission Building
445 12th Street, S.W.
Washington, D.C.
Wednesday, November 10, 2010

The committee met, pursuant to notice, at 9:10
a.m., DEBRA BERLYN, Chair, presiding.

MEMBERS PRESENT:

DEBRA BERLYN, National Consumers League, Chair
ERIC BRIDGES, American Council of the Blind
MARK DeFALCO, Appalachian Regional Commission
CECILIA GARCIA, Benton Foundation
ED BARTHOLME, Call for Action

1 MEMBERS PRESENT: (Continued)

2 CHRISTOPHER SOUKUP, Communication Service for the Deaf

3 JOSEPH OROZCO, Consumer Action

4 BILL BELT, Consumer Electronics Association

5 IRENE E. LEECH, Consumer Federation of America

6 CLAUDE STOUT, Deaf and Hard of Hearing Consumer

7 Advocacy Network

8 ALEX CONSTANTINE, Dish Network L.L.C.

9 BRANDON STEPHENS, Eastern Band of Cherokee Indians

10 COMMISSIONER JOHN COLE, Hawaii State Public Utilities

11 Commission

12 LISE HAMLIN, Hearing Loss Association of America

13 ANN BOBECK, National Association of Broadcasters

14 COMMISSIONER NIXYVETTE SANTINI, National Association

15 of Regulatory Utility Commissioners (participating

16 by telephone)

17 LAWRENCE DANIELS, National Association of State

18 Utility Consumer Advocates

19 CHERYL HEPPNER, Northern Virginia Resource Center for

20 Deaf and Hard of Hearing Persons

21 MARY CRESPIY and DONNA RYNEX, Verizon Communications,

22 Inc.

23 ALSO PRESENT:

24 SCOTT MARSHALL, Designated Federal Officer, FCC

25

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

2 WELCOME, CALL TO ORDER, AND INTRODUCTIONS

3 CHAIRPERSON BERLYN: Good morning, everyone.

4 VOICES: Good morning.

5 CHAIRPERSON BERLYN: Good morning. It's a
6 bittersweet day. This is the last meeting of the
7 Consumer Advisory Committee for this chartered
8 committee, and we'll be talking more about that later.
9 But I want to welcome everyone.

10 We have a very busy agenda, so we definitely
11 should get started. We'll start with a round of
12 introductions. I'm Debra Berlyn, representing the
13 National Consumers League and chairing the Consumer
14 Advisory Committee. And to my left --

15 MR. DANIELS: I am Lawrence Daniels,
16 representing the National Association of State Utility
17 Consumer Advocates.

18 CHAIRPERSON BERLYN: If I could remind
19 everyone, when you speak if you could pull the mike
20 right as close as possible; and also remember, when you
21 do want to be recognized to speak at the mike, to raise
22 your hand.

23 MS. GARCIA: Cecilia Garcia, representing the
24 Benton Foundation.

25 MS. RYNEX: This is Donna Rynex, representing

1 Verizon.

2 MS. CRESPI: Hi. Mary Crespy, also with
3 Verizon.

4 MR. BARTHOLME: Ed Bartholme with Call for
5 Action.

6 MR. DeFALCO: Mark DeFalco with the
7 Appalachian Regional Commission.

8 MR. CONSTANTINE: Alex Constantine with Dish
9 Network.

10 MR. BELT: Bill Belt with the Consumer
11 Electronics Association.

12 MS. BOBECK: Good morning. Ann Bobeck with
13 the National Association of Broadcasters.

14 MS. HEPPNER: Cheryl Heppner, Northern
15 Virginia Resource Center for Deaf and Hard of Hearing
16 Persons, and they got it all on the card.

17 (Laughter.)

18 MS. HAMLIN: Lise Hamlin, Hearing Loss
19 Association of America.

20 MR. STOUT (through interpreter): This is
21 Claude Stout, Claude Stout with Deaf and Hard of Hearing
22 Consumer Advocacy Network.

23 MR. SOUKUP: Chris Soukup, Communications
24 Service for the Deaf.

25 COMMISSIONER COLE: John Cole, the Hawaii

1 Public Utilities Commission.

2 MS. LEECH: Irene Leech, Consumer Federation
3 of America.

4 MR. GURIN: Hi. Joel Gurin, Chair of the
5 Consumer Governmental Affairs Bureau of the FCC.

6 MR. BRIDGES: Eric Bridges, the American
7 Council of the Blind.

8 MR. MARSHALL: I'm Scott Marshall and Joel is
9 my boss.

10 CHAIRPERSON BERLYN: Thank you all.

11 We're going to dispense with the announcements
12 for a while because we have an honored guest here to my
13 left, and I will introduce him right now, because we are
14 so pleased to have Commissioner Copps with us this
15 morning. So thank you very much.

16 REMARKS OF HON. MICHAEL J. COPPS,
17 FCC COMMISSIONER

18

19 COMMISSIONER COPPS: Thank you. I don't know
20 who the honored guest is, but I'm delighted to speak
21 before whoever that is.

22 I just wanted to come down for a few minutes,
23 and I can't stay long because we have an overseas
24 delegation that's already starting to meet upstairs.
25 But I couldn't let this opportunity go by without coming

1 by to say thank-you for the service of everyone on this
2 committee that you have performed during the term of
3 your charter.

4 You've done a great job under the wonderful
5 leadership of Debra, and just the work of so many people
6 gathered around this room, and your impact I think has
7 been felt. It has made a difference. We still have a
8 long way to go in turning this place into a consumer
9 protection agency once again. But I think we have made
10 real strides in the last year, getting us back to what
11 we were supposed to be all along, and that is a consumer
12 protection agency.

13 So you can see that in specific items that
14 have come out of the Commission with bill shock or the
15 progress we've made on disability rights here at the
16 Commission and also legislatively, thanks to the
17 wonderful work of Karen Peltz Strauss and others, the
18 passage of the Markey bill up there, which it's now our
19 responsibility to turn into rules and actions and get
20 that done.

21 Great progress, I think, on Native Americans.
22 That's been a high priority of mine, too, as some of
23 you know, working to get that into the broadband plan.
24 I'll be out in Albuquerque, I think, Tuesday and
25 Wednesday next week at the National Conference of

1 American Indians out there, and also at a town hall
2 meeting on the open Internet, which I think is important
3 to everybody around this table. We have the Office of
4 Native Affairs now.

5 So I can go down the list of a lot of other
6 good things that have happened, but what I really want
7 to emphasize is the leadership that Joel Gurin and the
8 Bureau have given and the people that he's got working
9 for him, many of whom are here, bringing Karen Peltz
10 Strauss back, bringing Geoff Blackwell back.

11 I love this idea of the consumer task force,
12 so that everything of importance that comes before this
13 committee, instead of just being in the old stovepipe
14 mentality, actually gets looked at for its implications
15 and its impact on American consumers. I think that's
16 wonderful and I applaud it, and it's one of the best
17 things that's happened around here I think in the 9
18 years that I've been here, almost 10.

19 So we've got -- we've got a whole lot of
20 things left to do, obviously, to make the world right
21 for consumers in terms of taking notices of proposed
22 rulemaking, and we have several out there, and turning
23 them into orders, tackling early termination fees,
24 bringing real transparency to consumers so they
25 understand when they buy products and services what they

1 are, how they work, what their rights are, what they can
2 do if they don't work, and how to make them work for
3 consumers.

4 We I think under Michele are making great
5 progress in our Enforcement Bureau. Enforcement is
6 always vitally important, to make sure that the good
7 things we try to get through this Commission actually
8 happen in the real world out there.

9 I know you've got one thing to talk about
10 today, and I don't want to wade too far into it, but I
11 know my friend Ann Boyle has talked about the
12 relationship between the state and federal regulators.
13 This is something I've talked about for years. To me, I
14 think that was really a very important component of the
15 1996 Act. I think people really envisioned when they
16 wrote that Act that there would be a high degree of
17 state and federal cooperation, and we haven't always
18 achieved that. Now we have all these new technologies
19 and all these other battles, and I know the folks at
20 NARUC have been thinking about it. We've been thinking
21 about it, but we need to think about it more.

22 It came up again just last week. I'm on the
23 Joint Board for Universal Service and we did the
24 lifeline and linkup item, how are we going to make that
25 cooperation work. So any advice and counsel that you

1 can give us, I think we really need to get this
2 straightened out so we have a seamless system of
3 communications and communications oversight as we go
4 into the digital age.

5 Then finally, the FCC itself has some big
6 things to sort out to make sure that we can be the
7 consumer protection agency of the broadband era. That
8 means we have something to do with broadband. I think
9 that's what we need to make clear very, very soon, and
10 that's why -- I won't get into great detail now, but
11 that's why I've been a strong proponent of
12 reclassification along the lines of what the Chairman
13 was talking about.

14 But we need to do that now. I don't think we
15 can afford to spend any more time. We need to do the
16 open Internet now, too, but I won't get into that.

17 But for me, this is a time for action. I
18 think we have the charge. I think Republicans and
19 Democrats, citizens of this country, are all consumers.
20 They're all looking for consumer protection. They all
21 want to be masters of their own communications fate to
22 the extent that they can. So I go forward united and
23 with enthusiasm in saluting the commitment that we're
24 starting to make here to turn this place back into a
25 consumer protection agency.

1 I look forward to the successor to this
2 committee being chartered, chartered soon, and
3 continuing to forge ahead. I know it's a sacrifice for
4 all the folks around this table to get here for these
5 meetings, to take yourself away from your businesses and
6 activities. But it's really invaluable counsel that you
7 give us, and I think this Commission will be receptive
8 and has been receptive to that already.

9

10 So with that, I will let you continue doing
11 all the good things you do for the body politic. But
12 thanks for letting me come by.

13 CHAIRPERSON BERLYN: Thank you very much,
14 Commissioner.

15 (Applause.)

16 COMMISSIONER COPPS: Thank you.

17 CHAIRPERSON BERLYN: Joel, if you'll give me
18 just a moment, I will just make a few announcements, and
19 then we'll turn things over to you. Do you want to come
20 over here? It might be a little bit more of a visible
21 spot. We'll give you a card, too.

22 MR. GURIN: Even better.

23 CHAIRPERSON BERLYN: Well, official welcome to
24 all of you; and also to thank Verizon. As you all know,
25 an important component of our day is to have a little

1 sustenance during the day for our breakfast and our
2 lunch and our coffee, most importantly. So thank you
3 very much, Donna and Mary, for making that possible
4 today.

5 Commissioner Santini, are you on the line?

6 (No response.)

7 MR. MARSHALL: She's having trouble.

8

9 CHAIRPERSON BERLYN: Oh, she is.

10 MR. MARSHALL: I'm going to see if I can
11 figure that out.

12 CHAIRPERSON BERLYN: Okay. So we do expect
13 that Nixy-Santini will be on the phone joining us from
14 Puerto Rico, one of our CAC members, hopefully will be
15 on the phone. And when she does join us, we'll make
16 sure that she is an active participant at the meeting.

17 We also will have a number of our presenters
18 joining us by videoconference, so that will be a bit of
19 a challenge today. But that will be very important
20 because we have a full, as I mentioned, a full agenda,
21 and some really interesting speakers that will add to
22 our program and the benefit of having those who are not
23 necessarily here in the building, but who are at work
24 for the FCC around the country joining us today for our
25 meeting.

1 I think that's it. We do have some breaks
2 built into the day, and of course our lunch break.
3 Other than that, our sessions are fairly jam-packed.

4 We do have a number of alternates today, and
5 I'm not going to necessarily mention every single one of
6 you, but you might want to just indicate if you're
7 subbing for someone today. You might want to just
8 indicate by raising your hand, and we'll make sure to
9 introduce ourselves to each other during the break. We
10 welcome each of you on behalf of your organizations.
11 Given the fact that this is our last meeting, we're
12 sorry that some of our long-time members who've been
13 such great participants are not able to join us for this
14 last meeting, but we thank all of you who have often
15 been here in their stead and them for their
16 participation.

17 Now I'm going to turn things over to Joel.
18 Thank you.

19

CGB UPDATE

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JOEL GURIN, CHIEF, CONSUMER AND GOVERNMENTAL

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AFFAIRS BUREAU

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MR. GURIN: Thanks, Debby. Welcome,
everybody, and thank you all so much for joining us,
those of you who are here, those who are joining
remotely. As the Commissioner said, we greatly, greatly

1 appreciate the work that the CAC does. It's more
2 important than ever as we move into a very active phase
3 of consumer protection and, as our Chairman likes to
4 say, really consumer empowerment.

5 What we are doing is not only ensuring that
6 the FCC will step in when there are issues where we need
7 to take direct action, but also doing whatever we can to
8 give consumers the tools that they need to take action
9 for themselves. The focus we've had on consumer
10 information, on transparency, ever since the notice of
11 inquiry that we sent out in August 2009, that has really
12 continued to guide our work, both in the Consumer and
13 Governmental Affairs Bureau and in many ways throughout
14 the FCC.

15 The Commissioner mentioned the Consumer Task
16 Force. I think that's been a tremendous and very
17 important way of really getting a consumer consciousness
18 throughout the agency. We're seeing all different
19 bureaus and offices now I think much more aware of
20 consumer issues than they may have been at any point at
21 least in the FCC's recent history.

22 Let me tell you a little bit about some of the
23 things that are going on, some of which you may have
24 heard about already. A major initiative for us is in
25 the area of transparency and disclosure. I always like

1 to think of this as truth in billing expanded to truth
2 in just about everything. So we're taking this basic
3 concept, that people need to have clear and accurate
4 bills, which with truth in billing originally really
5 focused on telephone services, and saying, you know,
6 this doesn't just relate to telephone services, it
7 relates to wireline, broadband, cable, satellite, all
8 communications services.

9 It's also not just about billing. You need
10 information when you're choosing a provider. You need
11 information when you're choosing a plan, as well as when
12 you're reading your bill and when you're considering
13 whether or not you want to switch providers.

14 So we have had some real, I would say, signal
15 events in the last, in the last couple of weeks really.

16 The agreement with Verizon on the \$1.99 charges, which
17 I'm sure you've all heard about, was really a good step
18 forward, working with Verizon to correct that particular
19 consumer issue.

20 We also have initiated now -- we've continued
21 our work on bill shock and have now put out a notice of
22 proposed rulemaking that would require wireless carriers
23 to give their customers alerts by voice or text when
24 they're getting close to overages on data, text, or
25 voice, and also when they're in international roaming

1 territory.

2 The concept that we're using here is really a
3 concept of baseline protections. We've talked before
4 issuing this NPRM, we talked to all the major carriers.
5 We talked to the Rural Carriers Association. We talked
6 to many smaller wireless carriers.

7 We've learned that there are a lot of good
8 consumer-focused initiatives happening already within
9 the industry. But we also found that there really is
10 not the consistency and clarity that we think is really
11 important so that every consumer of any service, from
12 any carrier, will have some basic guarantee that they
13 will get a heads-up before they run into significant
14 issues with their bills.

15 That's gotten a lot of attention. We also had
16 an event at the Center for American Progress the day
17 before the Commission meeting where the notice of
18 proposed rulemaking was voted unanimously. At this
19 event, at the CAP, the Chairman gave a speech on the
20 consumer agenda, which you can read on line. If you
21 haven't already done it, I would urge all of you to go
22 to fcc.gov/consumers. That's fcc.gov/consumers, which
23 is the URL for our Consumer Help Center, where we now
24 have put together all of our information on the consumer
25 agenda for the agency and the work that we're doing.

1 So in that speech, the Chairman talked not
2 only about continuing on bill shock, but also about
3 beginning to work, continuing to work really, on early
4 termination fees, as well as what we're now calling
5 mystery fees, also known as "cramming," which are third-
6 party fees or in some cases fees from carriers
7 themselves that show up unexpectedly and without real
8 conscious authorization on the part of consumers.

9 So that's really the broad agenda in terms of
10 consumer information, transparency, and all of the
11 things that relate to that. There are a number of other
12 initiatives going on, and I would say we are very
13 appreciative, first, of the work the CAC did in helping
14 us look at this whole issue of consumer information and
15 transparency.

16 The report that we got from you I think is
17 going to be a very important part of the record, I think
18 in particular the finding that you had that really makes
19 the case for standardized forms of disclosure. We know
20 this is a big issue with the industry. We understand
21 and appreciate that different carriers want to be able
22 to provide customer service in different ways and we
23 think that's essential, that we don't want to interfere
24 with that form of competition, which we think is very
25 important.

1 But the report that we got from the CAC also
2 underscored, as I say, this idea of baseline
3 protections, underscored the idea that there needs to be
4 some, in the opinion of the CAC, standardized approach
5 to having basic disclosure that everybody can count on.

6 I think that's going to be a very important part of the
7 input that we have as we go forward on this rulemaking.

8 In a similar way, the work that you're all
9 starting to do now, as the Commissioner mentioned, on
10 helping us to figure out how to integrate our work with
11 the work of the states, is very timely and we're very
12 much looking forward to seeing what you come up with
13 there. The proposal we got from Ann Boyle of using
14 Nebraska really as a kind of test case for state-federal
15 coordination was I think a very provocative idea.

16 We've seen already from the first looks that
17 the CAC has taken at this that, while it's a provocative
18 idea, it needs a little more thought and more study. We
19 are delighted to have you taking a look at that. We do
20 feel that this is going to be a very important part of
21 our work going forward and there's no one better than
22 the CAC to help us sort out how we can do that and how
23 we can do that in a really effective way.

24 A few other things I can tell you about
25 complaint handling in general. We are in the middle of

1 doing a real upgrade, I would say, to our complaint-
2 handling system. Right now we get the vast majority, I
3 think it's something like 85 percent, of people who
4 contact us do so by email. There is actually a
5 tremendous opportunity for us to handle complaints by
6 email more efficiently than we do now.

7 Until fairly recently, some of you may know,
8 and just to give you an example, we had a system where
9 somebody emailed us a complaint, we had to process it,
10 log it into the system, and then write them a letter in
11 response. Well, we're not going to do that any more,
12 since that was kind of the ultimate example of
13 inappropriate use of technology or obsolete use of
14 technology or something.

15 So we're looking -- Bill Cline, who is now our
16 Associate Bureau Chief for Consumer Information, is
17 working with Sharon Bowers, who I know you'll hear from
18 later today. Between the two of them and others in CGB,
19 they're really I think going to come up with some very,
20 very creative ways of rethinking the whole complaint
21 process so that it becomes both easier for consumers and
22 easier for us to analyze.

23 Just as an indication of how important that is
24 to us, when we issued the notice of proposed rulemaking
25 on bill shock we already had done a study several months

1 ago showing that about one out of every six cellphone
2 users has experienced bill shock in some form over the
3 last three years. Actually, those numbers have now been
4 -- we've now got very similar numbers coming out of a
5 Consumers Union study, as well as some similar numbers
6 from a GAO study a while ago.

7 So we think that that is a really solid
8 estimate. But because this was a survey, we didn't
9 really have great, deep visibility into exactly what
10 these complaints were or exactly how consumers were
11 being impacted. So we've now supplemented that by an
12 analysis of our own complaint database, where -- now, we
13 cannot look to our complaint database for an estimate of
14 how widespread this problem is nationally, because of
15 course it's a database that's selected by the people who
16 choose to complain to us, which is not necessarily going
17 to be representative of the full population.

18 But at the same time, the kinds of insights
19 that we've gotten from this analysis are very striking.

20 I think the most striking finding we have is that, of
21 the people who complain to us, about 60 percent have
22 complaints of \$100 or more and 20 percent roughly have
23 complaints of \$1,000 or more. So there are really very
24 significant numbers of people.

25 Again, we're not saying that 20 percent of

1 everybody who ever experiences bill shock has a \$1,000
2 complaint. But what this shows is that there are really
3 quite significant numbers of people who are experiencing
4 these very high jumps in their bills from month to
5 month. I think the fact that these are significant
6 numbers and not just kind of flukish outliers really
7 frames the question. The question is not necessarily
8 are the number of complaints that are \$1,000 or more 20
9 percent or 25 percent or 10 percent or 15 percent. The
10 question really becomes, how is it even possible for
11 this to happen. That's really what we're addressing in
12 our bill shock proposed rules.

13 We really want a system where -- and it's not
14 good for consumers; it's also not great for carriers to
15 have people call up and scream at them. In many cases,
16 of course, the carriers do write off these amounts,
17 which we think is good. But in some cases it's much
18 more of a protracted debate between the carrier and the
19 consumer.

20 So we just think it's really -- it's really
21 good all around, for the industry as well as for
22 consumers, to have some simple, technologically based
23 solutions to this.

24 Another theme of bill shock, by the way, is
25 looking for technological solutions to consumer -- to

1 increase consumer information, both in complaint-
2 handling, as I mentioned, through these kinds of voice
3 and text alerts that we're looking at, and in bill shock
4 and in many other ways. Our Chairman is very interested
5 and very committed to using technology in smart ways to
6 enhance disclosure and to empower consumers in ways that
7 really give consumers the tools to work with their
8 service providers in ways that minimize our need to
9 intervene because it kind of levels the playing field in
10 we think a productive way.

11 A few other things going on. The Office of
12 Intergovernmental Affairs, of course, will be very
13 involved in our figuring out how we work more closely
14 with the states. So Greg Vadas and that group, Mark
15 Stone, my deputy working in that area, will be very
16 involved in that.

17 I am, unfortunately, not going to be able to
18 go to NARUC next week, but Mark will be there. I know
19 he'll be on a couple of panels, and I think you'll see
20 increasing involvement, not just from me, but also from
21 Mark and from Greg, figuring out some of these issues
22 and how we can really work best together.

23 We are -- we have set up the Office of Native
24 Affairs and Policy, which is a terrific, terrific step
25 forward. In the past our work with tribal governments

1 was done essentially through one tribal liaison who was
2 part of Intergovernmental Affairs.

3 We now have -- number one, we have Geoff
4 Blackwell back at the Commission, which is a terrific, I
5 think, coup for us. He, as I'm sure he'll tell you, I
6 think he's found it a wonderful time to come back to the
7 Commission. He's already got three excellent senior
8 staff on board, who are going to be announced publicly,
9 I think, in the next couple of days. He's going to add
10 probably two or three more folks to that team very soon.

11 So we've really taken it from being a one-
12 person operation to being a real full-scale office,
13 focused on issues affecting Native Americans, and
14 particularly moving towards a much more consultative
15 model. This is an area where I am still on a learning
16 curve and Geoff is an excellent teacher here. But what
17 he has talked about a lot and I'm sure he'll talk to you
18 about when you meet with him today is the real drive to
19 move from a more -- to move from a model where it's all
20 about the Commission sort of reaching out and giving
21 information to tribal governments, to one that is much
22 more truly consultative, one that is much more of a true
23 dialogue, one where we are out in Indian country on a
24 very regular basis.

25 I mean, Geoff in his first couple of months

1 has made I don't know how many trips. We're going to be
2 out there quite a bit. We're really going to be
3 developing the kind of dialogue that we think is going
4 to be very important, and it's going to be very
5 important on a number of issues, including the basic
6 issues of access to services.

7 One of the main themes of the National
8 Broadband Plan has been increasing broadband access for
9 people who don't have a lot of it right now. We believe
10 that the rate of broadband penetration in Indian country
11 is so low that it cannot actually be measured
12 accurately, but our best estimate is that it's about 8
13 percent, as compared to something like 65-plus percent,
14 70 percent nationally. So there's a huge, a huge
15 challenge there and one that we're going to be very
16 focused on.

17 We also have Karen Peltz Strauss back, which
18 is wonderful. Karen of course, as I think you probably
19 all know, was a major, major driver in getting the 21st
20 century legislation passed. She now has the joy of
21 getting to implement what she fought for for five years.

22 I think as long as we deliver the resources, which we
23 talk about quite a bit and which we are doing, it's
24 going to be an unbelievable year.

25 This is really not only a very high priority

1 for CGB; it's a very high priority for the Commission as
2 a whole. We are going to be presenting at the November
3 30th open agenda meeting -- there will be a presentation
4 on the implementation of the legislation.

5 In much the same way that the Consumer Task
6 Force has now brought together people from all the
7 bureaus and offices of the agency, the work on
8 implementation of this Act is doing the same thing.
9 There are -- as, Karen, I'm sure you'll talk about. But
10 there are really connections here for just about every
11 bureau and office within the agency, and we're
12 developing I think just terrific collaborations between
13 CGB and other bureaus and offices to get this very
14 ambitious agenda done.

15 Again, I think this is another case where the
16 use of technology and the promise of really smart
17 communications technology is absolutely paramount -- the
18 kinds of applications that are being developed, the
19 kinds of new technologies that are being developed, what
20 this Act encourages and really mandates must be done.
21 All of these things are really leading us into a new era
22 very rapidly and very well.

23 Then finally, I would just mention that we're
24 doing a lot of work now on outreach under Roger
25 Goldblatt, and also who's doing -- who is just kind of

1 non-stop in terms of developing workshops, field
2 hearings, any number of forms of outreach that are going
3 to become more and more important for us. We're also
4 increasing our work on the web and working very closely
5 with the New Media Team, which is in the Office of
6 Managing Director, on the redesign of fcc.gov. I know
7 you're going to hear from Haley Van Dyck. We're working
8 very closely with Haley. I've actually just brought on
9 somebody full-time in CGB, a guy named Howard Parnell,
10 who I worked with in another context about two years
11 ago, used to be editor of WashingtonPost.com, among
12 other things, who's a just superb content expert, web
13 content expert, and who is now working very closely with
14 us and with the New Media Team to make sure that we
15 redevelop fcc.gov in a way that is not only technically
16 great, but that highlights consumer content in a way
17 that is extraordinarily useful to people.

18 The major goal of fcc.gov, as we've talked
19 about it, is essentially to turn the current web site
20 inside out. If you look at the current web site, it's
21 great if you are a telecom lawyer. It's actually not so
22 great, because the search function is basically
23 impossible. But if you are a telecom lawyer who knows
24 where everything is buried or if you're in the industry
25 or if you have some other, you know, technical reason

1 for following the work of the Commission, you can
2 actually find what you're looking for, after only about
3 a half hour or 45 minutes.

4 In addition to putting a huge focus on making
5 the search function actually useable, which they are
6 appropriately making a very high priority, the way it's
7 structured now is that the top surface, if you will, of
8 the web site is all for the experts, and if you dig down
9 you might find something of use to consumers.

10 The whole goal of fcc.gov redesign is to turn
11 that inside out. It's going to be a consumer-focused
12 site that still serves an expert audience, but where we
13 assume that the expert audience can stand to be two or
14 three clicks away from what they need to find, because
15 they know how to find it.

16 We are very, very focused on reaching
17 consumers in this redesign, and I think we have an
18 opportunity, with the incredible team that Haley is
19 leading and now our addition to CGB, I think we have an
20 opportunity to really make this one of the absolute
21 premier government web sites in terms of figuring out
22 how to reach consumers, meeting the needs and the goals
23 of open government, and really serving consumers in a
24 very, very effective way.

25 So my own background, as most of you may know,

1 I was at Consumer Reports for a long time. One of the
2 things I did there was oversee the launch of
3 ConsumerReports.org, which now has 3 million active paid
4 subscribers. So that was successful, and we're hoping
5 to do the same here and I see a tremendous opportunity
6 here.

7 If I haven't mentioned it before, we do have a
8 Consumer Help Center at fcc.gov/consumers. That's
9 fcc.gov/consumers, which I try to mention at least five
10 times every time I speak, so I guess I've done it four
11 times now.

12 But we would actually really appreciate any
13 thing you can do, while we're doing this big redesign of
14 the site. We really want that Help Center and that
15 particular web presence to be a presence that consumers
16 know about and go to, and we appreciate any help you can
17 give us in getting the word out about that.

18 So it's a very exciting time. It's an
19 exciting time for the Commission. It's a fantastic time
20 for CGB. I think it should be a wonderful time for the
21 CAC. As we end this round of the CAC and proceed with
22 the rechartering for the next round, I really do want to
23 thank all of you for tremendous work, for a number of
24 projects that have been very, very focused on things
25 that are of very high importance to us, and I think will

1 -- I know will continue to be.

2 So thank you, and I can also -- if you have
3 any questions, I'm happy to answer them. But thank you
4 very much.

5 (Applause.)

6 CHAIRPERSON BERLYN: I have a question.

7 MR. GURIN: Sure.

8 CHAIRPERSON BERLYN: Well, first of all, Joel,
9 thank you so much for all the leadership that you have
10 provided with your excellent Bureau staff and the
11 emphasis that you have had since you've come on board
12 with consumer protections and all the new initiatives.
13 Excellent.

14 A couple thoughts that I have. One is, as you
15 look ahead to the next CAC, and I think that there are
16 many challenges ahead. One of them that you mentioned
17 and Commissioner Copps also mentioned, working with the
18 state, local governments, we might -- the CAC might want
19 to consider a joint session with the Intergovernmental
20 Advisory Affairs.

21 MR. GURIN: The IAC, yes.

22 CHAIRPERSON BERLYN: Right, right, to think
23 about the consumer interest there, and have kind of the
24 joint intelligence working together, to consider that.

25 Another thought for the future CAC is, as a

1 challenge, as you think about that web site and trying
2 to make it more consumer-oriented, is how we could be
3 helpful in driving consumers to that site and how we
4 could use the experience of some of the organizations on
5 this advisory committee in trying to think of ways to
6 help get consumers to that site, because, you know, the
7 FCC sometimes produces wonderful information for
8 consumers, then yet consumers never see it.

9 So assuming that site is going to be great,
10 which we know it will be, then the challenge will be how
11 do we get the consumers to actually access it and use
12 it.

13 So those are two challenges for I think the
14 next CAC.

15 MR. GURIN: Terrific, and those would both be
16 great for us. So thank you.

17 Yes?

18 MS. LEECH: Joel, I just wanted to let you
19 know that some of the bill problems are being dealt
20 with. Just last week, my Verizon phone was running -- I
21 was running out of time and I had a month left --
22 because I'd had too many conference calls. I got text
23 messages and I switched the plan to take care of things.
24 Then a couple days later, it hadn't made it through the
25 system, but I'd made the change, but even on Saturday I

1 was getting calls to let me know that I needed to do
2 something.

3 So there's something that -- they are taking
4 action and there are some things that are starting to
5 work.

6 MR. GURIN: And I want to emphasize, we really
7 have seen that. Our talks with the major carriers and
8 the smaller carriers were very useful. So we really
9 appreciate that. One of the reasons we feel comfortable
10 about going forward with this rulemaking is that we
11 think it does build on a number of good steps that are
12 starting to be taken by industry.

13 The main concern that we have is people do
14 switch carriers and different carriers have different
15 practices. We think that, given that this is clearly
16 technically feasible because carriers are beginning to
17 do it -- although we also recognize that it may be a
18 difficult problem for some of the really small carriers,
19 and we've asked for comment on that. But with that
20 caveat, we really are looking simply for ways to sort of
21 institutionalize these practices in a way that this
22 baseline kind of guarantee becomes something that
23 consumers can rely on wherever they go, whatever plan
24 they have, whatever carrier they go to.

25 But we do appreciate the fact that some good

1 things are starting to happen, and we think we can build
2 on that here.

3 Yes?

4 CHAIRPERSON BERLYN: Cheryl. If you could
5 raise your hand so we make sure they see you.

6 MS. HAPPNER: This is Cheryl Happner. Joel, I
7 just wanted to thank you and your staff for all of the
8 wonderful work that you've done on behalf of the
9 disability community. It has been so refreshing to
10 work, to come here. It's like somebody suddenly put the
11 key in the lock and opened the doors for business.

12 I look forward a great deal to continuing our
13 partnership with the FCC. It's exciting and I think
14 we're really making good progress.

15 MR. GURIN: Cheryl, thank you very much. Of
16 course, you will hear from the keeper of the keys very
17 shortly. But thank you. We really -- I mean, I've
18 really seen this in the almost year that I've been here
19 as the opportunity for a really necessary turnaround,
20 and I think things have aligned very well, certainly
21 with Karen's being here, which is an incredible just
22 gift, I think, for all of us, and with the legislation
23 that's now passed, we're really poised to move forward
24 quickly.

25 Thank you for all your support, too. Thanks.

1 Debby has just asked if I'd like to talk about
2 how things are going to go forward with the next CAC.
3 I'd like to, but I don't think we've quite got a signoff
4 yet. But we are looking at a process that will be a
5 good process. We'll announce it shortly, and the
6 rechartering, as we've said, is under way and that
7 should happen soon.

8 Now I think I have some nice thing to do here.
9 Tell me what I do?

10

11 CHAIRPERSON BERLYN: Well, for anyone who's
12 been here before on the CAC, we have at the end of our
13 life here, we have a certificate for everyone. Joel is
14 going to have the honor of distributing those.

15 MR. GURIN: Thank you. How does this work?

16 CHAIRPERSON BERLYN: Well, on the outside is
17 the slip of who it goes to. Now, we have some
18 alternates and they're going to, hopefully, accept them
19 on behalf of the person they're sitting in for today.
20 So the slip on the top -- is this right?

21 MR. MARSHALL: That's correct.

22 CHAIRPERSON BERLYN: Oh, Betty is going to do
23 this. Betty is going to run them around. So you're
24 just going to read the name and Betty's going to run
25 them around.

1 MR. MARSHALL: That'll work.

2 MR. GURIN: We have a system.

3 CHAIRPERSON BERLYN: We have a system, to make
4 it as quick as possible.

5 MR. GURIN: So I'm reading the organizations,
6 not the individuals, but you all know who you are and we
7 appreciate what you've all done.

8 The Alliance for Community Media. Hold your
9 applause.

10 The Appalachian -- whoops. There we are,
11 okay.

12 The Appalachian Regional Commission.

13 The Benton Foundation. This I can just pass
14 over, I think. Thank you.

15 Call for Action. Yes?

16 CHAIRPERSON BERLYN: I can add commentary.
17 That's usually Shirley Rooker, but Ed Bartholme is here
18 for Shirley.

19 MR. GURIN: Great. And I had an opportunity
20 to speak to a meeting of Call for Action recently. I
21 just want to say, I really appreciated that opportunity
22 and hope to do so again. You guys are, like everyone
23 around the table, are doing great work.

24 Communications Service for the Deaf. Chris.

25 CHAIRPERSON BERLYN: Oh, there you are.

1 Chris. Let's just pass it down. Eric, if you could
2 pass it to Karen right on your left there -- on your
3 right.

4 MR. GURIN: Consumer Action. I think we have
5 Joe Orozco here.

6 CHAIRPERSON BERLYN: Thank you. That's
7 usually Ken McEldowney. Is Joe here?

8 MR. MARSHALL: I don't think so.

9 CHAIRPERSON BERLYN: Okay, we'll hold his.

10 MR. MARSHALL: We're expecting him.

11 CHAIRPERSON BERLYN: Oh, Joe is here. Joe,
12 you should be at the table. Betty, can you take Joe to
13 the table.

14 MR. GURIN: Consumer Electronics Association.

15 CHAIRPERSON BERLYN: Julie Kearney has served,
16 but Bill Belt is here as the alternate. We can wait for
17 Betty.

18 MR. GURIN: While you're at it, Consumer
19 Federation of America, for Irene.

20 CHAIRPERSON BERLYN: Irene Leech. Thank you,
21 Irene.

22 MR. GURIN: Thank you, Irene.

23 Claude for the Deaf and Hard of Hearing
24 Consumer Advocacy Network.

25 The Dish Network.

1 CHAIRPERSON BERLYN: Thank you. Alex is here.
2 Thank you.

3 MR. GURIN: The Eastern Board of Cherokee
4 Indians.

5 MR. MARSHALL: I don't think so. Brandon
6 isn't here.

7 CHAIRPERSON BERLYN: Oh, Brandon is not here.
8 He's not here yet. We'll hold his.

9 MR. GURIN: The Hawaii State Public Utilities
10 Commission. John, thank you for making the long trek
11 once again.

12 CHAIRPERSON BERLYN: John, yes. We're still
13 waiting to have our meeting at your home.

14 MR. GURIN: In Hawaii.

15 CHAIRPERSON BERLYN: Yes.

16 MR. GURIN: I'll go to that one for my 15
17 minutes of remarks.

18 The Hearing Loss Association of America.

19 CHAIRPERSON BERLYN: Lise is here, Lise
20 Hamlin.

21 MR. GURIN: National Association of
22 Broadcasters.

23 MR. MARSHALL: Ann Bobeck.

24 CHAIRPERSON BERLYN: Ann is not here, right?
25 Oh, you are here. Ann. Right in front of me.

1 MR. GURIN: The National Association of State
2 Utility Consumer Advocates, NASUCA.

3 CHAIRPERSON BERLYN: That's Lawrence, right
4 there.

5 MR. GURIN: Of course, there you are.

6 National Consumers League. I can't imagine
7 where that person would be.

8 CHAIRPERSON BERLYN: Oh, that's me. Yay.

9 (Applause.)

10 MR. GURIN: The Northern Virginia Resource
11 Center for Deaf and Hard of Hearing person.

12 MR. MARSHALL: Cheryl.

13 CHAIRPERSON BERLYN: Cheryl. Thank you,
14 Cheryl.

15 MR. GURIN: The Parents Television Council.

16 CHAIRPERSON BERLYN: He's not here. We'll
17 hold his.

18 MR. GURIN: Verizon. Mary, I see you over
19 there. Can you pass that down?

20 Eric Bridges.

21 CHAIRPERSON BERLYN: Eric Bridges. Thank you,
22 Eric.

23 You did those quickly. Thank you.

24 There is actually one more, which I have the
25 honor to present. This is someone who is not actually a

1 member of the CAC, but is a constant presence here.
2 He's our Designated Federal Officer, Scott Marshall.

3 (Applause.)

4 MR. MARSHALL: Thank you all. What a
5 surprise.

6 CHAIRPERSON BERLYN: It is a surprise.

7 MR. MARSHALL: Yes. It doesn't happen too
8 often.

9 CHAIRPERSON BERLYN: This says: "With
10 grateful appreciation, the FCC Consumer Advisory
11 Committee honors the ongoing extraordinary service of
12 Scott Marshall, Designated Federal Officer. November
13 10, 2010."

14 MR. MARSHALL: That's very kind of you. Thank
15 you very, very much, everyone. I appreciate it. Thank
16 you.

17 (Applause.)

18 MR. MARSHALL: Oh, I get a hug, too. Wow.
19 Thank you very much all.

20 CHAIRPERSON BERLYN: So this is in Scott
21 format. Then there's something in the other format. So
22 here, this is your format, Scott.

23 MR. MARSHALL: Oh, my, my, my. Thank you very
24 much.

25 CHAIRPERSON BERLYN: It's Braille. Underneath

1 is Braille.

2 MR. MARSHALL: It's in Braille, exactly,
3 exactly. Very good. Thank you so much. I appreciate
4 it very much.

5 CHAIRPERSON BERLYN: You know, I've worked
6 with Scott for a long, long time.

7 MR. MARSHALL: This goes on my office wall.
8 It won't be bare any longer.

9 CHAIRPERSON BERLYN: A long time with Scott.
10 And any of you who have worked with Scott, all of you
11 know how extraordinary he is. So it's been more than a
12 pleasure, Scott, to have you always by my side, doing
13 all the hard work of this committee.

14 MR. MARSHALL: Madam Chairman, we need to get
15 back on schedule.

16 CHAIRPERSON BERLYN: I know, I know.

17 MR. GURIN: He's saying we should get back on
18 schedule, which we will in about ten seconds.

19 Debby, I also want to thank and really
20 appreciate the wonderful job that you've done in
21 chairing the CAC. Thanks to you, and thanks to
22 everybody around this table. It's been a remarkable
23 group. Thank you.

24 CHAIRPERSON BERLYN: Thank you.

25 (Applause.)

1 MR. MARSHALL: Thank you very much.

2 MR. GURIN: Thank you very much, and I will
3 look forward to the next incarnation. Take care.
4 Thanks again.

5 CHAIRPERSON BERLYN: Thank you very much,
6 Joel.

7 So, getting back on schedule --

8 MR. MARSHALL: Well, you knew I had to say
9 that, right?

10 CHAIRPERSON BERLYN: Getting us back in
11 schedule, back on schedule --

12 MR. MARSHALL: Have we got time for a group
13 picture? We have a photographer. Irene brought her
14 camera.

15 CHAIRPERSON BERLYN: Yes. Joel's still in the
16 room. That would be wonderful. Can we all get in this?
17 That would be fantastic.

18 (Brief recess for photo session.)

19 CHAIRPERSON BERLYN: Karen needs an
20 introduction. Someone who needs no introduction, but
21 needs an introduction. I'm going to introduce Karen.

22 MS. PELTZ STRAUSS: I'm ready if they are
23 ready.

24 CHAIRPERSON BERLYN: You're ready. Are they
25 ready?

1 MS. PELTZ STRAUSS: I don't know if they're
2 ready.

3 CHAIRPERSON BERLYN: Well, while we are --
4 well, we can start talking at least. Karen Peltz
5 Strauss, Deputy Bureau Chief of the Consumer and
6 Governmental Affairs Bureau, who is a former member of
7 the Consumer Advisory Committee and channel for all, and
8 was instrumental really in getting this new legislation
9 passed, the 21st Century Communications and Video
10 Accessibility Act, is now -- now has the great honor of
11 implementing it here at the Federal Communications
12 Commission.

13 So she's going to talk about that task now, as
14 soon as we get this up and running.

15 IMPLEMENTING THE TWENTY-FIRST CENTURY COMMUNICATIONS
16 AND VIDEO ACCESSIBILITY ACT,
17 KAREN PELTZ STRAUSS, DEPUTY CHIEF, CGB

18
19 MS. PELTZ STRAUSS: I can actually start on
20 some background. Most of you are familiar a little bit
21 with the Act, but for those of you who may not be
22 familiar with what came before the Act and the reason
23 for the Act, I thought I'd give just a little bit of
24 background.

25 In the 1980s and 1990s, Congress passed a

1 string of accessibility laws on closed captioning,
2 hearing aid compatibility, section 255, which requires
3 telecom products and services to be accessible, and a
4 few other things: the decoder chip bill in 1990,
5 requiring televisions to have decoder capability.

6 These laws were great when they were passed
7 and they really opened up all kinds of opportunities for
8 people with disabilities, except that at the turn of the
9 century when the Internet started becoming more
10 prevalent in our lives, in our daily lives, it was
11 discovered that many of these laws did not --

12 (Slide.)

13 -- they weren't kept up to date with the new
14 technologies. So in around 2005, some of the consumers
15 started going to Congress and saying, gee, you know
16 what, we really need to update these other laws and
17 bring them into the 21st century so that they keep pace
18 with the emerging technologies. Of course, as Joel
19 mentioned, it took five years to actually get the law
20 passed.

21 But the 21st Century Communications and Video
22 Accessibility Act does just that. It brings the laws up
23 to date for the most part. There are still some gaps,
24 but it basically says that as emerging technologies are
25 filling voids in our lives and providing new

1 opportunities, we can't leave people with disabilities
2 behind.

3 So I see that the Powerpoint is loaded, so why
4 don't we start. We can move to the next slide.

5 (Slide.)

6 The Act has two components. There is Title I.
7 That covers communications access. The second is video
8 programming access.

9 Next slide.

10 (Slide.)

11 Just a general overview of Title I and then
12 I'm going to go into detail, into each of the different
13 sections. Title I, basically the bulk of Title I is to
14 expand section 255 to advanced communications services.
15 This is basically expanding it to Internet access, and
16 I'm going to get into that a little bit more.

17 There's also a provision that requires access
18 to Internet browsers on mobile devices, to expand the
19 relay definition and the contributors to relay services.

20 There's a deaf-blind equipment distribution program.
21 The law expands the hearing aid compatibility rules or
22 requirements, and it also requires access by people with
23 disabilities to next generation 911 services.

24 Next slide.

25 (Slide.)

1 So let's start off with the communications
2 access. As I said, as I mentioned, there is a new
3 concept, a new term that's put in the act, "advanced
4 communications services and equipment." That advanced
5 communications service -- "advanced communications"
6 means interconnected and non-interconnected voice
7 service, electronic messaging, and video conferencing,
8 actually interoperable video conferencing.

9 So what this law does is it takes the
10 telecommunications that was required to be accessible
11 under section 255 and it says we are now going to also
12 require access to Internet-based and other forms of
13 advanced communications technologies, such as email, IM,
14 chat, etcetera. If it's a communications method that's
15 on the Internet, then it would have to be accessible.

16 What it doesn't cover is content -- this
17 section at least does not cover content or the web
18 itself.

19 Let's move to 716, the next section.

20 (Slide.)

21 The law requires that advanced communication
22 must be accessible to and usable by people with
23 disabilities, unless it's not achievable. If it's not
24 achievable, these must be compatible with specialized
25 customer premises equipment and peripheral devices

1 commonly used by people with disabilities, again unless
2 it's not achievable.

3 That is pretty much a continuation of section
4 255 again as it applies to advanced communications,
5 although you'll see that the standard is different. The
6 standard in 255 is "readily achievable." The standard
7 here is "achievable." There's also a little bit of a
8 shift in the burden. Whereas section 255 says do it if
9 it is readily achievable, this says do it unless it's
10 not achievable.

11 There's a new section in 716 that wasn't
12 present in 255 and that's one that is on industry
13 flexibility. Section 255 was really purely a universal
14 design statute. I think that this one is, too, but
15 there's a little bit more flexibility for how you get to
16 access. Whereas 255 said incorporate access, this one
17 says you can incorporate it or you can use third party
18 applications or peripheral devices, software, etcetera,
19 at a nominal cost to the user.

20 The reason that this was added is that we have
21 a different world now than we did at the time that the
22 section 255 was enacted, which was in 1996. We have a
23 lot more flexibility in how we use products, and not
24 every product is identical for every individual.
25 Because there are all kinds of software applications

1 that can be added to products, there are ways now to
2 mold products to fit the needs of individuals in a way
3 that didn't exist back in 1996.

4 So that's something that the Commission is
5 going to have to look at and figure out how to interpret
6 when we issue rules on this section.

7 There's also a requirement to have network
8 features, functions, and capabilities be accessible and
9 usable, and that is again very similar to the
10 requirement under 255.

11 Next slide.

12 (Slide.)

13 I mentioned that there is a new standard. As
14 you know, it used to be "readily achievable." There's
15 also a third standard called "undue burden" that doesn't
16 apply here. But basically all of these standards are
17 ones that look at the cost and nature of the
18 accommodation or the access feature and compare that
19 with the resources of the entity that have to provide
20 that feature.

21 The one difference here is bullet number four.
22 Now, for this law we are allowed to look at the extent
23 to which a service provider or manufacturer offers
24 accessible services or equipment containing varying
25 degrees of functionality and features at different price

1 points. This was actually lifted from the compromise
2 between consumers and industry in the hearing aid
3 compatibility area, where a consensus was reached that
4 so long as consumers are able to choose products among a
5 wide selection of products with varying features and
6 functions and at different prices, that can meet their
7 needs, then it's okay.

8 In other words, you can't put access only at
9 the high end, which is actually the case right now to a
10 certain extent for mobile phones and the apps that are
11 used with those phones, and you can't only put it at the
12 low end. You have to kind of spread the wealth of
13 access.

14 Next slide.

15 (Slide.)

16 Section 716 also has some other new provisions
17 built into it. One of them says that the FCC may not
18 mandate technical standards except as a safe harbor. We
19 may waive requirements for equipment that's designed for
20 multiple purposes, but designed primarily for purposes
21 other than advanced communications services. With so
22 many devices now being created for multiple purposes,
23 there was concern by some in the industry that, for
24 example, gaming systems that are not primarily intended
25 for communication, but may have incidental communication

1 functions, that's not really what we're trying to
2 capture.

3 Now, will that change over time and how do we
4 determine what is "primarily" is going to be something
5 that we're going to have to keep looking at. Some of
6 the gaming systems are now advertising that they can do
7 all of these things, so then does that become one of its
8 primary functions? We're not yet able to say, but it's
9 something that I think we're going to have to really be
10 diligent on, and making sure that people with
11 disabilities are not left out again when they are trying
12 to use these multifunction pieces of equipment.

13 But it's something that we're going to be
14 asking for comment on.

15 FCC rules also must ensure that the
16 accessibility of content is not impeded during the
17 transmission through advanced communications services.
18 So if an access feature has been incorporated on a
19 service or a device and that content passed through
20 advanced communications services, such as captioning, it
21 cannot be lost.

22 This section, however, does not require every
23 feature and every function of every device or service to
24 be accessible to every disability. I would say that
25 that was true of section 255 as well, but there was a

1 strong interest by industry to codify that and make it
2 very clear that not everything can do everything for
3 everyone. Again, I don't think that that ever was
4 really the intent of the prior law upon which this is
5 based, but now it's crystal clear.

6 The Commission may also exempt small
7 businesses. Section 716, which is the section that
8 covers all of this, does not apply to customized
9 equipment or services not directly offered to the
10 public. Again, that's something that we're seeking
11 comment on because we need more guidance on how to
12 implement that.

13 Next slide.

14 (Slide.)

15 Section 718 requires that Internet browsers on
16 mobile phones be accessible and usable by people who are
17 blind or have a visual impairment, when achievable.
18 This again is one of the examples that I gave before.
19 Right now there is some access to mobile phones and
20 Internet browsers, typically with third party
21 applications, but typically only on the more advanced
22 smartphones.

23 Now if you go into a store now, you know that
24 virtually -- nearly every phone in retail establishments
25 has access to the web. There's hardly -- I don't even

1 know if there's a single one that doesn't. Maybe there
2 are some very simple ones, but having recently gone into
3 a retail establishment, I learned that you have to have
4 access to the web whether or not you want it. You don't
5 have to pay for the data plan, but your phone most
6 likely is going to have access to the web.

7 Some of the phones are a lot cheaper than
8 others, but the lower end phones don't really have
9 access to this kind of technology.

10 Again, industry can have flexibility. They
11 can either incorporate the access or they can add third
12 party apps. Again, there's a nominal cost, there could
13 be a nominal cost to consumers. That is a new concept.
14 Again, the FCC is going to have to figure out just what
15 that nominal cost is -- what would be permissible as a
16 nominal cost.

17 This particular provision doesn't take effect
18 until three years after passage. It's the only
19 provision in the Act which actually we are directed not
20 to issue rules or complete the rules until three years
21 after passage.

22 Again, there's no requirement to make Internet
23 content or the apps or services accessible under this
24 provision. It is strictly a provision to make the
25 browser accessible or basically the ramp, otherwise

1 known as the "ramp onto the Internet."

2 Next slide.

3 (Slide.)

4 Sections 716 and 718 and section 255 actually
5 -- I should probably modify this slide -- require that -
6 - they have all kinds of improved accountability
7 measures for compliance, to achieve compliance. So now
8 there are some industry recordkeeping requirements.
9 There are requirements imposed upon the Commission. We
10 have to report to Congress every two years on how we are
11 doing in terms of implementing the Act, in terms of
12 responding to complaints, in terms of how consumers are
13 getting access to all of the features and functions that
14 this Act is supposed to bring.

15 We also have to develop a clearinghouse of
16 information on accessible products and services. We've
17 already started gathering information about that.

18 The Comptroller General has to do a study on
19 us every five years to make sure that we're doing our
20 job right, to make sure that we're implementing the laws
21 right, and to make sure that the rules that we have are
22 being effective and effectively providing access to
23 people with disabilities.

24 We also have an obligation to do improved
25 outreach and education, especially on the clearinghouse.

1 Next slide.

2 (Slide.)

3 There is also improved enforcement measures
4 built into the bill. We have to revise our complaint
5 procedures and make them easier for consumers. One of
6 the problems with section 255 in the past is that there
7 is no private right of action for either 255 or these
8 sections. In other words, an individual cannot go
9 directly to court and bring a complaint about one of
10 these provisions. But a consumer can come to the
11 Commission.

12 In the past, it has been easy for consumers to
13 file informal complaints, but more often than not they
14 were dealt with by -- let's say if you had a problem
15 with a phone not being accessible. An individual would
16 more than likely get their money back or get some
17 favorable treatment with respect to getting out of a
18 payment plan or a two-year plan. But very little was
19 done to go back to the company and say, why wasn't that
20 product accessible, unless there was a formal complaint
21 filed.

22 Formal complaints are not easy. They're like
23 litigation. In general, you need an attorney, and it's
24 hard to get attorneys if there are no attorney's fees,
25 which there are not generally for this kind of

1 provision.

2 So one of the things that we're going to try
3 to do is make it a little bit easier for consumers to
4 bring informal complaints, but handle those complaints
5 in a more concentrated fashion, in a more focused
6 fashion. So one of the things that the law does is
7 actually tells us to revise our complaint procedures and
8 then to issue final orders on complaints indicating how
9 the case had been handled and what the resolution was.

10 We also have a time limit for handling
11 complaints now of 180 days. We're allowed to impose
12 forfeitures of up to \$100,000 per violation, with a cap
13 of \$1 million.

14 If we fail to follow through on a complaint,
15 complainants can now seek a writ of mandamus in a court
16 to compel us to act. They can also, if they don't like
17 our decision, they can appeal it to federal court. The
18 last two actually were already permitted before the law
19 and I think were added just as a way to highlight these
20 possible remedies for consumers.

21 Next slide.

22 (Slide.)

23 So that's kind of an overview of the advanced
24 communications and Internet browser section. Title I
25 also has a couple of things that it requires for

1 updating the telecommunications relay service rules.
2 One is we are now allowed to ask all VOIP, all Voice
3 Over Internet Protocol, service providers to contribute
4 to the Interstate Relay Fund. In 2007 the Commission
5 issued an order at that time indicating that
6 interconnected VOIP providers should contribute to the
7 fund. This now reaches non-interconnected as well.

8 We're also directed to clarify that section
9 225, which is the relay section, allows individuals who
10 have one disability to communicate with an individual
11 with a different disability over relay. When relay
12 services were first developed or when they first became
13 law in the 1990 Americans With Disabilities Act, there
14 was only one kind of relay service. It was TTY to
15 voice, "TTY" being text-to-voice. Now there's all kinds
16 of different relay services. There's video relay, which
17 uses sign language. There's captioned telephone, which
18 uses both text and voice. There's speech-to-speech,
19 which helps people with speech disabilities to
20 communicate to other individuals.

21 The problem is that the way the old definition
22 was, it said relay services are defined as a service
23 between a person with a disability and someone without a
24 disability, which effectively did not include -- I don't
25 know whether it prohibited, but it did not include --

1 calls between, for example, a sign language user and a
2 TTY user or a person with a speech disability and a
3 person using captioned telephone. Now, with this
4 redefinition those people will be able to talk to each
5 other.

6 The new definition also includes people who
7 are deaf-blind, who were never really included in the
8 population of users of this service. Again, very often
9 these individuals need two kinds of relay services. For
10 example, somebody who's deaf-blind may sign, but can't
11 get the signs back because they can't see, but they
12 could get Braille back. So if they get text back, then
13 they'd have a Braille device that converts the text to
14 Braille and then they can communicate back and forth.

15 Next slide.

16 (Slide.)

17 The other thing that this Act does for people
18 who are deaf-blind is it creates a national deaf-blind
19 equipment distribution program. It's really the first
20 Act ever to address the communications needs of this
21 particular population, which is probably the most
22 forgotten population with respect to communications
23 technologies.

24 We now have up to \$10 million a year to
25 distribute equipment that's specialized for people who

1 are deaf-blind to those individuals. Within six months,
2 which is a really, really tight deadline, we are going
3 to try to issue rules to implement that program. We
4 will make it around that time approximately. The way
5 rules are developed, it takes -- it usually takes much
6 longer to develop rules. That's a very, very tight
7 deadline.

8 But we've already issued a public notice on
9 this. We're already getting feedback on this. What we
10 will be doing is we won't be giving out the equipment
11 ourselves. We will be authorizing other programs to do
12 so. The funds are to come from the Interstate Relay
13 Fund and there is a qualification that individuals be
14 low income.

15 Next slide.

16 (Slide.)

17 I mentioned also that hearing aid
18 compatibility is another component of Title I. The
19 current law that requires hearing aid compatibility --
20 there are two laws, one in 1982, one in 1988. Then the
21 FCC has a plethora of regulations on wireless devices.

22 This law expands the HAC mandates, the hearing
23 aid compatibility mandates, to voice phones that provide
24 advanced communications, to the extent technically
25 feasible. There is an FCC proceeding already going on

1 and this will just -- this kind of just rolls right into
2 it. That proceeding was actually begun, or at least the
3 notice of proposed rulemaking on that went out, in
4 August. More recently, a supplemental public notice
5 went out asking how the Act would affect that
6 proceeding.

7 Next slide.

8 (Slide.)

9 There are a few limitations in Title I,
10 limitations for transient storage of communications
11 through third party apps. So in other words, if you are
12 just temporarily storing communications through a third
13 party app, if you're a provider or a manufacturer and
14 you're just kind of the pit stop along the way, you're
15 not necessarily held liable for the accessibility of
16 those applications. The same if you're just providing
17 an information tool, such as a directory, an index, a
18 link, or a menu that's used to obtain access to that
19 communications service or equipment or video
20 programming.

21 However, if that third party app or service or
22 hardware is needed for you as an entity covered by the
23 Act to comply with the Act, then this limitation doesn't
24 apply.

25 There's also a clause in Title I that says

1 that no proprietary technologies may be mandated.

2 So that concludes -- oh, no, actually there's
3 one more, one more slide.

4 (Slide.)

5 Emergency access is another component of Title
6 I. This requires the Commission to set up an advisory
7 committee within 60 days. Again, public notice has
8 already gone out on this. We've already gotten
9 nominations submitted in return, to make recommendations
10 on reliable and interoperable communications to enable
11 people with disabilities to communicate with 911 public
12 safety answering points.

13 Within one year, this advisory committee has
14 to conduct a national survey to make recommendations on
15 what is the most effective and efficient technologies to
16 enable such access. Then we are allowed to adopt
17 recommendations based on those recommendations -- we're
18 allowed to adopt rules based on those recommendations.

19 That's it for the emergency access. I know
20 that I don't have that much time, so I'm going to kind
21 of abbreviate some of the rest of the presentation. But
22 we're ready to move on to Title II, which is the next
23 slide.

24 (Slide.)

25 That is on video programming. Just as an

1 overview, this covers closed captioning on the Internet,
2 video description rules, emergency programming,
3 accessible devices, accessible user interfaces on
4 devices, and accessible programming guides and on-screen
5 menus.

6 Next slide.

7 (Slide.)

8 So again, we're tasked with creating an
9 advisory committee. This one is called the Video
10 Programming and Emergency Access Advisory Committee.
11 This again we have 60 days to do, so we've been pretty
12 busy. This committee has to submit a report, various
13 reports, to the FCC. The first one is due in six months
14 and that one is going to focus on deadlines for the
15 provision of closed captioning over the Internet, as
16 well as the technical capabilities needed to permit
17 content providers and distributors, software developers
18 and others to provide IP closed captioning, as well as
19 regulations needed to ensure compatibility between video
20 programming that has this access feature and devices
21 that can receive that programming.

22 Note that what is covered -- actually, let me
23 go to the next slide. What is covered in terms of
24 captioning is only programs that have been shown on TV
25 that already have captions. So it doesn't cover

1 Internet-originated programming and it doesn't cover
2 consumer-generated programming. It's just the CNN, ABC,
3 NBC programs that you see on TV. When they move over to
4 the Internet, they have to be captioned.

5 There could be waivers or delays permitted for
6 live programming. Then there are a couple of other
7 clauses in the Act allowing a de minimis exemption and
8 alternate means of compliance.

9 Next slide.

10 (Slide.)

11 Title II also restores or reinstates and
12 allows for some updating of our video description rules.

13 Some of you remember that in the year 2000 we issued
14 rules requiring video programming distributors in the
15 top 25 markets to provide video description for about
16 four prime time hours a week, but this was overturned
17 for lack of authority. We are now allowed to reinstate
18 this within one year, with a couple of tweaks.

19 The rules will have to apply to digital
20 television, of course, since that's all that there is
21 now. They won't apply to live or near-live programming.

22 Then we're also allowed to conduct further inquiries
23 about the availability and use and benefits of video
24 description if we want to expand these rules a little
25 bit, and we have authority to expand them up to six

1 hours a week and eventually to phase in all additional
2 market areas over a very extended period of time that
3 goes out more than ten years.

4 Next slide.

5 (Slide.)

6 There's also a mandate to ensure that
7 emergency information is accessible. Actually, this
8 slide talks about the requirement for the advisory
9 committee to submit a report within 18 months for a
10 recommended schedule of emergency information and video
11 description, as well as performance objectives for the
12 technical capabilities for providing such access and for
13 recommendations for regulations for making sure that
14 equipment, video programming devices, are capable of
15 showing such access.

16 Next slide.

17 (Slide.)

18 Going back to the emergency information
19 requirement, right now some of you may know that we
20 already have rules in place that require, where there's
21 an emergency, if the information is provided in an
22 audio form, there has to also be a visual form.
23 Typically that's been interpreted to have closed
24 captioning. So if there's a tornado or a hurricane
25 coming, there must be information provided, usually in

1 the form of captions, sometimes crawls or scrolls across
2 the screen, that make very clear that people -- that
3 make clear to people who are deaf and hard of hearing
4 what the emergency is and where to get help.

5 However, with respect to people who are blind
6 or visually impaired, all that these people hear when a
7 program is interrupted and there's a visual crawl
8 indicating an emergency is taking place -- all that
9 these people hear is an oral tone and then nothing else,
10 and it's up to the individual to go and figure out what
11 the emergency is, whether calling a friend or turning on
12 a radio or turn the channel.

13 What this says is that's not good enough, and
14 now we have to figure out a way to have emergency access
15 in an audio form for these individuals, most likely
16 either using a button, just like there's a button for
17 closed captions or a link for closed captioning on
18 devices. It could be on the device or it could be
19 peripheral to the device. That's one of the things that
20 the advisory committee is going to figure out.

21 So we're eventually going to issue rules, one
22 year after that report, requiring video programming
23 providers and distributors and program owners to convey
24 such information in an accessible manner.

25 Next slide.

1 (Slide.)

2 User interfaces is something that I'm sure
3 that some of you have heard I and other people talk
4 about. If you go home and you aren't blind and you
5 close your eyes and try to access the on-screen menus on
6 your TV, you won't be able to. It's virtually
7 impossible to figure out programs are on the program
8 menus. It's even very difficult to figure out how to
9 increase the volume. Basically, all interfaces with
10 televisions have become on-screen, so accessing and
11 changing channels and controlling the different features
12 of your TV have become virtually impossible.

13 It's not only TVs. It's actually, if you
14 think about how much is on screen, ranges and other
15 electronic devices, it's become much more difficult to
16 interface with these devices.

17 So what this Act says is that again the
18 advisory committee has to make recommendations within 18
19 months on how to make such interfaces accessible and
20 useful by people with disabilities, to ensure that on-
21 screen text menus and other visual indicators are
22 accompanied by audio output, and also to make
23 programming selection provided by navigation devices,
24 guides, or menus accessible in real time by people who
25 are blind or visually impaired. In other words, you

1 can't send out a programming guide in paper. It has to
2 be at the time the person is watching the show. That's
3 what real-time is.

4 The next slide --

5 (Slide.)

6 -- shows some of the requirements of this user
7 interface section. The slide I had just showed you was
8 the recommendations that have to be made by the advisory
9 committee, and this slide pretty much parallels that.
10 In addition to being able to access general features on
11 a television and the programming menus and guides,
12 etcetera, people need to be able to also access the
13 access features -- closed captioning and video
14 description -- because right now it is very difficult to
15 figure out how to turn on captions on most TVs.

16 I know that on my TV I have to go through
17 around seven steps and actually lose some of the picture
18 in part of that. So as the captions are going on, the
19 picture actually goes blank. So it's not easy. The
20 only reason that I even know how to do this is because I
21 had an expert come to my house, and it was not the cable
22 guy -- it was actually an expert -- come and show me.

23 In terms of setting up the captions, that was
24 even more difficult, because right now there is DTV
25 captions. DTV captions allow you to control the font,

1 the color, the size. They're really phenomenal. But on
2 my TV, in order to access these features I have to turn
3 on the TV, turn on the cable box, turn off the cable
4 box, go into a hidden menu, guess at what features are
5 going to look good on my TV because I cannot see them
6 while I'm setting up these choices, and then go back to
7 the TV, and hope that it works out. And believe me,
8 half the time it does not.

9 So this also says that it has to be easier to
10 get access to all of these features.

11 Next slide.

12 (Slide.)

13 Something else that this Act does is it
14 eliminates the requirement for TVs -- or eliminates the
15 limitation that only TVs with screens larger than 13
16 inches be capable of showing captions. So now basically
17 all devices, where achievable, have to be able to show
18 captions. Of course, we know that many of the small
19 devices already do. All the Apple products do. The
20 iPod, the iTouch, and the iPhone, when they receive
21 video you can access captions on them.

22 Apparatuses also have to be able to deliver
23 video description. They must also be able to decode and
24 make the emergency information accessible to people who
25 are blind and visually impaired. There are some

1 exemptions and waivers, including exemptions for
2 display-only video monitors with no playback capability,
3 and the FCC may waive again equipment primarily designed
4 for other activities or designed for multiple purposes
5 where the essential utility is derived from other
6 purposes.

7 But this section now covers something that
8 wasn't covered before in the Decoder Act of 1990. It
9 covers recording devices, such as DVD players, VCRs,
10 Blue Ray, etcetera, if achievable. It also covers the
11 interconnection mechanisms, and that's very important
12 because what we found with the development of DTV, that
13 there were connector cables, HGMI connector cables, that
14 actually caused tremendous problems for captions.

15 So this is basically saying, just as 255 was,
16 think about it as you're designing, incorporate the
17 design, accessible design, as you're going forward,
18 rather than trying to retrofit it later on, because if
19 you try to retrofit it it will be more expensive, more
20 cumbersome, and less effective.

21 So next slide, and this is the final slide.

22 (Slide.)

23 What have we started to do? A lot. We have
24 incredibly tight deadlines. It's definitely in the
25 category of be careful what you wish for, although I

1 clearly went into this with eyes wide open and knowing
2 what I was going to be having to do.

3 It's very exciting, as Joel said. Joel has
4 been extraordinarily supportive. The Chairman has been
5 extraordinarily supportive. The agency is psyched. As
6 Joel mentioned, I don't think there's a bureau that has
7 not been touched by this bill, by this Act. Everybody
8 is involved, and I can tell you that the efforts to get
9 them involved were very easy. Everybody jumped on the
10 bandwagon and everybody wanted to have a piece of it.

11 So you're going to see all kinds of notices --
12 you already have -- with various bureaus on them. It's
13 just really exciting. It's an exciting time to be here.

14 We've already issued, as I mentioned, a notice
15 of proposed rulemaking and a public notice on hearing
16 aid compatibility. That's coming from the Wireless
17 Bureau. You should know that when any of these bureaus
18 move ahead they are wonderful also about consulting the
19 subject matter experts or the disability experts in CGB.

20 We've issued two PNs for the advisory
21 committees, one for the video programming, one for the
22 emergency access. Pam Gregory is sitting back there and
23 she is going to be helping to oversee the video
24 programming advisory committee. She is actively poring
25 through the names right now. We are going to be

1 submitting those. She's holding them up. Don't attack
2 her.

3 We are going to be submitting these to the
4 Chairman very, very soon, and are hoping to have an
5 announcement about the establishment of these committees
6 very soon.

7 We also issued a public notice on advanced
8 communications services that also -- that's being done
9 in conjunction with the Wireless Bureau and CGB. We
10 also already issued a public notice on the deaf-blind
11 equipment distribution program.

12 So I'm sure that most of you are aware of
13 these various PNs. There are more to come, but this is
14 it for a little while, but not a long while. I have to
15 admit -- we are on target to have -- we have an
16 implementation plan, which Joel mentioned, we are going
17 to be talking about on November 30th. So any of you
18 that are involved either as a consumer who's interested
19 in the benefits of the law or as industry who have to
20 comply with the law, please feel free to come on
21 November 30th or tune in to the FCC channel on your web
22 site, because we're going to be releasing our plan for
23 implementation.

24 To be honest with you, it tracks the law. We
25 don't have a whole lot of leeway. But there are certain

1 things that we do have some leeway on, and we're going
2 to try to stick to the deadlines that we're proposing.

3 So that's it. I know that I've gone a little
4 bit over. Can I take one or two questions?

5 CHAIRPERSON BERLYN: Yes, a quick one or two
6 questions.

7 MS. PELTZ STRAUSS: If there are any.

8 CHAIRPERSON BERLYN: If there are any.

9 MS. PELTZ STRAUSS: Any questions?

10 CHAIRPERSON BERLYN: See, you've answered
11 everything.

12 MS. PELTZ STRAUSS: When you don't get any
13 questions, you've either answered everything or you've
14 completely bored everybody and they have no idea what
15 you're talking about.

16 CHAIRPERSON BERLYN: I have one. Claude has
17 one, so I'll let Claude ask his first.

18 MR. STOUT (speaking through interpreter): I
19 actually just wanted to make a comment. We all love
20 Karen and I really just want to publicly commend Karen
21 for the speed at which she's undertaking this initiative
22 to implement the Act. In all the time that I've been
23 working, I've never seen the FCC be able to take action
24 as quickly on an initiative as this one has done. So I
25 want to commend you as well as your staff, and we look

1 forward to the great progress that is going to be made
2 under your leadership. So thank you.

3 MS. PELTZ STRAUSS: Thank you very much.
4 Again, I want to say that I attribute a lot of this also
5 to the Chairman's office and the support from the other
6 Commissioners as well. Everybody -- and the other
7 bureaus. You can't do this alone. No one can do this
8 alone.

9 I appreciate your kind words, but I'm going to
10 share them with everybody here that has been
11 instrumental in stepping up to the plate as rapidly --
12 I've never seen it myself, as much enthusiasm as I've
13 seen for this Act.

14 CHAIRPERSON BERLYN: I'll second that and just
15 also say, Karen, that just looking ahead for the next
16 Consumer Advisory Committee, if there's anything that
17 the committee can do as you move forward, to think about
18 that as well.

19 MS. PELTZ STRAUSS: Okay, thank you. I'm sure
20 there's going to be room for your involvement.

21 CHAIRPERSON BERLYN: Eric has a question.

22 MR. BRIDGES: So I have now worked with you on
23 both sides of this issue, and I'm going to be working
24 with you for a while, which is great. The advocacy
25 organizations are actively looking at the public

1 notices. I guess just an internal question. You have a
2 lot to do and not a lot of people with which to do it.
3 The people are great. What about staffing and sort of
4 resourcing for all of this over the next couple of
5 years?

6 MS. PELTZ STRAUSS: Well, you know, Joel
7 mentioned that if I have enough resources, because I nag
8 Joel -- I wouldn't say on a daily basis; it's more like
9 an hourly basis. But we are going to be adding staff.
10 We already have plans to add staff. But again, very
11 early on it became very clear that one bureau can't do
12 this. So what we're basically doing is, as I said,
13 sharing the wealth.

14 We're still in the process. We have a game
15 plan, but we are still walking, literally, walking
16 around the agency and gathering people. I am confident,
17 again because the Chairman's office has expressed such a
18 fine commitment to seeing through the implementation of
19 this law in a timely way, that if we run into snags I
20 will have the support and resources that, I and CGB, we
21 will have the resources that we need.

22 So thank you for asking. If I run into any
23 problems, I'll let you know.

24 CHAIRPERSON BERLYN: A last, final, quick
25 question from Ann Bobeck.

1 MS. BOBECK: Two questions. One, can the
2 Consumer Advisory Committee get a copy of your excellent
3 Powerpoints?

4 MR. MARSHALL: You already have it.

5 MS. PELTZ STRAUSS: You already have it.

6 MS. BOBECK: Do we have it? Okay. And any
7 updates that you may have to it? You said you had a
8 couple.

9 MS. PELTZ STRAUSS: Yes, as I go through it
10 each time I find little things. But also, thank you for
11 the segue, because we are doing a Federal Communications
12 Bar Association presentation on November 18th at 6:00
13 o'clock at Arnold and Porter, and Bill is going to be
14 there and Ann is going to be there and Eric. Am I
15 leaving anybody else out?

16 (No response.)

17 Okay, they're all going to be presenting.
18 We're going to have two panels. From one conversation
19 that we had yesterday, I'm really looking forward to
20 this. I encourage any of you that are members of the
21 bar -- if you're not, I think there's a small fee. But
22 I encourage all of you to attend, because it's going to
23 be I think very insightful to see the perspectives, now
24 that the law has been passed, of each side and how they
25 expect it to be implemented.

1 MS. BOBECK: In anticipation of that session
2 and in the advisory committee, how do you pronounce V-P-
3 E-A-A-C, so that we're all prepared for our advisory
4 committee in the new year?

5 VOICE: "Vee-Peace."

6 MS. BOBECK: "Vee-Peace."

7 MS. PELTZ STRAUSS: "Vee-Peace," so that we
8 would all be peaceful with each other.

9 Just to your quick aside, I have some concern
10 about the fact that emergency access is in the
11 definition, in the name of both committees, because it's
12 been very confusing. I don't know if we're allowed to
13 drop the words "emergency access," but that would be my
14 preference, because when we received applications
15 clearly people were confused. The bill was rushed
16 through in the end, as I'm sure you're aware. There
17 were a lot of technical amendments that were corrected,
18 and this one kind of got in.

19 But as long as we keep the acronym the way it
20 is, we could use "Vee-Peace" or "Vee-PAC," either one.

21 MS. BOBECK: We like "Vee-Peace." Great.
22 Thank you very much.

23 CHAIRPERSON BERLYN: Lise, do you have a
24 question? Okay.

25 MS. HAMLIN: Am I on? This is Lise Hamlin,

1 the Hearing Loss Association.

2 As you mentioned, I actually did a real quick
3 presentation on this to consumers, who bombarded me with
4 all kinds of questions I couldn't answer. So while
5 you're also giving presentations, and I know we've asked
6 you to come for the Hearing Loss Association, as much as
7 you could get out or get your people out to consumer
8 organizations. They're hugely, hugely interested in
9 this, and I hope someone can answer questions I can't.

10 MS. PELTZ STRAUSS: Just so that you know, a
11 couple things. First of all, I just had a request to
12 disseminate the notice about the upcoming continuing
13 legal education course to all of you. So if I could get
14 that to Debby or Scott, we can get you the information.

15 Secondly, this is being videotaped as we speak
16 and will be available on the web. So that any consumers
17 can watch this particular presentation. They may still
18 have questions, but at least it's a start.

19 So thank you very much.

20 CHAIRPERSON BERLYN: Thank you, Karen.

21 MS. PELTZ STRAUSS: And I'll be around, in and
22 out, throughout the day, if you have other questions.

23 CHAIRPERSON BERLYN: Thank you, Karen, as
24 always.

25 (Applause.)

1 We are going to take a quick break. If you
2 could, try and get back in the room in about five
3 minutes or so and we'll start our next presentation.
4 Thank you.

5 (Recess from 10:46 a.m. to 10:57 a.m.)

6 CHAIRPERSON BERLYN: Okay, everyone, please
7 get seated. I'm pleased to introduce our next speaker,
8 Jamal Mazrui. Is that how you pronounce it?

9 MR. MAZRUI: "Maz-REW-ee."

10 CHAIRPERSON BERLYN: "Maz-REW-ee." Deputy
11 Director of --

12 MR. MAZRUI: Accessibility.

13 CHAIRPERSON BERLYN: The Accessibility and
14 Innovation Initiative, right?

15 MR. MAZRUI: Yes, that's right.

16 CHAIRPERSON BERLYN: Thank you so much for
17 joining us, Jamal.

18 Is everyone back? Karen, do you want to come
19 back to the table?

20 MS. PELTZ STRAUSS: No, because I'm going to
21 be leaving.

22 CHAIRPERSON BERLYN: Okay, great.

23 Thank you, Jamal.

24 UPDATE ON ACCESSIBILITY AND INNOVATION INITIATIVE,

25 JAMAL MAZRUI, DEPUTY DIRECTOR,

1 ACCESSIBILITY AND INNOVATION INITIATIVE

2 MR. MAZRUI: Thank you.

3 When the Commission was developing its
4 National Broadband Plan, Elizabeth Lyle led the research
5 of disability-related recommendations and I helped her
6 with some of that. We met with a lot of stakeholders
7 from industry, consumers, government.

8 One of the things that they told us is there's
9 a lot that can be done for accessibility through
10 collaborative problem-solving, just by people of
11 goodwill, whether they're situated in industry or
12 consumer groups or government, getting together,
13 learning of problems that need to be solved, and putting
14 their minds to solving those problems.

15 So one of the recommendations in the National
16 Broadband Plan was to start an accessibility and
17 innovation initiative. That can be a mouthful, as you
18 know, so you could also say "A and I initiative," a
19 little shorter. So the Chairman announced the A and I
20 initiative at the ADA anniversary last July, and we're
21 all about promoting collaborative problem-solving among
22 stakeholders so that people with disabilities can reap
23 the full benefits of communications technology.

24 We're trying to do that through various
25 methods, challenges, workshops, field events,

1 facilitated dialogues. I'm going to tell you about some
2 of the things we've been doing, some of the ways you can
3 participate, and then take your questions and
4 suggestions. We've been involved in three different
5 challenges. There's currently a movement within
6 government called open government. The idea is to
7 involve citizens in trying to solve public problems.

8 One of the ways that that's being done is
9 through a platform called challenge.gov that the General
10 Services Administration has set up. Our initiative was
11 the first to put a challenge on that site by the Federal
12 Communications Commission. It's related to cloud
13 computing. It's called "Lifted By The Cloud: Visions
14 of Cloud-Enhanced Accessibility."

15 The question we ask is: What is your vision
16 of how the communications and computing power of the
17 Internet through cloud computing can increase
18 accessibility for people with disabilities? We're
19 partnering with a couple of organizations -- the Coleman
20 Institute for Cognitive Disabilities at the University
21 of Colorado. They're offering a \$1,000 prize for the
22 presentation that best addresses the interests of people
23 with cognitive disabilities. I should clarify, we're
24 looking for multi-media presentations, which can be any
25 combination of video, audio, text, graphics, images, or

1 other media.

2 If it's a video, we'd want it to be no longer
3 than seven minutes. We typically will expect entries
4 between three and seven minutes. We want those to be as
5 accessible as possible, including captioning.

6 The other organization is Raising the Floor,
7 which is a consortium of individuals and organizations
8 who are promoting affordable access to Internet
9 technologies.

10 So I encourage anybody interested to go to
11 challenge.gov. Our challenge is one of the ones listed.
12 Any federal government agency can post a challenge
13 here, and I think ours is still on the front page. Just
14 look for "FCC" or "Lifted by the Cloud."

15 Hopefully, entries will start coming in. We
16 ask you to think about preparing an entry and spreading
17 the word about it. The deadline is May 1st, after which
18 there will be a one-month judging period.

19 Those entries will be eligible for
20 consideration for another initiative or aspect of our
21 initiative, which is the Chairman's Awards on
22 Advancements in Accessibility, or AAA Awards. Those
23 we're expecting to occur around the next ADA
24 anniversary. We're not necessarily going to give a
25 Chairman's Award, or the Chairman isn't necessarily, for

1 this challenge, but any entry into this one will be
2 considered, as well as others that can be nominated. We
3 recently sent out a public notice encouraging people to
4 nominate for these AAA awards.

5 Yet another couple of challenges originated
6 out of a brainstorming discussion that occurred around
7 the ADA anniversary, where the Commission partnered with
8 the White House -- led by the White House -- and the
9 Department of Commerce, including the Chief Technology
10 Officer and the Chief Information Officer of the Federal
11 Government, who sat with about 20 technologists and
12 advocates to think of ways that current Internet
13 technologies especially can increase accessibility for
14 people with disabilities, recognizing how important
15 technology is now in all of our lives.

16 The two challenges that came out of that
17 discussion, one we call the Web Gallery Challenge, and
18 that is to develop a gallery of accessible web templates
19 and widgets that anybody can obtain and incorporate when
20 they are creating content for the web.

21 The idea is that the web has become so
22 ubiquitous all kinds of interactions -- as you know,
23 it's a virtual world that is increasingly supplanting
24 the physical world. We want it to be the case that when
25 an author creates content for the web, the default

1 settings of their authoring tool will produce accessible
2 content, so that developers don't even have to think
3 about making it accessible. It will be compliant with
4 standards for accessibility of the World Wide Web
5 Consortium.

6 We're partnering with the W3C in that
7 challenge, and we're also hoping to get that up on
8 challenge.gov. So if you know any web developers who've
9 developed accessible web templates or themes or skins or
10 widgets, we're looking for those to put up in this
11 gallery and make them widely available.

12 The other challenge emanating from that
13 brainstorming session is the geoaccess challenge. The
14 idea is, how can geodata be applied to increase
15 accessible travel by people with disabilities? As you
16 know, geodata has become all the range now in social
17 networks with people checking into different locations
18 and letting their friends and followers know where they
19 are, and all kinds of mapping-type applications on the
20 web that show you where you are and places that you can
21 go to.

22 That geodata also has a lot of potential for
23 improving accessibility, so a blind person, for example,
24 might be using a mobile phone with an app that can give
25 them walking directions, maybe tell them where there are

1 accessible traffic signals in the city. Someone who
2 uses a wheelchair might be able to get alerts as to
3 which elevators are currently out on the Metro so they
4 can avoid those stations at that time. Someone who's
5 deaf might want to make sure that they're going to a
6 location that is accessible to them with captions or
7 interpreters.

8 So we're trying to encourage the creation of
9 accessibility-related points of interest in these
10 various repositories of geodata and trying to encourage
11 the use of APIs, application programming interfaces,
12 that can match up accessibility-related data with other
13 location data to improve accessibility.

14 On that anniversary, we also held a technology
15 showcase at the Department of Commerce. So that was a
16 field event we did. Another field event was when we
17 went to the Coleman Institute conference related to
18 cognitive disabilities in Boulder a few weeks ago.
19 Elizabeth Pym and I were there and we learned a lot
20 about issues important to people with cognitive
21 disabilities and we also shared our ideas about these
22 challenges. In fact, that's where we announced the
23 cloud computing challenge.

24 We also intend to participate at the upcoming
25 Ideas Conference, which is December 13th and 14th at

1 George Washington University. This is an inter-agency
2 conference that highlights assistive technologies and
3 508 accessibility practices. This year it's co-
4 sponsored by GSA and ODEF, the Office of Disability
5 Employment Policy at the Department of Labor.

6 We're also planning to be at the CSEN
7 Conference in mid-March, where we're helping to organize
8 a public hearing so that whatever notices are currently
9 teed up related to the new telecom access law, people
10 can give testimony there which we would collect for the
11 record. We're doing that in conjunction with the Access
12 Board and the CIO Council, Chief Information Officers
13 Council, which now has an accessibility committee and is
14 doing listening sessions around the country, receiving
15 input on 508. So we'll be one-half of the day and
16 they'll be the other half of the day, but we're
17 coordinating our planning with that.

18 Earlier this week we held an event, really co-
19 organized with the New Media Team here at the FCC,
20 called Open Developer Day. The purpose of this was to
21 encourage the use of data sets by the FCC and other
22 federal agencies in combination with APIs to create
23 additional value in terms of how freely available data
24 that the Federal Government is making available can
25 benefit citizens in new and innovative ways.

1 One priority was accessibility-related.
2 Specifically, we are looking for help from developers in
3 designing and building a clearinghouse of information on
4 accessible information and communications technologies,
5 which is actually a statutory mandate on the FCC under
6 the new law.

7 We set up a wiki, which is a shared online
8 space for collaborating, on this accessibility
9 clearinghouse, as well as anything else that developers
10 want to work on. If you know any developers who are
11 interested in that -- I'll cite the URL here, but
12 certainly anybody who's interested can follow up with me
13 if they want references to any of these things. It's
14 wiki.citizen.apps.gov/fccdeveloperday, and that's all
15 lower case.

16 If anybody's interested -- well, right now
17 anybody can read any of this material posted there. But
18 if people want to contribute themselves, they can also
19 create an account and do so.

20 The New Media Team has also set up an FCC
21 developer hub where developers wanting to get updates
22 about FCC data sets and APIs can get such announcements.

23 Just go to fcc.gov/developer and you can sign up there.

24 Finally, for anybody who's not aware of the
25 accessibility and innovation initiative, DRO has an

1 email announcement list. We have about 2,000
2 subscribers at this point. It's called accessinfo, and
3 if you go to the web site of our initiative, which is
4 broadband.gov/
5 accessibilityandinnovation, all lower case, there's a
6 link that allows you to subscribe to that list. That's
7 where all of the public notices that Karen has mentioned
8 have been going out, and there will be more to come.

9 So I'll stop here and take any questions.
10 We're looking for ideas, for ways that we can -- because
11 of how we're positioned at the FCC, we're well suited
12 for trying to promote collaboration, for bringing people
13 together to solve problems and create more accessible
14 technologies as a result. And we'd love to hear ideas
15 from people about that.

16 Pam Gregory is also over here and she'll help
17 me in answering any questions that folks might have.

18 CHAIRPERSON BERLYN: Does anyone have any
19 quick questions for Jamal?

20 MS. PELTZ STRAUSS: Pam is the Director of the
21 Accessibility and Innovation Initiative and Jamal is the
22 Deputy Director. I think that Pam had one more thing to
23 add that she's just attended.

24 MS. GREGORY: Hi. We were lucky enough to be
25 invited to the State of Kansas Broadband Summit. They

1 were developing their state broadband plan and they
2 asked the Accessibility and Innovation Initiative to
3 come and help them develop a plan. Their goal is to be
4 the best plan in the United States. It was really a
5 great opportunity to see so many state stakeholders very
6 enthusiastic and saying from the get-go that, we're not
7 going to do a plan unless it's completely accessible.
8 So that was very, very exciting.

9 MR. MAZRUI: I should mention two other people
10 that helped us with the initiative on staff: Salida
11 Griffiths and Maquel Mora.

12 CHAIRPERSON BERLYN: Great. Thank you very
13 much, Jamal. We appreciate your time and exciting
14 innovations that you've got going on. We appreciate
15 your coming down and look forward to future reports.

16 Now we have a video presentation which we're
17 looking forward to. Is this a first, Scott?

18 MR. MARSHALL: A first for CAC, yes.

19 CHAIRPERSON BERLYN: A first for CAC. So
20 let's see.

21 (Video on screen.)

22 CHAIRPERSON BERLYN: There they are.

23 MR. MARSHALL: Hello, Richard.

24 CHAIRPERSON BERLYN: Richard Smith, Special
25 Counsel, Policy Division, for the Consumer and

1 Governmental Affairs Bureau, welcome.

2 Can you hear us?

3 (No response.)

4 CHAIRPERSON BERLYN: We can't hear you.

5 (Pause.)

6 I don't think we can hear you yet.

7 (Pause.)

8 We're working on sound. We're working on
9 sound.

10 UPDATE ON CONSUMER DISCLOSURES, NOI,

11 AND BILL SHOCK NPRM,

12 RICHARD SMITH, SPECIAL COUNSEL, POLICY DIVISION, CGB

13 (participating by teleconference)

14 MR. SMITH: How about now? Can you hear me?

15 MR. MARSHALL: There we go.

16 CHAIRPERSON BERLYN: There we go. Excellent.

17 Thank you so much, Richard, for joining us to
18 update us on consumer disclosures, NOI, and bill shock.
19 Welcome.

20 MR. SMITH: As Debra said, I'm Richard Smith
21 and I work in the Policy Division of the Consumer and
22 Governmental Affairs Bureau here in Gettysburg. I'm
23 here this morning to talk about our bill shock
24 proceeding. I know that Joel covered some of this this
25 morning. I guess the good news is the item is

1 relatively brief and straightforward, so it will only
2 take me just a couple of minutes to go over it with you,
3 if you'll just bear with me here.

4 On October 14th, we released a notice of
5 proposed rulemaking which is seeking comment on various
6 proposals that are designed to address wireless bill
7 shock. In this context, we're defining "bill shock" as
8 a sudden, unexpected increase in the consumer's monthly
9 bill due to overage charges, roaming or international
10 charges. The ENPRM itself contains three basic
11 proposals. The first is that wireless carriers must
12 provide to consumers a notification, such as voice or
13 text messages, when they are approaching their allotted
14 limit for voice, text, or data services, and also when
15 they reach their monthly limit.

16 Second, they're required to provide a
17 notification message to the consumer when they are about
18 to incur roaming or international charges.

19 Lastly, they're required to make clear and
20 ongoing disclosure of any methods they currently offer
21 which allow the subscriber to cap usage and monitor
22 their usage balances.

23 One of the things we discovered is that many
24 consumers are unaware that their carriers offer these
25 kinds of tools. For example, I know with the four

1 national carriers you can use your hand sets to dial a
2 short code and get the current balances for the month.

3 We're also seeking comment on prepaid services
4 and whether those should be exempted from any bill shock
5 requirements or whether there are situations with these
6 prepaid services where some type of notification might
7 be useful to consumers.

8 The comment deadlines for the bill shock NPRM
9 were tied to Federal Register publication, and that has
10 not yet occurred. We will probably release a public
11 notice when we do know those dates, after Federal
12 Register publication. We certainly encourage anybody
13 who has information about the bill shock issue to file
14 comments in that proceeding.

15 The docket number is CGE10-207. We often get
16 a lot of comments from the industry folks who are
17 familiar with this process, but often the consumer
18 groups are underrepresented. So we are hopeful that we
19 get a good record in that proceeding.

20 The bill shock NPRM represents really the
21 first proceeding that follows our 2009 consumer and
22 information disclosure NOI. That NOI was a very broad-
23 based item that sought comment on all the stages of the
24 consumer purchasing process for telecommunications
25 services. For example, in the NOI we are seeking

1 comment on issues relating to advertising, promotional
2 pricing, point of sale disclosures, standardized
3 disclosure labels, and other things, including consumer
4 education, what we at the FCC can do better to inform
5 consumers.

6 The comment period in that proceeding is
7 closed and we are currently reviewing that proceeding
8 and deciding on what the next steps will be.

9 I think that pretty much covers it. If
10 anybody has any questions, if you're still there -- I
11 can't see you on the screen, but feel free to ask.

12 CHAIRPERSON BERLYN: We're here and we did get
13 to hear you. So thank you, Richard.

14 Does anyone have -- I guess I just have a
15 first question about the timing. It seems like an
16 unusually long time that the bill shock has not appeared
17 in the Federal Register. Is that unusual, or do you
18 have any guess on the timing, as to when the clock will
19 start running?

20 MR. SMITH: Well, we are very hopeful that
21 there will be Federal Register publication here in the
22 next couple of weeks. It's taken a little longer than
23 usual, I think, unfortunately, but we're certainly
24 trying to press ahead with that. So I would look for it
25 maybe in the next couple of weeks.

1 Like I said, we will release a notice to set
2 comment dates.

3 CHAIRPERSON BERLYN: Does anyone else have any
4 other questions for Richard?

5 Richard, we have a question here from someone
6 here from the audience, someone who works with me at the
7 National Consumers League.

8 MR. BREYAULT: Hi, Richard. This is John
9 Breyault with the National Consumers League.

10 My question pertains to how this bill shock
11 initiative relates to the rest of the consumer
12 empowerment agenda that the Commissioner announced at
13 his Center for American Progress speech a few weeks
14 back. Do you envision additional public notices similar
15 to bill shock coming out, and what kind of -- what
16 themes do you think those notices might take?

17 MR. SMITH: Well, as I said, there are a
18 number of items, issues, that are teed up in our
19 consumer and information NOI from 2009. So those would
20 be the most likely types of issues that you'll see us
21 addressing. As I said, we're sort of looking over the
22 record, which was quite extensive, in making decisions
23 on the issues that we'll tackle next.

24 For example, as I said, the issues that we saw
25 in the NOI that related to bundled services, early

1 termination fees, cramming, advertising. Those are some
2 of the things that you might see us address down the
3 road. Certainly the bill shock represents I think the
4 first of what could be a number of proceedings.

5 CHAIRPERSON BERLYN: Thank you, Richard.

6 Anyone else around the table here?

7 (No response.)

8 CHAIRPERSON BERLYN: Well, thank you very much
9 for joining us via video conference. We appreciate it
10 and look forward to hearing from you at some point at a
11 future CAC.

12 Scott, we have -- do we have another video
13 conference teed up?

14 MR. MARSHALL: At 1:00 o'clock. Our next
15 speaker is calling from Indian country on the old POTS
16 line. So we go from high tech to low tech, I guess.

17 CHAIRPERSON BERLYN: Is Geoff on the line?

18 MR. MARSHALL: He should be dialing in at
19 11:30.

20 CHAIRPERSON BERLYN: Oh, we're early.

21 MR. MARSHALL: We're early, finally.

22 CHAIRPERSON BERLYN: We are early.

23 MR. MARSHALL: We're a couple minutes early.

24 CHAIRPERSON BERLYN: Richard was quick. We
25 had few questions. So we're actually early.

1 MR. MARSHALL: Okay. He's going to be dialing
2 in at 11:30.

3 CHAIRPERSON BERLYN: All right.

4 MR. MARSHALL: I imagine he won't be any
5 earlier because it's like three hours earlier where he's
6 calling from. So he's doing me a favor by getting up --
7 no, I'm teasing. But he'll be here shortly. Can we
8 just take a quick --

9 CHAIRPERSON BERLYN: Well, I don't want folks
10 to leave the room.

11 MR. MARSHALL: No, but an in-the-room break.

12 CHAIRPERSON BERLYN: We are five minutes away.
13 So does anyone have any general questions? We've had
14 such a tight schedule this morning that we haven't sort
15 of taken a breather since we started this morning. Does
16 anyone have any general questions?

17 (No response.)

18 So if we can just take a Blackberry break,
19 iPhone break.

20 MR. MARSHALL: Right, in-the-room break.

21 CHAIRPERSON BERLYN: Low tech break. Just sit
22 at your seats. Don't go outside the room. Thank you.

23 MR. MARSHALL: And at 11:45 we have the USF
24 presentation.

25 (Recess from 11:24 a.m. to 11:30 a.m.)

1 CHAIRPERSON BERLYN: I hear that Geoff
2 Blackwell is on the phone. Geoff, are you there?

3 (No response.)

4 Geoff, are you there?

5 (No response.)

6 (Pause.)

7 CHAIRPERSON BERLYN: Do we have Geoff on the
8 line yet?

9 (No response.)

10 While I'm asking, is Nixy Santini on the line?

11 (No response.)

12 (Pause.)

13 CHAIRPERSON BERLYN: Do we have Geoff on the
14 line yet?

15 (No response.)

16 Okay, we'll hold for another minute, hold for
17 one more minute.

18 (Pause.)

19 CHAIRPERSON BERLYN: Hi, Geoff. This is Debby
20 Berlyn. Thank you for joining us.

21 INTRODUCING THE OFFICE ON NATIVE AFFAIRS AND POLICY,

22 GEOFF BLACKWELL, CHIEF, OFFICE ON

23 NATIVE AFFAIRS AND POLICY, CGB

24 (participating by telephone)

25 MR. BLACKWELL: Can you hear me okay?

1 CHAIRPERSON BERLYN: We can hear you just
2 fine.

3 MR. BLACKWELL: Very good.

4 CHAIRPERSON BERLYN: Well, we are so pleased
5 to have you. You are the Chief of the Office of Native
6 Affairs and Policy, correct?

7 MR. BLACKWELL: That is correct, yes.

8 CHAIRPERSON BERLYN: Of a newly created Office
9 on Native Affairs and Policy, correct?

10 MR. BLACKWELL: Yes, you're right.

11 CHAIRPERSON BERLYN: Excellent. So we don't
12 know where you are. Where are you, Geoff?

13 MR. BLACKWELL: I am on the outskirts of Las
14 Vegas, Nevada, waiting to take this call so I can head
15 out into Indian country.

16 CHAIRPERSON BERLYN: Okay, excellent.

17 MR. MARSHALL: He's doing me a great favor,
18 actually.

19 CHAIRPERSON BERLYN: Yes, you're doing us a
20 tremendous favor by joining us today.

21 MR. MARSHALL: At that hour of the morning,
22 for sure. Hi, Geoff.

23 MR. BLACKWELL: Hi, Scott. How are you?

24 MR. MARSHALL: Good, thank you.

25 CHAIRPERSON BERLYN: We appreciate your

1 joining us to tell us a little bit about your
2 responsibilities and how the Consumer Advisory Committee
3 can work with you in its new life next year. So thank
4 you so much for joining us.

5 MR. BLACKWELL: Well, thank you. I appreciate
6 that. I want to say a hearty welcome to and greetings
7 to CAC. This is my second tour of duty at the FCC.
8 When I was working in Indian country over the past five
9 years, I used to tell folks that I was a former
10 recovering fed. Now I have to tell them that I'm a
11 repeat offender.

12 (Laughter.)

13 But actually one of the things that I really
14 enjoyed when I was at the Commission before was working
15 with CAC. I was on the team in the old Consumer
16 Information Bureau that chartered CAC the first time,
17 ten years ago. I think it's a very valuable advisory
18 committee and has been helpful on tribal matters in the
19 past. So it's entirely appropriate for me to be here
20 today and I thank you for the invite.

21 The first time I went to the Commission to
22 work, the reason why I went to the Commission is that
23 the telephone penetration rate on tribal lands in Indian
24 country throughout the United States was just under
25 half, just under half of the homes in Indian country,

1 just at 48 percent. Now that telephone penetration rate
2 is about 70 percent, almost 70 percent. I'm looking
3 forward to seeing what comes out of this most recent
4 decennial census to see where those numbers -- to see if
5 those numbers have gone up at all.

6 But the reason why I returned to the
7 Commission this time is that our broadband penetration
8 rate on tribal lands is drastically low, unconscionably
9 low, somewhere between 5 and 8 percent. So we certainly
10 have our work cut out for us.

11 The Office of Native Affairs and Policy is the
12 newest office of federal tribal affairs in the federal
13 agencies. It was created by a vote of the Commission,
14 an order of the Commission, a unanimous vote of the
15 Commission, on August 12th. It was established as an
16 office within the Consumer and Governmental Affairs
17 Bureau, but has responsibilities throughout the entire
18 Commission.

19 The primary reason for creating the office was
20 in order for the Commission to develop and advance an
21 agenda aimed at bringing the benefits of all the modern
22 communications technologies and infrastructures to all
23 Native communities in the United States. So the office
24 is going to work to promote the deployment and adoption
25 of communications services and technologies on tribal

1 lands and in Native communities, primarily -- one of its
2 primary reasons for being created is to develop a robust
3 government to government consultation process with
4 tribal governments and increase the coordination with
5 Native organizations nationwide.

6 Now, I want to say a special thank-you to the
7 folks, the organizations in the room that had a hand in
8 helping advocate for the creation of this new tribal
9 office. In particular, I'd like to recognize my cousin
10 from the East, Brandon Stephens from the Eastern Band of
11 Cherokee Indians. He is one of the voices that for a
12 decade has advocated for the creation of an office at
13 the FCC to fulfil the government's, the FCC's government
14 to government trust relationship with tribal nations.
15 So, Brandon, if you are there, thank you very much.

16 CHAIRPERSON BERLYN: Unfortunately, he's not
17 here yet. We hope that he's going to make it today at
18 some point.

19 MR. BLACKWELL: Well, I know what it feels
20 like. Sometimes getting out and getting back from
21 Indian country and coming in is a long trip.

22 Let me tell you a little bit more about the
23 office. The office, it's going to handle consultation
24 and coordination with American Indian tribes, Alaska
25 Native villages and Native Hawaiian organizations, and

1 other Native and tribal entities. It is the official
2 point of contact at the FCC for these activities.

3 It is our duty, it is my job, to advise the
4 Chairman and the Commissioners, the bureaus and offices,
5 as well as other government agencies, private
6 organizations in the communications industries on the
7 development and implementation of policies regarding
8 tribes and Native communities.

9 This is really sort of an important turning
10 point in the work of the Commission with tribal nations.

11 It's been said many times, never again will Native
12 matters, will tribal matters, be an afterthought. I can
13 tell you -- I'd be happy to tell you a little bit of the
14 nuts and bolts about what's going on in the office. I
15 can absolutely assure you that that is the case. We hit
16 the ground running.

17 I returned to the Commission in mid-July and
18 my first call to duty was to finalize this order and get
19 the office created and begin working on hiring the
20 senior staff of the office. The office is oriented to
21 have seven full-time employees, including me. There are
22 four attorneys, including me, two senior attorneys, one
23 staff attorney. There are two tribal consultation
24 policy advisers, specialists, and one support staff
25 person, which in itself is a great indication of how

1 important the Commission has viewed this, because
2 typically offices of this size do not have support
3 staff. So they recognized the immense task of the
4 office in coordinating with over 565 tribal government
5 entities.

6 So to date we have been able to bring on the
7 senior staff into the office. We're preparing to hire
8 the remaining positions. The deputy chief is somebody
9 that CAC may know well, Ms. Irene Flannery, who is one
10 of the agency's -- one of the field's foremost experts
11 in universal service. Our senior legal adviser is
12 Cynthia Bryant, who is a senior attorney in enforcement,
13 who carried out a number of enforcement investigations
14 on the publication of Lifeline and Linkup throughout
15 Indian country and brings us to a good background, a
16 wealth of experience, having worked for the State of
17 Missouri Public Service Commission, Public Utilities
18 Commission, and having worked for the International
19 Bureau before, and having an international background, a
20 diplomatic background.

21 Our senior adviser for consultation policy is
22 Dan Rummelt, who may also be well-known to CAC. He has
23 worked in the Consumer and Governmental Affairs Bureau
24 for ten years and has been involved in every major
25 consumer prerogative that the Commission has had over

1 the last decade. He came to the Commission from the
2 Consumer Product Safety Commission and he has been a
3 long-time community engagement consumer advocate, and
4 began his career in the very first Office of Consumer
5 Affairs at the White House.

6 So with these senior staff members, we have
7 hit the ground running in August. We are -- I spoke to
8 a friend of mine from the Department of Agriculture who
9 recently, last year, got their tribal consultation
10 efforts up and running. I spoke to her. She's an old
11 friend and I spoke to her about getting some pointers,
12 and she said -- I said, I feel like I'm drinking from a
13 fire hose. She said: No, you're actually standing
14 under Niagara Falls. Wait until next year; the fire
15 hose comes next year.

16 But we're in the process of working -- I'm in
17 the process of meeting with all of the other bureau and
18 office chiefs and talking about all the various items
19 that we have in play throughout the Commission, all of
20 the proceedings that are relevant to Indian country, and
21 it's a great number of them.

22 The National Broadband Plan has several
23 prerogatives for this office. One of the ones that
24 we're working on right now -- in fact, the creation --
25 my return to the Commission, the hiring of me, was the

1 fulfillment of a National Broadband Plan recommendation.

2 Also, the creation of the office is a National
3 Broadband Plan recommendation.

4 The National Broadband Plan record was sort of
5 the tipping point for Indian country to really coalesce
6 a lot of the recommendations that it made over the last
7 decade for what the office should do and should
8 resemble. So we're in the process of fulfilling that.

9 Another recommendation that the National
10 Broadband Plan had to assist the Commission in the
11 fulfillment of its consultation obligations with tribes
12 was to create an FCC Native Nations Broadband Task
13 Force. So in the summer the FCC solicited nominations
14 from the tribal nations for tribal government
15 representatives. The way that the task force is
16 designed is that it will be equal parts elected and
17 appointed tribal government officials or their duly
18 authorized representatives and senior FCC
19 representatives from throughout the Commission.

20 So one of the first orders of business I had
21 when I got to the FCC was to extend the deadlines for
22 the nominations, because the original deadline had
23 fallen right in the middle of the summer ceremony season
24 in Indian country. We extended the deadline to almost
25 the end of August, which was very beneficial.

1 We received dozens and dozens of nominations
2 from tribal governments. We are now in the process of
3 actively reviewing those. There were a number of
4 questions that were raised that we had to work through,
5 that we're having to work through, in the applications,
6 because we are seating this task force through an
7 exception to the FACA rule, an exception that is
8 available to intergovernmental -- to governmental
9 representatives. So we are in the process of
10 identifying tribal government leaders throughout the
11 nation who will be able to serve on this task force with
12 us.

13 Once we seat the task force, I do believe that
14 it would be a very good thing -- well, a couple of
15 things. I think there may be some genuine opportunities
16 for coordination and sort of cross-pollinization between
17 the Native nations task force and CAC.

18 Another thing that I would like to do is, once
19 CAC is rechartered and the new membership is seated, I
20 would be happy to come and make a presentation on the
21 work of our office to the rechartered Consumer Advisory
22 Committee as well. That may be a good way to step off
23 the coordination.

24 So with that sort of as the background, a
25 couple of the things that we've -- those are sort of the

1 things we're doing in house. We're working pretty
2 diligently to help each bureau identify and sort of
3 develop its own key points of contact throughout this
4 bureau on tribal matters. We have been asked to provide
5 input on a number of items that have been released.
6 Recently the white spaces item had -- the white spaces
7 rule had tribal issues within it. The mobility fund
8 notice of proposed rulemaking has a tribal nexus in that
9 as well.

10 Now, our work in Indian country, we've also
11 been able to -- a large part of the work that we're
12 doing actually has to occur on tribal lands, where the
13 lack of a signal or the connectivity occurs. So we've
14 been able ought spend about four or five of those weeks,
15 not all in one stretch, however, since the creation of
16 the office in August, we've been able to spend about
17 four or five weeks actually in Indian country on the
18 ground working directly in the communities with the
19 tribal leaders, with the business planners and the
20 deployment modelers in some of the most remote regions
21 of the country.

22 We've been up above 8,000 feet to tribal
23 lands. we've been within 20 miles of the Canadian
24 border. We've been in the middle of scorching deserts.
25 The challenges are many. There is a great dedication

1 right now in Indian country to making sure that the
2 digital divide is closed. It is a very important time
3 for the work of this office to be performed with them on
4 the ground in Indian country.

5 So this week and next week we're going to be
6 going to -- November is a time when some of the larger
7 inter-tribal government associations meet in the United
8 States before sort of the doldrums of the holidays. So
9 this week and next week we're going to be in Indian
10 country. Then through the end of the year we'll be back
11 in Washington, working on more policy development and
12 regulatory items.

13 I will tell you, I was a little nervous to
14 head out today because on three separate occasions while
15 I've been on tribal lands and with our staff our
16 Blackberries have just completely shut down, and we had
17 them re-initialized and re-identified to the network.
18 There have been several times where we've had to sort of
19 turn around and head back up to the top of the hill so
20 we could get a signal on somebody's network, even if it
21 was roaming, everybody sort of sharing the same phone.

22 So this office and the staff members that we
23 have, these folks have both in their current position
24 and previous positions have personally experienced the
25 lack of service, the digital divide, in Indian country,

1 and we have a pretty firm resolution in support of the
2 Chairman and the eighth floor and the bureaus to start
3 turning this around and getting it headed in the right
4 direction.

5 So with that, I wanted to try to get you back
6 on time on your schedule. I apologize for having our
7 typical sort of connectivity snafus. But if there are
8 any questions that I might try to answer, I'd be happy
9 to -- I'd be happy to try to do that now.

10 CHAIRPERSON BERLYN: Well, thanks. Thanks,
11 Geoff. I'll look around the room in a second, but thank
12 you so much for joining us. It sounds like you have a
13 great team to work with you on the challenges that lie
14 ahead.

15 Does anyone have a quick question for Geoff?

16 (No response.)

17 Seeing none, we will thank you and let you
18 move forward with getting back on the road. So thank
19 you so much, Geoff, for joining us.

20 MR. BLACKWELL: Well, thank you. You all have
21 a good day and I wish you the best. Thank you.

22 CHAIRPERSON BERLYN: Great. Thanks so much.

23 MR. MARSHALL: So long, Geoff. Thanks.

24 CHAIRPERSON BERLYN: Moving forward and
25 getting back on our schedule this morning, we are so

1 pleased -- and this actually is a great segue, talking
2 about universal service Lifeline Linkup program. We
3 have with us -- is it "Beth" -- Beth McCarthy. She's
4 with Telecommunications Access Policy Division with the
5 Wireline Competition Bureau. So thank you so much,
6 Beth, for joining us this morning.

7 UPDATE USF LIFELINE LINKUP PROGRAMS,
8 ELIZABETH MCCARTHY, ATTORNEY-ADVISOR, TELECOMMUNICATIONS
9 ACCESS POLICY DIVISION, WIRELINE COMPETITION BUREAU

10 MS. MCCARTHY: Thanks, Debra, for having me.
11 I understand I'm standing between the group and lunch.
12 I think I'm the only thing in the way, so I'll try to be
13 quick.

14 Scott had asked us to come here and speak to
15 your group about the recently released recommended
16 decision that came from the Joint Board. It's so recent
17 that it's pretty much hot off the presses. I don't know
18 if you have had a chance to look at it. But you'll see
19 that your comments were cited throughout the document,
20 and they were very well received by the Commission.
21 It's particularly helpful to have a group of numerous
22 entities representing consumers. So we hear a lot from
23 industry, and I know some of you are with industry, and
24 that's good. But it's good to have such a large group
25 representing such a wide variety of entities.

1 So they were very well received. I'm trying
2 to think where to start. How many of you have had a
3 chance to look at it? I don't know.

4 (A show of hands.)

5 Just a few, okay. So a little background is
6 that in the spring the Commission asked the Joint Board
7 on Universal Service to make recommendations on various
8 aspects of the low income programs. Specifically, the
9 Commission asked the Joint Board to focus on
10 eligibility, verification, and outreach.

11 For some of you that might not know, the Joint
12 Board is comprised of both federal and state
13 commissioners. So there are three FCC commissioners on
14 the Joint Board and four state commissioners and one
15 state consumer advocate. So the states have the higher
16 numbers on the Joint Board when it comes to votes.

17 Commission Clyburn here is the chair of the Joint
18 Board.

19 So those issues were referred in the spring.
20 The Commission asked for a six-month turnaround from the
21 Joint Board, and the Joint Board met the deadline to the
22 date, which was not statutorily required, but the Joint
23 Board wanted to make the deadline and they did.

24 In terms of specific recommendations, with
25 respect to automatic enrollment, which is a process that

1 some states employ, where customers more or less are
2 automatically enrolled in the Lifeline program by virtue
3 of their participation in a qualifying public assistance
4 program, the Joint Board recommended that the Commission
5 continue to encourage automatic enrollment as a best
6 practice. The board didn't go so far as to ask the
7 Commission to mandate it and, based on the comments,
8 while there's a lot of support for automatic enrollment,
9 there is also a recognition of the cost and
10 technological challenges of automatic enrollment.

11 Another mechanism discussed was a database
12 which would serve numerous functions. There would be
13 either a national and-or state and regional databases
14 that would house information about various consumers'
15 eligibility. Several parties, particularly ATT, put
16 forth a very strong proposal for a national database
17 that would help streamline enrollment and also prevent
18 waste, fraud, and abuse, which of course is a concern
19 with all of the programs. We want to stay on top of
20 that.

21 Because of -- similar to automatic enrollment,
22 because of a lot of cost issues, privacy issues,
23 administration issues, the Joint Board did not recommend
24 that the Commission adopt a database, but rather the
25 Joint Board suggested that the Commission seek extensive

1 further comment, because all parties are intrigued. We
2 want to make sure that the right people are getting
3 enrolled and that the wrong people are not getting the
4 support.

5 So that's where the Joint Board left it, that
6 the Commission should seek further detailed extensive
7 comment on a database.

8 With respect to eligibility criteria and
9 verification requirements, the Joint Board recommended
10 that the Commission look further into more uniform
11 eligibility criteria. Right now with respect to
12 eligibility criteria and verification requirements, the
13 way the FCC structures the rules is that if a state has
14 its own lifeline program -- and most states do -- those
15 states are free to set the eligibility criteria and to
16 establish verification requirements. Then states
17 without their own programs, which we call the federal
18 default states, they must follow FCC rules.

19 So for eligibility for Lifeline, for FCC rules
20 you have to either meet the income requirement of at or
21 below 135 percent of federal poverty guidelines -- and I
22 see a lot of nods; you are familiar with that -- or
23 participation in a qualifying public assistance program.

24 There was a lot of comment that parties were
25 seeking more uniformity across the states, as opposed to

1 this patchwork structure we currently have.
2 Particularly carriers that serve multiple states, they
3 would want one system nationwide.

4 Where the Joint Board came out on this is that
5 they're again asking the FCC to seek further comment on
6 this. They're not ready to recommend that we adopt
7 uniform national eligibility criteria, but they're
8 interested enough that we seek more comment. And
9 particularly with respect to the 135 percent of federal
10 poverty guidelines, there's been strong support for
11 raising that to 150 percent of the FPG. I see a lot of
12 nodding. This is because, as most of us know, 135 of
13 FPG is a very low income. It depends on how many people
14 are in the household, but regardless it ends up being
15 very low. A lot of other public assistance programs use
16 150 percent of FPG, which allows a higher percentage of
17 low income consumers to receive the benefit.

18 So there's been significant interest, but the
19 Joint Board didn't go so far as to recommend that the
20 Commission adopt 150, but rather get more comment. I
21 will say that there does seem to be significant interest
22 in that point.

23 With respect to verification requirements, the
24 Joint Board was a little stronger in its recommendation
25 on the verification requirements and did recommend that

1 the Commission adopt uniform nationwide requirements to
2 make things more consistent across the states. What the
3 Joint Board did not do is specify what those should be.

4 There were a lot of comments on whether the Commission
5 should increase the sample size. Right now federal
6 default states are required to sample annually a
7 percentage of their Lifeline customers to check on
8 eligibility. So there's talk about potentially
9 increasing that sample size, maybe changing the
10 frequency of the verification.

11 So there wasn't a specific recommendation on
12 how the Commission change, but rather that the
13 Commission should adopt uniform standards for
14 verification and that the Commission should look into
15 more detail with what those should be.

16 In addition to the issues that were referred
17 to the Joint Board, it was a pretty limited in scope
18 referral and the Joint Board was interested in speaking
19 to more issues than what the Commission referred to the
20 Joint Board. So they added on three additional issues
21 that they put in the recommended decision where they
22 wanted to make sure the Commission heard their viewpoint
23 on these issues.

24 The first was on broadband. The referral
25 order to the Joint Board said that, we want you to

1 factor in how your recommendations might be different if
2 the Commission were to start allowing Lifeline support
3 towards broadband. So the Joint Board went a little
4 beyond that and said that they want to recommend an
5 additional universal service principle. As most of you
6 probably know, there's multiple principles in the Act
7 about what the Commission should use in terms of
8 deciding on universal service decisions. The Joint
9 Board said that, we want the Commission to adopt an
10 additional universal service principle that more or less
11 says that universal service support should be provided
12 to networks that have broadband capabilities. So that's
13 also in the recommended decision.

14 Then two other additional points that the
15 Joint Board raised for the Commission in the recommended
16 decision. One was fund size. There's been a lot of
17 scrutiny on growth in the Lifeline fund. In the past
18 few years the Commission has enabled wireless prepaid
19 carriers to enter this market and so that has increased
20 the fund significantly. The Joint Board noted that it
21 wants the Commission to strongly look at this growth in
22 the fund and make sure that as more participants are
23 receiving Lifeline support, the Joint Board wants to
24 make sure the Commission is aware that we need to have
25 the right safeguards in place so that there aren't

1 ineligible customers receiving the benefit.

2 Then the final issue that the Joint Board
3 raised for the Commission to consider, which is related,
4 is specifically related to this new market of prepaid
5 wireless Lifeline-only ETC. Some of you might have
6 heard of companies like Trackphone providing this
7 service. Another one is Virgin Mobile through their
8 Assurance Wireless.

9 The Joint Board raised various concerns that
10 parties have with the potential for waste, fraud, and
11 abuse with these new entrants and recommends that the
12 Commission think about adopting additional safeguards
13 related to that segment of the industry.

14 So those are the highlights. I'm not giving
15 you everything, but that's the nutshell. Happy to take
16 any questions you might have.

17 CHAIRPERSON BERLYN: That's an excellent,
18 excellent review. Thank you so much, Beth. I could see
19 in there a number of the recommendations that the CAC
20 made. So thank you.

21 I see -- oh, don't forget, anyone who's new to
22 this process, to put your card up. It helps me identify
23 when we have more than one or two questions here.

24 So, Mark, you want to start us off?

25 MR. DeFALCO: Yes, thank you. Mark DeFalco at

1 the Appalachian Regional Commission.

2 I know you're really talking mostly about the
3 low income programs. My question is maybe just a little
4 bit off base, but bear with me. The high cost support
5 and the transition to a ConnectAmerica fund, could you
6 give us your thoughts as to whether the reform or the
7 overhaul can happen without the broadband
8 reclassification as to Title II, or does Congressional
9 action need to occur to enable that to happen?

10 The reason why I'm asking the question is, the
11 Title I-Title II issue has really bogged down right now
12 and can the reform of the USF take place without that
13 being solved first? That's really the question I'm
14 trying to get an answer to.

15 MS. McCARTHY: That's the question I was
16 hoping no one would ask. This is going to sound -- this
17 is not a good answer. It's not what you want to hear.
18 But those issues are being decided at very different
19 levels than at my level. I don't know any more probably
20 than what you all know in terms of reading the press.
21 So I read the trade press and hear what's out there, but
22 I don't have any unique insight into that.

23 So what I'm hearing is that there are various
24 parties that believe we can move forward with certain
25 aspects of reform without that classification. I'm

1 hearing other people say that legally that can't be
2 done. My understanding is that the Chairman's office,
3 the Commissioners, the General Counsel, they're working
4 on that. But there's nothing that I personally can
5 share in terms of my personal opinion. And I was really
6 hoping no one would ask that question. It's the
7 elephant in the room for everyone.

8 MR. DeFALCO: Thank you.

9 MS. McCARTHY: You're welcome.

10 CHAIRPERSON BERLYN: Cheryl.

11 MS. HEPPNER: Thanks. I'm Cheryl Heppner from
12 the Northern Virginia Resource Center for Deaf and Hard
13 of Hearing Persons.

14 My question's a little off the beaten track,
15 but I wonder in your discussion, was there any
16 discussion or a decision about how universal service
17 applies to people with disabilities and the need for
18 accessible phones or telecommunications to be able to
19 benefit from the program?

20 MS. McCARTHY: I want to make sure I
21 understand your question. You're asking was there a
22 discussion about whether there should be particular
23 eligibility for the disabled for the Lifeline program?

24 MS. HEPPNER: Yes. I ask because some things
25 have come to my attention, such as someone in another

1 state from mine -- I'm in Virginia -- said that she was
2 provided phone service by her state and it was a
3 particular phone that was not hearing aid compatible and
4 therefore it was not usable. And there are other forms
5 of access that are necessary also.

6 MS. McCARTHY: I have to say, unfortunately,
7 those issues have not been at the forefront of the
8 Lifeline program in terms of consideration. It hasn't
9 been part of the kind of statutory mandate. We haven't
10 wedded those two issues, the low-income consumer support
11 and disabilities support.

12 That's not to say that it's not possible or
13 that it shouldn't be raised, but it really hasn't been
14 something that's been considered. Normally when the
15 Commission focuses on Lifeline, they really kind of
16 strictly adhere to income requirements or income-based
17 requirements, so for example the fact that one could be
18 eligible based on participation in a program. Those
19 programs typically are tied to income.

20 But I would encourage this group or any other
21 group to raise those issues with the Commission. I
22 think -- and this is just me speaking -- but I think the
23 reason that it hasn't been folded into the Lifeline
24 program is because I think the Commission views very
25 narrowly its authority with respect to the Lifeline

1 program, in that it typically needs to be tied to income
2 only.

3 CHAIRPERSON BERLYN: Well, thank you very
4 much, Beth. We appreciate it. That was a great
5 overview.

6 MS. MCCARTHY: You're welcome, and thank you
7 for having me. I just remembered, I was trying to go
8 very quickly with the highlights of the recommended
9 decision. I also remembered that something you probably
10 would be interested in is we also made -- excuse me --
11 the Joint Board made a recommendation about outreach
12 requirements. I think this should be of interest to
13 most of your members.

14 It used to be, and still is until the
15 Commission adopts this, but ETCs had guidelines. They
16 were suggested guidelines for how they would reach
17 eligible consumers. The Joint Board is recommending
18 that the Commission adopt mandatory requirements, so
19 that the ETCs really have specific requirements to
20 follow. That will enable both the Commission and the
21 states to better monitor and better enforce any
22 violations.

23 So I didn't want to forget to tell you all
24 about that, because I think your comments spoke to
25 outreach and the Joint Board definitely heard you.

1 So thanks very much.

2 CHAIRPERSON BERLYN: Thank you. Excellent.

3 (Applause.)

4 MR. MARSHALL: I guess we are breaking for
5 lunch, ladies and gentlemen, which I'm sure is all good
6 news. And the lunch is here. So 1:00 o'clock, if you
7 could all be back at 1:00 o'clock promptly, we have
8 another video conference presenter on the nuts and bolts
9 of the FCC complaint process from Gettysburg, the person
10 who's in charge of it. So that should be a good
11 presentation.

12 Thank you.

13 (Whereupon, at 12:10 p.m., the meeting was
14 recessed, to reconvene at 1:01 p.m. the same day.)

1 MR. HOLLINGSWORTH: I am Perlesta
2 Hollingsworth. I'm attorney-advisor with the CICB, the
3 Consumer Inquiries and Complaints Division.

4 CHAIRPERSON BERLYN: So Sharon is joining us
5 from Gettysburg and she's the Acting Chief, Consumer
6 Inquiries and Complaints Division. We are going to be
7 talking a little bit more about consumer complaints when
8 we talk about our recommendations for the day. So this
9 is an excellent report and introduction to an important
10 issue for consumers.

11 So thank you so much, Sharon, for joining us.

12 HOW CONSUMER COMPLAINTS ARE HANDLED AT THE FCC,
13 SHARON BOWERS, ACTING CHIEF, CONSUMER INQUIRIES AND
14 COMPLAINTS DIVISION, CGB, (PARTICIPATING BY VIDEO
15 CONFERENCE), AND PERLESTA HOLLINGSWORTH,
16 ATTORNEY-ADVISOR, CICD/CGB

17 MS. BOWERS: You're very welcome. I want to
18 thank Scott for this opportunity to address the Consumer
19 Advisory Committee.

20 As you have indicated, I am Sharon Bowers.
21 I'm Acting Division Chief for Consumer Inquiries and
22 Complaints Division. Perlesta is our Attorney-Advisor.
23 CICD, Consumer Inquiries and Complaints Division, is
24 responsible for the processing and handling of informal
25 complaints. We also handle written inquiries,

1 electronic inquiries, and we also answer our toll-free
2 number, 888-CALLFCC, and our TTY, which is 888-TELLFCC.

3 We are the front line for the agency and we
4 take our responsibility to the agency and the consumer
5 very seriously. Today I've been asked to speak with you
6 about how our informal complaint process works here at
7 the FCC. Approximately 80 percent of our complaints are
8 filed over the web. Very few complaints are filed via
9 postal mail any longer. We also receive complaints
10 through a faxing process called WRITEFAX.

11 An informal consumer complaint is defined as a
12 communication received at CGB's consumer center, either
13 postal, fax, electronic, Internet, telephone, on or
14 behalf of an individual that identifies a particular
15 entity under the FCC's jurisdiction, that alleges harm,
16 injury, and seeks relief.

17 We receive informal complaints on a wide
18 variety of subjects: cable and satellite services,
19 radio and television broadcasting, wireless
20 communications, wireline telecommunications, and the
21 Telephone Consumer Protection Act.

22 When consumers file a complaint with the FCC,
23 the cases are assigned to a CAMS, and that stands for
24 "Consumer Advocacy and Mediation Specialist." The cases
25 are assigned and acted upon within ten days of the

1 complaint filing. Our CAMS review the complaint to
2 determine from the complaint summary the issue the
3 consumer's experiencing. CICD serves and mediates
4 informal common carrier complaints on behalf of
5 consumers with authority outlined under section 208 of
6 the Communication Act as amended.

7 Once the CAMS clearly has enough information
8 to serve the complaint on the carrier, such as the
9 consumer name, address, and a complete complaint
10 summary, and the offending party has been identified, we
11 can serve the complaint on the carrier. We must allow
12 30 days for the carrier to respond to our informal
13 complaint notice.

14 Issues involving safety of life and service
15 outages are handled immediately on the consumer's
16 behalf, and many CAMS are willing to stay longer days,
17 longer hours, to resolve those issues for consumers.

18 The notice that the carrier receives consists
19 of a copy of the complaint filed by the consumer and a
20 letter from the FCC stating that the carrier must
21 address the issues raised in the complaint and provide a
22 copy of that response to the consumer and to the FCC.

23 Many carriers that we serve are enrolled in
24 our electronic processing system. What this means is
25 the complaint is served to the carrier electronically to

1 an identified email address of the carrier's and then
2 they can file their response back to the FCC
3 electronically. In the last month we have added over
4 350 carriers to our electronic process. This process
5 saves time, paper, postage, and assists us in the
6 tracking of outstanding responses.

7 Once the complaint has been served and the
8 response has been received, it is reviewed by the CAMS
9 to determine if all the issues raised by the consumer
10 have been addressed by the carrier. If the carrier has
11 addressed all the issues, the complaint -- addressed to
12 the CAMS' satisfaction, the complaint is then closed and
13 a copy of that closure letter is sent to the consumer.

14

15 From start to finish, the complaint process on
16 average takes about 45 days. While we give the carriers
17 30 days to respond, many of them do not require 30 days.

18 If the consumer is unhappy with the outcome of
19 their informal complaint, the CAMS can try to mediate or
20 advocate on the consumer's behalf. Oftentimes we are
21 able to resolve the issue on the consumer's behalf.

22 CAMS can mediate the following common carrier
23 service categories: billing and rates, quality of
24 service, carrier violations of TCPA under existing
25 operating processes.

1 Carriers that fail to respond to an informal
2 complaint service notice in a timely manner are referred
3 to our Enforcement Bureau for action.

4 Additionally, we also work on a variety of
5 informal consumer complaints regarding wireless
6 broadcast, cable, Internet, non-telecom, satellite,
7 VOIP, and international, where carriers may or may not
8 acknowledge the receipt of the carrier and may submit a
9 written response that does not provide a resolution on
10 the consumer's behalf, and we have very limited
11 jurisdiction in those areas, but we do try to serve as
12 an advocate on the consumer's behalf.

13

14 The consumer can also file a formal complaint.
15 The information that is needed for a formal complaint
16 can be found at 47 CFR Section 1.721 to 1.736. The
17 formal complaints are handled by the Enforcement Bureau,
18 the Markets and Resolution Division.

19 Our complaint data is available on line. Our
20 quarterly report complaint data you can view on our main
21 page of the FCC.

22 Overall, that is our informal complaint
23 process. Perlesta and I welcome questions. If we don't
24 know the answer, we will certainly get you the answer.
25 Is there any questions anyone has?

1 CHAIRPERSON BERLYN: Does anyone have any
2 questions? Questions regarding complaints, complaint
3 process, types of complaints?

4 I saw -- both your hands went up at the same
5 time, so I'll just go around. Lise.

6 MS. HAMLIN: Lise Hamlin. Thank you for that.
7 That was a nice review of the complaint process. Do
8 you have any studies on the types of complaints, on how
9 many complaints you get from different bureaus, that
10 you're looking at overall? Do we see reports coming out
11 from the different bureaus on the kinds of complaints
12 and what you're seeing most of?

13 MS. BOWERS: That's a good question. We do
14 not have those types of reports in place right now, but
15 we can take that suggestion to our Bureau Chief, Joel
16 Gurin. I do believe, though, that the quarterly report
17 is the only report that we provide at this time. But I
18 do believe the Consumer Advisory Committee -- that's a
19 very good suggestion and that might be something we
20 might want to look into.

21 CHAIRPERSON BERLYN: Cheryl. Identify your
22 organization as well.

23 MS. HEPPNER: This is Cheryl Heppner. Not so
24 much a question, but a comment related to closed
25 captioning on television programs. I kind of looked at

1 the number of 45 days to resolve a complaint and I think
2 about all the consumers I've worked with to send forward
3 their complaints, and 45 days seems like forever when it
4 was your program that you really wanted to see last
5 night. The system is just not working for them because
6 you can never get the program back. There's no system
7 that, if they find that captions weren't available or
8 something happened, you can get a copy to watch later or
9 something like that. You're reporting them, but you're
10 not really getting anything satisfying back.

11 MS. BOWERS: I could not hear her.

12 CHAIRPERSON BERLYN: Sharon, she was asking
13 about the length of time allowed in the complaint
14 process when you have a problem with captioning. So
15 you've missed a program in captioning and then there is
16 this long time delay. So she was making a comment about
17 that, you can never get that program back and a
18 significant time passes before resolution.

19 MS. BOWERS: I did not hear the question.
20 Perlesta, can you answer the question?

21 MR. HOLLINGSWORTH: Yes. We understand that
22 concern that 45 days would be -- 2 or 3 days would be
23 too much time. A day would not satisfy someone who is
24 hearing impaired or any other disability who would be
25 unable to view the program or hear the program that they

1 wanted to hear.

2 I've actually never thought about that
3 concern, so it's actually a good recommendation that we
4 could take to Joel to see what types of things or what
5 types of options would the TV programming have in order
6 to satisfy someone or make them whole. I thought that
7 was a good idea. Maybe they could send the program, a
8 copy of the program, to someone. So we would take that
9 recommendation to Joel and then try to come back with
10 you with some suggestions that might satisfy you.

11 CHAIRPERSON BERLYN: Alex, do you have a
12 question?

13 MR. CONSTANTINE: I think sort of --

14 CHAIRPERSON BERLYN: Raise your hand to make
15 sure your mike is on.

16 MR. CONSTANTINE: I think sort of in the same
17 vein.

18 CHAIRPERSON BERLYN: And identify yourself,
19 please.

20 MR. CONSTANTINE: I'm Alex Constantine from
21 Dish Network.

22 It would be nice if there was a way to
23 separate the complaints by urgency, because we'll
24 receive a closed captioning complaint for someone who,
25 for example, is complaining about there are a few words

1 spelled wrong in episodes of something. But that's due
2 in the same amount of time as a complaint where an
3 entire channel is missing captions or has garbled
4 captions. To me that just doesn't make sense.

5 Obviously, I try to solve the more urgent
6 complaint first, but -- I don't know. I just think it
7 would be nice if there was a way to separate complaints
8 by urgency.

9 MS. BOWERS: I appreciate that comment. Susan
10 Kimmel from our Disability Rights Office actually
11 handles the captioning complaints. But I will pass that
12 suggestion along to her from today's meeting.

13 CHAIRPERSON BERLYN: Scott tells me Susan
14 Kimmel is here later, so he reminds me of that. That's
15 good.

16 I'm sorry, I didn't see who was up first. Ann
17 and Lawrence. Ann?

18 MS. BOBECK: Cheryl, we'll certainly take back
19 to our broadcasters a reminder that, even though 45 days
20 is the maximum time for response to complaints,
21 certainly in the informal complaints, on the inquiries
22 they can be responsive immediately with email, within 24
23 hours ideally on the informal basis as well.

24 Just a response to your suggestion that you
25 hand out copies of programming if you don't have

1 captions, sometimes that's easy to do. You can
2 reprogram or re-Tivo it. Sometimes that's sometimes
3 outside either the NBP provider's control or the
4 broadcaster's control, depending on who has the
5 copyright on the individual program. I just note that
6 that's not always a solution that's in the individual --
7 if you get a capability that says, hey, can you send me
8 a copy, sometimes you have to track down who's actually
9 owner of the program. So just in terms of realistic
10 solutions, sometimes it's not, even with the best of
11 intentions, not the easiest thing to do.

12 But we'll relay that back.

13 I would note that, just in the informal
14 surveys that we're starting to do to gear up in response
15 to the November 24th refresh the record on closed
16 captioning, we're not finding that, of the stations that
17 we're surveying, that we're seeing a lot of increase on
18 the formal complaint process, but in the informal
19 complaint process we're seeing a lot of good interaction
20 between the deaf and hard of hearing community and the
21 stations that we surveyed, that even though there hasn't
22 been a big increase in the number of complaints period,
23 those have led to much quicker resolutions, particularly
24 if there have been technical glitches, that they can
25 say, hey, do you know, do you have any idea that your

1 captioning just went off, that those lead to much
2 quicker turn-around than the old way where you would
3 file a form at the FCC, wait for that to get turned
4 around.

5 So I think that's been a very big win-win for
6 both stations, who want to serve all of their consumers,
7 and for the deaf and hard of hearing community. So I
8 think that's where the recommendations of this Advisory
9 Committee led to a direct benefit. So anything that we
10 can do to continue that dialogue I think is a very
11 positive development.

12 CHAIRPERSON BERLYN: Lawrence?

13 MR. DANIELS: Lawrence Daniels, National
14 Association of State Utility Consumer Advocates.

15 Sharon, what mechanisms are in place for the
16 FCC to communicate with states to perhaps coordinate on
17 resolving consumer complaints, particularly state
18 regulators and also consumer advocates, to assist
19 consumers in resolving complaints? In particular, is
20 the FCC aware of which particular states have
21 jurisdiction over wireless complaints? Some do, some
22 don't.

23 MS. BOWERS: I had trouble hearing the end of
24 his question. I did hear "resolving consumer
25 complaints, working more with the states."

1 MR. DANIELS: I can repeat it. What
2 mechanisms are in place here at the FCC --

3 MS. BOWERS: I'm still not hearing him.

4 CHAIRPERSON BERLYN: She's still not hearing
5 him?

6 MS. BOWERS: Now I can.

7 CHAIRPERSON BERLYN: She can hear me, I guess.
8 Try again, Lawrence.

9 MR. BERLYN: Sure. What mechanisms are in
10 place here at the FCC to coordinate with state
11 regulators and state advocates to assist consumers to
12 resolve their complaints. In particular, is the FCC
13 aware of the states' particular jurisdiction as it
14 applies to wireless complaints?

15 MS. BOWERS: I know that our Intergovernmental
16 Affairs Office, headed up by Greg Bodice, has
17 spearheaded meeting with the states. I know they meet
18 once a month with the state attorney general offices,
19 and they also meet with the state public utility
20 commissions. So I think that's the forum that we can
21 use to work together to assist consumers in resolving
22 complaints.

23 Regarding the informal complaint process,
24 there are complaints that we forward to the states
25 regarding local intrastate issues. But we welcome any

1 thoughts or ideas on other types of complaints that we
2 can work together on.

3 CHAIRPERSON BERLYN: Any other questions?
4 Yes, John.

5 MR. COLE: Hi, Sharon. Thank you, Sharon.
6 This is John Cole. I'm with the Hawaii Public Utilities
7 Commission.

8 I know we handle a lot of complaints, mostly
9 with cellular phone service and billing, that we don't
10 have direct jurisdiction over. Our informal process
11 follows along the lines that you described for the FCC,
12 where we notify the carrier of the complaint, and things
13 typically are resolved. Some are not, but for the ones
14 that are I was wondering, does the FCC track that type
15 of thing from other states? I know we put it in our
16 annual reports, but I don't think we report anything
17 directly to the Commission.

18 MS. BOWERS: I would have to check on that for
19 you. I didn't hear the very first part of your question
20 or your name, but I could check on that for you and get
21 back to you as to whether those types of issues are
22 tracked.

23 I know within my division they are not. But
24 there could be something else that is prepared that I'm
25 not aware of.

1 MR. COLE: Okay. I was just wondering if
2 those numbers and statistics might be of value to the
3 FCC, to know what the states are doing to handle some of
4 these informally.

5 MS. BOWERS: I didn't hear the beginning of
6 that question. Perlesta, can you take that question?

7 MR. HOLLINGSWORTH: It was actually a comment.
8 John was saying that that information that he gets from
9 the PUC, Hawaii PUC, would probably be helpful to the
10 FCC. And I agree. I think that if we probably had all
11 50 states giving us that information, we could
12 definitely -- we would definitely be able to utilize it,
13 and we appreciate that.

14 CHAIRPERSON BERLYN: Nixy, do you have any
15 questions on the phone?

16 MS. SANTINI: No, I don't.

17 CHAIRPERSON BERLYN: Okay. Very good.

18 Well, thank you very much to Sharon, and we
19 appreciate your time, both of you, for coming here
20 today. Thank you very much.

21 (Applause.)

22 MS. BOWERS: Thank you.

23 CHAIRPERSON BERLYN: We are now going to move
24 to our recommendations that Lawrence Daniels is going to
25 talk about from our working group, from our Consumer

1 Protection Working Group. So I'm going to turn things
2 over to Lawrence. We have two recommendations that the
3 working group would like to present to the full CAC for
4 consideration today.

5 So, Lawrence, thank you.

6 PILOT COMPLAINT PROJECT AND CHAIRMAN'S CONSUMER
7 EMPOWERMENT AGENDA RECOMMENDATIONS,
8 LAWRENCE DANIELS, CONSUMER PROTECTION WORKING GROUP

9 MR. DANIELS: Yes. Of course, I'm Lawrence
10 Daniels. I'm representing the National Association of
11 State Utility Consumer Advocates.

12 Over the past couple of weeks, the Consumer
13 Protection Working Group has considered two proposals.
14 We've worked up two letters to represent our proposals
15 that we'd like to present today to the full CAC.

16 The first is a --

17 CHAIRPERSON BERLYN: These are in the packet,
18 correct?

19 MR. DANIELS: I believe they're in their
20 packet on the left-hand side. It's two letters. Yes.
21 One of them is addressed to Joel Gurin and the second
22 one is addressed to Chairman Genachowski.

23 The first proposal, the first letter, that's
24 addressed to Mr. Gurin, outlines a proposal that
25 initially came from actually a state commissioner,

1 Commissioner Ann Boyle out of Nebraska, who had proposed
2 a federal-state collaboration to help consumers resolve
3 telecommunications complaints. There was a -- she
4 outlined what it is she thought that could happen. She
5 was actually using her state as a pilot program.
6 They're actually doing that now in Nebraska.

7 What's interesting is that the Nebraska
8 commission doesn't have jurisdiction over certain types
9 of complaints, wireless in particular. But they're
10 still working in collaboration with the FCC to help
11 consumers resolve complaints. She wanted us to explore
12 the possibility of actually creating a formal process,
13 collaboration process.

14 So what the CAC did was consider what she had
15 proposed and then just consider that in light of the
16 overall issue of helping consumers resolve complaints,
17 what kind of collaboration could happen between the two.

18 In the first letter, the one addressed to Joel Gurin,
19 we have four recommendations that we came up with. The
20 first one is to actually formally thank Commissioner
21 Boyle for her recommendation. You heard Commissioner
22 Copps this morning talk about Commissioner Boyle and her
23 efforts to do this.

24 Secondly, we talked about, we recommendation
25 that the FCC initiate additional research needs to be

1 done through either NARUC or some other organization, to
2 determine what the status is with regard to how
3 complaints are actually handled at the state level. We
4 have some subpoints under that you can see in the letter
5 itself.

6
7 The third point is that the FCC needs to
8 create a public-facing list of contacts at the state
9 level, state and federal levels, that consumers could
10 have in front of them, a tangible document that they
11 could consult this particular document to determine
12 which agency, the state agency or the federal agency, is
13 better able to handle their particular
14 telecommunications complaint.

15 The last recommendation that we're putting
16 forth is that the CAC recommend an examination of how
17 the consumer complaint process at the state and federal
18 level could be improved. That's kind of like the
19 question I just asked to our last speaker, actually what
20 type of mechanisms are already in place here at the FCC
21 in terms of communication between the Federal
22 Communications Commission and the state commissions and
23 also the state advocate offices to, first, determine
24 whether or not -- which particular state has
25 jurisdiction over particular types of telecommunications

1 services, and just physically having the contact itself,
2 just knowing the person who's there, their phone number.

3 So these are the four recommendations that we
4 have to support the recommendation of Commissioner Ann
5 Boyle out of Nebraska. We've put this together over the
6 last I believe two weeks, and we definitely want the CAC
7 to review it and we would certainly welcome your
8 comments, recommendations and suggestions.

9 The second letter -- you want to wait?

10 CHAIRPERSON BERLYN: We've got to take one at
11 a time. One at a time, Lawrence.

12 MR. DANIELS: Okay.

13 CHAIRPERSON BERLYN: So now the process is,
14 this is a recommendation that the working group has
15 before the CAC. So we need to see if someone wants to
16 move this forward, make a motion to adopt this
17 recommendation.

18 (Hands raised.)

19 CHAIRPERSON BERLYN: So moved. Second?

20 MS. LEECH: Second.

21 CHAIRPERSON BERLYN: Second. Discussion?

22 (No response.)

23 CHAIRPERSON BERLYN: Anyone want to say
24 anything about it? Claude? Claude?

25 MR. STOUT (through interpreter): Sorry about

1 that. My card has just gone right over the table.

2 Thank you for recognizing me. I don't have
3 any issues with the letter, but it did raise a red flag
4 for me for the CAC as a working group, because the
5 letter states the responsibility of each state, where
6 the jurisdiction lies, who has jurisdiction on this
7 telecommunications or this wireless issue or what the
8 various issues are. And I have to be honest with you:
9 There are some states who are very productive in
10 responding and handling complaints from their consumers.
11 For example, just speaking from the deaf and hard of
12 hearing experience, there are states that are much
13 better at responding to complaints, and there are some
14 states that are not as effective as we would like them
15 to be.

16 With Internet relay services, they're handled
17 at the federal level. It works best for us when it's
18 handled that way, because when it's a national level
19 service then there is consistency and uniformity and
20 everyone across the nation can benefit no matter where
21 they may happen to live across the country.

22 So I would suggest that perhaps there be some
23 tweaking of the language in the letter to the effect of,
24 if the research, as you're suggesting, is being done by
25 NARUC and what their findings and recommendations might

1 be I'd like to be able then to give some feedback before
2 the final letter is produced.

3 So if there could be maybe a two-tier process
4 where there is some research done and then the CAC could
5 have a more robust role to play in formulating the final
6 letter.

7 MR. DANIELS: Well, I think actually the
8 second point of the letter, the second recommendation,
9 is actually to initiate the research. Right now we
10 don't have any, any details on the specifics that you're
11 asking about in terms of the states' jurisdiction over
12 particular services. So I think what we're
13 recommending, the working group recommends to the CAC,
14 is to actually initiate that level of research that
15 you're looking for.

16 You're exactly right, there needs to be some
17 clarity on that. I think that also fits in well with
18 the third recommendation, is that once you have more
19 information, once the research produces more
20 information, that an actual document or perhaps a web
21 site showing consumers which particular agency, federal
22 or state, has the jurisdiction for the particular types
23 of services.

24 So the second and third points actually I
25 think serve your concern, in that, one, the research

1 would be done, and then secondly, the results would be
2 posted.

3 MR. STOUT: This is Claude. My concern is
4 that I don't want your work to be the end product and
5 then -- that your report would be the end product and
6 that it never actually goes through the CAC review
7 again. What I would like is for NARUC to come up with
8 the findings, to do that research and do some
9 recommendation, and then involve us in the process of
10 the research and data-gathering and so forth.

11 I want to make sure that CAC has a voice and a
12 role in reviewing the work before the final, before it
13 becomes finalized.

14 CHAIRPERSON BERLYN: A couple of things. I
15 think that's certainly a good idea, Claude. We have to
16 figure out a way we do that without -- we can certainly
17 make a recommendation that the next Consumer Advisory
18 Committee receive a report on any findings and be
19 apprised of recommendations for a next step, or
20 something like that, or work together with the FCC on
21 recommendations for a next step, something like that,
22 yes.

23 In response to your other point, Claude, which
24 I thought was an excellent one, which is the question
25 of, as part of the research that's initiated, to look at

1 which jurisdiction is best able to handle complaints, I
2 think that's a good point. So I don't know -- I'm just
3 trying ought see if our bullet points cover that
4 question, Lawrence. Do you think that question is
5 covered or do we need to add anything to address that?

6 MR. DANIELS: Actually, I thought the third
7 point would do that. Perhaps we might have to alter it
8 just a bit to make sure your concerns are addressed.

9 To your other point, I think the second
10 recommendation begins that process. I think we would
11 have to add perhaps a sub-bullet to say that before the
12 CAC -- that the CAC needs to review the research
13 conducted by NARUC or other organization before we --

14 CHAIRPERSON BERLYN: I would recommend that we
15 don't specify who conducts the research, because --

16 MR. DANIELS: Research, period.

17 CHAIRPERSON BERLYN: Any research that's
18 conducted. We may discover that that research already
19 exists somewhere, and we don't want to re-invent the
20 wheel. So I would just say that we have an opportunity
21 to review any data that is collected and work with the
22 FCC in consideration of next steps, and make it as
23 general as possible.

24 Why don't we make that a separate bullet
25 before the -- maybe after the third bullet.

1 MR. DANIELS: Okay.

2 MR. MARSHALL: Does anybody want to move that
3 as an amendment?

4 CHAIRPERSON BERLYN: Yes, we need that to be
5 an amendment. Does anyone want to move that language?

6 MS. LEECH: Yes, a friendly amendment.

7 CHAIRPERSON BERLYN: A friendly amendment.

8 MR. STOUT: This is Claude. I so move.

9 CHAIRPERSON BERLYN: Second?

10 (A show of hands.)

11 CHAIRPERSON BERLYN: Thank you. We've got it
12 moved and seconded.

13 Do we have the language, close to the language
14 there? Did someone write it down? I'm good at talking,
15 but not writing.

16 MR. DANIELS: I guess the revised bullet would
17 say that the -- oh, Scott's got it, okay.

18 CHAIRPERSON BERLYN: Let me get you the mike,
19 so you have one and I have one.

20 MR. MARSHALL: We don't have to share any
21 more?

22 The way I understood, and this may not be
23 exactly the words you used, but I think it gets the
24 right sense of it, that the next CAC looks forward to
25 reviewing the research conducted as recommended and also

1 looks forward to working with the Commission concerning
2 next steps.

3 CHAIRPERSON BERLYN: The "CAC" gives us room
4 there. We'll tweak that, but that's the general, yes.

5 MR. DANIELS: Okay.

6 MR. MARSHALL: If you want to give us
7 editorial privilege.

8 CHAIRPERSON BERLYN: So all those who are in
9 favor of that amendment to the recommendation, say aye.

10 MR. MARSHALL: With editorial corrections.

11 CHAIRPERSON BERLYN: With any editorial
12 corrections, okay.

13 MR. MARSHALL: Wordsmithing.

14 (Show of hands.)

15 CHAIRPERSON BERLYN: Any opposed?

16 (No response.)

17 CHAIRPERSON BERLYN: Abstaining?

18 (No response.)

19 CHAIRPERSON BERLYN: We have an amendment.

20 Further discussion?

21 MR. MARSHALL: And that's after bullet 3,
22 right?

23 CHAIRPERSON BERLYN: Right. That'll be
24 between 3 and 4.

25 Further discussion on the recommendation?

1 MR. MARSHALL: Didn't Claude have another
2 point? Or have we covered them all?

3 CHAIRPERSON BERLYN: Are we covered on whether
4 or not -- oh, I'm sorry. Go ahead, Lawrence.

5 MR. DANIELS: I wanted to ask Claude: Was
6 there another amendment concerning the actual document
7 that consumers could review that would tell them which
8 agency, federal or state, would be best able to handle
9 their particular complaint? Or does as it states now
10 the third bullet cover that concern?

11 MR. STOUT: Before that information is
12 disseminated, whether it's a chart or whatever, I'd like
13 that information to come back to the CAC for review. We
14 don't want to create issues down the line because of the
15 lack of review. So before any of that kind of a
16 document would be released in any format, I just would
17 want us to be able to review it.

18 CHAIRPERSON BERLYN: Okay. Good.

19 Any further discussion?

20 (No response.)

21 CHAIRPERSON BERLYN: Hearing none, we'll call
22 the question. All those who are in favor of the
23 recommendation, say aye.

24 (Chorus of ayes.)

25 CHAIRPERSON BERLYN: Opposed?

1 (No response.)

2 CHAIRPERSON BERLYN: Abstaining?

3 (No response.)

4 CHAIRPERSON BERLYN: We have a unanimous
5 recommendation. All right, very good. Thank you all.
6 Thank you, Lawrence.

7 MR. MARSHALL: One down, one more to go.

8 CHAIRPERSON BERLYN: One down, one to go.
9 Okay, Lawrence, you're up again.

10 MR. DANIELS: All right. The second
11 recommendation is also included in your package. It is
12 a letter from the CAC to the Chairman of the FCC
13 commending the Commission for their consumer empowerment
14 agenda. I guess it's a letter just supporting all the
15 efforts that they've taken in his term to support
16 consumer empowerment through a number of things, such as
17 bill shock and a few other things that we've discussed
18 here in the CAC and that are contained in the letter.

19 I'll give you a couple of minutes just to read
20 through the letter, so you can understand exactly what
21 we're commending them for. But it's just a pretty
22 straightforward letter supporting the Chairman and the
23 Commission's efforts to empower consumers.

24 (Pause.)

25 CHAIRPERSON BERLYN: If folks want a moment

1 just to look through it, please.

2 (Pause.)

3 MR. DANIELS: At this time we open the floor
4 for any discussion.

5 (No response.)

6 MR. DANIELS: No discussion so far.

7 CHAIRPERSON BERLYN: We have to move it first.
8 I'm sorry, I was on a sidebar here.

9 So first step, would someone like to move
10 adoption of the recommendation? Lise?

11 MS. HAMLIN: So moved.

12 CHAIRPERSON BERLYN: Second?

13 MS. LEECH: Second.

14 CHAIRPERSON BERLYN: Irene seconds.

15 Discussion?

16 (No response.)

17 CHAIRPERSON BERLYN: Such a quiet group today.

18 Anybody have any questions about this? Are
19 people still reading, digesting?

20 Any edits?

21 (No response.)

22 Well, we don't have to beg, I guess. Hearing
23 none, we'll call the question. All those who are in
24 favor of the recommendation as drafted, indicate by
25 saying aye.

1 (Chorus of ayes.)

2 CHAIRPERSON BERLYN: Any opposed?

3 (No response.)

4 CHAIRPERSON BERLYN: Abstaining?

5 (No response.)

6 CHAIRPERSON BERLYN: We have another unanimous
7 recommendation. This is very exciting for the CAC in
8 its last meeting.

9 Well, thank you all. Not only have we taken
10 care of two items of business, but we've done that in
11 record time, eliminating any problems with our afternoon
12 agenda. We may all get out a little early today.

13 Scott has gone to tell our next presenters to
14 come down a little early. So meanwhile we have a little
15 bit of time. So why don't we -- I don't know if I have
16 a way of finding out from Scott what our timing will be,
17 so I hesitate to start a discussion. So why don't we
18 just hold tight for a couple minutes until we find out
19 from Scott what our schedule's going to look like. We
20 may have our next presenters down shortly.

21 So let's just take another email break here
22 and stay in the room. Thanks.

23 By the way, thank you, Lawrence, for your work
24 on these. We appreciate it.

25 (Recess from 1:42 p.m. to 1:54 p.m.)

1 CHAIRPERSON BERLYN: If we could have everyone
2 get seated, we're at 2:15, about 20 minutes early here
3 on your agenda. This is Susan Kimmel, who's going to
4 give us an update on the Technical Working Group on
5 Digital Closed Captioning Video Description Issues.

6 Susan is the Deputy Chief, Disability Rights
7 Office. Thank you, Susan, for coming down.

8 UPDATE ON TECHNICAL WORKING GROUP IN DIGITAL CLOSED
9 CAPTION AND VIDEO DESCRIPTION ISSUES,
10 SUSAN KIMMEL, DEPUTY CHIEF, DISABILITY RIGHTS OFFICER

11 MS. KIMMEL: Well, thank you so much for
12 inviting me. It's really a privilege to address this
13 entire group. I have met some of you, but most of you I
14 probably do not know. So I'm glad to be here today.

15 I think this group actually authorized the
16 working group, this technical working group.

17 CHAIRPERSON BERLYN: That's right.

18 MR. MARSHALL: We recommended it, yes.

19 CHAIRPERSON BERLYN: Recommended it, right.

20 MS. KIMMEL: A year and a half ago or so.
21 This is a report as to its current status and plans at
22 the moment, which are to conclude as a working group.
23 But this was initiated actually based on some of Acting
24 Commissioner or Chairman Copps' remarks from January 30,
25 2009, when he emphasized the need for the Commission to

1 take a more active role and a leadership role in
2 addressing many of the problems that had surfaced with
3 closed captioning after the DT -- in connection with the
4 DTV transition.

5 Now, in January the DTV transition had not yet
6 taken place and so -- or at least a few stations had
7 gradually been moving over, but not on a wholesale
8 basis. Once it became a national agenda, really many
9 more of these captioning problems did become obvious.

10 So the working group, technical working group,
11 was created in May of 2009 and it consisted of 24
12 members of industry and trade associations and 5 members
13 representing disability organizations. In addition, the
14 working group was supported by staff from the Consumer
15 and Governmental Affairs Bureau and from the FCC's
16 Office of Engineering and Technology, who provided
17 technical support and guidance, but none of the FCC
18 staff served as voting members of the working group.

19 I was privileged to serve as a staff liaison
20 between the FCC and many of the working group members
21 and particularly the subgroups of the larger working
22 group.

23 Now, the technical working group was charged
24 with meeting three major goals: to, first, identify
25 current and anticipated problems with the transmission

1 and display of digital closed captions and video
2 description; secondly, to evaluate the closed captioning
3 and video description capabilities of digital equipment;
4 and third, to develop solutions to ensure that closed
5 captions and video description would be passed intact to
6 consumers.

7 Now, admittedly, with regard to video
8 description, it is not -- it had not been required under
9 the Commission's rules. The rules had been struck down
10 by the courts -- the rules that had been passed in 2002
11 had been struck down by federal courts and so there was
12 no obligation for video programmers to provide video
13 description. Yet several stations were doing so on a
14 voluntary basis.

15 But consumers of those programs were facing
16 some of the same problems that were confronting viewers
17 who used closed captions, in that there were
18 difficulties in accessing the video description and that
19 the user interfaces with the DTV equipment was not
20 accessible to persons with vision disabilities. Similar
21 to closed captioning, many of the technicians and
22 programming distributors and retailers were unable to
23 even address the problems of video description. So
24 even though there were no regulatory obligations, there
25 were still problems with the transmissions that were

1 occurring.

2 Now, the working group at its first meeting
3 divided into five different subgroups in order to
4 address different aspects of the problems associated
5 with closed captioning and video descriptions. Subgroup
6 1 was established to determine the data needed for
7 assessing problems of closed captioning.

8 The second one was collection of lessons
9 learned and unsolved mysteries, which was sort of
10 building a database of one sort. The third group was
11 established -- was entirely to address video description
12 challenges and issues. The fourth was on consumer
13 information and needs, and the fifth was to deal with
14 HDMI and video sources and some of the problems
15 established with some newer technologies and accessory
16 equipment.

17 There were four meetings of the full group,
18 May 18, 2010 -- 2009, I'm sorry. I've got to keep these
19 numbers straight. November 9, 2009; February 19, 2010;
20 and most recently, October 27, 2010. But in between
21 there were numerous phone conferences, particularly of
22 the subgroups, many of which met on a weekly basis by
23 telephone.

24 Overall, the members of the working group
25 brought a good deal of energy and expertise to these

1 problems, and the subgroups devised strategies for
2 addressing their particular areas of concern. However,
3 they confronted many frustrations in making the
4 subgroups operational.

5 With regard to the problems of the data needed
6 for assessing the problems, that group was trying to
7 establish a new database, but then ran into the issues
8 of who would fund it, who would be submitting the data
9 to be entered into the database, would it be private,
10 would it be an FCC issue, and how could it be searchable
11 and protect some of the privacy issues of manufacturers
12 and some of the confidential information it might
13 contain.

14 The problems with the analysis of existing --
15 the unsolved mysteries group actually tried to do an
16 analysis of the bit streams of the actual digital data
17 that associated with a particular captioning problem.
18 So it meant that while someone wasn't receiving a
19 caption, you'd have to capture that bit stream and then
20 analyze the zeroes and ones to see where the glitch lay
21 and what the problem was, which piece of equipment was
22 creating that problem.

23 They did receive several bit stream
24 collections. Several were produced by the FCC and some
25 other members of the working group collected some of

1 these bit streams, but ran into problems with finding
2 funding, because there were very few people who were
3 really qualified to do this kind of bit stream analysis,
4 difficulties in finding consumers who would be watching
5 their captions and then would record the bit stream at
6 the time that the captions had a failure, and also
7 problems of the VPDs, the video programming distributors
8 and manufacturers, to reveal problems with their
9 equipment, something that might subject them to
10 potential liability. So there were problems with
11 that group.

12 The consumer group reached consensus among its
13 members on quite a few areas, but found that they
14 couldn't really get the entire working group to support
15 them into a resolution to move forward with it, because
16 the engineers who were representing their companies on
17 the working group weren't ready to make policy
18 decisions.

19 Yet, despite these problems, I think that
20 overall the working group as a whole really had many
21 successes that really established a forum for people to
22 talk about some of the problems. They learned things
23 from each other and have an ongoing basis for continuing
24 to move forward on addressing some of these problems,
25 some of which were in other fora, and that I will

1 mention as I go along here.

2 But one of the reasons that I think that the
3 whole working group reassessed what its function was
4 and, rather than looking for systemic or global problems
5 with digital captions, it really began to recognize that
6 the problems were much more specific to a particular
7 setup. They were much more individualized and required
8 more individualized solutions. So that the working
9 group's basic premise turned out to really have to be
10 reevaluated.

11 So instead of collecting lots of data to
12 reveal patterns and practices, they began to really do -
13 - what was most successful was to have an evaluation and
14 an analysis of particular closed captioning situations.

15 The two examples that don't go along with this
16 generalization are with the HDMI cables, which if
17 they're not installed properly have a major impact on
18 not being able to get captions, and we have addressed
19 that. The HDMI group was very successful in addressing
20 that. And if you don't have our consumer advisory in
21 your packet, I have copies, additional copies to pass
22 around here.

23 And also some of the converter box problems,
24 or set top boxes, which could not translate between the
25 708 and 608 captions. These are standards. The 608 are

1 analog captions and the 708 are digital captions, and
2 some had to be down-converted using a converter box or
3 some captions were up-converted from old analog
4 television programs into a new digital format. They had
5 to be up-converted into 708.

6 So once some of these were actual equipment
7 problems and when they were recognized, most of the
8 cable or satellite video program distributors replaced
9 the set top boxes that were causing these problems or
10 had software upgrades which allowed captions to pass
11 through the equipment.

12 So those were two sort of systemic or more
13 global problems, whereas the kinds of things that were
14 reported, many of which were more individualized.

15 Now I'd like to review some of the other
16 successes of the working group. For one, one of the
17 video programming distributors -- and this is actually
18 Comcast -- after being a participant here, realized that
19 they needed to provide their viewers with much more
20 detailed information as to how to access closed captions
21 and so revised their web site to provide different
22 configurations, examples of different configurations and
23 how to hook up your equipment in order to get
24 captioning. This has become a model for others in the
25 industry to similarly instruct their viewers as to how

1 to access captions.

2 The video description subgroup also very
3 quickly recognized that one of the problems with the DTV
4 transition presented a problem of tagging the metadata.

5 So it was a question of how the receiver would be able
6 to figure out where in the stream there was the video
7 description or other audio stream and be able to have
8 consumers access that stream.

9 So members of the FCC working group who were
10 part of this subgroup joined with others who were
11 members of the Consumer Electronics Association. CEA
12 has a working group on video description and that group
13 itself has developed a new standard which is currently
14 in review. It's very near completion and they hope to
15 have it voted and accepted by January 2011.

16 So this is one very terrific success story,
17 because the timing is perfect to go along with the 21st
18 Century Telecommunications And Video Access Act, which
19 is going to require video description in certain markets
20 and have it phased in over time. So the fact that there
21 is this new standard available will make that phase-in
22 much more realistic and attainable.

23 Likewise, the HDMI subgroup met quite a number
24 of times and made contact with the HDMI developers and
25 discussed the problems of the current HDMI standard and

1 really was very optimistic in having this revised and
2 updated for future evolution of the HDMI system. This
3 subgroup also contacted and worked with some of the 3D
4 developers, people who are putting 3D on video displays,
5 and recognized the problems in providing captions in a
6 3D environment. So this subgroup actually was very much
7 future-looking in having experts become aware of the
8 needs for captioning and adapting their standards from
9 the get-go to accept captioning.

10 Now, one of the things that changed the
11 perspective on how to address captioning problems really
12 came about through a development of last spring, to
13 February 19, 2010, when the new complaint process for
14 consumers to register complaints with the FCC went into
15 effect. Before this time, consumers were required to
16 submit their complaints about captioning to the video
17 program distributor and try to have it resolved with
18 their video provider before coming to the FCC. But
19 after February 19, consumers could file their complaints
20 directly with the FCC.

21 As a result -- they had a choice, rather.
22 They had a choice of going to their local video, VPD,
23 the video program distributor, or coming to the FCC. We
24 found that many did come directly to the FCC. So as a
25 result, we were acquiring quite a bit of information as

1 to the types of problems consumers were experiencing and
2 could go back to the consumer and to the video program
3 distributor to get more detailed information as to the
4 source of the problem and the nature of the resolution.

5 As a result, Steve Martin, who is an engineer
6 at the FCC's Office of Engineering and Technology, did a
7 very thorough analysis of the complaints that we had
8 received in a one-year period from May 2009 to May 2010.
9 He looked at 107 complaints and that is written up in
10 the report that is included in your packet, which I will
11 discuss in a minute.

12 But the point is that the last meeting, in
13 October 27 this year, the technical working group
14 basically came to the decision that this was a good
15 point at which it should disband as a working group
16 because it had really accomplished pretty much as much
17 as it could in solving the problems that had been -- how
18 we've reassessed what the needs were for solving the
19 problems, and to really take what was learned and apply
20 it to the new advisory committees that have been
21 mandated by the 21st Century Act. So that many of the
22 members who were currently on the working group have
23 submitted their applications to be participants in the
24 advisory committees that are currently being formed.

25 So at this point I would be happy to give you

1 -- walk you through aspects of these two reports. But
2 if anyone has any questions or comments, I'll be happy
3 to address those first.

4 CHAIRPERSON BERLYN: Any questions? Ed?
5 Raise your hand.

6 MR. BARTHOLME: I'm Ed Bartholme, Call for
7 Action.

8 I wanted to make sure that you guys also look
9 at, when you get to an end point and you kind of compile
10 these, whether it's the individual unique instances or
11 it's the bigger picture, that you share that information
12 with the technical staff at broadcast stations. I know
13 that through the DTV transition a lot of our affiliate
14 stations, their engineers and stuff were fielding calls
15 directly from consumers and were willing to walk them
16 through, let's make sure this wire's in the right place
17 and that wire's in the right place. Some of our
18 engineers even went out to people's houses and set up
19 boxes for them, just to ensure that they had the proper
20 setup in place so they could continue to receive that
21 signal.

22 I imagine in a similar way they would be more
23 than willing to help people who are having issues with
24 this type of closed captioning. So I think it's
25 important to get this information out to the broadcast

1 stations, because a lot of times they're the ones who
2 field the calls. Whether it's a Comcast problem or
3 another carrier or whoever, they're going to maybe call
4 Channel 6 or whoever their local channel is that they
5 watch.

6 MS. KIMMEL: Well, thank you, Ed. That brings
7 up two more points that I'd like to make. One is that
8 as part of the new complaint process the FCC has
9 developed a database for consumers to reach their video
10 programming distributor with two different points of
11 contact. One is for immediate problem-solving, like
12 you're watching a show and all of a sudden the captions
13 drop out. There's a phone number that you can call the
14 appropriate provider and tell them that, and it's only
15 if they have someone on staff at that hour, because it
16 could be at a weird time. So it doesn't require it to
17 be manned 24-7, is what I'm trying to say. But it does
18 have a phone number to call to try to correct immediate
19 problems, as well as having a phone number and email
20 address for submitting complaints, which could be more
21 general types of complaints.

22 So there is acknowledged a need to have direct
23 connections to the broadcasters and to the stations.

24 The other point being is that we are still
25 looking into ways to provide some of the solutions that

1 have been found, so that people don't have to re-invent
2 the wheel again and again and again, because in the
3 report that I'm going to briefly summarize there is a
4 table which has been very highly redacted at the end,
5 and it just says "Broadcaster" and then it tells that a
6 transcoder, without naming the manufacturer of the piece
7 of equipment, needed to be upgraded or change the
8 software or reset in some way or another.

9 So we are still looking to how best to share
10 some of this information in a confidential manner. But
11 that's an ongoing part of what we will do with the data
12 that we are acquiring through the complaint process.

13 CHAIRPERSON BERLYN: Claude?

14 MR. STOUT (through Interpreter): I want to
15 thank you so much -- I want to thank you so much for
16 that great summary of that data.

17 CHAIRPERSON BERLYN: We don't have the mike
18 yet. Try again.

19 (Pause.)

20 Try it one more time, and if that doesn't work
21 come to the table.

22 (Pause.)

23 MR. STOUT: Sorry about that.

24 Susan, I just wanted to thank you so much for
25 that summary, and I look forward to those

1 recommendations. They've given us some great ideas
2 about the various captioning problems that you might
3 have seen during the year. It's just some wonderful
4 information that I've already seen in this report.

5 I wanted us to take a look at page 7, because
6 there is an area here that actually bothers me,
7 identifying the causes of captioning complaints. It
8 shows here that 29 percent couldn't identify what
9 started or caused the captioning problem. I have to say
10 that's a fairly large percentage, which eventually tells
11 me that for every ten complaints you get the VPDs and
12 the FCC cannot come to any agreement about what caused
13 the problem. We've gotten no concrete conclusions.

14 Is that right? Am I interpreting that data
15 right on that page?

16 MS. KIMMEL: Yes. You're looking at page 7?
17 Yes.

18 MR. STOUT: Correct.

19 MS. KIMMEL: That is correct, in that at this
20 point there were some -- some of the problems they could
21 not determine exactly or we did not -- we were not given
22 a reason as to why the captioning had not been
23 transmitted appropriately. However, if you'll look at
24 page 10, you'll see that it shows that 61 percent were
25 resolved and that they found a solution, and others were

1 partially resolved or under evaluation or no resolution
2 was needed.

3 So the outcome -- some, they may not have
4 known what the source of the problem was, but they could
5 solve the problem anyway, is what I'm trying to say.
6 Sometimes it was a matter of -- well, I guess if they
7 rebooted the equipment, that would be in a sense finding
8 the source of the problem. But you know, it's like when
9 you turn your computer off and you turn it on again, you
10 don't know quite what it did, but now all of a sudden
11 something works that hadn't worked before.

12 So some of them were things where they
13 couldn't analyze and evaluate exactly what went wrong,
14 but they could still find a solution and get the
15 captions to be transmitted. I don't have an exact
16 number or what percentage that might have been.

17 MR. STOUT: I want to follow up on that and
18 make a comment, or actually it's more of an observation,
19 and some ideas for all of us to think about, not only in
20 the government but in industry, that the National
21 Association of Broadcasters might be able to bring to
22 the FCC. I think later we're going to be able to see
23 this percentage reduce, and I'd like to see the number
24 of complaints reduced, because I know that all of our
25 consumers enjoy listening to the audio of their

1 television programs and they don't have to put in any
2 extra effort in order to do that. I would like to see
3 an equivalence for all those who use captions to enjoy
4 their television programs, so that we can have that same
5 passive, enjoyable experience.

6 We've seen the history of the industry coming
7 up with standards. We want to see that not only on the
8 network end, but on the equipment manufacturer end, on
9 the television producer's end, and find a way that all
10 of those different industries can liaise together to
11 make sure that end to end we're providing a quality
12 service for consumers who have a television set-up in
13 their home, so that we're not causing additional stress
14 for these, for these consumers.

15 We need to really address this with a sense of
16 urgency. I want to emphasize, I don't have -- you don't
17 have a problem with their audio quality, but we have a
18 problem with our captioning quality. And I want to make
19 sure that I can get your help and your buy-in to make
20 sure that over time we're going to see a reduction in
21 the number of captioning errors and the number of
22 complaints.

23 Thank you.

24 MS. KIMMEL: Well, thank you, Claude. I think
25 at this point we were still hoping to get more

1 complaints in so that we can actually see the whole
2 spectrum, the whole range of problems, and actually have
3 a better database of solutions to these. So at the
4 moment we're encouraged by the fact that we've made it
5 easier for people to file their complaints and we've
6 actually pushed the VPDs to really look into solving
7 each of the problems. We've had back and forth
8 communication with them until a resolution is found.

9 The other point I wanted to make is that, if
10 you'll notice -- well, on page 6, you'll see that the
11 largest number, the largest problem, was that there were
12 no captions at all, 57 percent. Then the next largest
13 section was garbled or missing words and characters, in
14 other words problems in actually reading the captions or
15 being delayed, that they weren't -- that's a slightly
16 different problem. Flashing or brief was at 6 percent.

17 The point that I was going to make is that we
18 have released a public notice to refresh the record on a
19 rulemaking that will involve caption quality. So the
20 FCC is aware that there is a need for stricter
21 regulation to control the quality of captions that are
22 transmitted. So once we finally get the captions
23 through, they have to be legible, readable, enjoyable,
24 make sense, so that people who are watching the shows
25 can, as you say, passively enjoy it, and not have to

1 work so hard to get the captions and the meaning of the
2 show.

3 So there is a new rulemaking. There is also -
4 - one of the results, even from the interactions with
5 the VPDs as a result of this study, is that many of the
6 programmers were installing new monitoring devices,
7 because they really recognize that if their sound went
8 off on a television show, within a few minutes their
9 phones would be ringing off the hook. They'd have to
10 get the sound back up, or if the picture went out or
11 something. The caption goes out, they might not know
12 about it for several hours, or even days.

13 So even though our rules do require
14 monitoring, I think there's been lax application of that
15 by the VPDs, and I think that having a more rigorous
16 complaint process has made some of the VPDs more aware
17 that they need to upgrade the level of monitoring that
18 they had in place in the past. Some have automated the
19 monitoring in a variety of different ways, and I think
20 particularly once there are new regulations for upgraded
21 standards in terms of caption quality that even more
22 monitoring will be put in place in order to comply with
23 those increased level of regulations. That's at least
24 our hope and intent behind some of this.

25 CHAIRPERSON BERLYN: Does someone else have a

1 question? Chris?

2 MR. SOUKUP: Chris Soukup, Communications
3 Service for the Deaf.

4 I'd be interested to know from an engineering
5 perspective if there was any dialogue about the impact
6 of Internet-based programming with the 21st Century
7 Communications and Video Accessibility Act coming into
8 the forefront. From an engineering perspective, does
9 that further complicate the challenges of trying to
10 create a standard level of service from a captioning
11 perspective as you start to look at consumer premise
12 equipment becoming increasingly diverse, mobile devices,
13 having to try to accommodate all the different ways that
14 consumers are accessing information now and the
15 different programming methodology that's bound to be
16 inherent in those different channel streams?

17 MS. PELTZ STRAUSS: You raise a really good
18 point, Chris. In fact, that's one of the reasons that
19 we want to complete this rulemaking, because this
20 rulemaking has been open since 2005. It's actually a
21 rulemaking that was started with a petition from various
22 consumer organizations. The reason that we had the
23 refresh in 2005 is a long time ago. Tons of things have
24 happened since then.

25 For example, when the rulemaking was started I

1 don't think there was any such monitoring equipment, not
2 that I'm aware of, that could potentially alert entities
3 that captions were going down. We had only analog TV.
4 Talk about a change. Speech recognition or speech-to-
5 text technologies, rather, were really still in their
6 infancy, or I guess they were getting more mature. But
7 they're much more mature now than they were, and they're
8 actually being used, we've learned, by a lot of
9 captioning agencies.

10 But as we've moved captions over to the
11 Internet and as we move captioning as a service to all
12 kinds of devices, it's important to have a base line
13 level of standards or quality. So that's one of the
14 reasons we felt that as we proceed with implementation
15 of the Act we kind of need to get our ducks in a row for
16 the provision of this service as it exists on
17 television, because it is those captions that are then
18 going to be moved to the Internet and available on all
19 the different devices.

20 So if there are problems with the quality, we
21 need to figure out where the source of the problems are.

22 Right now we're trying to deal with this source. There
23 will probably be source problems as we move to different
24 devices. It just is inevitable. But if we can isolate
25 where the problems are by at least clearing up the

1 quality problems at the content level, it'll make our
2 job all the more easy.

3 Of course, as I mentioned earlier, the
4 advisory committee is going to be tasked, one of the
5 advisory committees will be tasked, with developing the
6 appropriate protocols and guidelines and us with the
7 rules for the Internet-based standards.

8 Fortunately, there has been a tremendous
9 amount of work already done on this as far as the
10 Internet goes by the Society of Motion Picture and
11 Television Engineers. They are already virtually at
12 completion of a Internet-based standard. So, knowing
13 that this was coming, they actually started working on
14 this like two years ago.

15 But there's still a lot of work that still
16 needs to be done for all the different mobile devices.
17 So it's a good question. Thank you.

18 CHAIRPERSON BERLYN: Well, I want to thank you
19 so much for coming and giving such a comprehensive
20 report here. CAC, you have the report, the information,
21 in your packet.

22 MR. MARSHALL: And electronically as well.

23 CHAIRPERSON BERLYN: And electronically as
24 well, Scott tells me.

25 So thank you so much for coming by and giving

1 us this report. We appreciate it very much. Thank you.

2 MS. KIMMEL: I was just going to say, there
3 are additional copies of this.

4 CHAIRPERSON BERLYN: And additional copies.
5 Do you want to leave those with us? Okay, great. Thank
6 you so much.

7 (Applause.)

8 MS. PELTZ STRAUSS: I also want to thank Susan
9 for all her work in leading the DTV working group.
10 Thank you.

11 CHAIRPERSON BERLYN: Thank you very much.

12 MS. KIMMEL: Thank you.

13 (Applause.)

14 CHAIRPERSON BERLYN: Well, we got right back
15 on schedule, group. I don't know how we do that. We're
16 early, we're late, we're early, we're late.

17 Perfect timing. Haley Van Dyck with the
18 fcc.gov redesign, New Media Team, is going to show us
19 what's up with the latest. So thank you, Haley.

20 UPDATE ON FCC.GOV REDESIGN

21 HALEY VAN DYCK, NEW MEDIA TEAM

22 MS. VAN DYCK: We'll go up to the podium
23 probably.

24 (Pause.)

25 How are you guys doing? Hi. I'm Haley Van

1 Dyck and this is my colleague Dan McSwain. We are a
2 small part of the New Media Team here at the FCC. I
3 just wanted to thank you guys for welcoming us back.
4 This is the third time we've had the opportunity to
5 speak with you guys. The first time was right when we
6 got in the door, kind of a meet and greet and tell you
7 what we were about. Then we came back and spoke again
8 about some of the work we've been doing integrating new
9 media into the agency's work flow, particularly around
10 broadband.gov and the National Broadband Plan and
11 OpenInternet.gov.

12 Now we're very excited to be here today to
13 talk to you about the project that pretty much brought
14 most of us in the door here, which is redesigning
15 fcc.gov. We've made a lot of progress on the redesign
16 and we're very excited to give you guys an update on it.

17 We recognize this committee as an incredibly invaluable
18 resource in this redesign.

19 One of our primary goals is to make it a
20 consumer-focused web site and we recognize the wealth of
21 information that's in this room right now, being both
22 experts in consumer interest and in contents and how we
23 can maximize that at fcc.gov. So we're really grateful
24 for the time with you guys to talk about some of the
25 ideas that we're working on, make sure we're on the

1 right track, get in alignment, and be very collaborative
2 about this redesign.

3 We really, really do want feedback from you
4 guys and want to make this as iterative and
5 collaborative a process as we can. So we've set up a
6 bunch of ways to encourage collaboration on line, which
7 we'll share with you guys before we end this
8 presentation, and have also left a lot of time for
9 comments at the end.

10 But before we get there, Dan's going to give a
11 little bit of a setup with where we are today, some of
12 the analytics on our current site, and then we'll move
13 into kind of where we are and get some feedback from you
14 guys.

15 (Slide.)

16 On the board there you'll see fcc.gov in all
17 of its current glory. If you haven't checked the web
18 site in the last ten years or so, it still looks the
19 same, so you haven't missed very much.

20 My name is Dan McSwain. Thanks, Haley, for
21 the introduction, and thanks again to everyone here for
22 your support and for your insight into this process.

23 Like Haley said, our primary goal is making
24 this a consumer-focused web site. For those of you who
25 have visited the site in the last ten years, you know

1 that it is really not that in any way. Just to break
2 down some of the problems into hard numbers, there are
3 over 250 links on the fcc.gov home page on any given
4 day. Within two clicks off the home page, you can reach
5 40,000 different pages.

6 One of the first things I did when I got in
7 the door here was to set up a more thorough and
8 comprehensive analytics program. That analytics program
9 has made us certain about a lot of our guesses about the
10 way users interact with our site, and we know now that
11 over 65 percent of our visitors spend less than ten
12 seconds on fcc.gov before they navigate away.

13 What we knew before anecdotally we now know
14 empirically and analytically, and that is that the
15 consumer audience has been horribly neglected. One of
16 the main barriers to creating a decent consumer
17 experience for us was just bad search across the board,
18 bad search engine optimization within the major search
19 engines, bad experience with the internal search engine
20 on fcc.gov, even though it's using one of the industry-
21 leading search appliances. Both of those things combine
22 to a horrible search experience and a bad consumer
23 experience.

24 All of those things in sum have earned us the
25 much-deserved title, the worst web site in the federal

1 government. Just the other day, someone asked us if we
2 could pinpoint the location and show who exactly used
3 that title for us. It's hard to do because it comes
4 from like ten different places.

5 (Slide.)

6 But basically, at the end of the day we know
7 where we are, both anecdotally from hearing stories
8 around outside the building, but now also empirically
9 and analytically. It's given us a very good base to
10 build off of. We know exactly the things that we need
11 to improve to really make this an outstanding consumer
12 resource.

13 With that, I'll turn it back over.

14 MS. VAN DYCK: We are very lucky as the New
15 Media Department to be able to think more broadly about
16 how we can re-imagine not only fcc.gov, but dot-govs for
17 the rest of the government community as well. Our
18 interpretation of that in specific -- excuse me -- in
19 reference to fcc.gov is based on three main objectives
20 that we have for the web site.

21 As we've said, the first one is a consumer-
22 centric redesign. We understand as this agency one of
23 our primary goals is to be a consumer resource. Right
24 now that's not reflected on fcc.gov, as you all know.
25 So that's our primary thing to turn around with the web

1 site redesign.

2 The second is a rebranding. We definitely
3 suffer at this agency from a lack of understanding in
4 the eyes of many consumers as to how FCC can help
5 consumers, despite the fact that at any given moment
6 most consumers are carrying at least two, if not three,
7 FCC logos somewhere in their pockets or in their
8 backpacks, with laptops and cellphones and what-not.

9 So we want to accomplish a rebranding with the
10 redesign as well, that's consistent across the agency,
11 and reclaim FCC as an expert technology agency.

12 The third main goal that we have with the
13 redesign is to also change, fundamentally change the way
14 that citizens engage with their government. There's a
15 lot of opportunities to do that with this web site
16 through how we treat comments, how we treat complaints,
17 and generally how we reach out through communications to
18 citizens.

19 You've gotten to see some of the ways we are
20 conceptualizing these changes through broadband.gov and
21 the blog and openinternet.gov and reboot.fcc.gov, and
22 now we're excited to turn that over into fcc.gov.

23 There's a couple ways that we're going to do
24 that, how we're going to get there, and Dan's going to
25 talk about consumers, first of all.

1 MR. McSWAIN: We want the redesign to be
2 driven by user stories. User stories cover a pretty
3 wide range of what consumers come to fcc.gov to do. As
4 I laid out earlier, even with in-depth analytics and
5 really knowing a lot about current behaviors, we
6 understand that that is just what users in a bad web
7 site environment do. We tried to imagine what users in
8 a really great web site environment would be led to do.

9 So we took a lot of steps. We met with
10 consumer groups inside the building, a lot of people
11 with in-depth knowledge of the consumers that the FCC
12 serves, and then combining that with analytics on
13 search, search key words that drove people to the site,
14 and also search key words that people were entering on
15 site.

16 We built a list of consumer profiles and these
17 profiles really have steered our process of not just
18 coming up with new content for the site, but also making
19 an overarching information architecture to build the web
20 site on top of. So these consumer profiles that I've
21 listed here, we've given each profile a name, a proper
22 name, and sort of a really brief description as to who
23 they are. We have a dissatisfied customer. We have
24 sort of a general consumer electronics shopper. We have
25 our Aunt Sally, who's a late adopter. We have Anita, a

1 parent who's interested in programming for her children.

2 We have Jason, the gadget geek. Actually, an enormous
3 amount of the traffic that comes to fcc.gov now is from
4 sites like NGadget and Gizmodo that come and search
5 through our technical filings and then turn that around
6 into content that's popular for them.

7 We have Jamie, who's a small business owner,
8 and the Colin, who shows up at our site because he
9 received an email from an advocacy group pushing him to
10 come and learn more about an issue at fcc.gov and
11 possibly turn that into some kind of an action.

12 So by basing the redesign on user stories, we
13 think that we have a very concrete understanding of what
14 consumers would come to the site to want to do, and
15 we're going to try to fulfil those user stories, like I
16 said, not just from a content standpoint, but from also
17 a basic information architecture and navigational
18 standpoint.

19 (Slide.)

20 So from there, Haley will tell you what those
21 user stories have been turned into.

22 MS. VAN DYCK: Some of you received an email,
23 I believe, with a link to the wireframes in it. So I
24 wanted to just take a second and actually walk through
25 those with everybody and show you how we're thinking

1 about this in translation to the wireframes.

2 So I'm actually going to pull this over so you
3 can do the clickable versions here. It might be a
4 little bit easier to see from this computer, I think.

5 (Slide.)

6 Wireframes are an incredibly -- this is still
7 a little difficult to see and I apologize about that.
8 But you guys have the URL and we'll give it to you
9 again. It's on the next slide. If you have computers
10 in front of you and want to pull it up, you can find it
11 at fcc.metrostarsystems.com/openredesign. We'll throw
12 that up on the projector here again, but it's
13 fcc.metrostarsystems.com/openredesign. And those will
14 be live for you to take a look at later as well.

15 But the purpose of wireframing in the redesign
16 is it's kind of like sketches on a napkin. It's to give
17 you an idea of what buckets of information you want to
18 have on the pages. This is completely agnostic of
19 design. It's simply to work on the information
20 architecture and how we're laying out information in
21 terms of structure, not in terms of design.

22 So as you look at the wireframe, one of the
23 main things I want to point out is how we're carving out
24 or how we're treating consumer information. You'll
25 notice, rather than there being a consumer center or a

1 consumer section of the site, one of our main goals was
2 to make the entire web site the consumer section, rather
3 than pushing it off into one corner, really making sure
4 that we integrated the consumer resource into all
5 corners of the site.

6 Another goal of ours that you'll see here is
7 making the dot-gov content easy to access and as open to
8 the public as possible. Here at the FCC a lot of the
9 content that we produce is based on the org chart of the
10 FCC. So specific reports come from the International
11 Bureau or the Enforcement Bureau, and the only way that
12 you can really find them is based off of knowing what
13 bureau the content was produced by.

14 So here you'll see, as you take a look at the
15 nav bar, a movement away from the bureaucratic silo-ing
16 of content and actually mapping it to what consumers
17 would be looking for, coming to the site without a prior
18 understanding of the org chart.

19 Another key accomplishment of this is creating
20 one voice for the agency. In the nav bar you'll see a
21 section for the FCC for policy and initiatives,
22 technology and business and legal, rather than all the
23 information being tucked under a specific bureau heading
24 or what-not.

25 Our main goal with the baking consumer content

1 into the site as well comes in prioritizing the use of
2 plain language and easy-to-understand content in this
3 large above-the-fold space, so we can really, really
4 make sure that we're connecting with people who might
5 not have a telecommunications degree or background,
6 without obscuring the ability to drill down into
7 specifics and provide experts with all the information
8 that they would want and need, and prioritizing plain
9 language is one of the main ways we're going to do that
10 on the site.

11 (Slide.)

12 MR. McSWAIN: Moving down below the folds, we
13 understand and we have learned really well, we think, in
14 this redesign process that one of the main values that
15 we can deliver to consumers is to give them the
16 information that they're seeking for when they come to
17 the web site, but then also present other fcc.gov
18 content in a way that makes it easy to discover and easy
19 to explore. That kind of discoverability isn't really
20 that prevalent in dot-gov web sites up to now, I'm sure
21 you all will agree. So we're really trying to encourage
22 learning and discovery in the new format.

23 The way that we're doing that is we've built
24 sort of a related topics browser, and that breaks down -
25 - let's say there's about 165 current fact sheets in the

1 consumer section of fcc.gov. We're making all of those
2 fact and tip sheets discoverable within the same
3 environment, so users don't come to the web site looking
4 for one item and then decide that they want to leave,
5 but they're actually pulled in through a very native and
6 intuitive design to stick around and learn more about
7 related topics.

8 The goal of dot-govs traditionally has been
9 give a person who's searching for a piece of information
10 the quickest path to that information and then let them
11 leave your site. We think that we can actually deliver
12 a better experience by providing that, but then showing
13 them other ways that we can inform and educate consumers
14 through the rest of the content that we already have on
15 the site. The way that we accomplish that is through
16 this kind of navigation that really emphasizes the value
17 of discoverability and exploring within the site.

18 The other way that we really accomplish that
19 is by baking consumer content into all parts of the
20 site. Like Haley talked about breaking down these
21 bureaucratic silos, there's information in the
22 Engineering and Technology Bureau that's very relevant
23 to consumers. There is information in the International
24 Bureau that's very relevant to consumers. By breaking
25 down those silos and making this content discoverable,

1 we really help visitors connect the dots within the
2 agency and we really de-mystify a lot of the bureaucracy
3 that goes on in this building and make it understandable
4 and intuitive.

5 Then finally, to my earlier point about really
6 horrible search, we're turning that around and
7 delivering really great search.

8 So we're experimenting right now with fine-
9 tuning an open source search engine, moving away from
10 what the industry leader in internal search has been for
11 a number of years and going with a solution that a lot
12 of the major industries have adopted in the last year or
13 two that allows really fine-grain customization from our
14 end about what a user search experience ends up being.

15 So we have -- there's a really low bar for
16 internal search as is. If you look at surveys and
17 research on the topic, most users don't trust internal
18 search on any web site. So we're not just creating a
19 better-optimized experience for landing on content in
20 fcc.gov, but once you get to fcc.gov and you want to
21 search around internally to our site, we're really
22 trying to make that experience surprisingly good.

23 We know there's a very low bar, but we think
24 that the new experience will set a very high bar for
25 dot-govs and really for all commercial sites. That's

1 part of what we talk about when we say trying to run a
2 dot-gov like a dot-com.

3 (Slide.)

4 MS. VAN DYCK: To our third goal of engagement
5 and being able to enable consumers to easily interact
6 with the FCC, easily get engaged with us on line, we've
7 done a lot of fun work in that space actually through
8 broadband.gov, making, for example, blog comments part
9 of the public record of the National Broadband Plan,
10 which was incredibly -- very widely received, and was a
11 big step forward in taking -- harnessing the power of
12 the Internet and actually incorporating it into the
13 agency's work flow, and increasing the diversity of
14 voices inside the agency's rulemaking from outside the
15 Beltway.

16 So we want to take that and work on the FCC's
17 rulemaking at large as a whole, rather than just in the
18 National Broadband Plan. A very important element of
19 that is de-mystifying the rulemaking process, which
20 right now is, as a consumer, sometimes difficult to
21 learn about, difficult to understand, and even more
22 difficult to figure out how to get engaged with.

23 So on the home page in the wireframe, you will
24 see the beginning of /rulemaking, where it will be one -
25 - coalesce in one spot, where you can actually find all

1 of the open proceedings at the FCC, with a quick and
2 easy ability to comment directly from the home page
3 directly on those proceedings, making it easier to not
4 only understand in simple language a quick -- a consumer
5 summary, rather than an executive summary of these
6 proceedings, but also file a comment right there,
7 without having to know how to navigate ECFS or other
8 systems that might be not as intuitive for consumers who
9 are unfamiliar with the process, but still have a very
10 valid opinion and want to share great ideas on the
11 issues before the Commission. (Slide.)

12 I also wanted to pull up quickly here a sample
13 search results page, which gets back at a lot of the
14 ideas of how we can make this easier to access from many
15 points on the site. So on the search results page,
16 we're aiming for that discoverability factor that Dan
17 was talking about and enabling consumers who are
18 interested in, for example, figuring out how to lower
19 their phone bill, who search for bill shock internally,
20 to be able to see the PNs, the NOIs, the NPRMs, the
21 legal actions, on bill shock and actually be able to
22 share their stories and share their comments.

23 So you start to see that through the related
24 topics in the sidebar here, which is a great way to
25 allow people to drill down based off of their interests

1 and expose more of our content and make it more
2 discoverable based off of things that people are already
3 looking for that might be relevant as well.

4 So I think we're actually almost running out
5 of time. So I did want to give some time for people to
6 ask questions and comments about the direction that
7 we're taking this and suggest things that we might not
8 have touched on here, questions, ideas, anything along
9 those lines.

10 Before we get into that, though, my email
11 address is Haley, H-a-l-e-y, .VanDyck, V-a-n-D-y-c-k,
12 @fcc.gov. Dan is Dan.McSwain, M-c-S-w-a-i-n, @fcc.gov.
13 Feel free to email us at any time with comments or
14 suggestions after this discussion as well.

15 CHAIRPERSON BERLYN: Thank you very much,
16 Haley. This has been great.

17 I have a quick question on that page that you
18 have there. There was an option for "Take Action" and
19 "I Would Like To." I'm just wondering what the drop-
20 down options were and what that's geared toward.

21 MS. VAN DYCK: Thank you for bringing that up.
22 I blew over that talking point.

23 So "Take Action" has actually evolved a little
24 bit further from where it is on the page here. It's
25 something that we're hoping to work into every single

1 page, almost along the top nav bar, to make it easy for
2 consumers to take the most popular actions, which would
3 be file a comment, file a complaint, send us feedback,
4 and then get support, which is currently "get support"
5 is the only one there that doesn't exist now on the web
6 site.

7 But we're working very closely with CGB to
8 develop kind of consumer resources, put that browsing,
9 the topic browser that Dan was talking about, on top of
10 the fact sheets and the tip sheets, to really enable
11 consumers to be able to come in and ask for help with
12 something and us direct them as quickly as possible to
13 what they need.

14 Our goal is to, like I said, put that on every
15 page of the site. So you'll see that element in the top
16 nav space.

17 CHAIRPERSON BERLYN: Thanks.

18 MR. DANIELS: What was the web site again that
19 you had, metrostarsystem?

20 MS. VAN DYCK: It's fcc.metrostarsystems.com/
21 [openredesign](http://openredesign.com/).

22 MR. McSWAIN: You can also find a link to
23 those wireframes in the reboot blog. About a week and a
24 half ago, a blog went out from the Managing Director,
25 Steven Van Rokel, where he publicly released the link to

1 these wireframes. So we've been ingesting comments
2 through the blog and also through our participatory
3 platform on line. We've already gotten some great
4 feedback from that.

5 We also sent it out to a lot of the tech-
6 focused press and we've gotten some good feedback from
7 them as well. So we would definitely love to hear your
8 thoughts and feedback on that.

9 MR. DeFALCO: When do you plan going live?

10 MS. VAN DYCK: As soon as possible. We're
11 sprinting for an early launch, next year.

12 CHAIRPERSON BERLYN: Irene.

13 MS. LEECH: I want to compliment you on this.
14 I think it will definitely be an improvement for
15 consumers.

16 There are a couple of the students from
17 Virginia Tech here with me who might off-line share with
18 you some other, but I know that what a lot of my
19 students do when I try to get them to do research is
20 going and type in the thing, and you were describing it.

21 But I'd really like for them to get access to
22 proceedings and some of the depth and so forth. I
23 really struggle as they work on their research papers to
24 get them to find it all.

25 I think the tool you've got's going to help

1 and I encourage you to keep doing that, and maybe
2 they'll have some suggestions, or some others back home.

3 But I think you're moving in a good direction, not just
4 for the average consumer, but also for people who are
5 trying to learn and learn about the process, because it
6 is confusing, figuring out NOIs and this, that, and the
7 other, that don't really make any sense to the average
8 person.

9 So good job.

10 MR. McSWAIN: Thank you very much. When we
11 were building these consumer profiles that I listed out
12 earlier, imagining what people in an educational
13 environment would come and try to do is one of the
14 things that we've also considered. We kind of struggled
15 with, are they consumers, are they a different category.

16 But we've kind of taken a very expansive definition of
17 what a consumer is or could be, and so that use case is
18 something we're considering.

19 I'll also say, to that point, in the next few
20 weeks before we launch, we're also going to do some
21 pretty rigorous human user testing, bringing people in,
22 videotaping the way that they interact with the site,
23 using screen recorders to understand where people go,
24 and try to figure out where the stumbling blocks still
25 are. So we're trying to make sure we get all of those

1 boxes checked off, and educational is one of them.

2 CHAIRPERSON BERLYN: That just reminded me of
3 something, when you talked about your consumer profiles.
4 I was thinking of an additional category and that's the
5 confused consumer, which may cross many of those other
6 profiles. But I think that's a lot of consumers out
7 there that are confused about a number of things.

8 Cheryl?

9 MS. HEPPNER: I'm Cheryl Heppner. I took the
10 time on Saturday to explore the link that you sent, and
11 I just love the things that you've come up with. It's
12 wonderful.

13 I sent you an email, hoping it will get to you
14 eventually, and I listed some of the things I liked.
15 But I was sitting here thinking a little bit ago that
16 something I didn't think to mention which could be
17 widely popular with consumers, but probably wouldn't be
18 appropriate and maybe other people would dislike it,
19 would be forms that you could autofill. You know, you
20 put your name and your address in one time and then you
21 never have to do it again. You can come back and all
22 your information pops up and you can move on from there.

23 But I love the fact that right on the home
24 page you have a way that consumers can take action right
25 away right there with the box, no hunting for it,

1 because lots of times they have consumers that want to
2 know how to file a complaint or reach somebody and they
3 have to navigate from page to page to find it, unless I
4 give them the link and find it myself first. It's
5 great.

6 I love the page that you have that lists the
7 leadership, where you have little bits about every one
8 of the Commissioners and the bureau heads and things
9 like that. Really great design. I can't wait for you
10 to launch.

11 MR. McSWAIN: Thanks. We also cannot wait.

12 MS. VAN DYCK: Thank you, and I will get to
13 your email.

14 MR. COLE: I just have a quick question. I
15 really love your reboot site. I was wondering if some
16 of that is going to be folded into the fcc.gov or if
17 it's going to remain separate?

18 MS. VAN DYCK: Reboot for us -- we knew this
19 redesign was actually going to be one of the hardest
20 redesigns to tackle in government, partially due to the
21 reasons that Dan laid out in the beginning. But we've
22 got over, believe it or not, 1.3 million pages on the
23 site, so we knew that tackling this redesign was going
24 to take a while and to do it right and to bring a
25 fundamental dot-gov was going to take a bit of time.

1 So reboot was sort of the place that we were
2 able to leverage the new web site to kind of fill the
3 gap between the current web site and the redesign. So
4 reboot laid the foundation for a lot of the core
5 components, like fcc.gov/live, the calendar function,
6 the blogs, those kind of things, that will all be
7 integrated into the new site. Those were the base
8 foundation that we're working from, with some
9 improvements.

10 Then the rest of the content on reboot will
11 also be added to the reformed section of fcc.gov. So
12 yes, there will be a virtually complete integration.
13 You'll see a shift away from design and exact page
14 layout, but the base functionality of the new tools that
15 we developed on reboot will be appropriated, yes.

16 CHAIRPERSON BERLYN: Any other questions?

17 (No response.)

18 Great. Thank you so much for the update. We
19 look forward to the next stage.

20 MS. VAN DYCK: Absolutely. Thank you for
21 inviting us back, and we appreciate all the feedback.
22 Like I said, don't hesitate to email us or give us a
23 call if anything else comes up.

24 CHAIRPERSON BERLYN: Great. Thanks so much.

25 It's time for public comments. Any comments

1 from the public?

2 (No response.)

3 Seeing none, we have a discussion point here.

4 As you look at the agenda, it's quite likely that we
5 may end before 4:00 o'clock. I want to -- Scott has
6 asked me to give him a little bit of time to talk. Do
7 you want to do that right now or do you want to wait?

8 MR. MARSHALL: Let's get the agenda stuff
9 talked about. I'll be less than five minutes, maybe
10 three, maybe two.

11 CHAIRPERSON BERLYN: Okay.

12 MR. MARSHALL: If you tell me to shut up,
13 it'll be less than that.

14 AGENDA FOR THE NEW COMMITTEE

15 CHAIRPERSON BERLYN: We talked a bit about
16 this in the morning and Joel Gurin helped a bit to think
17 about this. I just wanted to spend a little time. One
18 thing that we've done today is look at some loose ends
19 for this Consumer Advisory Committee, some of the issues
20 that we've been talking about this past year. We've had
21 some reports on those issues, so it's been nice to tie
22 some of those loose ends, to look at our recommendations
23 on universal service reform, for example, and Lifeline
24 and Linkup and what happened with those and the Joint
25 Board recommendation. That was very helpful, to see

1 what happened with those recommendations and what
2 influence we had there.

3 We've also had an opportunity to hear about
4 the consumer information disclosure next steps, and we
5 did some work on that. We had an update on bill shock,
6 which is an issue that will go forward. We certainly
7 heard quite a bit about the next steps on the 21st
8 Century Disability Act and what the FCC will be doing in
9 terms of implementation, get a feel for what will be
10 happening in the next year or so. A lot of activity
11 there.

12 So we have a feel of some of the issues that
13 the next CAC will be looking at, some of the issues that
14 we have been working on in this past year. I just
15 wanted to take a little bit of time to get some of your
16 thoughts about what you want to leave for the next CAC.

17 We don't know yet what that next CAC will exactly look
18 like, how many of us will be in the room in the next
19 several months. But just thinking ahead about those
20 issues, I wanted to just get some thoughts. It's an
21 opportunity to do that, and have an open discussion
22 about that.

23 So if anyone wants to offer some thoughts.

24 MR. MARSHALL: Debby.

25 CHAIRPERSON BERLYN: Yes, Scott.

1 MR. MARSHALL: One theme that struck me from -
2 - I've actually thought about it for some time, and I
3 know you have, too, that was discussed this morning was
4 the ability for us as a committee to work with other
5 committees and advisory groups in the agency. There's a
6 lot going on on which we could have, "we" being you, the
7 Consumer Advisory Committee, could have a collaborative
8 relationship, with the Intergovernmental Affairs
9 Committee. We were talking with a staff person earlier
10 on Homeland Security and Public Safety, their advisory
11 committee.

12 So I was struck by the fact that this came up
13 so many times this morning.

14 CHAIRPERSON BERLYN: I think that's a great
15 point, Scott. And it's something that -- consumer
16 issues overlap with so many other concerns. That was
17 something I think the Chairman recognized when he had
18 Joel pull together the Consumer Task Force here at the
19 Commission to cross all bureaus. So I think that this
20 committee may want to touch some other advisory
21 committees and work more closely with them. So I think
22 that's a really good point.

23 It's not just one, but there are several other
24 advisory committees that will be looking at issues that
25 impact consumers. So I think that's a good point.

1 Lise.

2 MS. HAMLIN: Lise Hamlin, Hearing Loss
3 Association.

4 You're looking at kind of the things we might
5 take up, is what the question is here?

6 CHAIRPERSON BERLYN: Yes. I think some
7 thoughts we want to leave for the next CAC.

8 MS. HAMLIN: One of the things that I was
9 thinking about when I was listening to the report on
10 consumer complaints, one of the things that I saw from
11 the captioning complaints that Susan was just talking
12 about, for the first time we looked at captioning
13 complaints over the course of a year and really analyzed
14 them, what's there, what are the patterns, what's going
15 on. I was struck by the fact that the other complaints
16 that the Commission receives were not seeing those kinds
17 of reports.

18 So I would like to see, let's analyze this.
19 If this is going to be a more consumer-friendly place,
20 what kind of -- what is the input? Can we analyze
21 what's coming in, what's good, what's bad, what are
22 consumers saying to the FCC, the Commission, and how can
23 we follow those year after year to see where the
24 Commission is doing better, where it's doing not so
25 good, where industry is doing well, what's improving and

1 what's not.

2 I don't see how we can't -- we have all this
3 data coming in. Why not use it? I would like to see
4 this committee make a recommendation to see more
5 specific reports and analyze the way this -- I thought
6 this report that came out of the captioning was
7 fabulous. I asked them also if they'd do it again.
8 They said, gee, we didn't think of that, but maybe they
9 will now. I think that's the kind of thing we can ask
10 of them for specific areas, what's happening with bill
11 shock, what's happening on these other areas.

12 CHAIRPERSON BERLYN: Yes, Mark.

13 MR. DeFALCO: Deb, I think as we go into next
14 year and maybe the year after that, next year there's
15 going to be a lot of issues with the National Broadband
16 Plan that are going to need to be addressed, and I think
17 there's a lot in the air about, in addition to what
18 could happen with universal service -- and we've weighed
19 in on that a little bit. There's only so much we can
20 do. But I think there's going to be a lot of issues
21 that are going to be around the whole area of inter-
22 carrier compensation and access charges, which are going
23 to cause a lot of rate rebalancing issues that maybe
24 will hit at the state level, but it's going to cause a
25 lot of local rate increases to offset the loss of access

1 revenues or universal service funds that go away or get
2 modified, things like the state access rates being
3 brought down to the interstate access rates, and where
4 does that shortfall go. If it can't go into a high cost
5 fund or a subsidy mechanism, then there's going to be
6 local rate increases.

7 Granted, it's going to be at a state by state
8 level, but there's a lot of consumer issues there.
9 There's consumer education issues to explain what's
10 happening and why it's happening. There's going to be
11 rate shock issues and things along that nature, which I
12 think this committee could probably play a good part in.

13 CHAIRPERSON BERLYN: Thanks.

14 Cheryl.

15 MS. HEPPNER: You're going to get tired of me
16 today.

17 One thing that has frustrated me so far on the
18 CAC is that up until recently it felt like we got
19 together, we discussed problems, we passed motions, we
20 handed them in, and then they just disappeared
21 somewhere, and we didn't really have good opportunity
22 for dialogue with staff who were subject matter experts.

23 So we didn't get a view from the inside.

24 I see that changing, but I think it's always
25 bothered me that we hand in our reports and then we

1 never see what happens with them after that. I'd really
2 like to be able to get a response and not necessarily
3 have to wait until the next meeting three months or so
4 later for that.

5 CHAIRPERSON BERLYN: That's a good point,
6 Cheryl. I think the first part of your statement is
7 accurate. The second part is a good point. There has
8 been a wonderful response to the recommendations that we
9 have made in the past year or so, and I think we have
10 had a better dialogue with Commission staff as well,
11 most certainly. But we still can do better in terms of
12 getting input on the recommendations that we have made.
13 That's always something to work toward. So I think
14 we're getting more, but we can always work on that. So
15 that's a good point.

16 Yes, Chris.

17 MR. SOUKUP: Chris Soukup, CSD. Just a couple
18 of quick comments.

19 Just from a pragmatic perspective, I think
20 there might be some value to creating some sort of an
21 information repository for the group to be able to
22 access essential documents. We receive documents before
23 each meeting, but I think over the course of the year
24 there's an awful lot of information that kind of passes
25 through. So having some sort of a central point to be

1 able to go to and access those documents and review
2 documents from prior meetings I think could be valuable.

3 There are resources out there like Dropbox
4 that update in real time and allow groups to be able to
5 share information with each other.

6 Then I think from touching base on a regular
7 basis, maybe taking advantage of webinar technology to
8 be able to interact on a more regular basis as a group
9 in between committee meetings during the year I think
10 could be a helpful way to follow up on issues as we go
11 along.

12 Those were I think outside of the group
13 meeting, I think some resources that we might want to
14 take advantage of.

15 CHAIRPERSON BERLYN: Great. Great idea. I
16 like that one about having a central location for all
17 our documentation that we get. It's a wonderful idea.
18 The other one as well. We have to check with our rules
19 on what we'd have to do if we did have a webinar, and
20 whether we'd have to notice something like that.

21 MR. MARSHALL: Yes.

22 CHAIRPERSON BERLYN: But we can talk about
23 that. Good idea. Excellent.

24 Yes, Irene.

25 MS. LEECH: I think content-wise I agree, a

1 lot of it I think is going to be tied around the
2 broadband plan, but also there will probably be some
3 things that happen around the Internet use in general.
4 We need to just watch and see what's occurring, but
5 there could be some other kinds of changes that we want
6 to keep an eye on.

7 CHAIRPERSON BERLYN: This Commission has
8 really been very good about bringing things to our
9 attention as well. That's been helpful.

10 MS. LEECH: It seems there's more left on the
11 connection between state and federal and maybe even
12 local, that that's an issue we probably ought to pass on
13 as well.

14 CHAIRPERSON BERLYN: Right.

15 Anything else?

16 (No response.)

17 I'm going to turn it over to -- whoops, I'm
18 sorry. Ed.

19 MR. BARTHOLME: One of the things that I think
20 everybody is constantly kind of having to pay attention
21 to are privacy issues. I know that there are some
22 things that the Commission interacts with on in terms of
23 being able to regulate and have input on. So I think
24 that maybe some sort of overview of what the
25 Commission's responsibilities and capabilities are in

1 the realm of consumer privacy would be a nice thing to
2 kind of know and to be aware of as we move into a more
3 privacy-conscious environment.

4 CHAIRPERSON BERLYN: Good.

5 Well, before I turn it over to Scott, I'd just
6 like to say that it's been a pleasure to work with all
7 you and it's been a great CAC. Thank you all for all
8 the time and effort that you have put in. I appreciate
9 those who are not around the table, if you could pass on
10 thanks to them as well, to Charles and Gloria and Julie
11 and Alisson and -- who am I missing? Ken McEldowney,
12 and others who couldn't make it here today, but whose
13 time and effort was great during the course of the CAC.
14 So we greatly appreciate everyone around the table for
15 all the time and effort thank you've put into it. So
16 thank you very much.

17 Now I want to turn things over to Scott, who
18 wants a moment or two.

19 MR. MARSHALL: Thank you very much, Debby. I
20 hope you will join me in a hand to our very hardworking
21 committee chair, Debra Berlyn. It may not be obvious,
22 but she works very, very hard in making sure that these
23 meetings come together, that you get the information you
24 need.

25 We talk almost every day, it seems, especially

1 around --

2 CHAIRPERSON BERLYN: Around meetings.

3 MR. MARSHALL: -- meeting time. Not that
4 often beyond that. It's on a regular basis, but when
5 we're planning a meeting it's a lot of conversation.

6 I want to thank you. You've been great to
7 work with and certainly a pleasure.

8 And to each and every one of you, and
9 particularly our working group leadership. Again,
10 Lawrence and others, an incredible amount of work went
11 into some of our very good recommendations that you saw
12 this past term, countless meetings on the consumer NOI
13 recommendation, on the recommendations you saw today
14 about the federal-state cooperation. Those things just
15 don't happen out of air, as I'm sure you know. It does
16 take a lot of phone calls, conference calls, lots of
17 drafting by very dedicated people such as those around
18 this table, for which I'm very grateful.

19 So I'm looking forward to the future. Thank
20 you for the good ideas that have been expressed here.
21 We'll certainly look at them, as we always do.

22 I think we still need to give a hand to our
23 Chairperson.

24 (Applause.)

25 MR. MARSHALL: Debby, last word?

1 CHAIRPERSON BERLYN: Yes, I have two other
2 quick thanks. I forgot to mention one other missing
3 person around the table, Shirley Rooker. It's just
4 because I know Ed so well that when I looked around I
5 didn't think of a missing person when I looked at Ed.

6 I also want to thank John Breyault, who works
7 with me with the National Consumers League, who does a
8 wonderful job helping out and doing some good thinking
9 on all these issues.

10 MR. MARSHALL: And of course, Betty Lewis, who
11 I could not do all this without her.

12 CHAIRPERSON BERLYN: Yay, a hand for Betty.
13 (Applause.)

14 MR. MARSHALL: There's no doubt about that.

15 CHAIRPERSON BERLYN: Thank you, Betty. Thank
16 you.

17 Motion to adjourn?

18 (Show of hands.)

19 CHAIRPERSON BERLYN: So moved. Second?

20 (Show of hands.)

21 CHAIRPERSON BERLYN: Thank you all. Have a
22 good, safe trip if you've come from afar, and hope to
23 see you soon. Thanks.

24 (Whereupon, at 3:18 p.m., the meeting was
25 adjourned.)

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