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FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE MEETING

Room TW-C305  
Federal Communications  
Commission Building  
445 12th Street, S.W.  
Washington, D.C.  
Wednesday, August 17, 2011

The committee met, pursuant to notice, at 9:12  
a.m., DEBRA BERLYN, Chair, presiding.

MEMBERS PRESENT:

- DEBRA BERLYN, National Consumers League, Chair
- American Consumer Institute - STEPHEN POCIASK
- American Council for the Blind - PAUL SCHROEDER
- Appalachian Regional Commission - MARK DeFALCO
- Benton Foundation - CECILIA GARCIA

1 MEMBERS PRESENT: (Continued)  
2 Call for Action - SHIRLEY ROOKER  
3 Coleman Institute for Cognitive Disabilities -  
4 CLAYTON LEWIS  
5 Consumer Action - LINDA SHERRY  
6 Consumer Electronics Association - JULIE KEARNEY  
7 Consumer Federation of America - IRENE E. LEECH  
8 Center for Media Justice - AMALIA DELONEY  
9 CTIA The Wireless Association - SCOTT BERGMANN  
10 Deaf and Hard of Hearing Consumer Advocacy Network -  
11 CLAUDE STOUT  
12 Digital Policy Institute - BARRY UMANSKY  
13 Hearing Loss Association of America - LISE HAMLIN  
14 Helen Keller National Center for Deaf-Blind Youth and  
15 Adults - DOROTHY WALT  
16 Media Literacy Project - ANDREA QUIJADA  
17 Montgomery County, Maryland, Office of Cable and  
18 Broadband  
19 Services - MITSUKO HERRERA  
20 National Asian American Coalition - MIA MARTINEZ  
21 National Association of Broadcasters - JOEL OXLEY  
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1 MEMBERS PRESENT: (Continued)

2 National Cable and Telecommunications Association -

3 RICK CHESSEN

4 National Consumer Law Center - DARLENE WONG

5 Native Public Media - DR. TRACI MORRIS

6 Speech Communication Assistance by Telephone, Inc. -

7 REBECCA LADEW

8 Time Warner Cable - FERNANDO R. LAGUARDA

9 T-Mobile - INDRA CHALK

10 Utility Consumers' Action Network - MICHAEL SCOTT

11 Verizon Communications, Inc. - MARY CRESPIY and

12 DONNA RYNEX (joint appointment)

13 ALSO PRESENT:

14 SCOTT MARSHALL, Designated Federal Officer, FCC

15 BETTY LOUIS, FCC

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P R O C E E D I N G S

WELCOME AND CALL TO ORDER

CHAIRPERSON BERLYN: If I could have everyone take your seat. I know we have a lot of greetings and it's great for everyone to welcome each other this morning, so I apologize; we're starting just a few minutes late. We'll try not to do that next time.

But I want to welcome everyone to the Consumer Advisory Committee. We have 31 members and I am so pleased to see the table just about full in the middle of August. So thank you all for coming this morning.

The Consumer Advisory Committee had about 100 applicants, so you all have risen to the top, and I'm so pleased that we have representatives from a real great cross of consumer organizations and industry representatives, diversity of representation from different interests. I think the Commission has done an excellent job of bringing this group together.

We have a lot of work to do. We will be talking during the day today about exactly how we will accomplish that work over the coming months and during the next year or two. So thank you all for rolling up

1 your sleeves to join us all in that endeavor.

2 First I should introduce myself. I'm Debra  
3 Berlyn. I chair the Consumer Advisory Committee. I  
4 represent the National Consumers' League, and I will  
5 tell you a little bit more about myself when we go  
6 around the room in just a minute.

7 The Consumer Advisory Committee was first  
8 chartered in 2001. Since then over 100 increase  
9 Consumer Advisory Committee volunteers have served.  
10 This is currently the sixth two-year term; is that  
11 right, Scott?

12 MR. MARSHALL: Yes.

13 CHAIRPERSON BERLYN: And I'm the second Chair  
14 to serve in this capacity. The first Chair is sitting  
15 right to my left, Shirley Rooker, who did a fantastic  
16 job of serving as Chair for three terms and then turned  
17 over the reins to me.

18 We have a couple of members who couldn't make  
19 it today. Actually, only two organizations are not here  
20 today, which I think is amazing, and that's the  
21 representatives from AARP -- oh, actually three: AARP,  
22 NASUCA, and the Rochester Institute of Technology. So

1 we look forward to welcoming them to our next meeting.

2 We have some alternates here from some  
3 organizations, so we appreciate your serving today for  
4 the representative from your organizations as well.

5 The other practice that we have at our  
6 meetings is that we ask one of our corporate industry  
7 representatives on the CAC to help us, to help the FCC  
8 with its budget, by sponsoring the meals for the day.  
9 So your breakfast, the coffee and breakfast, and then  
10 our lunch today has been sponsored by the Consumer  
11 Electronics Association, and we thank Julie Kearney.  
12 Julie, you want to raise your hand.

13 (Ms. Kearney raises hand.)

14 CHAIRPERSON BERLYN: So we thank Julie and CEA  
15 for sponsoring our meal today. So thank you.

16 MS. KEARNEY: I baked all night long.

17 (Laughter.)

18 CHAIRPERSON BERLYN: And it's great. Thank  
19 you very much, Julie.

20 Now, we have in just about 15 minutes or so,  
21 we will be very fortunate to welcome the Chairman and  
22 Commissioner Copps to the CAC. We always invite all the

1 Commissioners to come and address the CAC, and of course  
2 in the middle of August it's amazing to have -- to be  
3 blessed with two of them this morning. So we will  
4 interrupt whatever we are doing to welcome them to the  
5 CAC for a few remarks.

6 But what I'd like to do this morning is  
7 usually we just quickly go around and introduce  
8 ourselves, but this morning, because this is our first  
9 meeting and we have about half of the CAC returning from  
10 our last term and about half of the CAC are brand new,  
11 what I'd like to do is have each of us introduce  
12 ourselves and not only say who you are and your  
13 affiliation, which is the usual introduction, but also  
14 this time if you could just say why you're here, so what  
15 it is that brought you to apply to the Consumer Advisory  
16 Committee, and what you hope to bring to the table, and  
17 perhaps the issues that you're interested in.

18 So if you could just give us a little bit of  
19 an expansion in terms of the introduction. And I will  
20 start -- why don't I start right here to my left, to our  
21 esteemed former Chair, Shirley Rooker.

22 MS. ROOKER: Thank you, Debra.

1           I just want to say that we are extraordinarily  
2 fortunate to have Debby doing the Chair, and she's a  
3 great leader and she knows a heck of a lot more about  
4 the subjects than I do.

5           I'm Shirley Rooker. I'm the President of Call  
6 for Action and the Director of WTOP Radio's CALL for  
7 Action. We've been here in the Washington area for  
8 almost 35 years. Can't believe it.

9           I'm really here because Scott Marshall twisted  
10 my arm. But truthfully, I think that we address issues  
11 that are very important to consumers, that are important  
12 to broadcasters. We cover a broad spectrum of issues  
13 and it's wonderful to have a balanced group that has a  
14 variety of opinions. It's extremely knowledgeable and  
15 helpful for me to be here and participate in this panel.

16           CHAIRPERSON BERLYN: Shirley, before you go  
17 any further, there's a couple things that I forgot.  
18 Number one, when you speak they like to turn the mikes  
19 on. When you're not speaking, the mike will be off. So  
20 when you go around the room it's a little easier for  
21 them to know who's speaking, but in most cases what you  
22 need to do is to raise your hand so they know in the



1 back who needs the mike turned on, and then identify  
2 yourself so that they also know for the record who is  
3 speaking, because this is being recorded.

4           The other thing that I want to do and I didn't  
5 do most immediately is recognize Scott Marshall, who is  
6 our Designated Federal Officer for the Consumer Advisory  
7 Committee. Scott Marshall has been doing this steadily  
8 for all the years of the Consumer Advisory Committee.  
9 He does a fantastic job. We could not do this without  
10 him. He is just a great person to work with. I think  
11 you will all enjoy working with him as much as I do. So  
12 he will be speaking in just a minute, but thank you,  
13 Scott, for everything that you do for the CAC.

14           MR. MARSHALL: Thank you very much.

15           (Applause.)

16           CHAIRPERSON BERLYN: Absolutely.

17           MR. MARSHALL: Thank you very much. I  
18 appreciate it.

19           CHAIRPERSON BERLYN: Scott, do you want to --  
20 actually, before we continue around the room, do you  
21 want to just say a couple words?

22                           MEETING LOGISTICS

1           MR. MARSHALL: Certainly. Welcome, everybody.

2       Okay, the mike's on, great.

3           I'm Scott Marshall and thank you for the kind  
4 words, Debby. Just a couple housekeeping details.  
5 First of all, the restrooms, for those of you who are  
6 just joining us today, are directly to my right and down  
7 the hall to your left.

8           Should you need anything while you're here,  
9 please let me know or my capable assistant Debby --  
10 well, she's capable. She's not my assistant, though.  
11 Betty Lewis. Betty, are you in the room?

12          MS. LEWIS: I'm here.

13          MR. MARSHALL: Do you just want to identify  
14 yourself? She's the one who really keeps the train  
15 running and if you need anything just ask her.

16          Again, we'd like to stress people identifying  
17 themselves when they're speaking. This helps our  
18 interpreters and makes our meetings all the more  
19 accessible.

20          We will be having this afternoon a tour of our  
21 Technology Experience Center. The manager of that  
22 center will be talking to us at 1:00 o'clock and then

1 you'll have an opportunity to go over and have some  
2 hands-on with some pretty cool stuff briefly thereafter,  
3 and then we'll resume back here at 2:10.

4           Finally, I have very limited travel funds, as  
5 you know. We're not sure whether we're going to be able  
6 to have travel money in the next fiscal year. But if  
7 you need me to do any travel paperwork, please see  
8 Betty.

9           Thanks.

10           CHAIRPERSON BERLYN: Thank you, Scott.

11           Before we continue going around the room, I  
12 want to introduce one other person at the table so that  
13 he doesn't have to introduce himself. That's Joel Gurin  
14 is at the table right to Scott's, my right, Scott's  
15 right, over here. Joel Gurin is the Bureau Chief for  
16 the Consumer Affairs, Consumer and Government Affairs  
17 Bureau, and we're very pleased to have him join us. He  
18 will be speaking to us shortly. So thank you, Joel.

19           MR. GURIN: Well, thank you, Debby. Welcome,  
20 everybody. This is a fantastic group and I really am  
21 looking forward to hearing from you all in a minute. So  
22 thanks.

1                   CHAIRPERSON BERLYN:    Okay, continuing around  
2 the room.

3                   MS. CRESPI:    Hi.    My name's Mary Crespy and  
4 I'm    one    of    the    representatives    from    Verizon  
5 Communications.           I'm    actually    half    of    the  
6 representative.    For those of you who know us, we're a  
7 job share team, so my partner here to my left works the  
8 first half of the week and I work the second half of the  
9 week, and luckily this meeting fell on a Wednesday, so  
10 today we're both here.

11                   We're honored to be here and honored to be  
12 back on the committee.   We work on a variety of consumer  
13 and accessibility issues for Verizon, so this committee  
14 is just excellent for us.   We hope we can bring our  
15 perspective to the committee, but, more importantly and  
16 selfishly, we learn so much at these meetings from the  
17 group that we can bring back to the business.

18                   So thanks.

19                   CHAIRPERSON BERLYN:    Thank you.

20                   MS. RYNEX:    Hello.    Hi.    Donna Rynex.    I'm  
21 Mary Crespy's job share partner, representing Verizon.  
22 I am the other half and the first part of the week, so

1 just ditto everything she said. We were part of this  
2 committee last time. It's our second term. Thoroughly  
3 enjoyed it, and it's just a great opportunity to gain  
4 the perspective of what consumers want and how we can  
5 better serve them. It's a great forum for us to get  
6 that feedback from you.

7 Thank you.

8 MS. LEECH: I'm Irene Leech and I represent  
9 the Consumer Federation of America. I'm involved in one  
10 of their member groups, the Virginia Citizens Consumer  
11 Council. In my work life -- that's my volunteer work.  
12 In my work life, I teach consumer studies at Virginia  
13 Tech. I have been involved with telecommunications,  
14 particularly on the state level, for a long time.

15 I also live in a rural area that lacks  
16 infrastructure and have a lot of concerns for some of  
17 our rural areas across the country.

18 MR. DeFALCO: I am Mark DeFalco with the  
19 Appalachian Regional Commission. My constituency is 420  
20 counties in 13 states, and primarily rural, so we're  
21 very interested in rural broadband issues and watching  
22 very closely the Universal Service Fund proceedings at

1 the FCC. MS. MARTINEZ: Good  
2 morning. My name is Mia Martinez. I am representing  
3 the National Asian American Coalition. We're actually  
4 headquartered in California and I'm based out of our  
5 D.C. regulatory office.

6 Our major concerns include consumer protection  
7 and broadband adoption issues, particularly as they  
8 affect our 18.5 million Asian Americans, and also of  
9 course low-income, the low-income community, as well as  
10 the truly small business communities.

11 Thank you.

12 MR. LEWIS: Good morning. I'm Clayton Lewis.  
13 I represent the Coleman Institute for Cognitive  
14 Disabilities at the University of Colorado. Our mission  
15 is to catalyze developments in technology supporting  
16 improvements in living conditions and independence for  
17 people with cognitive disabilities. Our focus is a  
18 number of technology initiatives, including cloud  
19 computing, web accessibility, and mobile platforms. So  
20 I expect to learn a lot here.

21 MS. HERRERA: Hi. My name is Mitsuko Herrera.  
22 I am the Cable and Broadband Administrator for

1 Montgomery County, which, for those of you who don't  
2 live in this area, is directly adjacent to Washington,  
3 D.C. We have about just under a million residents, 500  
4 square miles. A third of the county is agricultural  
5 reserve, so we are familiar again with the rural issues,  
6 surprisingly.

7 We are part of the One Maryland Broadband  
8 Project, which received a \$115 BTOP grant to bring  
9 broadband services to a thousand community anchor  
10 institutions throughout the state. Approximately 400 of  
11 those will be places where the public can touch the  
12 Internet. Including Montgomery County, that will bring  
13 broadband to 93 elementary schools.

14 We're particularly interested in the ERate,  
15 the universal service proceedings. I'd also mention  
16 that we resolve cable complaints and broadband  
17 complaints on behalf of consumers. We do approximately  
18 1200 of those a year, which result in refunds of about  
19 \$70,000.

20 I note that I was lucky enough to attend the  
21 CEA meeting this year, convention, in January, at which  
22 there was discussion about the AllVid proceeding. We're

1 hoping that there will be more discussion about closed  
2 captioning in any future equipment and having that be an  
3 effective means for folks. I do note that Montgomery  
4 County does closed caption 100 percent of our  
5 programming on our government channel. It's now August  
6 and we still haven't seen anything in that proceeding.

7 In June at the cable show, we were pleased to  
8 hear the Chairman announce a broadband task force. We  
9 note that we haven't heard anything further on that, but  
10 that we look forward to it.

11 In July we filed comments in the proceeding  
12 about cable competition, and I realized that as we were  
13 filing those comments that we filed comments last year  
14 and no report had been issued.

15 So primarily what we're here to do is that we  
16 hope to advocate on behalf of consumers and to help give  
17 an additional positive push for the Commission to  
18 complete its work on these very important orders, so  
19 that we can go about the business of implementing them.

20 CHAIRPERSON BERLYN: Thank you.

21 MS. WALT: Hello. Can you year me?

22 MS. HERRERA: Yes.



1 MS. WALT: Okay, thank you. My name is  
2 Dorothy Walt. I'm a regional representative for the  
3 Northwest Region for the Helen Keller National Center.  
4 My agency, the Helen Keller National Center, is located  
5 in New York. We are responsible for -- we're a national  
6 organization. We are responsible for providing  
7 evaluation and training to individuals who have both a  
8 hearing and a vision loss. We work with individuals  
9 from age 16 up. We provide a wide variety of services  
10 for these individuals to help them to live independently  
11 in their own community and to find employment, most  
12 importantly to find employment.

13 There are approximately one million people in  
14 the United States with a combined hearing and vision  
15 loss. The biggest population are the senior citizens  
16 with age-related hearing and vision loss.

17 We have 11 regional representatives throughout  
18 the United States. The Northwest Region for which I am  
19 responsible for has four states -- Oregon, Washington,  
20 Idaho, and Alaska. We are now currently involved with  
21 the 21st Century Telecommunications Accessibility Act,  
22 the deaf-blind equipment distribution program. We are

1 very ecstatic about this and we are working with  
2 individual states who will soon apply for certification  
3 to provide free equipment for the low-income individuals  
4 who are deaf-blind or who have dual sensory loss.

5           We are very concerned about communications and  
6 we want to make sure that everybody, regardless of what  
7 kind of disability they have, have effective, successful  
8 communications, whether through technology or through  
9 training or learning how to adapt to different  
10 communications modes or whatever is needed to be able to  
11 have access on an equal basis with everyone else.

12           I myself am deaf-blind myself. I use  
13 interpreters for communication. I also use technology  
14 also. And I'm very happy to be here and thank you all,  
15 and also to FCC for inviting me to join the committee.

16           CHAIRPERSON BERLYN: Thank you very much.

17           Fernando, we are going to take a break from  
18 our introductions, and we will continue, so we'll  
19 remember where we left off, to welcome Commissioner  
20 Copps once again to the Consumer Advisory Committee.  
21 But this is our new Consumer Advisory Committee,  
22 Commissioner, and they, as always, will be absolutely

1 thrilled to hear your remarks.

2 COMMISSIONER COPPS: I see my Chairman has  
3 come in there, so maybe we should let him go first.

4 CHAIRPERSON BERLYN: So we have the Chairman.

5 MS. ROOKER: Do you want me to move over?

6 CHAIRPERSON BERLYN: No, no, no. We actually  
7 have two chairs here. We have two chairs.

8 Chairman, welcome. Thank you so much.  
9 Welcome, Chairman. Thank you so much. Chairman, we are  
10 so pleased to have you with us as well. Thank you for  
11 joining us. This is our new, newly formed Consumer  
12 Advisory Committee that you have welcomed here. We are  
13 so pleased. We have a great group. We just started  
14 with introductions and heard some of the issues and the  
15 organizations that they represent.

16 I honestly think we're going to have a great  
17 term. We've got excellent organizations. So thank you  
18 so much for putting this group together. It should be a  
19 great one. And thank you so much for coming down this  
20 morning.

21 So welcome.

22 REMARKS OF HON. JULIUS GENACHOWSKI,

1           CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

2           CHAIRMAN GENACHOWSKI:   Thank you very much.  
3 Thank you very much.   Well, let me first thank you  
4 again, thank you for doing this again.

5           CHAIRPERSON BERLYN:   Thank you.

6           CHAIRMAN GENACHOWSKI:   We appreciate it.   This  
7 committee's been incredibly helpful.   It's been run very  
8 effectively.   It's been an important help to our work.  
9 I thank you.   I thank everyone who's part of this  
10 mixture of old and new.   We know that signing up for  
11 this kind of advisory work for the government is  
12 something that I personally regard as a very big deal.

13           Unless something has changed dramatically,  
14 none of you are getting paid for this, and we're going  
15 to ask you to work.   It means a lot.   It's a  
16 contribution of public service to our country and our  
17 government.   We really value that a lot.   We know that  
18 we have a responsibility here to do our work to make  
19 sure that a group like this has a point of contact at  
20 the agency, that there's a channel for your input and  
21 questions and advice and everything else.   We take that  
22 really seriously.   I'm happy that Joel Gurin is here and

1 Scott Marshall is here because they've been tasked with  
2 making sure that the work that you're going to put in as  
3 unpaid public services is respected and honored as it  
4 should be.

5 I want to thank Commissioner Copps for being  
6 here. Of course, it's no surprise at all that  
7 Commissioner Copps is here because he's been an  
8 extraordinary champion for consumers for a very, very  
9 long time, starting before he was appointed to the FCC  
10 and certainly in his time here, a consistent advocate  
11 and friend to the interests of consumers.

12 Let me say, to just tee up some thinking about  
13 the work of this advisory committee going forward.  
14 We're in, of course, a very, very challenging time in  
15 our economy. Obviously, no disputing that. And  
16 consumers everywhere in our country are under tremendous  
17 pressure. Prices for basic staples are not lower than  
18 they used to be. Food is more expensive. Gas is more  
19 expensive. And obviously the number of unemployed  
20 people in the country or people underemployed is much,  
21 much higher than it should be, and people are really  
22 struggling.

1           At a time like this, it becomes more  
2 important, not less important, to think about the world  
3 from the perspective of an ordinary consumer seeking to  
4 navigate in this economy, seeking to provide what they  
5 need to provide for their kids, for their kids'  
6 education, to put food on their plates, to think about  
7 their future.

8           So while there might be some people who say,  
9 oh, you know, in a tough economy there's nothing to do  
10 on the consumer agenda, I think the opposite is true. I  
11 think our obligation to think about the real challenges  
12 that ordinary consumers face goes up, not down.

13           But we do have to think about what kinds of  
14 actions to help consumers make the most sense in an  
15 economy like this. One of the things that I'm so  
16 excited about at the Federal Communications Commission  
17 is that the kinds of issues that we can wrestle with  
18 here are ones that can help consumers dramatically and  
19 be sensitive to the need to encourage private investment  
20 and job creation in our economy. That's because we're  
21 dealing with areas involving information, communications  
22 technologies and areas that make it easier for people to

1 live their lives, communicate with their families,  
2 telecommute, help with their kids' education, and things  
3 like this. Distance learning, things like remote  
4 diagnostics, these are all incredibly important.

5           We spend all of our time thinking about things  
6 to improve information technologies and to benefit our  
7 economy and to benefit every American. It enables us to  
8 think about 21st century ways to empower consumers in  
9 the marketplace. Of course, as you know, many of you  
10 who have been involved with this, our consumer  
11 transparency agenda is a very important part of what  
12 we're trying to do, which is a way to make sure that  
13 consumers have the information they need to make the  
14 market work and to not be treated unfairly in the  
15 marketplace.

16           Some of the initiatives that, with your help,  
17 we've worked on over the last year are initiatives like  
18 mystery fees, making sure that consumers aren't  
19 surprised by various fees that can appear on their  
20 bills, either because they're there because of  
21 unauthorized third party charges like cramming or  
22 because they're surprised that they've exceeded a limit

1 that they didn't really understand, like a data limit or  
2 a minutes limit, roaming limits.

3 So we have done a series of initiatives on  
4 these, as you know, and I think we continue to look for  
5 ways to empower consumers with information using  
6 technology to make sure that consumers are being treated  
7 completely fairly in the marketplace.

8 The consumer agenda informs, as I was  
9 indicating before, virtually everything that we do.  
10 We're in the middle, thanks to the help of Commissioner  
11 Copsps and my other colleagues, of a major transformation  
12 of the Universal Service Fund. It's all about  
13 consumers. It's all about making sure that consumers  
14 who live in areas that are unserved by broadband get  
15 broadband and so can do the things that other people can  
16 but they can't -- look for jobs on line. 75 percent of  
17 Fortune 500 companies do all their job postings on line.  
18 Be able to participate -- be able to start a job or, if  
19 you have a small business, be able to expand it, be able  
20 to participate in distance learning, digital textbooks,  
21 remote diagnostics.

22 So we're obviously spending a lot of time on



1 this. There's really no issue that comes up where we  
2 don't focus on the consumer agenda. Joel and the  
3 Consumer Bureau have done a very good job, not only with  
4 the initiatives that they have been driving, but also in  
5 horizontally working with the other agencies, the other  
6 bureaus of the Commission, to make sure the consumer  
7 interests are always taken into account.

8 Finally, of course, we're very energetically  
9 implementing the important law on disability that  
10 Congress passed last year. We're doing a lot of work on  
11 that. Joel is in the middle of it. I don't know if  
12 Karen Peltz-Strauss is here today, but many of you know  
13 her. But it's another very important consumer agenda  
14 that will take up a significant amount of time this year  
15 as we implement the law.

16 So again, with that I thank you all for  
17 participating in this important work. I ask you all to  
18 be energetic with your ideas for us on how we can wisely  
19 make sure that in the communications space the interests  
20 of consumers are very, very well served. Be proactive.

21 And Joel and Scott, thank you for being proactive on  
22 your end to make sure that we're getting every ounce of

1 benefit from this important advisory committee. Debra,  
2 thank you again for putting all the time that you do  
3 into this effort. We really appreciate it. It's very  
4 important for the Commission and the country and we  
5 really, like everyone else on the committee, we value  
6 and honor your service.

7 Thank you very much.

8 (Applause.)

9 CHAIRPERSON BERLYN: Thank you very much,  
10 Chairman. I don't know if you want to take any quick  
11 questions, or what's your --

12 CHAIRMAN GENACHOWSKI: I can take a couple  
13 questions, sure.

14 CHAIRPERSON BERLYN: Does anyone have a quick  
15 question for the Chairman, burning question? And raise  
16 your hand so they turn on the mike, and then identify  
17 yourself, please.

18 MS. HERRERA: Mitsuko Herrera with Montgomery  
19 County, Maryland. We're very pleased to hear the  
20 announcement of your broadband task force. Do you have  
21 any update?

22 CHAIRMAN GENACHOWSKI: None other than the

1 recent announcement. So it's very important that  
2 federal, state, local, that all of the partners on these  
3 issues work together on the issues that we have. I'm  
4 very pleased that, in addition to the different forums  
5 and interactions that we've had before, that there's now  
6 this concrete forum to exchange ideas, to talk about  
7 policies and to talk about our common interests and  
8 desires in making sure that new communications  
9 infrastructures and technologies and investment in them  
10 can get rolled out as quickly as possible.

11 CHAIRPERSON BERLYN: Paul? You want to hand  
12 Paul the mike?

13 MR. SCHROEDER: Thank you. Paul Schroeder  
14 with the American Foundation for the Blind, and it would  
15 be grossly inappropriate if we didn't take a moment to  
16 thank Karen and the rest of the staff for the work, and  
17 you, moving the rules forward on the Communications and  
18 Accessibility Act, the Act you were referring to. The  
19 disability community has been waiting a long time for  
20 that kind of access to occur and we are very thrilled  
21 that the Commission is taking responsibility seriously  
22 to move that rule forward in a timely fashion, some of

1 which has already been taking place.

2           The other thing that I would say that  
3 hopefully keeps -- not runs afoul of any ex parte  
4 requirements, is that we're also hopeful that the  
5 Commission will continue to look for opportunities to  
6 expand its staffing and expertise in the disability  
7 community. I think we have sent you a note to that  
8 regard outlining, not concerns about the current staff,  
9 but concerns that we want to make sure that the  
10 expertise at the Commission is as broad as possible with  
11 respect to disability issues in the communications area,  
12 which are somewhat complex and somewhat specific around  
13 various disability needs.

14           Then lastly, of course, we want to reiterate  
15 the importance of continued enforcement of rules that  
16 are on the books, namely the section 255 and caption  
17 requirements, 713, that have been long established, long  
18 practiced. So we appreciate all of what you've been  
19 doing with the Commission, all the visibility, and we  
20 certainly do hope that the rules on the CVAA will  
21 continue to come out in a timely fashion and that as  
22 that moves forward enforcement and, perhaps more

1 important, opportunities to remind industry and consumer  
2 communities of their -- of what the Act requires will be  
3 coming to the fore at the Commission.

4           CHAIRMAN GENACHOWSKI: Well, thank you, Paul.  
5 I appreciate that. Well said on all fronts. I'm sorry  
6 that Karen's not here, but she and her team have been  
7 doing a terrific job together with Joel and others,  
8 Charise Smith in my office and all of the legal advisers  
9 on the eighth floor. So it's an area that, it's just  
10 such an enormously important area.

11           Many of you have heard my own connection with  
12 this. My father as an immigrant came to the U.S. to  
13 study engineering and worked his way through grad school  
14 at MIT trying to -- and this was 1960, '61 -- working on  
15 a device that he hoped would help blind people read  
16 ordinary books. Anyway, I've told this story before.  
17 He was a mechanical engineer and electrical engineering  
18 took him by and so he didn't get the big patents and  
19 everything.

20           But I grew up taught by my parents the  
21 importance of making sure that as we think about these  
22 issues we think about all the communities, in particular

1 people with disabilities, and make sure that we have a  
2 society and an economy that's accessible to all  
3 Americans.

4 CHAIRPERSON BERLYN: Thank you very much,  
5 Chairman, for coming down this morning and speaking to  
6 us, and we look forward to doing some great work for  
7 you.

8 CHAIRMAN GENACHOWSKI: Thank you very much.

9 CHAIRPERSON BERLYN: Thank you.

10 (Applause.)

11 CHAIRMAN GENACHOWSKI: Is Commissioner Copps  
12 supposed to be on next?

13 CHAIRPERSON BERLYN: Yes. Good, okay.

14 Well, as the Chairman mentioned, Commissioner  
15 Copps, at one time our Acting Chairman, has done an  
16 excellent job for consumers during your service at the  
17 Commission and has been a regular here at the Consumer  
18 Advisory Committee. We are so pleased to welcome you  
19 back this morning. So thank you.

20 REMARKS OF HON. MICHAEL J. COPPS,

21 MEMBER, FEDERAL COMMUNICATIONS COMMISSION

22 COMMISSIONER COPPS: Well, thank you for

1 having me. Thank you, Debra, for undertaking this job  
2 again. Thank you, Mr. Chairman, for your comments.

3           The first thing I want to do is welcome  
4 everybody. I see a lot of old friends around the table,  
5 happy to see them. I see some folks who I hope will be  
6 new friends, too. Speaking of old friends, I see my  
7 friend Rick Chessin over here. It's apropos of where I  
8 was yesterday to wish him happy birthday. This is the  
9 first time I've seen him the first day after he has  
10 entered his second half-century of life. He doesn't  
11 look too much the worse for wear. So happy birthday to  
12 you.

13           I always enjoy coming down. This has always  
14 been one of my very favorite committees. It's been a  
15 very proactive committee, unafraid to tackle some very  
16 difficult issues. And we've got a bunch of very  
17 difficult issues in front of us now, as the Chairman has  
18 explained, so I'm looking forward to an active term of  
19 office for all of you.

20           I want to thank you. As the Chairman said,  
21 this is a big deal. You folks make real sacrifices of  
22 time and effort and your dedication to be here. In my

1 previous job -- and some of you have heard me say this  
2 before, but some of you are new -- as Assistant  
3 Secretary of Commerce, I had responsibility for all the  
4 international trade advisory committees over at the  
5 Department of Commerce and a lot of private sector  
6 folks, I think maybe 10 or 15 industry sector ISACs,  
7 some IFACs, ran the President's Export Committee. I  
8 really saw firsthand the dedication of folks.

9           We could not have done what we did at the  
10 Department, just as we can't do here, without the  
11 constant input and the valuable insights of the private  
12 sector. So please know that your work and your  
13 sacrifice is appreciated.

14           In turn, I think you have a right to expect  
15 some things from us, that your hard work will recognize  
16 that, and the best way to ensure that is that your  
17 recommendations are taken seriously by the Commission,  
18 and I think you will find that to be the case now.  
19 That's not always been the case here, that  
20 recommendations filtered up and were acted upon. So you  
21 should always expect that.

22           I think as a group you should be able to



1 follow up on issues that you deem important to  
2 consumers. I know you'll be asked to do certain things,  
3 but you may have some priorities of your own, and I have  
4 always encouraged advisory committees to be proactive  
5 and to discuss your own priorities and act on them, too.

6           Okay. Getting a little more specific, this  
7 place was designed as a consumer protection agency.  
8 That puts you guys right in the middle of the action. I  
9 must say, I think we've made good progress on advancing  
10 a consumer agenda under the current Chairman, Chairman  
11 Genachowski, both from the standpoint of the good people  
12 that he has put to work on consumer affairs, starting  
13 with Joel Gurin over here, who I think has shown  
14 remarkable leadership on the Bureau, people like Karen  
15 Peltz-Strauss, Geof Blackwell, many, many others.

16           So good people and good processes we have now  
17 under Joel, kind of a cross-cutting consumer task force,  
18 so that when any issue comes up, no matter what bureau  
19 has original jurisdiction or what province it's in, Joel  
20 and his group get a crack at it to look specifically and  
21 always at what are the implications for consumers. So  
22 that's something we have long needed here.

1           As the Chairman said -- I won't repeat what he  
2 went through -- we have a consumer empowerment agenda  
3 here now that's being actively dealt with to make  
4 progress on. We've got a lot more tough issues that we  
5 need to take on and will be taking on in the months and  
6 years ahead.

7           One issue has already been alluded to and  
8 that's the 21st Century Communications and Video  
9 Accessibility Act. I am thrilled that Congress took  
10 this action. I was very happy that they put specific  
11 deadlines on it, and even happier that we took those  
12 deadlines really seriously and that the Chairman put  
13 into place the people and the resources necessary to  
14 make sure we can meet those deadlines to make  
15 programming more accessible to the blind and visually  
16 impaired and to craft rules that ensure that persons  
17 with disabilities can really take advantage of all of  
18 the awesome and opportunity-creating tools, technology  
19 tools, of the 21st century.

20           So we need your counsel on that as we go along  
21 and your help in creating opportunity for the 54 million  
22 American citizens who have disabilities.

1           The Chairman has mentioned universal service,  
2 I think, and inter-carrier compensation reform. Both of  
3 these things are on the front burner with the  
4 Commission, will be acted upon early this fall. This  
5 goes to issues of broadband deployment, of course. It  
6 also goes to issues of broadband adoption, and that's  
7 where we need as much or more help in the adoption  
8 issues, so that people really understand what these  
9 tools can do, so that people know how to use them, so  
10 people understand how they can be used by them if  
11 they're used wrongly, understanding how really we can  
12 present the opportunities to people so that they will be  
13 willing to adopt tools that are going to be absolutely  
14 essential to them in order for them to survive and  
15 compete in the 21st century.

16           We've begun the process of strengthening the  
17 Lifeline and Linkup programs. That will be a process  
18 that's ongoing in the months ahead and a place where  
19 your input would be helpful.

20           The Chairman mentioned transparency. We have  
21 made progress on transparency. I would also emphasize,  
22 in addition to being a consumer protection agency, we're

1 an enforcement agency, and that is always vitally  
2 important. I think the advisory committee previously  
3 spent some time examining where there are opportunities  
4 for better cooperation between the states and the  
5 federal, states and the feds, on such things as  
6 handling consumer complaints and knowing, each one knows  
7 what the other one is doing. I hope you'll continue  
8 that work. If there are complaints pouring in to PUCs  
9 or states' attorneys general about early termination  
10 fees and things like that, we need to know about that.  
11 Similarly, they need to know what we're doing here.

12           So we're working on that, but we all need to  
13 be working on that. I think one of the central tenets  
14 of the 1996 Telecommunications Act was to encourage  
15 close federal-state partnership in implementing the Act.

16 I'm especially conscious of that as we go into  
17 universal service and inter-carrier compensation; we  
18 need to realize that.

19           Finally -- and you know I never come down here  
20 without talking about media, which is always, I hope, on  
21 your agenda and it's always first on my agenda. This  
22 committee has been involved in the past, has dealt with

1 public interest guidelines, obligations, and  
2 responsibilities. I take that very seriously because, as  
3 you know, the term "public interest, convenience, and  
4 necessity" occurs -- we researched this when Rick was  
5 back in office -- 112 or 115 times in the  
6 Telecommunications Act. So I think Congress was serious  
7 about it, and I think it's a charge that we should take  
8 seriously.

9           Some people who have been at the Commission  
10 before had trouble defining the public interest or  
11 finding where the public interest was. But it's right  
12 there 112 times.

13           I think right now where the real need is is to  
14 make sure that consumers have access to a vibrant media  
15 landscape that arms each citizen with the news and the  
16 information and the facts that they need in order to  
17 make intelligent decisions for the future of the  
18 country. That's true regardless of whether they get  
19 their media from traditional outlets or from new media,  
20 new online sources.

21           But never forget the continuing importance of  
22 that traditional media, because roughly 90 percent of

1 the news, over 90 percent, that's viewed on the Internet  
2 still comes from the traditional news room of the  
3 television station or the newspaper. So we have an  
4 important role to play there.

5 I think there are millions of Americans from  
6 coast to coast who know that something is not quite  
7 right. I've met with them in communities throughout the  
8 country throughout the 10 years that I have been here,  
9 who understand the consequences of fewer voices, fewer  
10 news rooms, fewer investigative journalists, fewer  
11 facts, and more opinions, opinions which are usually  
12 based on other opinions rather than facts.

13 So there is less news, and we have a problem.  
14 Our civic dialogue has a problem. Democracy has a  
15 problem. So I think we have an important responsibility  
16 here as we exercise our public interest responsibilities  
17 to make sure that we have a news and information  
18 infrastructure worthy of our democracy. It's a problem  
19 that goes back to the beginning of the United States.  
20 Washington and Madison and Jefferson talked about it  
21 when they were putting together a government for this  
22 fledgling young country: How do we keep the people

1 informed? This is a brand new experiment here. How are  
2 we going to make it work?

3           It's the same challenge we face today. The  
4 technology may be different, the media may be different,  
5 but it's the very same problem, to ensure that the  
6 citizens are well informed and are capable of making  
7 decisions that will benefit the country in the long run.

8           We have a number of issues I hope we'll be  
9 taking up here in the months ahead. I think we will.  
10 One of them is broadcaster disclosure. This was  
11 something that was mentioned in Steve Wallman's report,  
12 put together under the Chairman's guidance, on the  
13 future of the media. I don't think it's onerous or  
14 burdensome for broadcasters to provide critical  
15 information on line so that citizens can determine on  
16 their own whether stations are meeting their public  
17 interest obligations. I applaud the Public Interest  
18 Airways Coalition that has worked tirelessly over many  
19 years to make this important step a reality.

20           Right now, stations only have to provide this  
21 information in a public file, which is often hidden away  
22 somewhere, very difficult to access in the broadcast

1 station. I think the 21st century demands that we have  
2 that kind of information on line and it needs to be  
3 searchable on line in an aggregatable, if there is such  
4 a word -- I don't know; if there isn't, maybe we should  
5 invent it. But there should be an integrated database  
6 that makes comparisons between stations possible, and I  
7 would welcome the committee's input on how to proceed on  
8 that.

9 Another area that I'm interested in right now  
10 with regard to transparency for consumers is political  
11 advertising disclosure. It's extremely important that  
12 as a democratic society we are informed and can make  
13 informed choices in the political marketplace, and our  
14 sponsorship identification rules give us, I believe,  
15 legal authority to provide our citizens with critical  
16 information about what they're getting.

17 There's a lack of transparency often in these  
18 ads. You know, how many times have you seen an add  
19 "Brought to you by Citizens for Spacious Skies and Amber  
20 Waves of Grain " or "Citizens for a More Beautiful  
21 America"? But who knows who's behind that ad? Who  
22 knows if it's a chemical company refusing to clean up a



1 toxic dump or some company that's polluting a river? We  
2 don't know.

3           If we're serious about something like product  
4 placement -- if you have a can of Coca-Cola or Colgate  
5 toothpaste on a table, you're supposed to acknowledge  
6 that in the program. If we can take that seriously,  
7 shouldn't we be taking seriously who's really putting  
8 the money in, trying to buy elections, who's sponsoring  
9 these ads? I think that's important to us as a  
10 democracy and I think it's one of the issues that we  
11 should be thinking about here. It's about transparency,  
12 it's about consumers and it's about democracy, and I  
13 think it's important.

14           There are lots of other things we could talk  
15 about this morning. The Chairman is a huge believer and  
16 I'm a huge believer in the new literacies, call them  
17 digital literacy, media literacy, news literacy,  
18 whatever you want to call them. This is someplace where  
19 folks around this table working together, private  
20 sector, public sector partnerships, can do so much to  
21 educate people about the opportunities of all the new  
22 tools of the 21st century and again how to use them and

1 how to avoid being misused by them and how they can  
2 serve the higher purposes of our country.

3           So we've got a lot to do at this Commission  
4 and I think, with your help, all pulling together, we'll  
5 be in better shape to do that. So I appreciate your  
6 willingness to serve. I appreciate your being here  
7 today and I look forward to working with you in the  
8 months ahead. And I'm happy to answer a question or two  
9 also if you have any.

10           CHAIRPERSON BERLYN: Thank you very much  
11 Commissioner Copps. We do have a quick question right  
12 here. Is there a question right here? Can you raise  
13 your hand; we'll make sure you have the mike on.

14           MS. WALT: Good morning. I'm Dorothy Walt.  
15 I'm a regional representative with the Helen Keller  
16 National Center. I have a question for you. What is  
17 the process for us to provide advice and feedback to  
18 you, the Federal Communications Commission, out of CAC's  
19 meetings?

20           COMMISSIONER COPPS: I think that's probably a  
21 question probably your advisers to the committee from  
22 the FCC can answer in more technical terms, but I hope

1 in that process as you put these things together and  
2 their filter up to the office, I hope that all the  
3 Commission's offices would be in receipt of the  
4 recommendations that you make.

5 I look for expansive processes so that your  
6 advice and counsel is known. I've always been a devotee  
7 -- and I don't know; I think there may be some  
8 limitations to this, but I think there should be some  
9 interaction amongst the various advisory committees. I  
10 think again your technical folks and the bureau folks  
11 advising the committee can tell you some limitations,  
12 but certainly at the leadership level or informal  
13 discussions, because you might be dealing with something  
14 and two or three other committees are dealing with  
15 different aspects of it -- we have, for example, the  
16 Native American Broadband Task Force now, where they're  
17 dealing with stuff, obviously, that's very important to  
18 what you're dealing with here. So we all need to know  
19 what the other folks are doing so that we don't waste  
20 resources and so that we can really coordinate and  
21 target problems that need to be addressed and hopefully  
22 have some commonality on the recommendations that go

1 forward to the full Commission.

2 CHAIRPERSON BERLYN: We'll talk some more  
3 about the process that we have with our recommendations  
4 this afternoon.

5 Is there another question? Yes, and raise  
6 your hand high if you can. That booth in the back has  
7 to see you there. I think they've got it now.

8 MS. HERRERA: Miko Herrera from Montgomery  
9 County, Maryland. Commissioner Coops, I just would urge  
10 you that we're delighted that the 21st Century  
11 Communications and Video Accessibility Act is going to  
12 take effect later this year. What would be very helpful  
13 is to have either some short fact sheets that are  
14 available at the local level that help local governments  
15 enforce them or to have a mechanism, a simple mechanism  
16 that enables, as it rolls out, enables consumers in an  
17 accessible way to bring issues to the Commission's  
18 attention or to lodge complaints, so that the  
19 implementation can occur as quickly as possible.

20 COMMISSIONER COPPS: That's an excellent idea.  
21 I would wholeheartedly agree with that, and the fellow  
22 who can make that happen is sitting right down here at

1 the end of the table and may be hard at work on it  
2 already. So thank you for a good suggestion.

3 CHAIRPERSON BERLYN: Well, thank you very  
4 much, Commissioner Copps, once again for coming down and  
5 talking to us.

6 (Applause.)

7 CHAIRPERSON BERLYN: Thank you so much.

8 Joel is our next speaker.

9 MR. GURIN: Oh. I thought you were going to  
10 go around.

11 CHAIRPERSON BERLYN: Oh, you want us to go  
12 around the room?

13 MR. GURIN: I can stay later, Debby.

14 CHAIRPERSON BERLYN: Okay, all right. We'll  
15 wait for you to come back, then.

16 We'll go back to our introductions and give  
17 Joel a little break here. Fernando, so you want to go  
18 next with introductions?

19 MR. LAGUARDA: Thanks, Debby.

20 Hi, everybody. My name is Fernando Laguarda.

21 I'm at Time Warner Cable here in the company's  
22 Washington office, and I guess I'm here on behalf of the

1 45,000 employees of Time Warner Cable in 28 states  
2 across the country. We are an independent, publicly  
3 owned company, no longer affiliated with Time Warner,  
4 although with a confusingly similar name, if we're going  
5 to talk about consumer confusion.

6           It's a real privilege to follow the Chairman  
7 and Commissioner Capps. I was furiously scribbling down  
8 notes, thinking about their challenge to us and the  
9 value we can provide. It's great to be here because  
10 really I'm here to learn on behalf of my company and to  
11 try to make an effort through this work to bring to life  
12 our mission and values, to connect people and businesses  
13 with entertainment, information, and each other, and to  
14 give customers choices that are simple and easy.

15           I think the work of this committee can make a  
16 difference to the private sector and to the work of the  
17 Commission and that together we can meet the challenges  
18 that the Chairman so eloquently laid out.

19           I want to just add, on a personal level and  
20 with respect to one specific interest that my company  
21 has, we were very pleased to have made a small  
22 contribution to the enactment of the 21st Century Act

1 and I'm very happy to see the Commission working  
2 diligently on implementation. I'm here especially to  
3 learn about and to contribute to the work of inclusion  
4 for customers with disabilities and also for employees  
5 with disabilities. Inclusion is one of our company's  
6 most important values and I think that that is something  
7 that this committee in particular can contribute in its  
8 work to both informing us and also in bringing the  
9 talents of our employees to the work that we're doing  
10 here.

11           So thank you, and I would invite and encourage  
12 any of you whom I don't know already to please look  
13 forward to introducing yourselves and to asking me how  
14 Time Warner Cable can help you and help the work of this  
15 committee.

16           And thank you also, Debra, for your  
17 leadership. I really appreciate the opportunity to serve  
18 with you here.

19           CHAIRPERSON BERLYN: Thank you, Fernando.  
20           Julie.

21           MS. KEARNEY: Are we on? Great.

22           I'm Julie Kearney. I am Vice President of

1 Regulatory Affairs for the Consumer Electronics  
2 Association. This is our fourth tour on the CAC and I'm  
3 thrilled to be represented CEA and our 2100 members, who  
4 represent about \$186 billion to the U.S. economy. And  
5 these days, the economy needs all the help it can get.

6 Our members range from large corporations like  
7 Panasonic and Samsung and T-Mobile and others to small  
8 businesses, and actually the majority of our members are  
9 small businesses.

10 Some of the areas that you probably know about  
11 about CEA, we produce the International CES. Thanks,  
12 Mitsy, for giving a hat to that. We do market research.

13 To really stay in touch and have hands-on access with  
14 consumers, we've launched a tech enthusiast category,  
15 where individuals can join CEA and do beta testing. We  
16 also have -- some of you are involved. We have an  
17 accessibility working group within our TV Manufacturers  
18 Caucus. So there's a lot going on at CEA. I could  
19 probably take about 20 minutes giving you the full  
20 gamut.

21 On the policy regulatory front, we are active  
22 in the legislative process for the CVAA and are now



1 actively involved at the Commission to ensure that it is  
2 implemented successfully, and we're very pleased with  
3 the work that's going on here.

4 Other issues of interest to CEA are retail  
5 market for settop boxes, and Fernando and I can duke it  
6 out later in the hallway; broadband access; spectrum for  
7 wireless broadband and other services. These are just  
8 some of the issues, and of course we're working on video  
9 description as well.

10 I'd also like to congratulate the FCC on the  
11 Technology Experience Center. We encourage you all -- I  
12 know you'll get a presentation this afternoon, but many  
13 CEA members are there and it's a great way to really get  
14 your hands down and dirty with the technology. So  
15 congratulations to you all. It's phenomenal.

16 I'm here as a resource for you. I take  
17 complaints, many of them, but I take compliments, too,  
18 and CEA is very committed to the work here at the CAC  
19 and to making technologies accessible, but to ensuring  
20 that our consumers are happy.

21 Thanks.

22 CHAIRPERSON BERLYN: Thank you, Julie.

1 I don't know if they see me up here.

2 I was thinking that our visit to the FCC's  
3 Technology Experience Center today, that maybe you can  
4 give us some pointers based on the International CES.  
5 You know, it's kind of like a little mini-CES this  
6 afternoon, that we'll get to see the hands-on devices.

7 But thank you for being here again.

8 Barry.

9 MR. UMANSKY: Good morning. I'm Barry  
10 Umansky. I represent the Digital Policy Institute in  
11 Indiana. I have known many of you in my long and  
12 winding career in communications. I joined the FCC  
13 right out of law school and for seven years did cable TV  
14 and broadcast policymaking, then spent 20 years as a  
15 deputy general counsel at the National Association of  
16 Broadcasters, several years in private practice after  
17 that.

18 About eight years ago, life changed. I was  
19 lured out to Ball State University to take an endowed  
20 chair in telecommunications. And shortly after I  
21 arrived, we set up the Digital Policy Institute. It's  
22 an interdisciplinary association of faculty with a

1 collective interest in digital communications, law,  
2 policy, economics, technology.

3 We have written several reports, white papers.

4 We put on several conferences, symposia. And we try to  
5 at least stay on top of communications policy  
6 development and technology. Our next symposium is  
7 actually on September 15th. It deals with megamergers  
8 in telecommunications and, no, it's not being sponsored  
9 by ATT and T-Mobile, but we tried.

10 (Laughter.)

11 Amalia.

12 MS. DELONEY: My name is Amalia Deloney and I  
13 work at the Center for Media Justice. I'm the Policy  
14 Director there. The Center for Media Justice is based  
15 in Oakland, California. It's a national intermediary.  
16 We work on communications strategy and media policy and  
17 racism and eliminate poverty. We're also the -- I  
18 actually work out of Chicago, though.

19 We're also home to the National Media Action  
20 Grassroots Network, which is a network of more than 125  
21 organizations, social justice and economic justice  
22 organizations, that are community-based, who work at the

1 intersection of media policy, and they're all over the  
2 country.

3           So we're really excited to be part of this  
4 gathering and these meetings, and particularly to bring  
5 home and present the voices of communities who live  
6 outside of the Beltway, but have deep concerns about  
7 their communications needs. Some of the issues that  
8 we're working to tackle -- many have been mentioned  
9 already, but we're very interested in the USF  
10 proceedings and have been actively involved in that; a  
11 lot to say on Lifeline and Link-Up, so it's exciting to  
12 see that on the agenda. Broadband adoption is  
13 something, obviously, that we care a lot about.

14           Then of course, cellphone issues, and we're  
15 particularly interested in open Internet protections  
16 there, as well as all of the consumer issues that arise  
17 for the 16 percent of black Americans, 18 percent of  
18 Latinos, who can only access the Internet through their  
19 cellphones.

20           So those are some of the things that we'd like  
21 to talk about while we're here. Thanks.

22           CHAIRPERSON BERLYN: Great. Thanks.

1 DR. MORRIS: Halito. My name is Traci Morris  
2 and I am a member of the Chickasaw Nation of Oklohoma,  
3 and I am also the Director of Operations for Native  
4 Public Media and the former Policy Director for Native  
5 Public Media. We represent -- specifically, we  
6 represent the 45 tribal radio stations. That's one of  
7 our constituents. But we also work with the National  
8 Congress of the American Indians and their Telecom  
9 Policy Committee, representing all 565 tribes and the  
10 leadership there. So we do a lot of work on behalf of  
11 the tribes, basically.

12 We also -- in addition, like I say, we do  
13 advocacy work for our tribal radio stations, and now we  
14 are branching into digital literacy. Yesterday we  
15 announced our new program in digital literacy that will  
16 be administered by the Institute of American Indian Arts  
17 in Santa Fe. Next summer we'll have our first group go  
18 through that training and it will be the first training  
19 in Indian country on digital literacy.

20 We also do a significant amount of policy work  
21 on a number of the issues that Amalia had mentioned. We  
22 are part of the network with Andrea Quijada. So we do

1 the policy work and we also do research work. I'm also  
2 an affiliated scholar with Fordham University's McGannon  
3 Center for Communications. Prior to that, I co-authored  
4 a study on broadband or new media use in Indian country  
5 with Sascha Meinrath at the New America Foundation. So  
6 we're sort of tentacles in a little bit of everything on  
7 behalf of the tribal communities.

8 MS. QUIJADA: Good morning. My name is Andrea  
9 Quijada. I'm with the Media Literacy Project. We're  
10 based in Albuquerque, New Mexico. We are also, as  
11 mentioned, a member of the Media Action Grassroots  
12 Network. We define media literacy as the ability to  
13 access, analyze, and create media. So we work with  
14 communities on -- in terms of the access piece, that's  
15 where we do a lot of our media policy work. Similarly,  
16 we're working on issues of USF, Lifeline and Linkup.

17 In terms of analyzing, we do a lot around  
18 consumer issues and marketing and breaking down how  
19 communities are marketed to. We're really excited  
20 because we're going to be launching this fall a  
21 collaborative project on a cellphone literacy toolkit.  
22 We're doing that with People's Production House, Voces

1 Moviles out of L.A., and the Center for Urban Pedagogy.

2 So we're really excited about that.

3 Thank you.

4 MR. OXLEY: Hello. My name is Joel Oxley and  
5 I am here representing the National Association of  
6 Broadcasters. We represent thousands of television and  
7 radio stations across the country, certainly big  
8 companies like CBS, more midsized companies like mine,  
9 Hubbard Broadcasting, which I'm the General Manager of  
10 WTOP and WFED in town here, and also smaller  
11 broadcasters all across the country, everything from  
12 very rural stations that only have maybe one AM signal  
13 or FM signal to ones that have groups.

14 So I'm very interested to learn more about how  
15 we can help the consumer. Ultimately that's our job in  
16 broadcasting, is to serve the consumer, because if we  
17 don't we don't have ourselves a business, but we also  
18 aren't doing the right thing. So very interested to see  
19 how our organization, the NAB, can be more helpful, but  
20 also on a local level to see how WTOP and WFED can make  
21 a greater impact on the consumer.

22 Thanks.

1           MS. WONG:   Hi.   I'm Darlene Wong from the  
2 National Consumer Law Center.  Olivia Wein, my esteemed  
3 colleague, is the representative for NCLC and I'm  
4 sitting in here today as the alternate, and thrilled to  
5 be here.  We thank Debra and Scott and the Commission  
6 for the ability to participate in this really  
7 interesting and important work of CAC.

8           Some of the issues that we've been working on  
9 and that we're really interested in, number one, our  
10 broad umbrella is accessibility of telecommunications  
11 services to low-income consumers.  Along the lines of  
12 accessibility, we've appeared in both federal and state  
13 forums and definitely support the Commission's  
14 objectives of working with federal and state  
15 partnerships, and would also insert the important role  
16 of CBOs in that process, or community-based  
17 organizations.  We have found that in outreach and  
18 enrollment and really making the beneficiaries of low-  
19 income telecommunications programs aware of what they  
20 can benefit from, community-based organizations are so  
21 important, and we're really interested in bringing them  
22 and their participation into the efforts of this group.



1           The other thing that we've been working on is  
2 the one-per-household administrative barrier to  
3 enrolling low-income eligible customers in the low-  
4 income discount Lifeline. As some or all of you may  
5 know, for shelter residents in particular, whether they  
6 be consumers in battered women's shelters, could be  
7 folks who are temporarily displaced in places like the  
8 YMCA or other such temporary living environments,  
9 because of the way that the current enrollment process  
10 proceeds those eligible customers cannot currently  
11 benefit from the low-income telephone discount. They  
12 often have difficulties enrolling. So we're very  
13 interested in working with this group on that as a  
14 Lifeline issue.

15           The other Lifeline issue that we're interested  
16 in working on in particular is something that we've  
17 seen, which is, at least in Massachusetts where I am  
18 based, in Boston, a lot of the new enrollments in the  
19 low-income telephone discount are on wireless and that  
20 is the preferred mode of telecommunications services for  
21 low-income customers. They find it a lot more  
22 convenient for answering that call when the employer

1 calls, and for consumers who do live in temporary  
2 shelters and may be extremely mobile because of their  
3 circumstances, the mobile telephone and mobile services  
4 are really important.

5           What we've been finding, however, is that  
6 there's only about a 30 percent enrollment of those that  
7 are qualified or eligible. Some of the problems that  
8 we've identified are, they do have to do with, as I  
9 mentioned, the one-per-household rule, but the other  
10 significant problem is simply administrative barriers  
11 within the providers' customer service process. I think  
12 that those could be some things that would be very  
13 helpful to talk about, and really have informed staff  
14 all around who take -- who work with CBOs and community  
15 providers, clients, and work to really train their staff  
16 about how to enroll low-income consumers. It's often  
17 the case that staff within the telecommunications  
18 service providers are not aware of all of these  
19 offerings.

20           So those are some of the issues that we're  
21 really interested in, and we really appreciate the  
22 opportunity to be here.

1           CHAIRPERSON BERLYN: Linda.

2           MS. SHERRY: Hi. I'm Linda Sherry -- Is it  
3 on? Okay. Hi. I'm Linda Sherry from Consumer Action  
4 and I'm the D.C. Team Leader for Consumer Action. I'm  
5 sitting in for Ken McEldowney, whom many of you know.  
6 He's our Executive Director, based in San Francisco.

7           Consumer Action is celebrating its 40th  
8 anniversary this year. We're a 501(c)(3) nonprofit. We  
9 started off as a California change many years ago, but  
10 we've really grown. Our work now encompasses more of a  
11 national scope.

12           We work to help people prosper financially and  
13 avoid wasting money and avoid scams and fraud. Many of  
14 the people we work with are low-income, limited English  
15 speakers, and unsophisticated consumers, as we call  
16 them. Our work is in three areas.

17           We work in policy advocacy, encouraging  
18 grassroots support for becoming more civicly engaged,  
19 making your voice heard.

20           The second area we work in is a referral and  
21 advice hotline. That's a free service to consumers.  
22 It's not a toll-free number, but they can call and get

1 help on the phone or by email with their complaint. We  
2 lot those complaints and we can see trends, and we can  
3 also provide victims to the media in some cases for  
4 their stories, depending on what they're writing about.

5           The train the trainer area. Darlene was right  
6 on when she said a good way to reach people is through  
7 the CBOs. We've worked with a lot of community-based  
8 organizations over the years. They've ordered our free  
9 publications and via that mechanism we've been able to  
10 grow a database now at 8,000 community-based  
11 organizations nationwide and 12,000 people at those  
12 organizations.

13           We do train the trainer regional meetings. We  
14 do free consumer education materials, curricula, and  
15 Powerpoint slides for the trainers. All of this is  
16 available on our web site and our five subsites, topical  
17 subsites that we have at Consumer Action.

18           For us, telecom is one of our core areas.  
19 Telecom and media are core areas of financial  
20 empowerment to us. You're lifting people out of  
21 poverty. You are bringing them information, news,  
22 services, possible information about jobs, assistance,

1 and entrepreneurship.

2           Our concerns specifically are costs, access,  
3 appropriateness of the services, customer service, and  
4 companies that are just getting too big to serve through  
5 mergers and acquisitions. The specific areas that we  
6 have worked in in telecom and media are: digital  
7 divide, bringing people onto the Internet, ensuring that  
8 they have access to the Internet; cellphones, how to use  
9 them, how to get the best deal, including prepaid  
10 cellphones; wireless and cellphone Lifeline, nuts and  
11 bolts stuff about getting enrolled; mobile data  
12 services. We're finding that these are a source -- a  
13 lot of people are spending a lot of their money on  
14 mobile data services now. The household piece of that -  
15 - that chunk of the household income that's going to  
16 that now is increasingly high. And of course, you know  
17 the companies have been changing the way that those  
18 services are priced in a way that is completely  
19 detrimental to consumers in our eyes, pay as you go  
20 rather than unlimited services.

21           We've worked on Universal Service Fund issues  
22 and retransmission issues. We also work on online

1 privacy and security.

2           So thank you for having me in lieu of Ken and  
3 I hope to get to know all of you. Thank you.

4           CHAIRPERSON BERLYN: We're going to have one  
5 more introduction and then we're going to do a hold  
6 again, go back to our agenda, and then continue a little  
7 later. So thank you, one more.

8           MS. LADEW (speaking through Interpreter): Hi.  
9 I'm Rebecca Ladew. I'm representing Speech  
10 Communications Assistance by Telephones, Inc. I've been  
11 on this committee before and to be renominated is an  
12 honor.

13           I represent speech-disabled people, who often  
14 have difficulty with using the telephone. Indeed, some  
15 of them are afraid to use the telephone due to the  
16 difficulties they have with it. Our goal is to reach  
17 out to these people, to train and educate them about the  
18 services and technologies that are available to them.  
19 In this way we work to provide this population group  
20 with the same communication abilities available to the  
21 rest of the populace.

22           Thank you.

1           CHAIRPERSON BERLYN: Thank you, Rebecca. It's  
2 great to have you back on the CAC. Your perspective is  
3 really important. Thank you for being back here.

4           Well, we're going to take another break from  
5 our introductions. I know this takes a while, but it is  
6 really helpful for us all to have this sort of  
7 introduction. We're going to talk about how we're going  
8 to do the work of this committee, and I think it's great  
9 to hear the type of issues that you are working on  
10 within your organizations that will help define what  
11 your interest is in terms of what we're going to be  
12 doing with the CAC.

13           So thank you all for sharing so far. We'll  
14 continue this later.

15           Now I'm going to turn to Joel Gurin with  
16 Consumer and Governmental Affairs Bureau, our Bureau  
17 Chief. Great to have you here. Thank you for sitting  
18 so patiently, Joel, as we've done our morning business.

19           So thank you.

20           BUREAU UPDATE, JOEL GURIN, CHIEF,  
21           CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU, FCC

22           MR. GURIN: It's been a pleasure. I want to

1 say I think this is a phenomenal group. We were very  
2 pleased to see the applications come in and to have a  
3 role in selection, and it's actually been a pleasure.  
4 I'm sorry I can't stay until we go all the way around.  
5 It's really been a pleasure to hear these introductions  
6 and to hear what you're all working on. It's just  
7 really I think going to be a phenomenal committee with  
8 the mix that you represent of different kinds of groups  
9 working on accessibility, representing communities and  
10 constituencies from around the U.S., consumer groups,  
11 regional groups, industry representatives. I think  
12 you're going to have a lot of fun and we expect and know  
13 that you're going to get a lot done that's really going  
14 to help the Commission. So thank you.

15 Debby, how much time would you like me to  
16 take? I know we have a flexible agenda, apparently. I  
17 have until 11:00. What would you like?

18 CHAIRPERSON BERLYN: We have 15, 20 minutes.

19 MR. GURIN: Okay.

20 CHAIRPERSON BERLYN: We want to make sure that  
21 the group has time for questions.

22 MR. GURIN: That's fine. So why don't I --



1 I'll just kind of go through this in overview. I think  
2 some of you may be more familiar with the Consumer and  
3 Governmental Affairs Bureau than others, so let me give  
4 you a sense of what we do.

5           The first thing to know about us is that we  
6 actually have several different kinds of modes of  
7 action. So we do, of course, do rulemakings. We're  
8 working now on some proceedings, one on bill shock  
9 around mobile cellphone charges. We also have just  
10 initiated a notice of proposed rulemaking on cramming.  
11 We're working on a number of other issues like that as  
12 well, and I'll talk about those a bit more.

13           But that's not the only way in which we work.  
14 We also do workshops. We do events. We do all kinds  
15 of outreach to consumers, publications and so on. We  
16 are increasingly looking at what's possible for us to do  
17 through information and education. In other words, not  
18 just sort of flagging an issue. A lot of the issues  
19 that consumers face now are things that you can't really  
20 quite lead them through in two or three paragraphs on  
21 line. Some of the choices are very complex. Some of  
22 the issues are very complex.

1           We're looking at ways of using the Web, using  
2 other kinds of communication to really help reach  
3 consumers on those issues as well.

4           So in all of these ways, we really are looking  
5 for your input and looking to you also to flag issues  
6 that you may feel are very much of importance that we  
7 may not be paying sufficient attention to in your view.

8           As you heard from the Chairman and from  
9 Commissioner Capps, one of the wonderful and unique  
10 things about this Bureau is that we work across the  
11 Commission. When I first got here, going on almost two  
12 years ago -- hard to believe -- the Chairman set up the  
13 Consumer Task Force, which I was asked to chair, which  
14 includes all the bureaus of the FCC plus the Office of  
15 the Managing Director, Office of Engineering and  
16 Technology, and Office of the General Counsel. We  
17 evolved fairly quickly from having frequent formal  
18 meetings to just evolving a way of working where our  
19 bureau works with all of those different areas on any  
20 kind of rulemaking or other kind of activity that really  
21 affects the consumer interest.

22           My own background, as I think a lot of you

1 know, is that I was at Consumer Reports and Consumers  
2 Union for many years. I was the Editor in Chief of  
3 Consumer Reports, oversaw the launch of their web site,  
4 which has now 3 million active paid subscribers and  
5 counting. I can never mention the web site without  
6 mentioning that. It's actually the largest  
7 subscription-based paid information site in the world as  
8 far as we know.

9           So I have a longstanding -- and then I was  
10 Executive Vice President there for almost a decade. So  
11 I have a longstanding interest in consumer issues,  
12 communication advocacy, publishing, and all of that.

13           So let me go through the different parts of  
14 the Consumer and Governmental Affairs Bureau and tell  
15 you what we do. One of the most active right now is the  
16 Disability Rights Office. We are very, very busily  
17 implementing the 21st Century Communications and Video  
18 Accessibility Act under the leadership both of Karen  
19 Peltz-Strauss as one of my deputies and also Greg Hlibok  
20 as the chief of that division.

21           I notice that the CVAA is not on your agenda  
22 for today and it would probably actually take quite a

1 bit to go through it. I think many of you are familiar  
2 with it already, of course. But you may want, Debby --  
3 I don't know -- at some point, I'm sure if you wanted  
4 Karen and Greg to do an overview. That's a very central  
5 piece right now of what CGB is doing and it's a major  
6 direction of our rulemaking activity.

7           We also have the Office of Native Affairs and  
8 Policy, which I think is just now within a week, give or  
9 take, celebrating its first anniversary, led by Geof  
10 Blackwell, who we were able to bring back to the  
11 Commission. This has been I think just a huge, huge  
12 step up in the Commission's work with Native nations.

13           We had -- before ONAP, as we call it, was  
14 started, we had one, sometimes two, tribal liaisons,  
15 which, given that the work that we need to do is heavily  
16 focused on consultation, on really getting out into  
17 Indian country, bringing people here, having one or two  
18 tribal liaisons was just not nearly adequate for what  
19 the Commission needs to do. We now have an office led  
20 very dynamically by Geof, with I think we're about seven  
21 or eight people. He actually came on board and got it  
22 fully staffed within about -- or almost fully staffed,

1 within about a month. And there's just a lot of work  
2 and a lot of opportunity for us to do there.

3           Some of that is in a rulemaking context. We  
4 do have a notice of inquiry out asking a broad, broad  
5 range of questions about these issues, where we've just  
6 gotten comments in and we'll be sorting through those.  
7 But a lot also is our work with the Wireless Bureau,  
8 with the Wireline Bureau, with USF, with other parts of  
9 the Commission that are actively involved in issues that  
10 affect Native nations and people in Indian country.

11           So that's been a huge part of our work, and  
12 also is very much part of the work of the National  
13 Broadband Plan as well.

14           The Office of Intergovernmental Affairs, which  
15 is part of our bureau, has ramped up quite a bit in the  
16 last year. This is an office that works with NARUC,  
17 with NASUCA, with I think about ten different  
18 organizations that have different acronyms that are not  
19 quite pronounceable, but National Association of  
20 Attorneys General and many, many others.

21           What they've done in the last year has been  
22 two things that I think have been especially noteworthy.

1 One is they've begun a series of webinars, which is a  
2 way that we can really increase how we do our  
3 coordination with these groups and with state  
4 governments and local governments around communications  
5 issues.

6 We also have just in other ways really ramped  
7 up our communication with the states in a way that is  
8 two-way communication. So for example, when we did our  
9 recent rulemaking on cramming we got a lot of  
10 information from the states on the incidence of cramming  
11 and different kinds of evidence to really show this to  
12 be a problem.

13 California, for example, has a unique law  
14 where wireline carriers are required to report the  
15 number of cramming complaints that they get. We found  
16 from California that they were getting about 120,000 or  
17 more complaints a year. That has enabled us to really  
18 develop an estimate of the incidence of cramming  
19 annually. We've also been working with a great  
20 awareness of what's happening on a Congressional level  
21 as well.

22 The Consumer Policy Division -- Colleen,

1 welcome -- is going to talk about some of the work that  
2 they're doing. This is really where the rulemaking part  
3 of CGB comes into play. We began shortly before I got  
4 here -- in August of 2009, the Commission released a  
5 notice of inquiry on consumer information and  
6 disclosure, which was again a very broad NOI asking for  
7 a lot of input about disclosure in four different  
8 levels.

9 I always talk about this one as sort of truth  
10 in billing on steroids, because truth in billing really  
11 began by saying telephone bills have to have clear  
12 information, and what this notice of inquiry did is it  
13 expanded that concept in two directions. One is it said  
14 it's not just phone bills and the other is it said it's  
15 not just bills.

16 So the first thing was to say that we are  
17 interested in four stages where consumers need  
18 information. One is when they're choosing a provider;  
19 second, when they're choosing a plan from that provider.  
20 We know, for example, that cellphone companies -- a  
21 given company may offer now more than a thousand plans,  
22 with all the different combinations of equipment, plans,

1 and so on. So that's a difficult decision for consumers  
2 as well.

3 Third is people have to understand their bills  
4 when they get them. And fourth is if somebody is  
5 considering changing a provider they need to know what  
6 goes into that decision so that they can make that  
7 decision intelligently.

8 We also are looking here not just at telephone  
9 service, but also at broadcast, satellite, wireline,  
10 cable, etcetera. So it's a very broad-reaching inquiry.

11 We've gotten a lot of comments on that. We've had some  
12 follow-up on that. We're continuing to work on all  
13 those areas, and that's very much, I'm sure, what you'll  
14 hear about from Colleen.

15 The two most active areas right now: One is  
16 bill shock, where we have had a notice of proposed  
17 rulemaking out and are now figuring out the last stages  
18 of taking action on that, and that's the effort to get  
19 alerts that people would get, so that if you are about  
20 to go over your limits for voice, text, or data, that  
21 you would have an alert that tells you, that warns you  
22 before that happens; and cramming, which as many of you



1 know is the unauthorized placement of charges on phone  
2 bills. We're looking at that primarily in a wireline  
3 context and we've just proposed some rules that we think  
4 will be helpful there.

5 Both of these proceedings and a lot of what  
6 we're doing are very much in the context of consumer  
7 information and disclosure. So the theory is that the  
8 first line of defense for consumers is to help them  
9 figure out what's going on. So in bill shock, for  
10 example, we're not making any judgment about how  
11 wireless companies should charge people when they go  
12 over their limit. We're just saying if they do they  
13 should know before it happens. That's very much the  
14 spirit of how we're approaching cramming and a lot of  
15 other issues as well.

16 Just very quickly I'll mention three other  
17 areas of CGB and then I'll be happy to take any  
18 questions. One is complaint handling. We handle, I  
19 don't know -- I always lose track, but it's in the  
20 hundreds of thousands of complaints a year. A lot of  
21 those are indecency complaints. Every time there's a  
22 wardrobe malfunction or what appears to be almost every

1 single episode of Family Guy results in some flood of  
2 complaints to the Commission. So that's just an  
3 interesting thing.

4 As you may know, the whole question of how we  
5 handle indecency complaints is now under legal review at  
6 the high court level. But even if you factor those out,  
7 we handle a large number of complaints about junk faxes,  
8 about issues arising under the TCPA, the  
9 Telecommunications Consumer Protection Act, and a number  
10 of complaints about billing, rates, etcetera, etcetera.

11 What we do, which is quite unusual, I think,  
12 for a federal agency, is we don't just log these  
13 complaints in; we actually mediate between consumers and  
14 the carriers and try to help them see eye to eye and to  
15 get satisfaction on these issues. We're now looking at  
16 ways we believe that we can make complaint handling  
17 here, that we can sort of modernize it. We're looking  
18 at our coding systems for complaints. We're updating  
19 that. We're looking at what we can do on line, and I  
20 think within six months you're going to see that we're  
21 able to do this in a very consumer-friendly way that  
22 really allows a lot of input from consumers and enables

1 us to track trends across these industries more and more  
2 effectively.

3           We have the Consumer Affairs and Outreach  
4 Division, which I think I mentioned earlier that we do  
5 workshops, field hearings, events, tech showcases, any  
6 number of kinds of things like that to reach consumers.  
7 That's all part of CAOD, which I think had a hand in  
8 putting on this event today as well. That's now --  
9 Roger Goldblatt has headed that up very ably. He is now  
10 detailed to the Chairman's Office, but continuing to  
11 work with us, and Susan McLean is the Division Chief for  
12 CAOD and fairly new and doing a terrific job.

13           Then finally, the newest part of CGB is the  
14 Web and Print Publishing Division. This is the division  
15 that we've started to really focus both on our consumer  
16 fact sheets, our print publications, and the increasing  
17 opportunities that we have to reach consumers through  
18 the Web as we continue to work on the FCC web site  
19 together with our New Media Group.

20           So we have a lot going on. One area that I  
21 didn't mention that I want to mention, that actually  
22 cuts across a lot of what we're doing, a lot of

1 different parts of CGB, and is also a good model for us,  
2 is the work that we've done on broadband. In addition  
3 to being involved in broadband adoption, USF, and other  
4 kind of policymaking that the agency does, we're very,  
5 very focused now on helping people understand broadband,  
6 understand what they need, and working with the industry  
7 on this effort.

8           A couple of weeks ago we issued a report  
9 called "Measuring Broadband America," that's available  
10 online. This was the result of a year-long effort that  
11 we did with a company called Samknows that has done  
12 similar work in the U.K., where we actually measured --  
13 did on-the-ground scientific, technical measurements of  
14 broadband speed in about 7,000 homes across America.

15           A few things were noteworthy about this. One  
16 was that this was the Commission in information-  
17 gathering mode. So this was a way that we could really  
18 make a difference simply by collecting and creating a  
19 data set that had never existed before.

20           We found, by the way, that by and large the  
21 different Internet service providers generally do  
22 provide the speeds that they advertise, which was very

1 good to know, and which was something that had not been  
2 clear before.

3           We also found some issues that do show up  
4 around hours of peak usage and other kinds of issues  
5 that I think are very helpful for consumers and as  
6 feedback to the industry as they continue to constantly  
7 improve performance.

8           So we have I think about a billion data points  
9 that we have now put on line. So this is a data set  
10 that's not only led to an important FCC report, but that  
11 we've made available now for the industry, for  
12 academics. All the data is publicly available for  
13 anybody who wants to use it.

14           The other thing -- there are two other things  
15 that were noteworthy about this. One is that when we  
16 issued this we issued a consumer guide that walks people  
17 through the process of how to use this information, how  
18 to choose broadband service, and that's a model for  
19 something we really want to expand and deepen as we go  
20 forward.

21           I think perhaps the most noteworthy thing is  
22 that this was a remarkably effective and productive

1 collaboration between the FCC and industry. We put  
2 together an industry -- actually, the industries  
3 themselves, service providers themselves, had begun to  
4 work together. We then worked with them in a very  
5 strong collaborative process that went on for about a  
6 year. We had a number of meetings with 20 people in the  
7 room and 30 on the phone. Representatives of the  
8 service providers were just extraordinarily diligent,  
9 committed, and patient working together to get this  
10 right.

11 I think in the end we came out with a product  
12 that everybody participated in and that we feel could  
13 not have been done without that kind of dialogue. I  
14 think that we are going to find that there are other  
15 areas like that, where it's really in everyone's best  
16 interests, both consumers and the industry, to figure  
17 out how to communicate about these issues, how to give  
18 people information about these issues that really helps  
19 them make choices in the marketplace and ultimately  
20 makes the market itself more transparent, more  
21 efficient, all to the good.

22 So we saw that as just a terrific experience.

1 The next step on that is to talk about what we have for  
2 shorthand called "need for speed." We hope to work with  
3 the ISPs and with application developers and others to  
4 really refine the kind of information and advice that we  
5 give consumers about how to figure out what they  
6 actually need in broadband performance and how to do  
7 that in a way that may become more of a kind of common  
8 language or common set of principles used across the  
9 industry.

10 So that's what we're up to and I'd be happy to  
11 take any questions or comments of any kind.

12 CHAIRPERSON BERLYN: Thank you, Joel.

13 Remember to identify yourself after I call on  
14 you. Lise.

15 MS. HAMLIN: Hello. This is Lise Hamlin from  
16 Hearing Loss Association.

17 Thank you. I first want to say thanks for all  
18 of the great work that you guys are doing. I've been  
19 involved with CVAA and that staff that you have there is  
20 just extraordinary, doing incredible stuff.

21 MR. GURIN: I think so, too.

22 MS. HAMLIN: I wanted to ask -- last year one

1 of the things that came -- we were looking at complaints  
2 with captioning and one of the things that was really  
3 helpful was that after looking at the complaints the  
4 department created a report that a consumer could see,  
5 that consumers and everyone could see, where were  
6 complaints going, how are they doing.

7           So to me it was really valuable to have not  
8 just -- to have you guys take the complaints, but to  
9 compile them and then create reports. Do you see that  
10 happening again, well, certainly for us in terms of  
11 captioning I was looking at, but there must be other  
12 complaints that you take, and trends? I would love to  
13 see those kinds of reports come out, but I don't know  
14 what your plans are.

15           MR. GURIN: I don't know particularly what our  
16 plans might be around captioning. I would have to talk  
17 to Karen and Greg Hlibok about that. But I can tell  
18 you, as I mentioned briefly, that we are looking at the  
19 whole issue of how we take in and analyze complaints. I  
20 think there's been a lot of desire from all sides --  
21 industry, consumers, government -- to figure out how to  
22 do this more efficiently. I've actually found, in



1 talking to people at other government agencies, that a  
2 lot of agencies are now looking at how to modernize  
3 complaint handling and complaint tracking.

4 We have a very good team working on this. We  
5 think we'll be able to make a lot of progress quickly,  
6 and more to come, but definitely the idea of really  
7 being able to synthesize complaints and report back to  
8 the public much more quickly than we do now is high on  
9 our agenda.

10 CHAIRPERSON BERLYN: Irene.

11 MR. GURIN: Hi.

12 MS. LEECH: Irene Leech. Thank you for all  
13 that you're doing -- have we got the microphone up?

14 CHAIRPERSON BERLYN: Not yet.

15 MS. LEECH: Thank you for all that you're  
16 doing, and it's been exciting to watch this bureau grow  
17 over the last several years.

18 One thing that I wanted to share and maybe I  
19 should have shared earlier when the Commissioners were  
20 here. My college roommate experienced a tornado in mid-  
21 spring and immediately after -- and they live out in a  
22 very rural area -- the roof of the house was gone. They

1 probably won't be able to live there for more than a  
2 year. It was pretty badly damaged.

3           None of the cellphones worked after the  
4 tornado went through, but they were able to get help on  
5 landline. When I went to see them and they were showing  
6 me the destruction and so forth, one of the out-of-the-  
7 blue comments that they made to me was: We'll never  
8 give up our landline after this experience.

9           So I thought that that was worth sharing and,  
10 in a world where I think a lot of people think we're  
11 going wireless-only, we're a long way, I think, from  
12 having the kind of reliability with wireless that we do  
13 with landlines.

14           MR. GURIN: That's a very good observation.  
15 Thank you.

16           CHAIRPERSON BERLYN: Okay. So two more  
17 questions and then we'll have to let Joel go. Paul.

18           MR. SCHROEDER: Hi. Paul Schroeder with the  
19 American Foundation for the Blind.

20           Again, I want to thank you for an excellent  
21 staff and the work that the bureau is doing, echoing  
22 many others and echoing what I said to the Chair

1 earlier.

2 I do want to make a point, which is that there  
3 are several key provisions in the Communications and  
4 Video Accessibility Act and there is a long history of  
5 relatively poor implementation of accessibility,  
6 especially for people with vision loss, whether it's in  
7 the area of video programming accessibility, TV  
8 accessibility, cellphone accessibility, or emergency  
9 information accessibility.

10 With all that in mind, I'm wondering what  
11 plans you might have to add expertise that would relate  
12 to the needs of people with vision loss to the bureau as  
13 you look at staffing, because it seems as though that is  
14 an area of great need, given the requirements of the new  
15 law.

16 MR. GURIN: Yes, duly noted. We're definitely  
17 considering that, Paul. We're hoping that we can  
18 continue to grow the bureau. As you know, times are a  
19 bit tough and there is a lot of belt-tightening going on  
20 all over government. But at the same time, I think  
21 what's been set out in the CVAA is such a huge  
22 initiative, not just for our bureau and for the agency,

1 but just for the country as a whole, that we are hoping  
2 we can continue to bring people in, and that's  
3 definitely going to be a consideration of ours. So  
4 thanks.

5 CHAIRPERSON BERLYN: Yes?

6 MS. HERRERA: Mitsuko Herrera from Montgomery  
7 County, Maryland.

8 I want to thank you for the work that you're  
9 doing on the mobile bill alert and the cramming. One  
10 thing I note. We had a lot of conversations about  
11 broadband, but there doesn't seem to be a proceeding in  
12 which you have addressing the billing practices for  
13 broadband. Consistent with what you're saying, what I'd  
14 just like to suggest is something that looks similar to  
15 what you get with a credit card application, which has a  
16 simple chart that lays out specifically monthly charges,  
17 additional fees, taxes, potentially one that's got:  
18 Here's a promo rate and here's how long that rate will  
19 last, and then here are the ongoing rates.

20 Most of the -- just similar to your fourth  
21 quarter report, more than half of our complaints on that  
22 are related to billing, in which people signed up for

1 something, they weren't aware of it, there is no  
2 requirement that they have to get anything in writing  
3 that tells them. And oftentimes, when they do get  
4 something in writing it's simply the promotional flyer  
5 with whichever offer you got circled, which is not  
6 really a substitute for what your prices will actually  
7 be.

8           So I would encourage you to sort of  
9 proactively look at that and again, consistent with  
10 providers are free to charge what they will, but having  
11 a chart that allows consumers to easily compare and to  
12 be aware of what they're signing up for, would be very  
13 helpful, particularly as we try to tackle those folks  
14 who have access, the 76 million people who have access  
15 to broadband, but who have opted not to purchase it.

16           MR. GURIN:     So just since we're on that  
17 subject -- and thank you -- let me just ask you a couple  
18 of questions, if I could --

19           MS. HERRERA:    Sure.

20           MR. GURIN:     -- because this is good input for  
21 us. One question is, in the complaints that you see are  
22 you seeing this more with bundled plans or with plans

1 generally?

2 MS. HERRERA: I would say that the majority of  
3 consumers opt for a bundled plan because the incentives  
4 are so strong. It's very difficult for consumers -- you  
5 could have a debate about consumer choice, but in fact  
6 they have very little choice to not choose a bundled  
7 plan because the cost incentives are so strong.

8 MR. GURIN: Do you make your complaint data  
9 public?

10 MS. HERRERA: Yes. In fact, my staff is  
11 working on releasing our report this week, and so I can  
12 provide that.

13 MR. GURIN: If you would please make sure --  
14 if anybody needs to reach me, my email is very obscure.  
15 It's joel.gurin@fcc.gov. So please do send that to us  
16 and to me particularly when that comes out. We'd be  
17 very interested in following that.

18 MS. HERRERA: Sure. One thing, just a  
19 housekeeping note. It would be helpful if the  
20 membership roster internally could be circulated,  
21 something that includes everybody's contact information.

22 CHAIRPERSON BERLYN: We will definitely have

1 that.

2 I just want to follow up on that, Joel,  
3 because you know we worked a lot on this sort of  
4 information for you in our last CAC, and I know we will  
5 want to follow up and go a little more deeply into that  
6 sort of suggestion as we move forward, because that's a  
7 great point.

8 MR. GURIN: Well, I think this is one of what  
9 I'm sure are going to be many really good examples of  
10 exactly the kind of input that we're looking to the CAC  
11 to give us. So thank you.

12 Thank you, everybody. Again, so glad to see  
13 you all here and so engaged. This is a phenomenal group  
14 and, as I'm sure you've heard this morning, you're all  
15 here for a reason. People around this table were  
16 selected very carefully and I can see very, very well.  
17 I think it is really going to be great working with you,  
18 and thank you again.

19 (Applause.)

20 CHAIRPERSON BERLYN: Thank you. Thank you,  
21 Joel.

22 We've all been sitting for two hours now. We

1 need a short break. This isn't optional. So let's take  
2 a five-minute break, please. This is truly just a need-  
3 only break, and then come back to the table. We have  
4 our next speaker lined up and ready to go. So thanks  
5 all.

6 (Recess from 10:56 a.m. to 11:09 a.m.)

7 CHAIRPERSON BERLYN: Good morning again,  
8 everyone. So back on the agenda, what was 10:20 is now  
9 -- 10:10 is now 11:10 on our schedule. We're not doing  
10 too badly. We'll figure this all out.

11 We now have Ann Bushmiller, who is Deputy  
12 Associate General Counsel in the Office of the General  
13 Counsel of the FCC, who's going to tell us about the  
14 world of federal advisory committees. Thank you, Ann.

15 WELCOME TO THE WORLD OF FACA,  
16 ANN BUSHMILLER, DEPUTY ASSOCIATE GENERAL COUNSEL,  
17 OFFICE OF GENERAL COUNSEL, FCC

18 MS. BUSHMILLER: Thank you to you for such a  
19 fabulous turnout here in the middle of August.

20 Yes, I am here with a nuts and bolts  
21 discussion of the Federal Advisory Committee Act and  
22 some of the guidelines that we have to observe as we do



1 our work in light of the goals of the Act and the actual  
2 restrictions that are contained in it. I have made my  
3 talking points available to Scott electronically, so he  
4 can circulate them after the fact to everybody.

5 But if you're on this committee you've  
6 probably heard of the Federal Advisory Committee Act.  
7 It governs the operations of this and all of the  
8 official government advisory committees. There's a link  
9 to it in your handout.

10 Now, the guiding principles of FACA are to  
11 promote openness in government and to widen the areas  
12 from where the government can draw advice, also to  
13 ensure that we've got diversity and balance among the  
14 membership of a committee that's giving advice to the  
15 agency, and that this committee, like the Commission  
16 itself, is subject to public accountability.

17 So in order to help achieve these goals there  
18 are some things we've got to keep in mind. One is we  
19 have to have timely and sufficient public notice of your  
20 meetings. Usually it's a 15 calendar day notice in the  
21 Federal Register. So this requires a lot of advance  
22 planning, which poor Mr. Marshall here is going to be

1 tending to.

2           Not only the Federal Register, but other ways  
3 to reach out to interested members of the public. So we  
4 could do it by a regular release. We can do it via the  
5 Internet, other media. We look for suggestions, how  
6 best to get the word out to the people that you work  
7 with.

8           Meetings may include other meetings like  
9 today, where we get together in public, but also  
10 teleconferences, videoconferences, doing things by  
11 Internet. We'll try to use all ways of meeting that  
12 make sense.

13           The second thing is the public can attend our  
14 meetings. The FACA requires us to permit interested  
15 members of the public to attend meetings and, subject to  
16 reasonable regulations, to be able to submit written  
17 statements and say what's on their mind. Under limited  
18 circumstances, we may decide to close meeting, but that  
19 has to be done ahead of time. If there is something  
20 that's either involving trade secrets -- and sometimes  
21 it's new methods of technology are under discussion;  
22 it's conceivable you might have something that isn't

1 ready to be broadcast to the world at large yet -- you  
2 can close it, but that also has to be in the Federal  
3 Register, that we're going to have a closed portion of  
4 the meeting. We can't say, get here in the morning and  
5 decide, oh boy, from 10:30 to 11:00 we'd really rather  
6 have it closed. It's too late at that point.

7 Documents also. To the extent that we  
8 generate documents, that minutes are prepared of this,  
9 that documents are submitted to us, these are in general  
10 all available to the public. Scott again is going to  
11 take care that minutes are prepared, not that he has to  
12 prepare them, but he's going to task somebody with it.  
13 So they'll be available for public inspection and  
14 copying via the FOIA or somebody just coming here.

15 If there's an applicable exemption to the  
16 FOIA, for example personal privacy, not every document  
17 is necessarily going to be made wholly available to the  
18 public. But that's something to bear in mind, that in  
19 general all our work is available to the public.

20 So the role of the committee chair, Ms. Berlyn  
21 sitting right here, and the vice chair are: serving as  
22 the focal point for the members of the committee who

1 have questions, who have suggestions, things like that.  
2 The chair and vice chair will establish any informal  
3 working groups or subcommittees that you may decide  
4 would be useful to you, subject to a couple more  
5 restrictions I'll mention in a minute. And they will  
6 conduct the committee meetings. They'll suggest the  
7 agendas. They'll keep you guys moving forward.

8 The designated federal officer is Scott  
9 Marshall. He is an FCC employee and he will call the  
10 committee meetings, he'll make sure that there's  
11 adequate notice. He'll approve the agendas that the  
12 chair and vice chair are putting together. He attends  
13 the meetings. He will close them to the public when  
14 necessary and pursuant to rules. And he'll maintain the  
15 committee records, and that's a pretty big job. He and  
16 his staff will make sure that the minutes are all kept,  
17 that they're accessible, they're organized. They'll  
18 ensure that minutes are taken.

19 He's probably given you his reach information  
20 already. It's also available on the handout that you'll  
21 get.

22 Now, you may decide that it will be useful to

1 have specific working groups. I don't mean to  
2 presuppose --

3 MR. MARSHALL: Yes.

4 MS. BUSHMILLER: You will, okay. You will.  
5 Just giving you the FACA rundown on that. To facilitate  
6 your work, you may create these. Now, one thing to bear  
7 in mind is that if you're assigned to a working group  
8 you can't send a substitute without clearing it through  
9 Scott or somebody he designates at the FCC. That's to  
10 facilitate some of those goals we referred to at the top  
11 of the conversation about diversity and balance.

12 Several of you are here representing specific  
13 populations and viewpoints and we've just got to make  
14 sure that the balance that we put in place when the  
15 committee was set up is maintained in our working  
16 groups.

17 So these working groups or subcommittees may  
18 gather information, develop work plans, draft reports,  
19 and discuss preliminary findings. Now, if the working  
20 group or subcommittee develops a report, a draft report,  
21 it should be delivered to the full committee  
22 sufficiently ahead of time so that everybody on the

1 committee has a chance to review it and think about it,  
2 that it's not just there for rubber-stamping.

3           That leads to the last point here. The  
4 subcommittees and the informal working groups should not  
5 function as a de facto advisory committee and they  
6 shouldn't make recommendations or submit draft reports  
7 that are expected to be rubber-stamped without thorough  
8 discussion and analysis and understanding by the full  
9 committee.

10           No surprise: They shouldn't make decisions  
11 that are binding on the full committee or even speak on  
12 behalf of the committee without approval. It may be  
13 that there are circumstances where you would be speaking  
14 on a specific topic for the committee, but be sure to  
15 get the green light from your chair first.

16           And the subcommittees and the working groups  
17 don't make direct recommendations to the FCC. That is  
18 definitely something that only your full committee can  
19 do, is make direct recommendations to the FCC.

20           Now, when these requirements are met then  
21 meetings conducted by your working groups or the  
22 subcommittees aren't subject to the public

1 participation, the 15 days advance notice. So it means  
2 that the working groups are a little more nimble. They  
3 can just get more done in a shorter period of time. But  
4 they definitely act just to assist your full committee,  
5 who takes in the information ultimately and makes the  
6 decision.

7           So if you have -- that wraps up my prepared  
8 speech, and if you have any questions feel free to hit  
9 me right now. Otherwise, just direct questions you've  
10 got to Scott, who will enlist the lawyers from the FCC  
11 in answering them. Another woman, who is on vacation  
12 today, is the world's leading expert in FACA and she  
13 will be sure to answer any questions that you've got.

14           Thank you.

15           CHAIRPERSON BERLYN: So I have a question,  
16 Ann. With the working groups, it's always been my  
17 understanding, but I want to clear this up: Can anyone  
18 participate in a working group or is it only the members  
19 of the Consumer Advisory Committee? So can someone who  
20 is not a member of the Consumer Advisory Committee  
21 participate in a working group discussion?

22           MS. BUSHMILLER: They can, subject to some

1 restrictions. You need to invite them and they  
2 shouldn't participate as if they were a member. But if  
3 you have on a one-off or two-off basis, if they have  
4 expertise that would be useful to you, sure, you can  
5 invite them to come in and assist you. That's good.

6 But we would try to avoid a situation where  
7 people thought that this person was actually a member of  
8 your committee. They're outside consultants.

9 CHAIRPERSON BERLYN: Anybody else have any  
10 questions?

11 (No response.)

12 CHAIRPERSON BERLYN: Okay. Thank you very  
13 much. We appreciate that.

14 MS. BUSHMILLER: Thank you.

15 (Applause.)

16 MS. BUSHMILLER: I love this. Lawyers so  
17 rarely get applause.

18 (Laughter.)

19 MR. MARSHALL: And I always say, I'm a lucky  
20 guy to have a lawyer to keep me out of trouble.

21 CHAIRPERSON BERLYN: Okay. So we are now --  
22 we are now moving to the next topic. You'll see on your



1 agenda, Joel Gurin mentioned the Bureau did the  
2 broadband speed report recently. So we have Ellen  
3 Satterwhite, Consumer Researcher with the Bureau, and  
4 Deborah Broderon, Attorney Advisor, who are both going  
5 to talk to us about this new report that the FCC has  
6 issued. So thank you both very much for being here.

7 NEED FOR SPEED NPRM AND SAMKNOWS REPORT,  
8 DEBORAH BRODERSON, ATTORNEY ADVISOR, CGB, AND  
9 ELLEN SATTERWHITE, CONSUMER RESEARCHER, CGB

10 MS. SATTERWHITE: It's our pleasure. I  
11 promised Scott; I said we'd talk very quickly and that  
12 brevity is the soul of wit, that we're available to  
13 answer questions. We've also prepared a Powerpoint that  
14 hopefully will appear.

15 (Slide.)

16 Oh, here it is. It's been sent to all of you  
17 and it's in the packets. So we'll give the briefest of  
18 overviews of the broadband measurement and transparency  
19 report that the Consumer and Governmental Affairs  
20 Bureau, along with the Office of Engineering and  
21 Technology, released on August 2nd, called "Measuring  
22 Broadband America."

1           As Debra mentioned, my name's Ellen  
2 Satterwhite. This is my channel Deborah Broderson, and  
3 we will hopefully go very quickly and tell you a little  
4 bit more about broadband measurement and transparency.

5           (Slide.)

6           How many folks are familiar with the National  
7 Broadband Plan?

8           (Show of hands.)

9           MS. SATTERWHITE: I love these rooms. For  
10 those of you that aren't familiar -- how many have read  
11 all 257 pages?

12          (Show of hands.)

13          MS. SATTERWHITE: A few hands. I have read  
14 every page, so pity me.

15          But in the Recovery Act Congress directed the  
16 Federal Communications Commission to develop a National  
17 Broadband Plan. The text, the relevant text from the  
18 Act, is on the presentation. Essentially, we were  
19 charged with creating a plan for the universal  
20 deployment, adoption, and utilization of broadband, and  
21 we were given a year to complete that task. We asked  
22 for a month extra, but we did complete the task in a

1 year plus a month.

2 (Slide.)

3 We did I think it was 36 workshops. We did  
4 field hearings. It was the largest data collection  
5 effort that the Commission has ever undertaken. We  
6 spoke with many of the people in this room, actually.  
7 Debra was one person who was very helpful to us.

8 In the course of developing the broadband  
9 plan, we came across the best available evidence at the  
10 time that suggested that the speeds that consumers --  
11 broadband speeds that consumers receive at home may be  
12 close to half of what they think they're receiving, what  
13 they think they're being provisioned by broadband  
14 providers. That was the best available data at the  
15 time.

16 We also found that, in the course of a couple  
17 surveys, that many consumers don't necessarily know what  
18 they're paying for or what they should be getting, that  
19 broadband speed and performance is very confusing to  
20 consumers.

21 (Slide.)

22 MS. BRODERSON: So just a few words about some

1 of the terms that we end up using, that we use in the  
2 broadband plan, and that we used in what was initially  
3 called the Samknows report, because our contractors from  
4 England were the Samknows Company, that we ended up  
5 calling "Measuring Broadband America."

6           Forgive me if you're already familiar with  
7 this. Those of you who already read the entire  
8 broadband report -- everything on the Internet travels  
9 in packets, which are bits of data. The metric that we  
10 use to measure the speed of packets is megabits per  
11 second, mbps. Broadband connections have two speeds,  
12 the download speed and the upload speed. Those are not  
13 usually provisioned symmetrically by providers, mostly  
14 for reasons of demand. That may change, but generally  
15 consumers want faster download speeds than they do  
16 upload speeds.

17           Also, the last critical term, which we  
18 struggled with defining for consumers because it's very  
19 difficult to measure from a consumer perspective, is  
20 "latency," which is just a measure of time lag in your  
21 network. Latency can cause a problem with programs or  
22 applications that need real-time -- real-time

1 communication, online calls, video conferencing, gaming.

2           So the report that we ultimately issued  
3 covered three different kinds of broadband technologies.

4 There are others, but the three we studied are cable,  
5 DSL, and fiber.

6           As I think Ellen might have mentioned, in the  
7 broadband plan we found that consumers -- one way to  
8 address the confusion that consumers experience in the  
9 broadband speed, the difference between actual broadband  
10 speed and advertised broadband speed, was to increase  
11 transparency. So to that end, we assembled a group, a  
12 collaborative, which ultimately consisted of 13 ISPs, 13  
13 major ISPs that represent 86 percent of all fixed  
14 wireless subscribers in the United States, as well as  
15 academics, public interest groups, maybe some of you,  
16 had some open meetings, ended up -- the bulk of the  
17 meetings, when the process became more technical, were  
18 with the ISPs themselves, all of whom signed up to  
19 participate in this study, and we couldn't have done the  
20 study without the participation of the ISPs.

21           It's one of the big differences between this  
22 study and the study that OFCOM, the U.K. regulatory

1 agency, drafted for their broadband speed is that, with  
2 the participation of the ISPs, we had much -- we hoped  
3 that we would get much more accurate data because we  
4 could test the actual speeds versus advertised speeds  
5 for individual consumers.

6 (Slide.)

7 One of the other benefits of this program  
8 going forward is that we created this standardized  
9 testing methodology that we hope ISPs will continue to  
10 use, because transparency in broadband performance is  
11 very important to the FCC, not just for this project but  
12 going forward.

13 We decided we used a hardware-based test,  
14 where each consumer got a little white box that they  
15 plugged into their Internet connection, instead of a  
16 software-based connection, because we felt that it would  
17 give more consistency. That way you don't have  
18 consumers switching off their computers; if it's a  
19 software-based test, then you're not getting results. A  
20 hardware-based test, the white box, as we call the  
21 device, could constantly check a consumer's broadband  
22 speed.

1           We also had to figure out when and where to  
2 measure. We'll talk a little bit more about that when  
3 we get into the weeds.

4           Then it was important that we release this  
5 publicly, not just the report, which we released on  
6 August 2nd, but also the data itself. So anyone  
7 interested can get their hands dirty and play around in  
8 the data. All of our data sets, the raw data sets and  
9 the data sets that we used to prepare the actual charts  
10 in the report, are all available on line.

11           (Slide.)

12           Briefly how we did the report, how we  
13 recruited panelists. We used a bunch of different  
14 techniques -- social media, traditional media, email  
15 campaigns. Results were -- initial results showed a  
16 great deal of enthusiasm by consumers to participate in  
17 this report. We had way more volunteers than we could  
18 ultimately use. We wanted it to be distributed across,  
19 evenly across the United States. We ended up having  
20 volunteers in 49 states. We didn't have any volunteers  
21 in Alaska.

22           (Slide.)

1           So out of the 75,000 initial volunteers, we  
2 winnowed those down. We had them each perform an online  
3 speed test. Then there was a second screening process.  
4 We had consumers sign a privacy statement, and that is  
5 also available, that privacy statement is available on  
6 line as part of the report.

7           Then we ultimately ended up sending out about  
8 7,000, a little over 7,000 of these white boxes, these  
9 consumer measurement devices.

10           (Slide.)

11           MS. SATTERWHITE:     The second part of the  
12 methodology is how we actually ran the tests. There's  
13 an entire technical appendix. I think it's 30-some odd  
14 pages. So it's written in lay terms. It's I think --  
15 if you're familiar with broadband, you could at least  
16 make your way through the technical appendix, and  
17 there's more detail in there certainly.

18           But the first thing that the collaborative had  
19 to do was settle on a set of design principles.  
20 Luckily, as we've discussed, the company that we  
21 contracted with, Samknows, had done this before in the  
22 U.K. or done a similar -- had done something similar in



1 the U.K., and they in fact are about to do something  
2 similar across the entire EU, which is very exciting.

3           But there is a longer set of design principles  
4 available in the technical appendix, but first and  
5 foremost one of the principles was this measurement  
6 program should not interfere with the consumer's use of  
7 the Internet. The measurement program should be about  
8 the part of the connection that providers control.  
9 Providers -- one thing that we found there's a lot of  
10 confusion about is that there are many aspects of the  
11 home network that impact what a consumer experiences on  
12 their desktop, their laptop, their device that they use  
13 to connect to the Internet. So what we wanted to  
14 measure was what part of the network the ISP is  
15 responsible for.

16           There were two parts to the testing program.  
17 There was the white box that Deborah has mentioned,  
18 which was self-installed by the consumer. Samknows had  
19 done a lot of consumer testing with this process and  
20 offered support all the way through the program and is  
21 continuing to offer support to consumers with that white  
22 box.

1           There's also the server side. Each white box  
2 would communicate with one of nine servers distributed  
3 throughout the United States, which were test nodes,  
4 which would tell the white box when to run certain  
5 tests, would also receive the results of tests and  
6 report those back to Samknows.

7           Finally, each white box performed 13 separate  
8 tests. We ultimately decided to report on five of those  
9 tests, probably the five that are most relevant to  
10 consumers, we felt, in the broadband measurement report.

11 Those are: sustained download and upload speed, so a  
12 longer period of time speed; burst download and upload  
13 speed, a shorter period of time; and a couple of tests  
14 for latency, web browsing.

15           (Slide.)

16           MS. BRODERSON: Our next slide gives a little  
17 more detail about those tests.

18           So sustained download speed, as we mentioned  
19 before, for consumers is probably one of the most  
20 important metrics, because that's what you end up doing  
21 a lot mostly on your home network, is downloading data,  
22 information, packets from the Internet. And sustained

1 upload speed, important for people who share files, who  
2 need some kind of real-time communication, increasingly  
3 important for cloud computing.

4           So the sustained upload and download speeds  
5 were, as the name suggests, long-term. There's also  
6 burst technology, which is used only by cable companies,  
7 but we wanted to highlight that because services,  
8 they're called Powerboost or something like that, can  
9 give a temporary burst of speed that is useful as we  
10 found for some applications, less useful for  
11 applications that need a longer, sustained delivery.

12           So that's also included in the charts that we  
13 incorporated into the final report.

14           We also measured web loading time because most  
15 of what consumers do is surf the web. Included in that  
16 was the latency that we talked about before, the kind of  
17 delay. I think the test itself had the white box load  
18 the front pages of ten popular web sites to see how long  
19 that would take, because as a consumers that's what you  
20 end up doing the most, is clicking from one web site to  
21 another, and so we felt that would be a useful metric.

22           Also, something we haven't really mentioned is

1 that we decided to highlight, in addition to doing some  
2 tests that are sustained over 24 hours, we also wanted  
3 to highlight the period between locally 7:00 and 11:00  
4 p.m., because again that's when -- those are the peak  
5 hours that most consumers are on line. We did notice a  
6 dramatically increased demand across all networks at  
7 that time.

8 (Slide.)

9 MS. SATTERWHITE: So now, the meat. What did  
10 we find? This is what the entire report is about, but  
11 very briefly I will tell you we found that, unlike  
12 previous reports, including those included in the  
13 National Broadband Plan, the providers that we tested,  
14 the technologies that we tested, were closer, the  
15 advertised and actual speeds were actually closer than  
16 other percents mentioned, like 50 percent. There were  
17 certainly variations across technology and there were  
18 variations across providers, and I encourage you to look  
19 at those if you have time.

20 But briefly, DSL-based services on average --  
21 and these are all during peak times -- DSL services'  
22 download speeds were 82 percent of advertised. For

1 cable it was 93 percent. And for fiber technology --  
2 the only fiber technology we included was Verizon Fios,  
3 but that was 114 percent of advertised speeds.

4 We did find a difference, significant  
5 difference, between download speeds during peak time and  
6 average time all across technologies. On average,  
7 averaged across all technologies, download speeds  
8 decreased about 7 percent during peak periods from the  
9 24-hour average.

10 On upload speeds, we found there actually  
11 wasn't that much of a difference between peak period and  
12 24-hour average. That's potentially because upload  
13 speed is an emerging issue or people are using cloud  
14 services certainly more than they used to. People are  
15 uploading photos and taking pictures more than they used  
16 to, but may not be -- but they're certainly not doing it  
17 as much as they download things.

18 So we found that there was only a .7 percent  
19 difference between peak period and 24-hour average.

20 Burst speed techniques that Deborah spoke  
21 about just a second ago did significantly increase the  
22 speed performance, by as much as 52 percent during peak

1 periods. So that short test of between zero and 5  
2 seconds, there was a 52 percent difference between --  
3 during a peak period, for those technologies.

4 (Slide.)

5 Latency, which is an issue again that we are  
6 still struggling to communicate to consumers, so maybe  
7 that's one thing that you can help us with, but we found  
8 that latency increased by about 6.5 percent during peak  
9 periods and was lowest across the board across all speed  
10 tiers in fiber services.

11 One interesting finding that we had was that  
12 for web browsing performance did increase with higher  
13 speeds. So as consumers purchase higher speed services,  
14 they are experiencing some greater benefit. But our  
15 tests showed that at about 10 megabits per second and  
16 about that speed tier, the higher speed doesn't  
17 necessarily help for simple web browsing. It may, and  
18 from our discussions with providers and our discussions  
19 with applications developers, it may certainly make a  
20 difference for high-definition video, but not for basic  
21 web browsing like our tests showed.

22 (Slide.)

1           As Deborah mentioned earlier, all of this is  
2 available on line. Everything we did, we threw up on  
3 the web page.

4           One thing that we did, but we don't have much  
5 time to mention today, is the Consumer Bureau created an  
6 additional set of documents as a consumer guide. The  
7 title of that, it's the third one down, it's called  
8 "Broadband Service for the Home: A Consumer's Guide."  
9 That takes a number of tip sheets that we have developed  
10 over the years and the findings from the Samknows report  
11 and puts it together in a document that we hope helps  
12 consumers ask the right questions when they're looking  
13 for broadband service. We certainly welcome any  
14 thoughts and comments that you may have on that.

15           So without much more talking, are there any  
16 questions?

17           CHAIRPERSON BERLYN: Yes, Rick. And keep your  
18 hand up there until they see you.

19           When we have multiple questions like this, it  
20 would be helpful if you could put your cards up on end  
21 like this (indicating), so then I can identify you  
22 around the room and call on you appropriately.

1           We have so many questions that if you could  
2 keep your questions really short that would help. I  
3 think the cards that we have up right now will be it.  
4 Thank you.

5           Rick.

6           MR. CHESSEN: Hello. Hello, hello, hello.

7           CHAIRPERSON BERLYN: There you go.

8           MR. CHESSEN: Rick Chessen with the National  
9 Cable and Telecommunications Association. I haven't  
10 introduced myself.

11           One of the concerns we had from early on was  
12 this 50 percent figure that came out in the broadband  
13 plan and at the time we said was a highly dubious  
14 number. But it kept being repeated, and we said: Wait  
15 for the Samknows report to come out; it's going to  
16 scientifically prove that that's incorrect and it's just  
17 confusing consumers.

18           And it turns out -- and, as Joel said, it was  
19 a wonderful collaborative process that at the end did  
20 show that basically consumers were receiving what was  
21 advertised. So it's I guess a little bit of  
22 consternation that we're stilling the 50 percent figure



1 in a big chart in the presentation, and I'm wondering if  
2 there's a reason to keep repeating that, which has now  
3 clearly been proven wrong, and should we just move on  
4 and say consumers are getting what's been advertised and  
5 we don't need to -- if you keep putting this number out  
6 there, I'm just worried it creates that confusion with  
7 consumers that -- hold it, I thought the FCC's saying  
8 that they only got 50 percent.

9 In the chart number 3, this is from the  
10 broadband plan and this was the figure that's been  
11 contested over the last couple years. I just wonder why  
12 it's still being repeated if it's been proven wrong.

13 MS. SATTERWHITE: Rick, we totally take your  
14 point. And I think -- I hope I was clear that that was  
15 the best available data at that time. To be fair, in  
16 the process of putting together the broadband plan we  
17 asked for other data and this was what we got. This was  
18 what we had.

19 I think it's good to show this, this figure,  
20 in the context of where we are now. What we found, and  
21 you're right, Samknows proves that consumers are  
22 actually getting much better than what we --

1           MR. CHESSEN:     But the implication is we  
2 started at 50 percent and that it's increased over time,  
3 when in fact I think that 50 percent number was never  
4 valid. So the implication is that something has changed  
5 when I think, according to the data, it really hasn't.

6           MS. SATTERWHITE: I think that's a reasonable  
7 interpretation. I'm not sure that we see it that way  
8 and I'm sure we're open to -- we want to be careful how  
9 we talk about this, too, and we don't want to confuse  
10 consumers and we don't want to imply that, oh, there  
11 were massive investments in the network in the last  
12 year.

13           MR. CHESSEN: Well, there were.

14           MS. SATTERWHITE: There were. But it's not  
15 our intention to suggest that this difference is due --  
16 that it is a difference over time or that these are  
17 apples and apples. These measurements are apples and  
18 oranges, and we like to think of the whole process as  
19 this was not the best data that we could have and so we  
20 put money into doing Samknows, the ISPs put money into  
21 doing Samknows.

22           I hope we can come to -- we can get some

1 talking points that we can all agree around and  
2 ultimately help consumers, because we don't want to  
3 confuse them any more than you do.

4 MS. BRODERSON: I would just add, too, that  
5 one of the reasons that we included a technical appendix  
6 with this methodology that we developed with Samknows is  
7 that we hope the ISPs can adopt some kind of testing of  
8 their own to increase this transparency, so that each  
9 ISP has numbers of their own and, look, we used the  
10 FCC's, we adopted the FCC's methodology, here's what  
11 we're actually delivering to you, here's what we  
12 advertise. I think it sort of sets up for a good  
13 success story.

14 MS. HERRERA: So, I'm sorry. Which is it? I  
15 understand that you -- the data from the third slide was  
16 from 2009 and the data from slide 9 is the basis of the  
17 study. So are you saying that the data from slide 9 is  
18 correct and slide 3 needs to be revised, or are you  
19 saying that if you take the data from slide 9 and you  
20 average it out slide 3 is still correct?

21 MS. SATTERWHITE: No, I wouldn't -- I wouldn't  
22 frame it in that way. I would say that slide 3 was a

1 testing, is a testing methodology that is imperfect, but  
2 it was the best we had at the time, and is part of the  
3 reason that the FCC undertook the Samknows effort. Then  
4 slide 9 is the gold standard now.

5 MS. HERRERA: So can you take the data from  
6 slide 9 and revise the generic summary on slide 3?

7 MS. SATTERWHITE: Yes. And in the broadband  
8 measurement report there are 11 graphs that do just  
9 that.

10 MS. HERRERA: But then are you going to stop  
11 using the data on slide 3? I think that's what Rick's  
12 point is.

13 MS. SATTERWHITE: Yes, and I'm sorry. I think  
14 the point of slide 3 was to show why we did the test in  
15 the first place. We can't pretend like we never said  
16 it. The FCC cannot pretend as though this does not  
17 exist in the national broadband plan, and I think our  
18 going forward -- to set the stage, we need to  
19 acknowledge that there was consumer confusion and that  
20 data told us one thing, and that is why we undertook the  
21 Samknows effort.

22 MS. HERRERA: I just would say, I understand

1 you put out something before and things changed. But  
2 from a consumer perspective, it's more helpful if you  
3 say: The initial data the FCC had has turned out to be  
4 -- you can find a nice way to say it. But honestly, if  
5 Rick hadn't pointed it out I would have gone with half  
6 the people get -- or that people get speeds that are  
7 half of what are advertised. And what you're saying in  
8 the back of the report is that they're somewhere around  
9 90 percent plus, so kudos to NCTA and others. But  
10 honestly, I wouldn't have caught it.

11 MS. SATTERWHITE: And I should say, this slide  
12 is not in the report. Our presentation today is about  
13 the whole process of putting together the broadband  
14 measurement report. We acknowledge in the broadband  
15 measurement report that this data is no longer valid,  
16 that this data is no longer useful to consumers, and the  
17 only charts available are charts that give the data like  
18 on slide 9.

19 But I accept -- that's a completely valid  
20 point. This is the first presentation we've done on  
21 Samknows, so this is good feedback for us.

22 CHAIRPERSON BERLYN: Thank you.

1 MS. SHERRY: Debby, can I just ask? So on  
2 slide 3 now, are we saying that (inaudible).

3 MS. SATTERWHITE: Yes.

4 CHAIRPERSON BERLYN: Can we have that  
5 repeated? Linda's point is there's two different data  
6 points there on page 3. I don't think anyone's  
7 disputing that consumers are so little in the dark about  
8 what their actual speed is. That wasn't what I think  
9 Rick was questioning. It was the other part of that  
10 data on the page.

11 Can we move now to Claude. And please, we are  
12 running really late on time, so let's make our points  
13 really questions and very quick. Thank you, Claude.

14 MR. STOUT (through Interpreter): All right.  
15 I want to first thank you both for your report.

16 As far as the disability community is  
17 involved, I wanted to ask about the number of people  
18 with disabilities that were included in your testing.

19 MS. BRODERSON: As far as I know -- and Ellen,  
20 correct me if I'm wrong -- that wasn't something that  
21 was recorded, I think partly because what we were doing  
22 was just trying to measure the technology rather than

1 the consumer experience of broadband. So obviously the  
2 results would -- could potentially affect the disability  
3 community differently. Upload speed might be more  
4 important, for instance, but it wasn't a measurement in  
5 the report.

6 MR. STOUT: Okay, thank you.

7 CHAIRPERSON BERLYN: Thank you.

8 Sorry, I can't see your first name from here.

9 DR. MORRIS: Traci.

10 CHAIRPERSON BERLYN: Traci.

11 DR. MORRIS: Can you hear me now?

12 CHAIRPERSON BERLYN: Yes.

13 DR. MORRIS: I sound like that commercial.

14 I have a quick question about -- you say that  
15 download speeds decreased 7 percent during peak hours  
16 and that latency also decreased during that same time  
17 period. So does the end result for the consumer mean  
18 that their experience is 14 percent decreased?

19 MS. SATTERWHITE: I'm not sure I understand  
20 the question, in part because those metrics aren't  
21 additive. So what the 6.5 percent latency increase  
22 means, there was a 6.5 percent increase in milliseconds

1 of lag that the consumer experienced. I think it would  
2 be fair to say that because of latency, because of the  
3 increase in latency and because of the decreased  
4 download performance, that the consumer experience is  
5 worse than it would have been if just one of those were  
6 true.

7 Is that helpful?

8 MS. HERRERA: I guess.

9 MS. SATTERWHITE: Okay.

10 CHAIRPERSON BERLYN: Okay, quickly, Mark.

11 MR. DeFALCO: I'd be the first to admit that I  
12 have not read your report, but have you given any  
13 thought or is there a need to do something that's going  
14 to measure the usage device that's telling the consumer  
15 how many megabits they're consumer for a period of time,  
16 so they can do their tracking relative to the caps that  
17 the ISP may have on their service?

18 MS. SATTERWHITE: That is certainly an  
19 interesting aspect to round two that we should consider.

20 CHAIRPERSON BERLYN: And Irene.

21 MS. LEECH: Do you know if you had any periods  
22 of bad weather? I've noticed that if there's bad



1 weather and everybody stays home it's even worse than  
2 the nights between 7:00 and 11:00. So I wondered if as  
3 you were collecting the data if you had a way to track  
4 that as well?

5 MS. BRODERSON: No. I think federal holidays  
6 -- unfortunately, we didn't. Also, to clarify, although  
7 we had boxes, measuring devices, in 49 states, we didn't  
8 have enough boxes to have regional data. So all these  
9 statistics are national. Obviously, we would love to be  
10 able to drill down and get more regional data. Maybe in  
11 the future.

12 MS. LEECH: Will you be doing this with  
13 wireless? Because, as someone who only has wireless  
14 available, and Sunday night I needed to upload a YouTube  
15 video for a business purpose, and it was a 90-second  
16 piece and it took me 45 minutes at 11:00 p.m. So when  
17 you look at as people are comparing and that's one of  
18 the big ones that's out there, I think you need to know  
19 what the differences are.

20 MS. SATTERWHITE: We'd love to. We'd love to  
21 do wireless, and really the limiting factor right now is  
22 funding. We're working on a similar effort with

1 wireless.

2 CHAIRPERSON BERLYN: Thank you both. Thank  
3 you both very much. We appreciate your report.

4 (Applause.)

5 CHAIRPERSON BERLYN: Jamie Susskind has been  
6 very patient and waiting for us to get to this Lifeline-  
7 Linkup update, so I'm going to call her to the table.  
8 Jamie, thank you for joining us. Jamie is an Attorney  
9 Advisor with the Lifeline Team in the Wireline  
10 Competition Bureau. And if you're wondering why we're  
11 having all these reports, we're getting all this food  
12 for thought so that when we do establish our working  
13 groups we'll be ready to think about all these issues  
14 that we've heard about today.

15 So thank you very much, Jamie, for coming  
16 today.

17 LIFELINE/LINKUP UPDATE, JAMIE SUSSKIND,  
18 ATTORNEY ADVISOR, LIFELINE TEAM,  
19 WIRELINE COMPETITION BUREAU

20 MS. SUSSKIND: Do I need to wave my arms for  
21 this?

22 Good morning or afternoon, whatever the case

1 may be. Thanks for inviting me here to speak with all  
2 of you today. As Debby indicated, I'm an Attorney  
3 Advisor in the Wireline Bureau. I work only on  
4 universal service issues and right now I'm primarily  
5 focused on Lifeline-Linkup issues. So today I'd just  
6 like to give you a brief overview of the Commission's  
7 recent efforts to reform and modernize the Lifeline and  
8 Linkup programs. I'll try to be as brief as I can  
9 because I see they're setting up food for you guys and  
10 you'd probably rather eat than listen to me drone on  
11 about this all afternoon.

12 First, let me give you a background about how  
13 we got to where we are today, starting to reform the  
14 program. So last year in May 2010 the Commission issued  
15 an order that referred several issues with respect to  
16 Lifeline and Linkup to the Federal-State Joint Board on  
17 Universal Service. More specifically, we asked the that  
18 Joint Board review the Commission's Lifeline and Linkup  
19 rules and three specific areas: number one being  
20 eligibility for Lifeline and Linkup; number two being  
21 the rules concerning ongoing verification of consumer  
22 eligibility for Lifeline and Linkup; and number three,

1 the outreach, what are pretty much just guidelines now,  
2 not rules, for outreach and informing consumers about  
3 Lifeline and Linkup.

4 I know that you guys had filed some comments  
5 on those and we read them and we sincerely appreciated  
6 the efforts in response to that.

7 In November 2010 the Joint Board responded to  
8 the referral order and issued several recommendations of  
9 things that they thought that we could do in these three  
10 areas and others to improve the Lifeline and Linkup  
11 rules as they are today. I'd like to just give you a  
12 brief overview about those.

13 Specifically, with respect to eligibility,  
14 they recommended that we encourage automatic enrollment  
15 as a best practice for all states. With respect to  
16 verification, they recommended that we require that  
17 ETCs, eligible telecommunications carriers, submit the  
18 data results of their verification sampling to the  
19 Commission, to the states and USAC, and make those  
20 results available to the public. I know personally for  
21 me, I think that's an important one because when the  
22 Commission tries to look at the data from the surveys

1 that are performed there's a lot of gaps and it's hard  
2 for us to generalize from those if we don't have the  
3 data from all over.

4           Also with verification, the Joint Board  
5 recommended that we adopt uniform minimum verification  
6 procedures and sampling criteria to apply to ETCs in all  
7 states, but also to allow that states add their own  
8 criteria, either different or additional ones, on top of  
9 that, as long as those procedures that they're doing are  
10 at least as effective in detecting waste, fraud, and  
11 abuse as whatever federal procedures that we put into  
12 place.

13           Lastly with respect to outreach, the Joint  
14 Board recommended that we adopt some mandatory outreach  
15 guidelines that would apply to ETCs in all states, as  
16 opposed to the guidance, current nonbinding rules that  
17 we have in place right now.

18           In addition, the Joint Board recommended that  
19 the Commission seek comment on several issues, including  
20 eligibility, whether to increase the current eligibility  
21 threshold for income eligibility from 135 percent of the  
22 federal poverty guidelines to 150 percent; also the

1 costs and benefits of adopting some minimum uniform  
2 eligibility criteria, which would mean that a lot of  
3 states have their own programs that you can qualify and  
4 there's a lot of variance between how consumers can  
5 qualify in one state to another state, and we want to  
6 think about whether there's some sort of threshold we  
7 wanted to set and say these programs will qualify you  
8 and then, states, you can perhaps supplement with more  
9 appropriate procedures for your own state.

10           With respect to verification, the Joint Board  
11 recommended that we seek comment on the costs and  
12 benefits of creating a national database or perhaps a  
13 regional database to perform the certification and  
14 verification functions for consumer eligibility.

15           Then they also recommended that we seek  
16 comment on some other issues, including whether to  
17 expand Lifeline and Linkup to broadband and whether  
18 there should be a minimum monthly rate charged to all  
19 Lifeline consumers, which they asked in lieu of the free  
20 service plans that are out there that several carriers  
21 are offering now.

22           So in March of this year the Commission issued

1 an NPRM, notice of proposed rulemaking, with respect to  
2 the Lifeline and Linkup programs. The NPRM considers  
3 all of the Joint Board's recommendations and also  
4 proposed immediate reforms to eliminate waste, fraud,  
5 and abuse from the program, including some proposals to  
6 address duplicate claims, to limit or eliminate toll  
7 limitation service in Linkup. We proposed to clarify  
8 consumer eligibility rules, including establishing a  
9 one-per-residence rule. We proposed to improve program  
10 administration in several ways, including establishing a  
11 national database and uniform eligibility and  
12 verification criteria; and we also proposed several ways  
13 and sought comment on several ways to modernize the  
14 program to align it with the changes in technology and  
15 market dynamics, including creation of a broadband pilot  
16 program to better evaluate how Lifeline can support  
17 broadband adoption by low-income households.

18           So I'd like to speak a little bit about our  
19 current status. More recently, the Commission has  
20 released two items that we think will help us to advance  
21 our program reform efforts. The first one, which  
22 probably a number of you are familiar with, is that on

1 June 21 of this year we put out what we're calling the  
2 Lifeline Duplicates Order as a shorthand, in order to  
3 address potential waste in the program by preventing  
4 duplicate program payments from multiple Lifeline-  
5 supported services by consumers to the same individual.  
6 It doesn't address the one-per-household issues or the  
7 one-per-residence issue, as that's kind of a whole  
8 separate Pandora's box that we're still dealing with.  
9 But this was just focused on one consumer getting one,  
10 two, three Lifeline-supported services.

11 So in particular, this duplicates order adopts  
12 two changes for our program rules. Number one, we  
13 specify that one consumer cannot get more than a single  
14 Lifeline discount at a time. Number two, we adopted a  
15 de-enrollment process by which ETCs are required to de-  
16 enroll subscribers who receive -- who are found to be  
17 receiving multiple benefits in violation of our program  
18 rules, within five business days of the ETC getting a  
19 notification from USAC, the Universal Service  
20 Administrative Company, that the consumer has not  
21 selected the ETC after a minimum 30-day notice period.

22 Now, that's kind of confusing, so I'll try to



1 explain how that works. In this order the Commission  
2 directed my Bureau, the Wireline Bureau, to work with  
3 USAC to administer -- excuse me -- implement an  
4 administrative process that would help to detect and  
5 resolve duplicate claims. I should say as an aside that  
6 we intend this to be an interim process. We're  
7 certainly still considering the record with respect to  
8 the duplicates issue, database, non-database. We're  
9 trying to think of all the solutions here. So this was  
10 more of an immediate solution for the near-term while we  
11 still consider all of that.

12           So the way that this would work is we've been  
13 working hand in hand with USAC. USAC is performing what  
14 are called IDVs, or in-depth data validations, of  
15 certain ETCs in certain states, states that do not  
16 actually currently check for duplicate claims. I won't  
17 go through the whole list, but if you have questions  
18 about it I'm certainly happy to specify who's being  
19 checked and what the criteria was for that.

20           So once a claim for duplicate -- a duplicate  
21 claim is found, then what happens is that USAC,  
22 contracted through a third party vendor, sends a letter

1 to the consumer which informs them that they're found to  
2 be receiving duplicate Lifeline subsidies. It tells  
3 them which carriers they're getting them from and it  
4 gives them a number that they can contact to select one  
5 of those providers to stay as their current provider.

6           The letter gives them 35 days to do this.  
7 There's a lot of follow-up provided. 10 days after the  
8 letter, a reminder postcard is sent to the consumers.  
9 Then I believe it's actually 10 days later, if the  
10 consumer still doesn't make a selection and they haven't  
11 been tracked as responding, then a robocall, an  
12 interactive robocall, is also placed to the consumer, in  
13 which case they can actually select the carrier while  
14 they're on the call. I think there's actually another  
15 option where they can ask to speak to a live person, so  
16 if they have questions they can do that as well.

17           So so far this process has gone for two  
18 states, Tennessee and Florida. I actually can't tell  
19 you specifically has the postcard gone out. I do know  
20 the letters have gone out, so I guess we could track out  
21 10 days, and I think the postcards will have gone out,  
22 but I can't tell you necessarily specifically what day

1 we're on in the process.

2           So if at the end the consumer makes no  
3 selection, which they are given the option to do in the  
4 letter, then they're assigned to a default carrier,  
5 which is kind of a random assignment based on the number  
6 of duplicates that are found. So it would be a random  
7 selection of two; it's going to be a 50-50 chance that  
8 you're going to be assigned to one carrier or the other.

9           Our Bureau has been working very closely with  
10 CGB, especially, I guess they call it CAOD, their  
11 outreach division, to ensure that carriers and consumers  
12 are both made well aware of this process and that  
13 consumers are well aware of the steps that they need to  
14 take so they don't lose their Lifeline service during  
15 this process.

16           We've been coordinating on things like  
17 posters, PSAs. I'm trying to think of what else, but  
18 several different things, contacting the relevant state  
19 groups like NARUC and NASUCA, just trying to make sure  
20 that everybody is well informed about this process and  
21 that nobody is losing their discount without the option  
22 to select a carrier of their choice.

1           Another document that we put out recently that  
2 we also think is going to help us in our efforts to  
3 reform and modernize the program is another public  
4 notice, which is a follow-up to our NPRM. We put this  
5 out on August 5 and the purpose was to ask some follow-  
6 up questions about issues that we felt needed some  
7 further development in the record, in particular the  
8 broadband pilots issue. We have some additional  
9 questions on that, which we expect a lot of people will  
10 have some feedback. The one-per-residential address,  
11 which again we expect a lot of feedback on that because  
12 we got a lot of feedback in the first place.

13           We have some additional questions about  
14 verification, particularly the sampling procedures that  
15 we have proposed. Lastly, with respect to Linkup,  
16 questions about eliminating or limiting the discount  
17 that's currently available, trying to tailor the  
18 definition of Linkup for the modern era.

19           So comments on the public notice are due on  
20 August 26 and we have replies due on September 2. As  
21 always, we would welcome your feedback on that. I know  
22 you guys have commented in the past with respect to the

1 Joint Board on, I believe, the broadband pilots and the  
2 one-per-household, one-per-residence issues. So again  
3 we would welcome your feedback on any of that.

4           So, moving forward over the next several  
5 months, our next steps are: For my team, are evaluating  
6 the comments that come in with respect to the public  
7 notice. We're currently working on reviewing the record  
8 on all issues, not just those four. We're working on  
9 developing an order that we hope will come out in the  
10 fourth quarter of this year. So the order will consider  
11 the Joint Board's recommendations and also will consider  
12 the proposals that we put forth in the March NPRM.

13           We're happy to meet with any members of this  
14 group to talk about any of these issues still. Even  
15 though the comment period has technically closed, we're  
16 happy to engage in calls or happy to meet with you in  
17 person to discuss this or to receive written  
18 presentations. That's perfectly fine.

19           So that's it for right now, and if I can  
20 answer any questions I'd be happy to.

21           CHAIRPERSON BERLYN: Thank you very much,  
22 Jamie. We have a quick question from Andrea.

1 MS. QUIJADA: Hi, Jamie.

2 CHAIRPERSON BERLYN: Want to raise your hand?

3 MS. QUIJADA: With regards to the outreach  
4 that you're doing in Tennessee and Florida right now,  
5 what languages is the information being provided in?

6 MS. SUSSKIND: It's being provided in English  
7 and also a Spanish translation of the letter. I don't  
8 know if the postcard has a Spanish translation. I want  
9 to say it does, but don't quote me on that.

10 MS. QUIJADA: And the robocalls are the same,  
11 do you know?

12 MS. SUSSKIND: I don't know for a fact, but I  
13 can find out if that would help.

14 MS. QUIJADA: Then, in addition to that, are  
15 there any -- outside of the information coming directly  
16 from your offices, are you working with any community-  
17 based organizations in addition to that to help get the  
18 information out?

19 I'm asking because when we did a lot of on-  
20 the-ground work around the DTV transition, for example,  
21 in New Mexico, we found that it wasn't until some of the  
22 information actually came from sort of trusted community

1 organizations that people actually understood the  
2 information.

3 MS. SUSSKIND: Sure.

4 MS. QUIJADA: Or felt they could ask  
5 questions. So I'm just asking.

6 MS. SUSSKIND: The Consumer and Governmental  
7 Affairs Bureau has been really taking the lead on  
8 reaching out to the community organizations. One thing  
9 that they did is they go to conferences fairly often,  
10 and so I know representatives from CAOD, they went to  
11 several community organizations conferences to inform  
12 them about what was going on.

13 We helped to create kind of like a tip sheet  
14 that they could distribute. So I think that they sent  
15 that out to some relevant community organizations. The  
16 PSAs also I think are being sent to some of them. So  
17 we've also been trying to coordinate kind of through the  
18 states to go to those organizations.

19 MS. QUIJADA: Great. Thank you.

20 MS. SUSSKIND: Sure.

21 CHAIRPERSON BERLYN: Linda Sherry. If I can  
22 remind everyone just to identify yourself once your mike

1 is on.

2 MS. SHERRY: Hi. Linda Sherry.

3 CHAIRPERSON BERLYN: Linda, wait until your  
4 mike is on.

5 MS. SHERRY: Is the mike on now?

6 CHAIRPERSON BERLYN: Yes.

7 MS. SHERRY: Okay. A quick question about the  
8 duplicates. It seems to me that when you were talking  
9 about that duplication I was like, all kinds of bells  
10 were ringing in my mind. It seems like that's a  
11 company's problem, not a consumer problem. I mean, is  
12 that when a consumer switches and still is on the books  
13 of the other company, or what the heck's going on there?

14 MS. SUSSKIND: I could say there's any number  
15 of issues. Yes, so our rules, yes, it's ultimately a  
16 company's problem under our rules. But we're sort of  
17 looking at it, I think, as I guess a program-wide  
18 problem. I mean, the fund has increased a lot and we  
19 can argue over whether that's an issue or not an issue,  
20 and I know there's people that have different views on  
21 it.

22 So it's kind of looked as we want to ensure



1 that the maximum number of people who are eligible can  
2 still keep getting the benefits, and I guess there's  
3 kind of a view that if there's waste in the program  
4 because some people are not telling a carrier that  
5 they're no longer eligible or they moved or whatever  
6 happened, then that sort of prevents other people from  
7 getting benefits, if for some reason we have to take any  
8 actions to tailor where the benefits are going.

9 MS. SHERRY: Could I just ask a quick follow-  
10 up?

11 MS. SUSSKIND: Sure.

12 MS. SHERRY: Some duplication is allowed in  
13 the program in some states. Say for instance if you  
14 have a family member that needs a TTY plus your  
15 household has a landline. That's not what you're  
16 talking about, right? You're talking about duplication  
17 of what sort exactly?

18 MS. SUSSKIND: What they're trying to track is  
19 just if one person is getting two Lifeline-supported  
20 services. I don't actually know how that would work  
21 with the TTY and I don't know that we've engaged in  
22 those conversations. But what they can find out is,

1 like they can go through the ETC's subscriber lists and  
2 say, this person is registered from Assurance Wireless  
3 and this person is registered through Trackfone and it's  
4 the same person at the same address with the same name,  
5 and so without more.

6 But the ETCs have actually been talking to the  
7 consumers that are getting the letters and they're given  
8 -- the ETCs' information is given out to the consumers.

9 So the consumer has an opportunity to call back and  
10 say: You know, my situation is different; this isn't  
11 actually me trying to get two benefits; this is whatever  
12 the situation is, like you have my name wrong, I have  
13 this special circumstance that requires. And then we  
14 can look into it further.

15 MS. SHERRY: Thank you.

16 CHAIRPERSON BERLYN: I see more cards. I see  
17 more cards are going up, which is great. Just also bear  
18 in mind, as we get into these issues in some of our  
19 working groups, I imagine that FCC staff will make  
20 themselves available to help us with questions that we  
21 might have.

22 So I saw Scott's card go up.

1 MS. HERRERA: Mitsy. Essentially, a quick  
2 follow-up on the same issue on the duplication, because  
3 what I'm trying to figure out is if your NPRM is  
4 suggesting or asking for comments on expanding Lifeline  
5 service to broadband, you are not envisioning having the  
6 Commission's rule enforced so that you can only get the  
7 subsidy for broadband or for telephone, not for both.  
8 Are you saying in the duplication -- is the issue that  
9 it's the same service and you're getting two subsidies,  
10 as opposed to you're getting subsidies for two different  
11 services?

12 MS. SUSSKIND: I guess I have to clarify. Are  
13 you asking can you not get -- are we trying to say you  
14 can't get wireline and wireless? Is that what you're  
15 asking? Because right now broadband isn't --

16 MS. HERRERA: I guess what I'm trying to  
17 understand is, you're saying you have a Commission rule  
18 which is the duplicates order --

19 MS. SUSSKIND: Right.

20 MS. HERRERA: And I guess maybe I don't  
21 understand what is the duplication, because -- is the  
22 Commission saying you could only get a subsidy for one

1 type of service, either telephone wireline, or telephone  
2 wireless, in which case if the program was expanded to  
3 broadband you would have to choose so you get one  
4 subsidy? Or is the Commission's rule simply saying you  
5 can't double-dip and get a subsidy for the same service  
6 from multiple carriers?

7 MS. SUSSKIND: I see. What it is saying now  
8 is you would have to choose wireless or wireline. So  
9 you just can't get two Lifelines, and we wouldn't  
10 necessarily -- I don't think that -- yes, we would  
11 limit. You could get one wireless or one wireline.

12 I can't speak to what would happen when we  
13 transition or if we transition over to broadband. I  
14 think those are kind of logistical issues that we would  
15 want further comment on. So I think we would need to  
16 think about how that would work, and if we did it the  
17 types of plans that would be supported and that sort of  
18 thing.

19 MS. HERRERA: Okay.

20 CHAIRPERSON BERLYN: Scott.

21 MR. BERGMANN: Thanks, Debby.

22 CHAIRPERSON BERLYN: Scott, hand and then

1 mike, and then identify yourself.

2 MR. BERGMANN: Thanks, Debby.

3 CHAIRPERSON BERLYN: That's the order.

4 MR. BERGMANN: I'm Scott Bergmann. I haven't  
5 had a chance to introduce myself yet, but I work for  
6 CTIA The Wireless Association.

7 I thought Linda asked two really good  
8 questions that are probably good areas for this group to  
9 come back to a time. The first was, are companies  
10 abusing the system? I think that's a great question and  
11 one that I didn't know the answer to when I first  
12 started looking at this issue. But the answer is no,  
13 and that's because when a given subscriber signs up for  
14 more than one Lifeline service, they sign a self-  
15 certification that they don't have it from anyone else.  
16 So the second company has no way of knowing whether  
17 they have signed a similar certification for another  
18 company.

19 In part, that's for good reason, because there  
20 are privacy laws so company 2 can't call company 1 and  
21 say: Hey, does so-and-so have service there? So it's a  
22 great question and I did want to clarify that. It's not

1 a problem of abuse by companies.

2           That's one of the reasons that, as the FCC  
3 looks at redesigning the program and updating the  
4 program, industry has encouraged them to think about  
5 centralized ways to keep track of this information so  
6 that you don't end up in these sort of situations again.

7           Much of the interim process that you just heard about  
8 is to try to develop that sort of system. So I think  
9 that's an important point.

10           You raised another issue about eligibility,  
11 which I think is an important one as well, too, which is  
12 how do you limit who should have Lifeline service,  
13 should it be one per individual, should it be one per  
14 household, one per residence. That raises a lot of I  
15 think complicated questions about people in shared  
16 residential settings, which happens in a whole variety  
17 of different contexts.

18           As we think about that, we want to think about  
19 that from a consumer perspective and also from the  
20 implementation perspective, too, so that we don't end up  
21 creating a lot of the same problems that we've seen in  
22 the past. So I think this is a great area for industry

1 and consumers to work together to try and achieve some  
2 of those goals.

3 MS. SUSSKIND: I think so, too. Thank you.

4 CHAIRPERSON BERLYN: Thanks, Scott. Very  
5 helpful.

6 Yes? And our last question.

7 MS. WONG: Darlene Wong from National Consumer  
8 Law Center. Hi, Jamie. You have in your notes here and  
9 you mentioned that one of the things you in FCC are  
10 thinking about is the design and implementation of a  
11 Lifeline-Linkup broadband pilot program to see if those  
12 discounts can effectively support broadband adoption by  
13 low-income households.

14 Sort of a question and a comment. One of the  
15 things I've found that has been a barrier for enrollment  
16 in the low-income discount on just the regular landline,  
17 and actually on the prepaid wireless now, is that once  
18 outreach to eligible consumers has been achieved,  
19 enrollment is stymied because the provider's staff that  
20 is being called to process those enrollments  
21 unfortunately are not always familiar with the  
22 provider's process.

1           The other thing I've seen is enrollment forms  
2 that, frankly invite applicant error, and when  
3 applicants -- the information that is being asked to be  
4 provided often is very easy information to provide, just  
5 basic address-identification information. However, the  
6 forms that they're being sent out to the consumers to  
7 fill out may be sent out in multiple stages and each  
8 time a consumer may mistakenly or miss something on a  
9 form that is not clear, that is an opportunity for delay  
10 in the enrollment process, which is also putting that  
11 consumer at risk of abandoning the enrollment process.

12           So sort of a question and a comment I have is,  
13 to what extent are you looking at the existing problems  
14 in the wireline enrollment to inform your pilot program  
15 on broadband? And I raise that because I wouldn't want  
16 that kind of barrier to then be seen as an indication of  
17 disinterest in broadband.

18           MS. SUSSKIND: Sure. Yes, and I think that  
19 that's definitely one of our main starting points. With  
20 respect to the pilots right now, I think that everything  
21 is pretty much on the table. So as I said, we issued  
22 the public notice and we'd really love to get some more



1 feedback from everyone, consumer groups, ETCs, and what-  
2 not. Anything like those suggestions that can be put  
3 out there for things that we need to specifically look  
4 for going forward, we definitely will.

5           With respect to the specific enrollment forms  
6 now, I know that some members of staff have actually  
7 been working with ETCs to review their forms to make  
8 sure that they're not confusing and in some instances  
9 have been asking for rewording and bigger text and  
10 things like that. So certainly it's an issue that we're  
11 aware of and we are trying as best we can to look into  
12 it. We would welcome that sort of feedback in response  
13 to the public notice, and I know your group has filed  
14 some helpful feedback to us in the past. So anything  
15 like that that we can look at specifically would be  
16 really useful for us.

17           CHAIRPERSON BERLYN: Jamie, thank you so much.

18           (Applause.)

19           CHAIRPERSON BERLYN: So I also want to thank  
20 our staff this morning for being the flexible  
21 communications commission, because we have just  
22 completely changed everybody's schedule this morning who

1 came to talk to us.

2                   So now what we're going to do is, John Adams  
3 is here to talk about cramming, but what we're going to  
4 do is we're going to get our lunch, come right back to  
5 the table, and we'll have John's presentation. So the  
6 lunches are all marked. You'll see. Just pick up a  
7 box. They're all marked as to what they are. There are  
8 drinks there as well. Then come back and we'll ask John  
9 to join us at the table.

10                   Please, if you could, the lunches are only for  
11 CAC members and our interpreters today. So sorry for  
12 the guests around the room.

13                   (Whereupon, at 12:20 p.m., the meeting was  
14 recessed, to reconvene at 12:29 p.m. the same day.)

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1 AFTERNOON SESSION

2 (12:29 p.m.)

3 CHAIRPERSON BERLYN: Well, thank you, John,  
4 for waiting so patiently and watching us eat our lunch  
5 here.

6 John Adams is with the Policy Division of the  
7 CGB, the Consumer and Government Affairs Bureau, and  
8 he's going to talk to us about --

9 MR. MARSHALL: That's where he lives, you  
10 know.

11 CHAIRPERSON BERLYN: And that's where our  
12 committee lives, that's right. That's where we're  
13 housed.

14 An issue that the Bureau Chief Joel Gurin  
15 mentioned and that I'm sure many of you are familiar  
16 with, cramming, that the Bureau is very concerned about  
17 on behalf of consumers. We welcome you, John, to come  
18 and talk to us about it today. Thank you.

19 WHAT'S UP ON CRAMMIN? JOHN B. ADAMS,  
20 ATTORNEY ADVISOR, POLICY DIVISION, CGB

21 MR. ADAMS: Thank you.

22 I've already been sworn off of any bad

1 cramming jokes during lunch while everyone's eating, so  
2 we'll stop with that.

3 CHAIRPERSON BERLYN: We're doing our version  
4 of cramming.

5 MR. ADAMS: Yes, yes. This is not a bad  
6 version, though.

7 But in any event, this was supposed to be  
8 about what's up with cramming. Really there's a couple  
9 of things that I'd like to chat with you about as  
10 briefly as I can. The first is the notice of proposed  
11 rulemaking that the Commission issued on July 12 of this  
12 year and the other is some things that are going on in  
13 the Senate Commerce Committee. Obviously, I'm not  
14 involved with those things in the Senate, but I can give  
15 you some information and distill some of the public  
16 information that's been put forth on that. I think  
17 those are really the two main fronts where things are  
18 occurring with cramming at the moment.

19 Before I get into the substance, I do want to  
20 mention the Commission's ex parte rules. Since the NPRM  
21 has been issued, we are in the comment period, so  
22 anything substantive that is said I guess to the

1 Commission may fall within the ex parte rules. But feel  
2 free to ask all the questions you want, but I would ask  
3 or encourage everyone, if you have a strong opinion,  
4 we'd love to see it in the comments, just to avoid any  
5 ex parte issues.

6 First, the cramming NPRM, as I said, it was  
7 released on July 12 of this year. Initial comments are  
8 due 60 days after publication in the Federal Register,  
9 reply comments are due 90 days later. We expect that to  
10 be in the Federal Register soon, and by that I mean  
11 within the next week or so. I'm kind of disappointed  
12 it's taken as long as it has to get it out, but that's  
13 just the way it is at the moment.

14 First off, cramming, although most everyone is  
15 probably familiar with that, just very quickly, can be  
16 generically described as placing unauthorized charges on  
17 a telephone bill. Usually it's a third-party charge and  
18 that's really the main focus of the NPRM, but it also  
19 can be a carrier charge, and oftentimes the charges are  
20 fraudulent. If you're keeping up with any of the things  
21 that the Federal Trade Commission is doing in suing some  
22 of the crammers, some of the facts that have been

1 uncovered in that litigation are absolutely amazing to  
2 me, anyway.

3           The NPRM proposes rules that would amend the  
4 Commission's truth in billing rules, which already are  
5 designed in part to address cramming. We propose  
6 basically three new requirements. All three  
7 requirements would apply to wireline carriers. One of  
8 those requirements would apply to CMRS, which is  
9 commercial mobile radio service, which generically could  
10 be referred to as wireline telephones -- wireless  
11 telephone service.

12           That really reflects the complaint numbers  
13 that we have. About 82 percent of the cramming  
14 complaints the Commission receives relate to wireline  
15 service and about 16 percent relates to CMRS or  
16 wireless. So the NPRM took the approach of focusing on  
17 wireline because the complaints tell us that's where the  
18 primary problem is.

19           Then there were also a whole laundry list of  
20 other issues for comment that we'll talk about. First  
21 off, the specific requirements that have been proposed  
22 for wireline carriers. That is, if a carrier offers

1 customers the ability to block third-party charges from  
2 appearing on their phone bill, the carrier must inform  
3 the consumers of that. That notice has to be included  
4 on the bill, on the website, and must be provided at the  
5 point of sale, whatever that is. For a wireline company  
6 that's most likely going to be a telephone call to a  
7 customer service representative. It may be a brick-and-  
8 mortar store, but usually not. It also may be on the  
9 Internet as well.

10           It's our understanding that many wireline  
11 carriers already offer blocking services, but consumers  
12 are largely unaware of it. It's also our understanding  
13 that the carriers really don't inform consumers of those  
14 blocking services until after the consumer complains  
15 about having been crammed. So the purpose of this rule  
16 is to simply make consumers aware that these services  
17 are available.

18           It also addresses another issue that we've  
19 discovered, that many consumers are simply unaware that  
20 third-party charges can even appear on their phone bill.

21       So, unlike with a credit card, where people tend to  
22 look closely to see whether there's a charge that looks

1 out of the ordinary, consumers really don't look on  
2 their phone bills that much to see whether they got  
3 charged for horoscopes or diet plans or anything else.

4           So hopefully this rule will help consumers  
5 understand that this is an issue, that they do need to  
6 look at their phone bills.

7           There were a number of questions we asked for  
8 comment on on this. I'm just going to hit a couple of  
9 the high points. One of the things we asked was  
10 formatting, how should the notice be formatted to make  
11 it apparent to a reasonable consumer? That also  
12 includes accessibility issues, different languages,  
13 people with various, like a vision impairment or  
14 something like that, how do we make this notice  
15 apparent?

16           We also asked about fees, whether wireline  
17 companies should be prohibited from charging an  
18 additional fee for providing blocking services. There  
19 were several other questions, but I think those are  
20 probably two of the things that may be of interest to  
21 most everyone.

22           The second requirement for wireline companies



1 and that is to place third-party charges in a distinct  
2 section of the bill separate from carrier charges. The  
3 truth in billing rules already require charges to be  
4 separated by carrier, but there's nothing in the rules  
5 that really address how to address charges by someone  
6 who is not a carrier. And oftentimes the third parties  
7 are not carriers or at least the services are not  
8 carrier services.

9           The goal here is to make it easier for  
10 consumers to identify the third-party charges and to  
11 know that they're being billed for something if in fact  
12 they haven't ordered it, don't want it, don't know  
13 anything about it.

14           Some of the questions that we asked in regard  
15 to this proposed requirement is whether there should be  
16 a separate listing of third-party charges on the first  
17 page of the phone bill. I mentioned some of the Federal  
18 Trade Commission litigation that's gone on and in one of  
19 those cases the judge actually noted in the order that  
20 many of the consumers, the victims of the crammers who  
21 are the defendants in that case, didn't go beyond the  
22 first page of their bill. They looked at the first

1 page, how much is due, what's the date it's due; they  
2 don't look beyond that.

3           So that was one of the things that kind of  
4 caught our eye and we thought, well, let's ask about  
5 putting -- highlighting these charges on the first page  
6 of the bill as well.

7           We also asked about other ways to highlight  
8 these charges to make it more apparent to consumers  
9 that, hey, you know, you're getting charged for a diet  
10 plan on your phone bill; is that something you really  
11 asked for and authorized to be billed there?

12           The third thing that I want to highlight, we  
13 asked about additional descriptions of the biller. You  
14 know, how to make it clear to someone that this is not  
15 Verizon, for example, who is not charging you for a diet  
16 plan; this is some other company.

17           The third requirement applies to both wireline  
18 and CMRS or wireless telephone service, and that is to  
19 notify consumers that complaints can be filed with the  
20 FCC if they have complaints about their service, and  
21 also to provide the FCC's complaint contact information,  
22 which would include at a minimum the telephone number

1 and the FCC's website address. That information would  
2 have to be put on bills and on the carriers' web sites.  
3 The carriers' web sites would also have to include a  
4 hot link to the FCC's web page for filing complaints.

5 This rule is really a result of something we  
6 learned from a GAO report, a General Accountability  
7 Office report, that many telephone consumers just don't  
8 know where or even how to go about filing a complaint if  
9 they do in fact have one. So we thought this was a  
10 fairly straightforward way of addressing that issue.

11 That does it for the three requirements that  
12 were proposed in the NPRM. There were a whole laundry  
13 list of other issues for comment. I'll try to run  
14 through those very quickly. The first was we asked  
15 whether we should apply the same rules to wireline,  
16 wireless, interconnected VOIP service, or Internet phone  
17 service. If it's voice telephone service, should the  
18 same rules apply?

19 We asked whether we should disclose contact  
20 information for the third-party billers. Right now, the  
21 truth in billing rules do not require that. They permit  
22 the billing telephone companies to do that, but they

1 don't require it to be done. So we asked whether we  
2 should actually require that information to be provided.

3           Whether we should require wireline companies  
4 to block third-party charges upon consumer request. As  
5 I said, we understand that many wireline companies do  
6 offer blocking, but not all. So the question is should  
7 that now become a requirement. The question that I  
8 mentioned before about whether there should be a  
9 prohibition on an additional fee for that would apply  
10 here as well.

11           Another question we asked is whether wireline  
12 carriers should disclose when they do not offer blocking  
13 of third-party charges. That would at least let  
14 consumers know again, would advise consumers that third-  
15 party charges may appear on their phone bills and maybe  
16 consumers might apply some moral suasion or something  
17 like that to companies that don't offer the blocking.

18           Another issue that we'll talk more about when  
19 we talk about the Senate activity, and that is to  
20 prohibit all third-party charges on wireline telephone  
21 bills. We had some comments earlier in the proceeding,  
22 including from the Federal Trade Commission, that that's

1 the way you got to go. Obviously, not everyone agrees  
2 with that. But we put it out there for comment. We did  
3 not actually propose doing that, but we're seeking  
4 comment on it.

5 Another issue was screening third parties for  
6 prior violations of state and federal law before  
7 agreeing to bill for them. So a telephone company who  
8 wants to bill for a particular third party would have to  
9 perform some level of due diligence investigation into  
10 the background: Is it somebody who has a history of  
11 cramming or do they have a history of other kinds of  
12 violations?

13 Improve state and federal coordination.  
14 That's really an open-ended issue. Some of the things  
15 that we asked about was better information sharing,  
16 getting information about state enforcement on cramming,  
17 any legislation that's out there. I know that Virginia  
18 and Vermont have passed legislation in each of those  
19 states that restrict the ability of phone companies to  
20 place third-party charges on their bills. So we're  
21 trying to find out whether there's anything more out  
22 there and also what enforcement actions states are

1 taking.

2 We also asked from the states to provide us  
3 new and updated information about the extent of  
4 cramming. There seems to be a difference of opinion,  
5 and I'm not sure that our complaint data accurately  
6 reflects really truly how much cramming is occurring.  
7 One may argue that a very small percentage of people  
8 actually bother to complain after they've been crammed,  
9 but we want good data on that.

10 Then kind of a technical legal issue that we  
11 asked for comment on. The truth in billing rules refer  
12 to charges from a service provider. That potentially  
13 could be considered a loophole to the extent that a  
14 charge is for something that doesn't look like it's from  
15 a service provider. Maybe it's not a service or  
16 something like that. So we asked for comment about  
17 whether we should define "service" or define "service  
18 provider" in the truth in billing rules or even to use a  
19 different term within the truth in billing rules to make  
20 sure that we close any loophole that exists.

21 Then of course, the final question was  
22 accessibility issues. Anything that we've asked for

1 comment on, how do we make sure that everything works  
2 for everyone and everyone can benefit from whatever  
3 rules finally are adopted?

4           So that's pretty much it for the NPRM. The  
5 other thing is the Senate Commerce Committee also is  
6 addressing this issue. A hearing was held on July 13 of  
7 this year. Very briefly, during that hearing -- I'll  
8 just try to summarize a little bit. Chairman  
9 Rockefeller stated his intent to introduce a bill to  
10 prohibit third-party charges on telephone bills. As far  
11 as I know, he hasn't actually done that yet, but he did  
12 indicate during the hearing that he intended to do that.

13           There were some questions raised about the  
14 efficacy or the effectiveness of existing voluntary  
15 industry guidelines versus like some of the state  
16 prohibitions in Virginia and Vermont. I think generally  
17 the industry, while admitting that there was a cramming  
18 problem, favored self-policing and updating industry  
19 guidelines to address the issues as an evolving problem,  
20 rather than legislation or more rules.

21           Several of the attorneys general who were  
22 there argued, of course, for regulation or supported

1 some sort of prohibition similar to those that were  
2 adopted in Virginia and Vermont.

3           The Senate Commerce Committee staff also  
4 completed a report that formed the basis for Chairman  
5 Rockefeller's assertion that he intended to introduce  
6 legislation. There were some key findings in that  
7 report. These key findings come right out of the  
8 committee's press release, so these are the things that  
9 the committee itself views as being the key findings.

10           First, third-party billing is a billion dollar  
11 industry. There's actually some numbers in the report.  
12 It makes for interesting reading regardless of what  
13 your view of cramming is. There is some interesting  
14 statistics in there.

15           The committee also concluded that most third-  
16 party charges appear to be fraudulent, at least on  
17 wireline bills. They concluded that telephone companies  
18 profit from cramming as a result of charging a fee for  
19 putting the charges on the telephone bill. The  
20 committee found that cramming affects the entire  
21 wireline customer base or nearly the entire wireline  
22 customer base in some fashion. It also found that many



1 third-party vendors who are putting these charges on  
2 phone bills are illegitimate and are created solely to  
3 exploit third-party billing.

4 Another finding was that telephone companies  
5 are aware that cramming is a major problem on their  
6 bills and that telephone customers reported negative  
7 experiences while seeking assistance from the telephone  
8 companies.

9 Then the final finding was that industry anti-  
10 cramming efforts largely have failed. Without saying  
11 whether the Commission -- I can't speak for the  
12 Commission, but without saying anything about the merits  
13 of those findings, those are in fact what the committee  
14 found and put out as their key findings.

15 If you want to look at the variety of  
16 materials, including the report, from the Commerce  
17 Committee staff, you can get that at  
18 [commerce.senate.gov/public](http://commerce.senate.gov/public), and there are links to a  
19 variety of things, including the staff report, some  
20 press releases, and I believe you can also actually  
21 watch video of the hearing itself.

22 Questions?

1 MS. ROOKER: I have a question.

2 CHAIRPERSON BERLYN: Shirley.

3 MS. ROOKER: I'm Shirley Rooker with Call for  
4 Action.

5 You made the statement that you weren't really  
6 sure what the scope of slamming. If we're uncertain how  
7 big a problem it is, why are we doing such drastic  
8 things to address it? Is it a gnat or is it a gigantic  
9 hornet flying at us? I don't really understand.  
10 Cramming. I'm talking about -- I was using a simile of  
11 an insect attacking you. But it seems that we're doing  
12 such a lot of things about addressing the issue of  
13 slamming.

14 Now, at Call for Action we do hear from people  
15 who have been slammed, but we don't find that usually -  
16 two things. We don't find that they usually pay the  
17 bill; and secondly, we have not had a great experience  
18 of them having difficulty getting it removed from their  
19 telephone bill.

20 So I guess I'm just saying, we don't know the  
21 extent of the problem. It seems to me like there's an  
22 awful lot of drastic stuff being taken, considered here,

1 because, for one thing, an awful lot of people I believe  
2 use third-party billing. You're going to stop me from  
3 calling the New York Times crossword puzzle line to get  
4 answers. What am I going to do?

5 MR. ADAMS: Well, I can honestly say I never  
6 considered that particular service. But the complaints  
7 that the Commission has received, when we did an  
8 analysis, cramming is the number one issue that we  
9 receive complaints about. So that certainly brought it  
10 to our attention.

11 Also, I don't know whether you're aware, but  
12 the Senate Commerce Committee has been looking at this  
13 for a while and there's been a lot of press about that  
14 in advance of the hearing. But really I think the  
15 driving force was looking at what are the issues base  
16 don the complaints that we have received that consumers  
17 are facing, and cramming was the number one issue.

18 MS. ROOKER: Put that in perspective?

19 MR. ADAMS: Okay. I don't have the specific  
20 numbers in front of me, but it's a significant  
21 percentage. It's actually in the NPRM, what the actual  
22 numbers of complaints are.

1           Then there was also an estimate that was in  
2 the NPRM that somewhere in the neighborhood of 15 to 20  
3 million customers each year are crammed. Now, that's  
4 another thing that we asked about, how valid is that  
5 number? But given the information that was available to  
6 us at the time, that was what we were able to come up  
7 with.

8           That's a fairly significant portion of the  
9 population. So I really think those two things were the  
10 driving forces behind attacking this problem. It may be  
11 that the information we'll get back is that, hey,  
12 cramming isn't nearly as big an issue as what we thought  
13 it is. We may find out that it's a bigger issue than  
14 what we thought. But that's why we asked.

15           MS. ROOKER: Can I just follow up?

16           CHAIRPERSON BERLYN: Go ahead, Shirley.

17           MS. ROOKER: You made the comment that you  
18 believed that most billing was done through -- was  
19 cramming, most third-party billing. Can you  
20 substantiate that? I mean, I have a sense that people  
21 use their -- that there are a lot of third-party  
22 billings that come through that are quite legitimate,

1 that people sign up for services and things that they  
2 want.

3 Can you put it in perspective for me?

4 MR. ADAMS: Well, that was a finding of the  
5 Senate Commerce Committee staff. So beyond saying that  
6 they asserted that, I can't really speak to it. That  
7 was not something that came from us.

8 CHAIRPERSON BERLYN: Linda, did you have your  
9 card up?

10 MS. SHERRY: Yes.

11 CHAIRPERSON BERLYN: So Linda Sherry and then  
12 -- is it Michael?

13 MR. SCOTT: Yes.

14 CHAIRPERSON BERLYN: Yes, and then Michael.  
15 Linda.

16 MS. SHERRY: Yes. I just wanted -- John,  
17 given what you've said about the extent of the problem  
18 as your complaints show that it's a problem, do you  
19 believe that the FCC already has the authority to ban  
20 third-party billing on landline phones?

21 MR. ADAMS: I think it should be very unlikely  
22 that the Commission would have asked the question if it

1 didn't believe it had some authority to do that. Now,  
2 one of the questions that was asked in the NPRM was what  
3 exactly is the scope of the Commission's authority,  
4 including on that particular issue? So again I think  
5 it's fair to say that the Commission thinks that there's  
6 a pretty good likelihood that it has the authority to do  
7 it or it wouldn't have asked the question. That's  
8 certainly not a final conclusion, of course.

9 CHAIRPERSON BERLYN: Michael. And remember to  
10 identify yourself after the mike goes on.

11 MR. SCOTT: Michael Scott with the Utility  
12 Consumers Action Network.

13 From our organization's perspective, I can  
14 certainly say we consider cramming to be a giant hornet  
15 coming at you. It's probably the number one complaint  
16 we receive from our consumers. At least in California,  
17 where the carriers have reporting requirements on them,  
18 you can see that carriers receive a significant number -  
19 - I don't have the numbers in front of me, so I don't  
20 remember them. But they do receive a significant number  
21 of cramming complaints, and certainly cramming can be as  
22 small as a few cents to tens of dollars usually.

1 Usually it doesn't get into triple digits or anything  
2 like that.

3 But from a consumer perspective of, well, it  
4 was my ten cents, I'd like to keep it, that's where we  
5 end up coming from, to where we see it as a significant  
6 problem.

7 I don't want to go into too much comment  
8 because I really don't want to have to file. The  
9 comments will be filed later on in the proceeding.

10 CHAIRPERSON BERLYN: Thanks, Michael.

11 Lise and then Paul.

12 MS. HAMLIN: This is Lise Hamlin from Hearing  
13 Loss Association.

14 This is just a quick question. Do the  
15 proposed rules look at, ask whether this is -- whether  
16 the bill comes through as hard copy or if it comes on  
17 line? Does it make any difference or do the rules  
18 specify that?

19 MR. ADAMS: There's no distinction in terms of  
20 what the requirements would be. There was some question  
21 raised in the NPRM, though, how do you do that in an  
22 electronic bill versus a paper bill, that sort of thing.

1 But the requirement would apply across the board.

2 MS. HAMLIN: Thank you.

3 CHAIRPERSON BERLYN: And Paul.

4 MR. SCHROEDER: Paul Schroeder, American  
5 Foundation for the Blind.

6 I'm glad the accessible format questions are  
7 being asked. We'll certainly try to take a look at this  
8 proposal, which I actually hadn't been aware of.

9 You mentioned covering CMRS. Is the wireless  
10 industry covered or not in this rule? I wasn't quite  
11 clear on that. And secondly, I note my friends from  
12 CTIA are just down the table from me here, but I wonder  
13 if part of that is that nobody can understand a wireless  
14 bill. So I'm wondering, is cramming an issue on  
15 wireless bills or is it simply not happening in that  
16 industry? I wonder, maybe the Senate Commerce Committee  
17 had addressed that more than the FCC has.

18 MR. ADAMS: Well, the complaints that the FCC  
19 has received about cramming break down at about 82  
20 percent for wireline service and 16 percent for  
21 wireless. So from that perspective, it appeared to us  
22 that it was a much bigger problem with wireline than



1 with wireless, and that's the reason why the Commission  
2 proposed three new requirements for wireline and only  
3 one new requirement for wireless. The one requirement  
4 that it would apply to both is to notify -- I'm drawing  
5 a complete blank. You all had lunch; I'm on low blood  
6 sugar here.

7 Right, right. The FCC contact information.  
8 That information would have to be provided to consumers  
9 on bills and on carrier web sites, that sort of thing.

10 A side effect of that may be that once  
11 consumers learn more about where and how to file  
12 complaints, that the complaint numbers will shift and it  
13 will demonstrate or potentially demonstrate that  
14 cramming is or is not a bigger problem with wireless  
15 than what we perceive it to be right now.

16 MR. SCHROEDER: I take it to your knowledge,  
17 then, that's not been a topic at the Commerce Committee  
18 or that's not been an investigation that's been  
19 undertaken?

20 MR. ADAMS: The Commerce Committee has focused  
21 almost exclusively on wireline and Senator Rockefeller's  
22 assertion of intent to introduce legislation, that

1 legislation would apply only to wireline. That's really  
2 the focus of their investigation.

3 CHAIRPERSON BERLYN: John -- oh, Stephen just  
4 popped his card up, and Scott popped his card up. So  
5 two quick questions here. Stephen.

6 MR. POCIASK: Hi. Steve Pociask, American  
7 Consumer Institute.

8 Just a quick comment. It would seem to me --  
9 and maybe this is a little bit along what Shirley was  
10 mentioning. It would seem to me that there needs to be  
11 some up-front analysis of sort of the bill harvest, to  
12 understand what is on the bill, what's the nature and  
13 the volume of the third-party billing that's going on,  
14 and the probability that these things represent  
15 cramming.

16 I think exploring sort of the nature of that  
17 seems to be an important aspect in order to understand  
18 what remedy is necessary. I'm not completely convinced  
19 that that's been done. I'll go back and look at the  
20 Senate report, though, just to see what it is. But  
21 that's just what kind of popped in my head. These might  
22 be good remedies and solutions for what we have here. I

1 just don't understand the size of the problem at this  
2 point, and understanding that might lead to different  
3 remedies.

4 MR. ADAMS: Well, just briefly, the Senate  
5 report does have some numbers in it, and the Commission  
6 also has asked for information in the NPRM about how big  
7 is this, what's the volume annually of third-party  
8 charges, and also asked for information about how many  
9 of those charges are disputed, what's the percentage,  
10 how much gets refunded, that sort of thing, to try to  
11 get a handle on those specific issues.

12 CHAIRPERSON BERLYN: Scott.

13 MR. BERGMANN: Can you hear me okay?

14 CHAIRPERSON BERLYN: Yes.

15 MR. BERGMANN: Great. I just wanted to chime  
16 in with another thought. This is not necessarily  
17 cramming specific, but just kind of a billing question  
18 Paul raised. I just was going to remind folks that  
19 you'll often hear CTIA encourage folks to tread lightly  
20 in the context of standardized billing. Of course,  
21 that's because, coming from the wireless industry, it's  
22 the industry that's developed all sorts of new

1 innovative pricing plans over the years, whether it's  
2 free nights and weekends, whether it's buckets of  
3 minutes, calling circles, unlimited buckets.

4           So we'd just urge a kind of word of caution  
5 there as we think -- certainly wireless carriers are  
6 striving to make their bills understandable and there's  
7 a lot of competition, as you all know, to try and make  
8 sure that wireless customers get the best service  
9 possible, including customer service. But I wanted to  
10 remind folks about all the different sorts of pricing  
11 plans and different offerings that are out there and  
12 urge that, as I said, as a word of caution when one  
13 thinks about trying to standardize bills, that we don't  
14 make sure to cut off some of those innovative service  
15 offerings.

16           CHAIRPERSON BERLYN: Okay. Good discussion,  
17 excellent discussion. I know we'll be talking a lot  
18 more about this. So thank you very much, John, for your  
19 information.

20           (Applause.)

21           CHAIRPERSON BERLYN: Scott, it is about 1:00  
22 o'clock.

1 MR. MARSHALL: Ron is here.

2 CHAIRPERSON BERLYN: We now have the potential  
3 to be back on schedule. My only concern, Scott, is that  
4 we have a line of folks who haven't yet introduced  
5 themselves and we're about 60 percent into our meeting,  
6 and I really would like to do that.

7 MR. MARSHALL: So let's do that.

8 CHAIRPERSON BERLYN: So if you don't mind, if  
9 we could go to Michael and start with you. Sorry to  
10 catch you in mid-chew there, Michael, but I would like  
11 us to do that, because some of you, of course, have  
12 asked questions, but it would really be helpful to do  
13 that. So Michael.

14 MR. SCOTT: Thank you. I'm not sure they can  
15 see me from that angle. Let me move that a little  
16 closer. I have a low voice and it doesn't always pick  
17 up on microphones.

18 Hi. I'm Michael Scott with the Utility  
19 Consumers' Action Network. We're a San Diego-based  
20 consumer group. Our main priority is helping consumers  
21 resolve their utility disputes, whether it's with the  
22 energy companies, the telecom companies, or water

1 companies. And where we can, we just help consumers  
2 with their general complaints with companies.

3 Beyond that, what I do is I'm a staff attorney  
4 there and I work with all of our regulatory filings  
5 before the state public utility commission, of course  
6 the Federal Communications Commission, on consumer  
7 protection mainly, and ensuring strong consumer rules  
8 that help them.

9 We also have a privacy rights project because  
10 we work with, technically, the Privacy Rights  
11 Clearinghouse, which many of you may be familiar with.  
12 That's part of our organization. Our most recent  
13 project was New Media Rights, which helps consumers who  
14 are also content creators understand how to navigate the  
15 difficulties of posting content on the Internet that can  
16 sometimes arise with copyright issues and the like.

17 Thank you.

18 MS. CHALK: Hi. I'm Indra Chalk from T-  
19 Mobile. I'm an attorney in our Federal Regulatory Group  
20 and I'm standing in today for Luisa Lancetti, who is the  
21 official member of this group. T-Mobile has been a  
22 member of this group before in years past and is happy

1 to be back again.

2 We're especially interested in all the  
3 consumer third-party agenda items that we've been  
4 talking about today and some other ones. Bill shock;  
5 we're also interested in the broadband performance and  
6 speed issue, as well as universal service issues and  
7 accessibility issues. So we're happy to be back on the  
8 group again and look forward to working with everyone.

9 CHAIRPERSON BERLYN: Thanks.

10 Claude.

11 MR. STOUT (through interpreter): Hi,  
12 everyone. Claude Stout and I am representing Deaf and  
13 Hard of Hearing Consumer Advocacy Network. I am Chair  
14 of that organization and the organization includes about  
15 20 different national organizations that advocate for  
16 deaf and hard of hearing consumers all over America. We  
17 represent 36 million deaf and hard of hearing people all  
18 over the country.

19 DHHCAN is really pleased to be able to serve  
20 here in our second term, and we always pride ourselves  
21 on developing really close, positive working  
22 relationships and collaborations between industry,

1 government, federal or state or local governments, and  
2 consumer groups.

3           For the past 12 years, this Consumer Advisory  
4 Council has really helped to foster those types of  
5 partnerships between those consumer groups and industry  
6 and governmental or regulatory bodies, and I want you to  
7 know that the disability community looks forward to  
8 working with all of you on our issues that are high up  
9 on our list of priorities.

10           One of those which we've already heard about  
11 this morning, the CVAA, the 21st Century Communications  
12 and Video Accessibility Act. I look forward to working  
13 with all of you on that, as well as the National  
14 Broadband Plan. People with disabilities, particularly  
15 people with hearing disabilities, want to be part of the  
16 planning process, so that we can get the same experience  
17 and the same benefit as our hearing citizen  
18 counterparts, has access to video technology, access to  
19 Internet and interconnected network technology. We of  
20 course look forward to working with you on this and a  
21 number of other issues over the next two years.

22           CHAIRPERSON BERLYN: Great. Thanks.



1           Lise.

2           MS. HAMLIN: I'm on, okay. I'm Lise Hamlin.  
3 I'm with Hearing Loss Association of America. I'm the  
4 Director of Public Policy there. I am not an attorney,  
5 but worked a long time on advocacy issues both at  
6 Hearing Loss Association and other organizations.

7           Hearing Loss Association is an organization  
8 that's a membership organization. It's been around 30  
9 years, more than 30 years now, a 501(c)(3). We've got  
10 chapters all over the country. We have about 200, over  
11 200 chapters now.

12           We work on all kinds of communications access  
13 issues, whether it's captioning, hearing aid compatible  
14 phones, whether it has to do with -- one thing that  
15 hasn't been mentioned that's real important that the  
16 Commission's been working on that we're real interested  
17 in is emergency preparedness issues, making sure that we  
18 get access.

19           I was interested to find -- I went to Chicago  
20 to see my brother, my hearing brother and sister-in-law,  
21 and I said: You know, one issue for us is not being  
22 able to text during an emergency. And he said: You

1 can't? You can't text? And this is a person who's  
2 hearing and had no idea that he can't send a text  
3 message in. I think it's an issue that goes beyond  
4 people with disabilities, but certainly people who are  
5 deaf and hard of hearing need to get access in an  
6 emergency in other ways, and I'm happy to see the  
7 Commission working on that. We want to help move things  
8 along.

9 I want to echo what everybody else said, I am  
10 very happy to be here again. We, the Hearing Loss  
11 Association, has been on the Commission at least twice  
12 before, and we're happy to -- it's one of my favorite  
13 committees, actually. It's been a very good working  
14 committee. So I'm happy and pleased to be meet the new  
15 people here and, as Claude said, to work with you as  
16 well.

17 MR. BERGMANN: As I mentioned, I'm Scott  
18 Bergmann with CTIA. I'd also thank Scott and Debby for  
19 including CTIA in the committee. We're thrilled to be  
20 here. CTIA has served on the Consumer Advisory  
21 Committee before. It's my first time.

22 I know there are some new members, so for

1 those of you who don't know CTIA I'll just say a quick  
2 word about CTIA. We represent the wireless industry and  
3 so many of you probably think of some of our larger  
4 members. We have four national carriers that provide  
5 voice and mobile broadband service. But there's also  
6 eight regional providers and hundreds of small providers  
7 across the country, and CTIA represents many of those,  
8 as well as the manufacturers of the equipment that are  
9 being used to roll out 3G and 4G services across the  
10 country.

11           So we've had incredible success. We're  
12 leading the world in rolling out mobile broadband  
13 services and mobile broadband adoption. So CTIA  
14 represents those manufacturers, as well as the  
15 manufacturers of wireless devices, so smartphones,  
16 tablets, all of the cool devices that folks are  
17 adopting. You'll see some of those in the Technology  
18 Experience Center, I think coming up next. So we  
19 represent those folks, as well as the developers of  
20 things like the operating systems that run many of the  
21 wireless devices that you use right now. There are a  
22 number of very high-profile competing operating systems

1 out there. And applications developers as well, too.

2 Many of you who have visited various different  
3 applications stores -- and there are 26 of them in the  
4 U.S. -- know that the U.S. has become the center, the  
5 focus point, for development of applications in the  
6 world.

7 So it's a very exciting time in the U.S.  
8 wireless industry and all those folks come under the  
9 umbrella of CTIA. We represent them before Congress and  
10 so work with many of you on the development of the CEAA,  
11 as well as here at the FCC we're working on disabilities  
12 access issues, 901 issues, universal service, consumer  
13 empowerment issues, really sort of across the regulatory  
14 board.

15 In addition to those issues, CTIA does a lot  
16 of work coordinating the industry's voluntary efforts to  
17 make information available to consumers. That ranges  
18 from a wireless consumer code that was adopted 10 years  
19 ago and is updated from time to time. CTIA just last  
20 year developed two new consumer checklists. One of the  
21 things we heard coming out of the consumer empowerment  
22 NOI was both joy and frustration at all of the different

1 wireless options that are out there, so we developed two  
2 one-page checklists to help consumers figure out exactly  
3 what are the key aspects of the services that they're  
4 considering.

5           But beyond those things, we've worked with the  
6 industry to develop best practices for things like  
7 location-based services. We have an access wireless web  
8 site which is devoted to accessible devices. We have  
9 safe driving programs, programs that are focused on  
10 green initiatives, like recycling your old wireless  
11 devices, as well as programs like Text-to-Baby, which  
12 provides information to expectant parents about their  
13 health and medical needs, and amber alerts as well, too,  
14 not to mention things like the commercial mobile alert  
15 service, which is designed to provide real-time  
16 information for folks about emergencies and public  
17 safety crises that are out there.

18           So the wireless industry is keenly focused on  
19 customer satisfaction and I think as a result CTIA is  
20 very, very interested in consumer issues. So we're  
21 thrilled to be here to learn from you all, to try to be  
22 a resource as well, too, and we're looking forward to

1 working with you on the agenda.

2 MR. POCIASK: I'm Steve Pociask, President of  
3 the American Consumer Institute. It's a pleasure to be  
4 here to participate on the committee. The Institute is  
5 a 501(c)(3) educational research institute.  
6 Essentially, we do research, consumer-based research.  
7 We do research on a variety of issues, education,  
8 insurance, health care, finance, among other things,  
9 information technology, which is one reason why I'm  
10 here.

11 We've heard a little bit earlier today about  
12 some of the economic challenges that we're facing with  
13 high unemployment and slow growth. I believe that the  
14 information technology sector is inextricably linked to  
15 the health of the economy. We see it through many of  
16 the things that we look at, both on a personal or micro  
17 level as well as a macro level.

18 We see the benefits of telecommunications and  
19 other communications services and manufacturing and how  
20 it relates to the growth of the industry, productivity,  
21 GDP. Various studies have shown how this has  
22 contributed as much as \$500 billion of consumer welfare

1 benefits. That's my primary interest here today.

2           There's also many studies that have talked  
3 about the benefits of this in reducing energy through  
4 telecommuting, e-materialization, distance learning, and  
5 so on. I just -- we can just go on and on about this,  
6 but I think the Chairman mentioned earlier about the  
7 issue involving inflation in the industry and the  
8 economy. I can tell you this. If we stripped away all  
9 of the services and equipment of the IT industry from  
10 the consumer market basket, the Consumer Price Index  
11 would be 1 percent higher if it weren't for this  
12 industry. This industry adds a whole lot of benefit to  
13 consumers, and that's my primary interest today.

14           I would just close that what our focus is is  
15 really in looking at research and quantitative analysis  
16 and working towards what we see as workable policy  
17 solutions that improve consumer welfare, consumer  
18 benefits. In that regard, it's a pleasure to be here to  
19 participate in the committee. Thank you, and I look  
20 forward to contributing to the committee.

21           Thank you.

22           CHAIRPERSON BERLYN: Thank you, Stephen.

1           Cecilia.

2           MS. GARCIA: Thank you. I'm Cecilia Garcia.  
3 I'm the Executive Director of the Benton Foundation and  
4 I want to thank Scott and Debra for inviting us back.  
5 The Benton Foundation has been part of the CAC for a  
6 number of years. Charles Benton preceded me as the  
7 representative and he certainly is here in spirit.

8           The Benton Foundation has been around for  
9 about 30 years. We're in our 30th anniversary year. We  
10 have worked on policies in media and telecommunications  
11 that promote and serve the public interest. So now our  
12 focus is really on universal service reform,  
13 particularly Lifeline-Linkup. We're very interested in  
14 looking at the transition to broadband for Lifeline-  
15 Linkup. We'd like very much to see what lessons can be  
16 learned from the broadband technology opportunity  
17 grantees, especially those around sustainable broadband  
18 adoption, what can we learn from those to inform this  
19 process as the FCC moves to modernize Lifeline-Linkup.  
20 So that's very important for us.

21           We're also looking at privacy issues. As we  
22 work so hard to add more people to the Internet, to



1 become consumers of the Internet, we also are very  
2 cognizant that we have to work very hard to protect  
3 privacy. So that is a new area -- not a new area; kind  
4 of a reinvigorated area for the foundation that we'll be  
5 looking at this year as well.

6           We had worked very hard to have the FCC adopt  
7 a national broadband plan. Now that the broadband plan  
8 has been adopted, we're doing as much as we can to help  
9 track the implementation of that. That falls under our  
10 information services division. I say "division"; it's  
11 really one person who works very, very hard, who puts  
12 out our communications headline service that's free to  
13 people every day, that comes out every day.

14           He also has put together -- his name is Kevin  
15 Tagland, by the way. He also has put together National  
16 Broadband Tracker, and I honestly can say I did read the  
17 entire broadband plan because I'm helping him track the  
18 recommendations' implementation.

19           We also have as part of that service an  
20 aggregation of news reports on the major mergers that  
21 we're facing today, so ATT, T-Mobile. You can look on  
22 our web site and find an aggregation of the latest news

1 articles and reporting on that merger. And of course  
2 now, Google and Motorola.

3           So Benton has been involved with these  
4 projects for a long time. We really have a lot -- we  
5 gain a lot of benefit from being part of this because  
6 from the work of all of your organizations it really  
7 helps inform our work here in Washington. So thank you  
8 very much.

9           MR. CHESSEN: Rick Chessen with National Cable  
10 and Telecommunications Association. NCTA represents  
11 large, medium, and small cable systems around the  
12 country, as well as cable programming services.

13           I'm really excited to be a part of this group.  
14 In particular, I had a lot of face time with this group  
15 in its last iteration while I was at the FCC working  
16 with Commissioner Copps, then Interim Chairman Copps, on  
17 issues like the DTV transition, where this committee  
18 really played an important role and a constructive role  
19 in coming up with recommendations and input that the  
20 full Commission actually adopted, many of which the full  
21 Commission actually adopted and were implemented, on how  
22 to get consumers to understand what was happening and to

1 take the effective action that they needed. So I know  
2 that this group can do wonderful things.

3 I look forward to working on all the issues  
4 everybody's talked about, including USF, accessibility.  
5 Broadband, including especially adoption, is something  
6 that we're interested in working on, and obviously  
7 that's a multi-pronged problem that includes things like  
8 media literacy. But it's something that I think there's  
9 much work to be done on.

10 So I look forward to working with everybody.  
11 Thanks.

12 CHAIRPERSON BERLYN: Thanks, Rick.

13 Paul.

14 MR. SCHROEDER: Paul Schroeder with the  
15 American Foundation for the Blind. Glad to be back. I  
16 was actually on the first committee and then Scott  
17 decided I misbehaved too much and wouldn't let me back.

18 It's been ten years and I've been in the doghouse a  
19 long time. I think I've paid my dues and Scott said --  
20 yes, I'm on probation. Scott's keeping a close eye, so  
21 to speak.

22 The American Foundation for the Blind -- I

1 should also mention I'm one of the co-founders and  
2 leaders, to the extent that we have them, of COAT.  
3 We're all leaders in COAT. We're just one of those  
4 great consumer organizations, the Coalition of  
5 Organizations for Accessible Technology that worked on  
6 the 21st Century bill that's been referenced a couple  
7 times.

8           The American Foundation for the Blind, we like  
9 to say we're not really a membership organization, so we  
10 can represent anyone we want, and that's good. We have  
11 25 million constituencies -- constituents, people with  
12 vision loss generally. That includes a lot of people  
13 who don't necessarily think of themselves as having  
14 vision loss, but who are often confused and puzzled by a  
15 lot of things that are happening in technology because  
16 they can't see it that well. So in their view they  
17 think that they're failing to understand the technology.

18   In our view, we think the technology is failing them  
19 because it is not incorporating appropriate  
20 accessibility and addressing those needs.

21           I really probably will spend a lot of time  
22 speaking on behalf of that large group of people that

1 often gets overlooked, and that's the group that has a  
2 fair amount of vision maybe, but does experience vision  
3 loss and often experiences challenges as a result of  
4 that in using technology.

5           Of course, I have also already indicated today  
6 that I think we very much are challenged by the fact  
7 that there is very sporadic access to the information  
8 and communications technology revolution for people  
9 across the board experiencing vision loss. That access  
10 which is available is very costly. So we look forward  
11 to trying to address those topics.

12           The other thing I would say is that people  
13 with disabilities and certainly people with vision loss  
14 have interests and needs in many of the areas of this  
15 committee. So while we'll talk about things like the  
16 21st Century Communications Bill and video description  
17 and captioning and such, we also of course want to talk  
18 about cramming and broadband speeds and some of the  
19 other issues, because obviously our constituents do care  
20 and do have issues in those areas as well. So we  
21 certainly take common cause.

22           I'm looking forward to sharing that info that

1 comes from this committee's work much more broadly with  
2 my community. We have web sites in the AFB orbit that  
3 focus on the needs of seniors and on the needs of  
4 families experiencing vision loss, and I'm looking  
5 forward to providing a lot more consumer information to  
6 that group, again things like what we've talked about  
7 here today and what we'll talk about in the future, so  
8 that they can be better consumers of communications  
9 technology.

10 CHAIRPERSON BERLYN: Great. Thank you, Paul.

11 So there's still one person to go around the  
12 table and that's me. I didn't get a chance to do more  
13 than just introduce my name and affiliation.

14 So on this committee I serve to represent the  
15 National Consumers League, an organization that I'm very  
16 proud to serve on the board of directors with. The  
17 National Consumers League is actually the oldest  
18 nation's consumer organization, and actually I like to  
19 say that it's not necessarily old, but it's actually the  
20 longest serving advocate on behalf of consumers, over  
21 100 years old.

22 It works on a number of different consumer

1 issues, including telecommunications issues, and a very  
2 strong advocate.

3 I'm joined today by a member of NCL's staff,  
4 John Breyault, who is here in the observer chair, in the  
5 guest chair. He works very hard here at the FCC and on  
6 the Hill working on so many different issues on behalf  
7 of consumers. So I'm very happy to serve on their  
8 behalf before this committee.

9 So thank you all for sharing. Hearing all the  
10 issues that you're working on, I know that we're going  
11 to have very active working groups. So it's going to be  
12 a great Consumer Advisory Committee.

13 Now if I can ask our next presenters to join  
14 us at the table.

15 MR. MARSHALL: Ron Cunningham and Rafael  
16 Menendez.

17 CHAIRPERSON BERLYN: We are now moving over to  
18 our show and tell. This is our show and tell period  
19 here, I'd say our mini-CES here. They're going to talk  
20 to us about the Technology Experience Center that the  
21 FCC has now, which I didn't realize was here until Scott  
22 and I talked about the opportunity that we would have to

1 all experience this, but an opportunity for sort of a  
2 show and tell about new devices.

3 I think part of the reason why I was just  
4 really interested in our all checking this out is  
5 because I'm a firm believer that it's very difficult for  
6 us to talk about consumers and their telecommunications  
7 services unless we are all well aware of what's  
8 happening with technology and get an opportunity to know  
9 what the devices are like that consumers are  
10 experiencing.

11 So I thank you both for letting us share in  
12 this today.

13 ABOUT THE FCC TECHNOLOGY EXPERIENCE CENTER,  
14 RONALD CUNNINGHAM, MANAGER, AND RAFAEL MENENDEZ

15 MR. CUNNINGHAM: You're welcome. I just want  
16 to talk to you -- first of all --

17 MR. MARSHALL: Your mike's not on. Wave your  
18 hand. Wave it in the air madly.

19 MR. CUNNINGHAM: First of all, I want to thank  
20 you for allowing me to come and speak with you today. I  
21 want to talk to you a little bit about the FCC  
22 Technology Experience Center. It's a center that's here



1 located in headquarters, that's been established to  
2 provide the employees and invited guests, particularly  
3 the employees, to enhance their knowledge with the  
4 technology of today.

5           Being that it's such a fast-pacing and the  
6 change, it gives them hands on, where they can come in  
7 and they can pick up devices, they can experience the  
8 functionality of it, what it does. In addition to that,  
9 we like to educate them a bit on things like what type  
10 of devices they are, not so much as just a cellphone  
11 with certain features, but what network the cellphone  
12 uses, if it's a 3D technology, the differences in the 3D  
13 technology, because there are differences in the  
14 technology. It's not a standardized thing currently,  
15 but we find that there are differences. I personally  
16 see that there are differences that are health  
17 differences.

18           It's something that -- well, first of all,  
19 being here and being here with you, I'm looking forward  
20 to you all being a help to me and giving me some  
21 direction and some focus on servicing all communities,  
22 because that's what the center is basically here for, to

1 service all the communities, not just certain  
2 individuals.

3           We would like to afterwards invite the  
4 majority or all of you down to take a look at the center  
5 and see what devices are there and the capabilities of  
6 those devices. That's pretty much -- that's pretty much  
7 all of what I want to say at this particular time. The  
8 rest of it is you coming down and experiencing and  
9 seeing what's there, what devices are there, again the  
10 functionality of those devices. I'm looking for you to  
11 give me some input. That's my biggest thing, is I'm  
12 looking for you to give me some input, because again we  
13 want to be able to serve all of the communities with the  
14 center, have you all come down and just experience  
15 what's there to be experienced.

16           Do you want to add anything?

17           MR. MENENDEZ: I guess just an addendum to the  
18 center. We're planning on a two-track presentation.  
19 We'll have demos -- this is hypothetical, so we'll have  
20 demos that will last like maybe a week or a couple days,  
21 demonstrating some type of new technology from a telecom  
22 entity. Also we'll have theme demos that will last

1 about a month. One will be assistive technology, which  
2 it's not today, but it's in the works, which would show  
3 technologies helping hearing and sight-impaired people.

4 Like this gentleman here, Mr. Schroeder, said,  
5 it's kind of hard to find right now. I'm doing some  
6 research, trying to do some research on it. As Ron  
7 said, as much input as we can get the better, from you  
8 guys, from everyone else. So when the theme does come  
9 down the pike and we set up, we'll have all sorts of  
10 technologies that we can have to educate all the  
11 visitors, whether it's public safety in September or  
12 assistive technology or educational technology.

13 So that's the big picture of the center. It's  
14 still in its infantile stage. It's about a year old.  
15 That's about it right now.

16 CHAIRPERSON BERLYN: Linda.

17 MS. SPERRY: I have a question about it. If  
18 you're getting technologies from companies to display to  
19 the staff of the FCC, what kind of efforts are you  
20 making to make sure that all technologies are  
21 represented across all issuers and providers?

22 MR. CUNNINGHAM: As we talk with the different

1 companies, we place emphasis on these areas. We're  
2 still --

3 VOICE: Could you move closer to the  
4 microphone for those who are having trouble?

5 MR. CUNNINGHAM: Sure, sure.

6 We're placing emphasis on exactly what you  
7 mentioned as we talk to the vendors and the different  
8 companies. We're fairly new. It took some time to get  
9 this whole thing established, and it's a slow process,  
10 to be honest with you. But those are things that we are  
11 addressing.

12 But again, it's going to take some input from  
13 you, because I think the lady in the green here  
14 mentioned when she was speaking about how one who does  
15 not have -- well, maybe not suffer from or have the  
16 disability, if I'm wording this right -- I don't want to  
17 -- but you tend to take things for granted and you don't  
18 see it in views that someone else may see it. So  
19 it's good input from someone else.

20 CHAIRPERSON BERLYN: Dorothy.

21 MS. WALT: Dorothy Walt speaking.

22 Related to technology and giving feedback and

1 things like that, there's one comment I would like to  
2 make. Oftentimes the companies who are making the  
3 products are not providing enough information to the  
4 salespeople on how to make their equipment accessible to  
5 the person who's interested in buying it.

6 For example, if you want to buy some kind of  
7 equipment in technology and you're asking the  
8 salesperson about accessibility features, they don't  
9 know how to explain it, where to look for it, how to  
10 show it to you and demonstrate it. So when there's new  
11 technology out there or any kind of technology, it's  
12 really important for the person selling the equipment to  
13 understand how to use accessibility features on the  
14 equipment. Otherwise the consumer has frustration in  
15 trying to figure out how to use accessibility features.

16 So I just wanted to offer that comment. Thank  
17 you.

18 MR. CUNNINGHAM: May I?

19 CHAIRPERSON BERLYN: Yes, please.

20 MR. CUNNINGHAM: You're absolutely right.  
21 Those are things that we find, too, when we talk with  
22 the different vendors and companies, which is why we've

1 established a steering committee. On that steering  
2 committee, it's still new. We've only had one meeting  
3 so far. But we want to also include all communities on  
4 that committee, to help with things like what you just  
5 mentioned. That's a very good point that you raised.

6 CHAIRPERSON BERLYN: I just have one  
7 additional question for you, and that's as we look at  
8 this center would it be helpful at all for this  
9 committee to consider ways at some point that this  
10 center could be used by the general public? Is that one  
11 of the goals as well? Is there an external use for the  
12 center? In other words, are you going to be bringing  
13 groups in? Is there some sort of public education  
14 purpose for the center as well, or is it just all  
15 internal?

16 MR. CUNNINGHAM: Well, currently it's  
17 primarily been said that it's for the FCC employees and  
18 invited guests. There has been outside groups who have  
19 come into the center, not unannounced, but announced.  
20 But there has also been talk about it being open to the  
21 public.

22 The one obstacle that has to be overcome is

1 security. But yes, it would be good and we look forward  
2 to that.

3 CHAIRPERSON BERLYN: Two other quick  
4 questions, Lise, Mitsuko.

5 MS. HAMLIN: This is Lise Hamlin again.

6 I'm also wondering -- you're setting up this  
7 center for employees, but I'm also wondering if the  
8 purchasers of federal equipment are also going to get  
9 information from you. For example, I just learned  
10 recently that some televisions are now being sold that  
11 do not have audio output. So for somebody with a  
12 hearing loss, that's a problem and that's a problem for  
13 all consumers with a hearing loss. But for federal  
14 employees, it's supposed to be 508 compliant, and I'm  
15 wondering if you're going to share what you learn with  
16 the purchasers of equipment for federal employees.

17 MR. CUNNINGHAM: Yes, we would like to. But  
18 that's not a bridge that we've come to yet,  
19 unfortunately. I want to be honest with you, but I  
20 really appreciate you bringing that point up. That's  
21 something that needs to be addressed.

22 What I mean when I say "address" is the way in

1 order to get it out to you, because we've thought over  
2 all kinds of things, believe me, in sitting in and  
3 dealing with the different vendors and different  
4 situations. But we have to find a way to get those  
5 things out. We've thought about doing things on the  
6 web. I don't know how beneficial that would be to  
7 everyone, but it's a start.

8 But again, like I mentioned, we're open for  
9 suggestions. We take them all, because we would like to  
10 service all the communities. We don't want anybody to  
11 be left out.

12 CHAIRPERSON BERLYN: Yes, last question.

13 MS. HERRERA: I'm going to take a guess here  
14 that in these devices one of the things that may be  
15 helpful is to provide an easy way for people to access  
16 reviews about the product, whether you use QR codes and  
17 you link to it -- there's many people in this room who  
18 have done a lot of product reviews, and having an easy  
19 way to access those. So either you've got monitors in  
20 the room so you can access the web, you have QR codes  
21 where you can use smartphones to pull up specific things  
22 to each particular device. You can have paper



1 printouts.

2           Also, in Montgomery County we are engaged in a  
3 pilot program about tablets, and one of the things that  
4 we're looking at doing are creating at least internal  
5 blogs that are a simple way, so that where you have  
6 employees who are using those devices -- and I guess  
7 most of them are under 35 -- they can post: I had a  
8 problem getting Flashplayer on here; here's the work-  
9 around that I had. Or: I notice that when I try to  
10 send things.

11           Even people on this committee who have things  
12 like, yes, but the functionality of it when I try to use  
13 it for these things. Settop boxes: I can't change the  
14 font size of the closed captioning, those kinds of  
15 things that are on there. It would be a way to leverage  
16 that center and to spread things around.

17           The other thing, which I think is maybe beyond  
18 your bailiwick, but it did draw on the point about the  
19 information: One of the things is I notice that when we  
20 did the DTV, the digital broadcast transition, there was  
21 an enormous amount of information that was generated  
22 about the problems of closed captioning and the various

1 needs to be able to change placement of the closed  
2 captions on the boxes, particularly low-end boxes, the  
3 font size, the color, those things. None to my  
4 knowledge of that information that the Commission  
5 collected has been assembled and then released to inform  
6 the Commission in their other proceedings. That would  
7 be very helpful to us, if the Commission could really  
8 sort of function as the person who's aggregating that  
9 data that they collect, even if it's in a different  
10 proceeding. You don't have to relearn the same things,  
11 the same issues that come up. So that would be another  
12 helpful thing for us.

13 CHAIRPERSON BERLYN: Scott.

14 MR. BERGMANN: I just wanted to give a  
15 resource. Rafael, you mentioned the challenge in  
16 finding information about accessible products, things  
17 like that. At least within the wireless space, I wanted  
18 to highlight for everyone accesswireless.org, which is a  
19 web site that CTIA has put together, which has all sorts  
20 of information on devices, carriers. The web site  
21 itself is built to be as accessible as possible, but  
22 there's a great tool on there. It's the GARI tool,

1 Global Accessibility Reporting Initiative, which lets  
2 folks search for phones that are tailored to meet  
3 specific accessibility issues.

4           So it's a great web site that's out there.  
5 It's newly designed. We'd certainly love your feedback  
6 on it. There's been a big effort over the last year to  
7 make it more useful, but we're always looking for ideas  
8 on how to improve it and we'd love to have you all steer  
9 your constituencies towards the web site, to try to take  
10 advantage of the information that's there. And then of  
11 course any suggestions you have on how to improve it,  
12 we'd love to have those, too.

13           Thank you, Debby.

14           CHAIRPERSON BERLYN: Thank you.

15           So now we're going to do our trip down.  
16 You're going to lead the group, right?

17           MR. CUNNINGHAM: Yes.

18           CHAIRPERSON BERLYN: Everyone around the room  
19 is invited to do this. Can we fit everybody in there at  
20 one time?

21           MR. CUNNINGHAM: Maybe we'll break it into  
22 groups.

1 CHAIRPERSON BERLYN: Do we need to do that?

2 MR. MARSHALL: Does everybody want to go?

3 CHAIRPERSON BERLYN: Is everybody going to go?  
4 Anyone staying behind? Is there anyone who's staying  
5 behind? Just let us know.

6 (Show of hands.)

7 CHAIRPERSON BERLYN: Okay, you've seen it.  
8 We've got a couple staying behind. Let's see if we all  
9 make it. If not, if you're not going to fit, just come  
10 on back in here and we'll cycle a few people out.

11 We have a half hour for this. We need to be  
12 back in the room at 2:10 to start our next session. So  
13 if it's full, cycle out in about 10, 15 minutes.

14 Thank you, Ron.

15 (Recess from 1:43 p.m. to 2:19 p.m.)

16 CHAIRPERSON BERLYN: We're going to get  
17 started now. We'll see how things work. We're just  
18 about back on schedule.

19 MR. MARSHALL: Yes, pretty much.

20 CHAIRPERSON BERLYN: Amazing, Scott. I don't  
21 know how that happened.

22 STRUCTURE AND OPERATION OF ADVISORY COMMITTEE

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AND WORKING GROUPS

CHAIRPERSON BERLYN: Well, I hope you all enjoyed going through the Tech Center. I was thinking that we might try and integrate that into each of our meetings, because I've heard that they continually update their devices over there, as they should. So it might be interesting to just take a walk through and see what's new and different there when we meet.

Now we are really starting to get to the nuts and bolts of the CAC. We're going to talk about how we get our work done here. This is an important part of what we do here, is how we go forward and how we structure ourselves. So we have these meetings where we come to the FCC at least three times a year, and with Scott in about an hour we'll talk about when we will meet next.

But in between those meetings when we come to the FCC, we have our subgroups or our working groups, we call them, that meet and really get the work of the Consumer Advisory Committee done. So we can't all sit around this big group and get the work done, so we divide ourselves up and we divide into working groups.

1 The working groups meet in between our large Consumer  
2 Advisory Committee meetings to talk about specific  
3 issues, to draft recommendations that we then present to  
4 the large CAC. That's how the work gets done.

5           As you will recall from when you applied, one  
6 of the requirements of being on the CAC is that you do  
7 participate in at least one working group. There's no  
8 limit as to how many working groups you can participate  
9 in, so if you're really interested in one topic but  
10 you're also interested in another one, that's fine. You  
11 can be in both. You could be in all of them if you have  
12 time. There's no limit. It's just your own personal  
13 time.

14           Some working groups meet more often than  
15 others. It's just up to whatever issues are going on at  
16 that time. There will be at least a chair of each  
17 working group. Some working groups may have co-chairs.  
18 Of course, they mostly meet by conference call,  
19 although sometimes we have had the core group meet in  
20 person and then everybody else join by phone. It's just  
21 whatever works best. There's no particular requirement.

22           As Dorothy was asking before, okay, what

1 happens? So what's the process? Well, the working  
2 groups work on drafting recommendations that we want to  
3 present to the FCC. So the drafting process happens in  
4 these working groups, and then the recommendations are  
5 presented to the full CAC. Before that, they have to be  
6 noticed, as Ann had mentioned, the General Counsel's  
7 Office mentioned. They have to be publicly noticed, and  
8 that has to happen 15 days in advance or at least the  
9 topic that we are going to vote on has to be put in the  
10 public notice, and Scott will take care of that.

11 Then we have to vote as the CAC on those  
12 recommendations. Then after that, if they are approved,  
13 they are then sent -- Scott and I take care of sending  
14 them to all the Commission offices. If they are part of  
15 a proceeding, if it's part of an NPRM or an ex parte,  
16 then I will actually file it. Just like you would, I  
17 file it on the electronic filing system on behalf of the  
18 CAC, and then copy it to the staff as well on the eighth  
19 floor.

20 So that's what happens to our recommendations.

21 MR. MARSHALL: Could I just add?

22 CHAIRPERSON BERLYN: Sure.

1           MR. MARSHALL: I also send recommendations to  
2 the relevant FCC staff who are actually working on the  
3 particular issue.

4           CHAIRPERSON BERLYN: Right, right.

5           So that's what the expectation is about the  
6 work that happens with the CAC. Going forward, we're  
7 having this meeting in the middle of August, which I  
8 know we initially thought, yikes, August is a tough time  
9 to pull the group together. But we wanted to have a  
10 meeting as quickly as possible because, obviously, we  
11 want to get started.

12           We also want to try and have a conference call  
13 of the full CAC at the end of September. We have a  
14 couple of dates to propose for that. The purpose of  
15 that meeting will be to hopefully have the working  
16 groups have had at least one, perhaps two, meetings  
17 before that date to talk about some of the priority  
18 issues that your working group wants to address, get  
19 some of that thinking out there, perhaps even tee up a  
20 couple of specific issues that you might even want to do  
21 recommendations on, and then report back to the full CAC  
22 at this end of September conference call.



1           So it would be sort of an organizational  
2 meeting on the issues. This I think will help us all  
3 get organized going forward. Then we will be planning  
4 another full CAC meeting, and we'll talk about that,  
5 some time in early November.

6           So that's the plan. You'll see we've got  
7 these points of time when the CAC meets and in between  
8 is when the working groups meet and get the work done.

9           I think I'm ready to turn things over to you  
10 now, Scott, to talk about the working groups.

11           MS. ROOKER: You might tell them they don't  
12 necessarily have to meet. They can do it by phone.

13           CHAIRPERSON BERLYN: Yes, I did mention that.  
14 You can do -- all the working groups can do that by  
15 telephone.

16           MR. MARSHALL: This is Scott, and the working  
17 groups will also have established an email discussion  
18 list. And I'm sure you all know how these work. You  
19 send one email to a robot here at the FCC and the  
20 message gets then relayed to all the people in your  
21 working group, along with any attachments and that sort  
22 of thing.

1           The plan would be that after we discuss what  
2 the working groups ought to be -- and we have some ideas  
3 to start that discussion in a moment -- that tomorrow or  
4 Friday I would then send out an email to everyone. And  
5 by the way, we have a master CAC email discussion list,  
6 too, that you're able to post to and send messages to  
7 the whole group if you wanted to. I'll send out  
8 instructions about all that as well.

9           But at any rate, the plan would be that once  
10 we get an idea of the appropriate working groups, that I  
11 would send out a list of those by tomorrow or Friday.  
12 You would have then a week, a week from this coming  
13 Friday then, to get back and let us know, A, which of  
14 the working groups you'd like to join, whether you would  
15 like to be a leader of one of those groups -- and that  
16 does involve some time commitment; I'm here to help you  
17 support your activities, and I'll talk about that in a  
18 minute -- and also if you dream up a new working group  
19 that you'd like to propose that we undertake.

20           The working groups are not cut in stone. We  
21 can develop a new one if we need to, if circumstances  
22 warrant. So it's a pretty fluid process.

1           This committee is an incredibly self-directed  
2 group of people. The Commission sometimes asks us  
3 specifically for advice, like they did on the smart  
4 consumer disclosures piece last year. On digital TV we  
5 had a specific request. But for the most part, the  
6 issues that you all consider are bottomed up, if you  
7 will, from the working groups to the full committee.

8           All right. Possible working groups. One  
9 thing that we'd like, once the working groups are  
10 established -- and by the way, let me get back to that  
11 schedule -- you would get back to us a week from this  
12 Friday about your preferences. Debby then would have a  
13 week to make appointments and appoint chairs to the  
14 group. Clearly, everybody can't be all on one working  
15 group. That wouldn't work. Our experience is that if  
16 the group gets to be too large it generally has to split  
17 in order to be effective.

18           So around Labor Day, then, the working groups  
19 should be in place, and then we would have this report  
20 back conversation call the end of September.

21           What would the -- for the sake of the rest of  
22 our discussion this afternoon, what working groups might

1 talk about? Again, someone asked me today whether all  
2 the issues you heard about today were things that CAC  
3 needs to tackle. Clearly no. That probably would be  
4 much more work than we could possibly do. The idea was  
5 to give you a flavor of what was hot, what was going on  
6 in the Bureau, and what some of the things you might  
7 like to tackle.

8           We do have some history on some of these  
9 issues. You heard it mentioned that we did have  
10 comments filed in the USF Joint Board proceeding, for  
11 example. And you might choose to build on those and  
12 submit comments.

13           At any rate, I digress. Back to the possible  
14 working groups. One would be -- one or possibly two,  
15 given the breadth of the issues under this umbrella,  
16 would be broadband-USF, all the stuff that you would  
17 clearly imagine. Somebody said the other day there are  
18 so many people thinking in this building about broadband  
19 that your head hurts.

20           A second group would be our disability issues  
21 group. Again, a little careful about that one because  
22 we don't want to step on the toes of the statutorily

1 create group under the CVAA. There are two advisory  
2 committees that have specific responsibilities there.  
3 But clearly there are lots of other disability issues to  
4 address. We in fact have one that I'll talk about in  
5 the public comment period that would be referred to that  
6 working group to find out whether the CAC wants to take  
7 it on.

8           The third working group would be -- and we're  
9 trying to figure out a jazzy name for this one -- it  
10 would be the consumer empowerment agenda group, or  
11 something like that. Again, you all can think about it.

12       Better minds than mine can come up, or Debby's, can  
13 come up with a good name. This would be what you would  
14 normally think of. We called it consumer protection  
15 last time around. This is where all the cramming and  
16 consumer disclosure and general consumer issues would  
17 fall.

18           The fourth or fifth, depending upon whether we  
19 have one or two on the broadband-USF side, group would  
20 be media issues. This would be a new committee for us.

21       We have done some media issues in the past. You heard  
22 about -- it was mentioned Benton was a leader in that

1 effort. Previous committees on public interest  
2 obligations of broadcasters and some children's  
3 television stuff.

4 Now we have a lot more media power represented  
5 on the committee and we thought that perhaps then you  
6 might want to develop some issues along those lines.  
7 Maybe something that Commissioner Copps mentioned this  
8 morning might be of interest. We leave that to you to  
9 brainstorm and hopefully come back to us. We hope that  
10 all these groups would come back to us with: Okay,  
11 we've sort of brainstormed the possibilities; here's  
12 what we'd like to do, present it to the full committee.

13 We do operate by a very relaxed parliamentary  
14 procedure here. We try to do things by consensus. When  
15 we vote on recommendations, if somebody is unhappy,  
16 wants to dissent, they can do that on the record. So we  
17 try to make it as easy as possible to get a product out  
18 the door.

19 So those would be the working groups. As I  
20 alluded to earlier, there's lots of support for those  
21 working groups. Money, no. But I can help arrange  
22 conference calls, closed captioning, conference relay

1 services, should you require that, help with  
2 distribution of documents. Of course you'll have the  
3 listservs.

4 But again, the meeting is pretty much left to  
5 that working group. As was mentioned earlier today by  
6 Ann from the Office of General Counsel, the working  
7 group may decide that it wants to invite somebody from  
8 the outside to provide some technical assistance or  
9 advice. That person would not be a working group  
10 member, but would be asked sort of on an ad hoc basis to  
11 provide help, assistance, on whatever issue you are  
12 considering. Only the actual CAC members in the working  
13 group would actually have a vote and could move  
14 recommendations forward to the full committee.

15 Well, Debby, did I cover the turf?

16 CHAIRPERSON BERLYN: I think you've covered it  
17 well. I can just say that I'm anxious to get  
18 everybody's input on the topics that you presented. I  
19 was listening as people went around the room and  
20 introduced themselves and talked a little bit about some  
21 of the issues, that I did hear a number of people talk  
22 about broadband adoption and universal service as we

1 went around the room. So I think that those are two  
2 probably big topics, and I think that they probably also  
3 are two -- even though there is a broadband component to  
4 universal service, they probably are two separate ones.

5 MR. MARSHALL: We don't want the groups to be  
6 so big that, A, you have trouble scheduling meetings and  
7 getting everybody together. That just in our experience  
8 hasn't worked out very well.

9 CHAIRPERSON BERLYN: I just recall one where  
10 we had just broadband as a topic and everything sort of  
11 fell into it, and it was just about the entire CAC. You  
12 remember that, right?

13 MR. MARSHALL: Yes, which also -- it just  
14 doesn't work.

15 CHAIRPERSON BERLYN: So comments from  
16 everyone?

17 MR. MARSHALL: Please.

18 CHAIRPERSON BERLYN: Now I think, because we  
19 are in a general discussion period, if you could put  
20 your cards up and I'll just go around. Mark.

21 MR. DeFALCO: Mark DeFALCO of the Appalachian  
22 Regional Commission.



1           I agree. I think you're spot-on in terms of  
2 probably the biggest issues. I guess two things come to  
3 my mind. Number one, with the broadband and USF, it  
4 seems you could -- some of these topics could become  
5 very broad. Let me give you an example of what I was  
6 thinking. The concept of using universal service funds  
7 to support broadband, good idea. The concept of the  
8 fact that that may require a dramatic increase in the  
9 size of the Universal Service Fund, a whole separate  
10 issue. It might be easy to get people to agree or to  
11 discuss the first, but as you get into the second that's  
12 a whole other issue. So that was my first thing that  
13 came to my mind.

14           The second thing that comes to my mind is,  
15 regarding USF, the Commission is very close to issuing  
16 an order and does it make sense to really start getting  
17 into topics that are going to be resolved before we even  
18 get a chance to give them input, because they're  
19 probably going to -- from what I'm hearing, and Scott  
20 might know more about this than I do. But from what I'm  
21 hearing and Commissioner Copps said just earlier today,  
22 he thinks in early fall the Commission's going to issue

1 their USF-ICC order.

2           So at that point, I don't know what the value  
3 is in providing input and comments, because the issue's  
4 going to be resolved to one degree or another.

5           CHAIRPERSON BERLYN: But that's the high cost  
6 portion of the fund.

7           MR. DeFALCO: Correct, correct. But that goes  
8 back to the first comment, Debra. They're all related.

9           MR. MARSHALL: I'd almost be willing to bet,  
10 though, that it will not be the only one that will be on  
11 the horizon on that subject. So we may have another  
12 bite at the apple if in fact they do act that quickly.  
13 And I will be the first to admit to you I don't have any  
14 inside knowledge about that.

15           CHAIRPERSON BERLYN: Dorothy.

16           MS. WALT: Dorothy speaking. You'll have to  
17 excuse me if I'm a little bit off the point here. I'm  
18 new on the committee, so I'm still green.

19           But I have two possible ideas and maybe  
20 they're not appropriate for this committee. But I would  
21 like to bring it up while we're all here. I know Scott  
22 said to send him emails with ideas, but I wanted to say

1 it with all of you here.

2           First of all, I'm concerned about the senior  
3 citizens who are not skilled with technology and they  
4 need equal access to communications. I don't know if  
5 the Commission or the CAC can take up that issue, but I  
6 would like to see a way for the older people who did not  
7 grow up with technology to have equal access to  
8 communications, maybe not cellphones. Maybe they have  
9 disabilities that cannot allow them to use cellphones,  
10 or maybe they can't read well, or many different issues  
11 related to their access to communications. Maybe they  
12 can't learn the sophisticated technologies. So we  
13 encourage the technology companies to develop something  
14 that's simple, easy for them to use.

15           The second comment I would like to address,  
16 remember I come from a group of people with a special  
17 need. We have a disability with a combination of  
18 hearing loss and vision loss together. We have unique  
19 needs. We're a unique group of people with a wide  
20 variety of degrees of hearing loss and vision loss.  
21 There's no one solution for the problems for the  
22 situation because we all have different needs.

1           The trainers who train on how to use  
2 technology, many of the trainers in the United States do  
3 not have the skills and the knowledge and awareness to  
4 train individuals who have a combination of hearing loss  
5 and vision loss on how to use the technology. This is  
6 an issue that keeps coming up again and again. With new  
7 technologies coming out, the trainers who know how to  
8 use the technology don't know how to work with these  
9 individuals who are deaf-blind.

10           So I don't know if the CAC could take up this  
11 issue, but I thought I'd bring it up anyway. So those  
12 are the two comments I would like to make.

13           Thank you.

14           CHAIRPERSON BERLYN:       Dorothy, thanks for  
15 bringing up two important issues. I just want to  
16 respond to the first one, on the seniors issue, because  
17 it just so happens it's an issue that's near and dear to  
18 my heart. We don't have our AARP representative here  
19 today, but of course it's an issue of great importance  
20 to them as well and I think, in looking at that, an  
21 issue that crosses probably into several of the working  
22 groups.

1           I'm not sure how we highlight that with  
2 perhaps a few representatives of that specific concern,  
3 but an important one and maybe one that those of us who  
4 do care in particular about that concern need to  
5 highlight. But it's a broadband adoption issue, it's a  
6 digital literacy issue, it's an accessibility issue. So  
7 there are several different issues that fall into that  
8 category. So I appreciate your bringing that up.

9           MR. MARSHALL: I agree. Maybe one of the  
10 things that can be done -- this is Scott speaking again  
11 -- is the disability working group, for example, could  
12 discuss this further and figure out, is there something,  
13 maybe not the whole enchilada, but something, a sub-  
14 issue that would be something that could be addressed  
15 effectively to help access for seniors, and that might  
16 be a way of kind of getting our arms around what is  
17 something that's incredibly big.

18           CHAIRPERSON BERLYN: Also, I think it's  
19 something that probably, if we have a sub-group that  
20 deals with adoption issues, it should also take a look  
21 at it.

22           MR. MARSHALL: Hopefully there will be some

1 cross-fertilization there. If there needs to be, that's  
2 why we have all these interconnected listservs and so  
3 forth, to send messages to each other, and I can help  
4 facilitate that if you need to get expertise that's not  
5 within the immediate working group. We're not going to  
6 create more silos here. We don't need more silos.

7 CHAIRPERSON BERLYN: Any other thoughts about  
8 these working groups? Yes?

9 MS. HERRERA: Depending on how many people you  
10 have signed up on the broadband adoption, what may be  
11 useful is to differentiate, so ones particularly focused  
12 on access or ones that are focused on either people with  
13 disabilities, certain age groups, language, by location,  
14 something -- it's always good to sort of get cross-  
15 communication, but depending on what you want the  
16 working group to do, that might be a way to just  
17 differentiate, because there were several people in the  
18 room who were interested in that.

19 It might be particularly like low-income  
20 programs versus trying to promote rural, agricultural  
21 base, whatever it may be.

22 MR. MARSHALL: Again, if you could help us

1 think that through in terms of how to divide it. The  
2 committee does have some history and, as I mentioned  
3 earlier, Benton led a group that looked at the USF low-  
4 income programs and did a lot of work on the joint order  
5 comments. Maybe -- and I'm not suggesting what you do  
6 by any means; it's not my role. But maybe that's  
7 something that needs to be refreshed and put back in the  
8 mix at some point in time.

9 MS. HERRERA: I would tell you, I guess two  
10 things on that. One is, October 17 and 18 in Silver  
11 Spring, Maryland, as part of the One Maryland Project,  
12 we are actually trying to have a broadband adoption two-  
13 day program, in which we sort of highlight -- one of the  
14 things that we've sort of learned is you don't have to  
15 reinvent the wheel. There are lots of programs out  
16 there. There are some that are location-based --  
17 libraries offering programs, schools offering programs.  
18 There are other ones that may be targeted to specific  
19 groups, so these are for seniors, these are youth media  
20 type programs. There are some that are targeted by  
21 topic, so these are financial literacy programs.

22 So you've got that gamut. And I'm happy to

1 send you the information about that as we develop it.

2           The other is that there are things where one  
3 of the things we're trying to do is to partner with  
4 private providers. So for example, if we have a  
5 provider who's willing to provide somebody with a low-  
6 cost temporary, sort of a discounted rate, and we pair  
7 that with training, so that you not only have access,  
8 but you actually learn different uses. So that might be  
9 one component.

10           Specifically, we're looking to develop public-  
11 private partnerships, and we want to find ways to pair  
12 people who have service to offer with people what have  
13 training components.

14           The other way to do it is where you have  
15 people who are looking to develop those specific  
16 training programs. A third would be, I will say that in  
17 all the programs that we've seen, that I've seen rather,  
18 what I have not seen is any type of common understanding  
19 of what we're talking about. So when you say, well, we  
20 want you to be digitally literate, does that mean you  
21 have to know how to send email? Does that mean you need  
22 to know how social media, your Twitter and Facebook?



1 Should you know how to post something to YouTube? Does  
2 it have -- you can look at a variety of those.

3 The last one we were sort of looking at was,  
4 if we looked at what the largest employers are in the  
5 state who hire entry-level workers, so for example say  
6 Target, Best Buy, what are the skills, the digital  
7 literacy skills that you would want people to be able to  
8 come in knowing, that then I could build on and provide  
9 training?

10 So in that gamut, it may be that the way that  
11 you separate out the programs are: public-private  
12 partnerships, workforce development, programs that are  
13 focused on specific populations, and programs that are  
14 designed to be performed at specific locations. So  
15 locations, people, economic development, and public-  
16 private partnerships.

17 CHAIRPERSON BERLYN: Thanks.

18 MR. MARSHALL: Any other comments?

19 CHAIRPERSON BERLYN: Yes, we've got several  
20 around the room. Fernando.

21 MR. LAGUARDA: Thanks, Debby.

22 I think the layout of the proposed groups the

1 way that Scott framed them made a lot of sense. The  
2 suggestion, however, that broadband is a very  
3 comprehensive topic is also an important one to take  
4 into account. I think dividing broadband and USF, even  
5 though they have overlap, is a good idea to start out,  
6 in terms of polling the committee as to interest,  
7 because I think otherwise the assignments might get  
8 confusing. So that was my only suggestion, was that  
9 that topic area perhaps should start out being divided  
10 into two. If that doesn't overwhelm staff with too many  
11 working groups, I think it's a good idea to do it that  
12 way.

13 CHAIRPERSON BERLYN: Thanks.

14 Michael.

15 MR. SCOTT: Michael Scott with UCAN.

16 I keep hearing about broadband being talked  
17 about separately. I think it could honestly be a part  
18 of each individual committee, the same way wireline and  
19 wireless services would probably be talked about in  
20 terms of each individual committee, whether it's USF  
21 issues, disability issues, or even consumer empowerment  
22 issues.

1           An issue brought up earlier today was billing  
2 with broadband and billing with bundled services, and  
3 those topics could certainly be in there. So rather  
4 than separating out broadband as an all-encompassing,  
5 all different type of service, it may be useful at least  
6 for the purposes of this committee to look at broadband  
7 as a subset of those general topics, of USF and consumer  
8 empowerment, and even media issues and disability  
9 issues.

10           CHAIRPERSON BERLYN: I think you're absolutely  
11 right, Michael. That's absolutely true. So the many  
12 faces of broadband -- we might say broadband is  
13 everything, as you started out by saying. Broadband is  
14 everything and everywhere.

15           There are some huge broadband issues that  
16 don't sort of fit within those other categories, such as  
17 broadband adoption, which is absolutely huge. And for  
18 example, the speed issue, the broadband speed study.  
19 Another one is looking at broadband speed, which I know  
20 is very important to the Bureau. So there are a couple  
21 that may not exactly fit into some of those other areas  
22 that a more broader kind of broadband group might want

1 to consider.

2 MR. MARSHALL: I'm intrigued by the thought of  
3 having broadband as being included in all these working  
4 groups. I'm not sure exactly yet how quite to do it  
5 effectively. I remember a number of years ago we had  
6 the idea that, gee whiz, disability issues ought to be  
7 integral to all -- Claude's laughing, I think, over  
8 there; he remembers this -- that it ought to be integral  
9 to all the working groups. But that ended up not  
10 working very well. It still needed some concentrated  
11 focus by people who were very steeped in those issues.

12 I don't know. It's an interesting thought.

13 MR. SCOTT: If I can complicate it just a  
14 little bit more, we keep talking about broadband, but  
15 we're not distinguishing between wired and wireless for  
16 broadband at the moment. And that will certainly be an  
17 issue.

18 CHAIRPERSON BERLYN: Absolutely.

19 MR. MARSHALL: Yes, sure.

20 CHAIRPERSON BERLYN: You're absolutely right  
21 about that, yes. Good point.

22 Continuing with Claude.

1           MR. STOUT: I've got two points that I'd like  
2 to make. The first is, when you determine the number of  
3 working groups I'd ask that you try to have the FCC  
4 support you with a research person that's assigned to  
5 each of those groups. We've had those support  
6 representatives before and I would love to see that  
7 again.

8           It would also help, particularly for the  
9 example of the broadband working group, if we have one  
10 resource person from inside the FCC, a person who can  
11 help guide their work, the resource person who can tell  
12 them the work that's already been done in the committee  
13 here, that's already been done in the Commission, that  
14 can help them locate resources and information, policy,  
15 regulation, rules that have been issued, someone that  
16 can help guide the working group in their discussion, so  
17 over time we can see that their discussions would become  
18 more productive. I think it would help us be more  
19 efficient and be a time-saver there, so that we can get  
20 to those really important issues that haven't been  
21 addressed.

22           I'd also strongly recommend that you think

1 about having the FCC think about giving that resource  
2 person for each working group.

3 My second recommendation -- and it seems like  
4 from what you've said, Scott and Debby, it looks like  
5 the FCC is not providing the CAC a major theme. I think  
6 you might recall, I think it was two, three years ago or  
7 so, to help address a number of issues with the analog  
8 to digital transition, the national broadband plan,  
9 there were certain themes. But it looks like this year  
10 we're not working under a broad theme or with one major  
11 issue. So I just wanted to check to make sure that was  
12 correct and see if there was any clarification on that.

13 MR. MARSHALL: I think that's correct. I  
14 think that's correct, Claude.

15 CHAIRPERSON BERLYN: Cecilia and then Paul.

16 MS. GARCIA: Cecilia Garcia from Benton.

17 I'd just like to advocate for keeping  
18 broadband as a separate issue. One of the things that  
19 we haven't talked about here, but that's really critical  
20 to certainly realizing some of the benefits of the  
21 national broadband plan is the whole issue of regulatory  
22 authority, reclassification. We haven't talked about

1 that. But dividing broadband across the board doesn't  
2 give us the opportunity to even weigh in on that.

3 CHAIRPERSON BERLYN: Thank you.

4 Paul.

5 MR. SCHROEDER: Paul Schroeder, AFB.

6 I'm not sure how best to do this, but I'm  
7 wondering if one of the ways we might get at these  
8 crosscutting issues is to have some sort of ad hoc  
9 short-term kinds of efforts. I was really struck and  
10 agreed with Dorothy's point about seniors and I would  
11 broaden it to say the undersubscribed in general, who we  
12 don't talk about very much. Yet I think there are some  
13 things that we/the Commission could be doing.

14 Some of that falls into USF and low-income  
15 support. Some of that falls into efforts to spur  
16 adoption. Some of that falls into disability access.  
17 And some of it doesn't really fall into any of those  
18 categories. I'm thinking that maybe what we need is a  
19 short-term effort to try to figure out what we can do  
20 across our committee and then across the FCC to help  
21 with that, not as a rulemaking or anything of those  
22 sorts, but really an area where I think there are just

1 market opportunities that could be exploited with some  
2 help and maybe the good thinking around this group and  
3 the consumer involvement.

4           The other thing I would say, I haven't really  
5 seen much focus on equipment issues other than in  
6 disability access. It's not traditionally been an area  
7 of much focus for the FCC, somewhat. But there was a  
8 lot of focus on equipment during the digital TV  
9 transition and whether consumers would have products  
10 available to them, at a price point that they could  
11 afford, would want, and could use.

12           So I think maybe this falls into one of the  
13 reasons why I think there's undersubscription problems.  
14 There's affordability issues, but I also think there's  
15 complexity issues and challenges in using equipment and  
16 finding equipment that actually meets someone's needs.  
17 Again, I don't think this is an area where mandates may  
18 be the right answer, but I think this is an area where  
19 there's an opportunity to explore challenges that face  
20 consumers in the very real everyday problem of accessing  
21 communications technologies.

22           I think we're kidding ourselves if we don't



1 think it is a real challenge. And it's not just about  
2 seniors. There are, believe it or not, young people who  
3 are challenged by equipment and don't really know how to  
4 fully use and take advantage of the capabilities that  
5 are available to them.

6 CHAIRPERSON BERLYN: All good points, Paul.  
7 Thank you. Those are great points. I agree with  
8 everything you said. I'm not exactly sure how we put  
9 that into these working groups, this working group  
10 structure, but I think we need to. I'm not sure exactly  
11 how we do that, but let's think about how we do that.

12 MR. MARSHALL: This is Scott again. The other  
13 issue I think -- and Cecilia touched upon it, too -- is  
14 a jurisdictional one. Remember we are in advisory  
15 committee, or you are, an advisory committee of the FCC.  
16 And although a lot of this is very important stuff,  
17 we've also got to figure out where the FCC actually does  
18 have jurisdiction to be able to act on some of these  
19 issues. I think that's a conversation that is ongoing  
20 here, because a lot of these big picture items from my  
21 understanding do involve issues of jurisdiction.

22 MS. HERRERA: I agree on the regulatory, and

1 also the equipment may be a good group. The other is  
2 actually in the complaints. As a local government --

3 MR. MARSHALL: Which we will hear about  
4 shortly.

5 CHAIRPERSON BERLYN: Which we're going to hear  
6 about.

7 MS. HERRERA: Yes, yes.

8 MR. MARSHALL: It'll be fascinating.

9 MS. HERRERA: Just on that one particular  
10 point, one of the things particularly is, as a local  
11 government we largely enforce federal rules. There are  
12 no federal rules for broadband. There are no federal  
13 standards. The federal standards for cable complaints  
14 have not been updated since 1992. There are no  
15 performance standards for digital cable, even though the  
16 majority of people receive those.

17 We've had several conversations at the staff  
18 level and, frankly, the discussion has been everything  
19 in the Commission is so absorbed by broadband that there  
20 really isn't a lot of will to do a lot of other things.

21 So potentially it's all well and good that the FCC  
22 takes these complaints and does these things, but when

1 people call to complain and there's really -- whatever  
2 practice they're doing, it doesn't actually violate any  
3 rule, it makes it difficult to actually get a meaningful  
4 result. And frankly, the fact that we have consumers  
5 who get a triple play of services and for them to find  
6 out, well, there is one set of rules that if your cable  
7 operator overbills you that we could enforce, but if  
8 your cable operator overbills for broadband service  
9 there aren't actually federal rules that exist in that  
10 area -- so to the extent that this Commission can help  
11 give a little kick towards having an interest group  
12 that's around the complaint and the actual rules that  
13 the FCC has in place, it would be really useful.

14 CHAIRPERSON BERLYN: Lise.

15 MS. HAMLIN: Lise Hamlin, Hearing Loss  
16 Association.

17 Let me just make a quick comment. Every time  
18 somebody speaks off mike, I cannot hear them because I'm  
19 in the loop. So please, if you're going to make a  
20 comment, wait to have the mike, because I'm losing some  
21 of the stuff here.

22 What I was going to comment on, something we

1 didn't do last time, but I'm wondering if, because we're  
2 talking about these cross-needs and the fact that some  
3 of these committees can reach to other committees, is  
4 that maybe we should consider -- I know Scott gets all  
5 the information, but maybe we should consider the  
6 leaders, first of all defining what the committee does.  
7 Is broadband going to just look at adoption or is it  
8 going to look at other pieces of broadband, because  
9 obviously broadband is a huge topic? What are we going  
10 to look at?

11           So let's make a definition of what is it the  
12 committee is going to actually do. Then the leaders  
13 from the group, talk to each other and say, okay, this  
14 is what we're looking at, this is what our last meeting  
15 was about, and these are the kind of things that we're  
16 looking at. And then another leader from another  
17 committee can say: Hey, you know, maybe you should be  
18 looking at this other aspect also; this reaches to the  
19 disability access, or maybe we should bring it up.

20           In other words, talk enough to each other  
21 before we present recommendations to the full committee  
22 so that we understand where the cross-issues are and

1 what we should be considering in our groups.

2           The other thing I was going to mention, on the  
3 issues, the regulatory issues, I think that's where  
4 Claude's comment really is on point, having somebody in  
5 the committees keep us on track in terms of is there an  
6 NOI that I wasn't aware of, is there something else  
7 happening that we should be considering when we're  
8 deliberating in that working group.

9           MS. WONG: Can I say something?

10          CHAIRPERSON BERLYN: Sure.

11          MR. MARSHALL: In the mike, please.

12          CHAIRPERSON BERLYN: Darlene.

13          MS. WONG: Hi. Darlene Wong, National  
14 Consumer Law Center. I had my card up for a while, so  
15 thanks.

16           I just wanted to say that I was hearing some  
17 comments that I agreed with and I thought it might be a  
18 reasonable approach to, yes, have maybe a larger  
19 broadband group that does look at some of the more  
20 overarching, larger, big picture policy issues, and then  
21 when you have specific groups, like disability issues  
22 and consumer empowerment issues, I would hope that those

1 groups and the folks on those groups wouldn't be  
2 foreclosed from discussing broadband as a subset in  
3 terms of what they're interested in. So I just wanted  
4 to clarify that that might be a possible approach.

5           Then I also agree with the addition of perhaps  
6 leaders for each group making that process more seamless  
7 also with communications between leaders of the groups.

8           CHAIRPERSON BERLYN:           Those are great  
9 suggestions. Those are great suggestions. I do think  
10 there's lots we can do to help facilitate the  
11 communications between working groups. Part of the  
12 reason for doing that conference call at the end of  
13 September is to have a quick communication about what  
14 the working groups are thinking at the front end, before  
15 we move forward, so that everybody can hear what the  
16 topics are that each of the working groups is talking  
17 about. We'll see how that goes.

18           But I also think it would be helpful for the  
19 chairs to communicate about what they're thinking.  
20 Also, if we have a big working group, like a broadband  
21 working group, there's nothing -- there's no rule about  
22 having subgroups, if you want to break up into task

1 forces or sub-working groups or subcommittees, so to  
2 speak. That's a possibility as well. I think we've  
3 done that in past years.

4 So there's all different ways to do this.  
5 This is our committee and we can figure out the  
6 structure to make it work best.

7 Any other final thoughts? If you have any  
8 additional thoughts, the process doesn't end. Irene?

9 MS. LEECH: I think we all need to recognize  
10 that we can't do everything. I think one thing I  
11 learned from the last two-year cycle was that biting off  
12 more than we can really address makes it hard to get  
13 anything accomplished. So I hope that as we get into  
14 these groups we'll look at some specifics and kind of  
15 try to nail down what we think we're going to do. What  
16 do we have, two years, 18 months? But effectively, time  
17 goes by really fast, and we may have to make some  
18 changes as orders we don't expect come out or whatever.

19 But I know we care about and want to address a  
20 much greater realm than is realistic in the constraints  
21 that we work within. So I would encourage us to try to  
22 figure out what our priorities are and target more

1 effectively, versus expand bigger.

2 CHAIRPERSON BERLYN: Good point. Thanks,  
3 Irene.

4 Well, feel free to offer additional thoughts  
5 on email. And Scott will be getting out --

6 MR. MARSHALL: You can do that very quickly.  
7 If you want to send an email to the entire group, just  
8 address it to cac2009 -- that's C-A-C-2-0-0-9 at info,  
9 I-N-F-O, .fcc.gov.

10 MR. SCHROEDER: Was "2011" already taken?

11 (Laughter.)

12 CHAIRPERSON BERLYN: Touche, Paul. We may  
13 update that.

14 MR. MARSHALL: I used the old template to get  
15 the master list going faster than to have a whole new  
16 one created.

17 CHAIRPERSON BERLYN: It took two years to  
18 update the 2007.

19 (Laughter.)

20 CHAIRPERSON BERLYN: So it may take us a  
21 little while, but we will eventually get to 2011. But  
22 it may not be until 2012.



1           MR. MARSHALL: I'll see if the IT people can  
2 change it if it will make you feel better.

3           In the mean time, like tonight, if you have an  
4 urgent feeling that you want to share with the group,  
5 it's cac2009@info.fcc.gov.

6           CHAIRPERSON BERLYN: Scott, do we want to  
7 quickly talk about dates now, just in case anyone has to  
8 leave before we unlock the door?

9           MR. MARSHALL: Yes.

10          CHAIRPERSON BERLYN: The conference call that  
11 we were talking about, which will be about one to one  
12 and a half hours, so we're not talking about a huge time  
13 commitment. We're working under huge scheduling  
14 constraints here, so we don't like to give people  
15 limited choice, but we're looking at the last week of  
16 September because we do want to give you enough time,  
17 once you get the working groups assigned and the chairs  
18 assigned. We want to give you at least a few weeks to  
19 have your calls.

20          So we're looking at the last week of  
21 September. The end of the week we have Jewish holidays,  
22 so we're looking at the beginning of that week. So it's

1 likely that the conference call will be either Monday,  
2 September 26, or Tuesday, September 27. So Scott will  
3 work on scheduling for that first conference call.

4 It's also likely that it will be at at least  
5 12:00 noon because we do have members that are in other  
6 time zones on the West Coast.

7 MR. MARSHALL: It will be an afternoon call.

8 CHAIRPERSON BERLYN: So it will be an  
9 afternoon call.

10 MR. MARSHALL: This is Scott again. Probably  
11 most likely it's worked better later in the afternoon  
12 rather than earlier in the afternoon for everybody.

13 CHAIRPERSON BERLYN: Yes. Then we are looking  
14 at our next full CAC meeting, and that's another one  
15 that's hugely difficult to coordinate because Scott has  
16 to get the availability of this meeting room and that is  
17 very tough. So Scott did some checking to see what  
18 dates were available, and again we want to give the  
19 working groups enough time after that September meeting  
20 to be able to get together follow up on your topics and  
21 your ideas that you will be presenting in September, and  
22 then go back and do a little bit of work, and then give

1 Scott the 15 days to notice.

2           So we're talking about a lot of challenges.  
3 We don't want to run into Thanksgiving and the holidays.  
4 So we're talking about early November. Scott has  
5 checked things out and has come up with an available  
6 date for this meeting room of November 4th, which is a  
7 Friday, which sometimes works out a little bit better  
8 for a lot of our CAC members. So Friday, November 4th,  
9 is the date that we're currently looking at for our next  
10 CAC meeting.

11           Because we'll be doing a November meeting, we  
12 probably then would schedule our next CAC meeting in  
13 early 2012. And Scott will be starting to look at some  
14 dates for that pretty soon.

15           MR. MARSHALL: This is Scott again. We  
16 traditionally do three quarterly meetings of the full  
17 committee every year. That's what we're budgeted for.  
18 But then we can have these interim conference call  
19 meetings if there is a particular need or we need to  
20 finish up on something, that kind of thing. We do that  
21 by a shorter conference call.

22           But the full day meetings are three meetings

1 per year.

2 CHAIRPERSON BERLYN: When we do have the  
3 conference call, Scott will find some space here at the  
4 Commission so that those who are in town can come here,  
5 because it is a public meeting. If anyone wants to come  
6 and observe the meeting, they can do that in person. So  
7 that will happen as well. So those of you who are in  
8 town, we can actually get together and have a room here  
9 at the FCC and meet in person.

10 MR. MARSHALL: Correct.

11 CHAIRPERSON BERLYN: Okay. So let's go back  
12 to our schedule. So this is a really great topic. I am  
13 so pleased. As Scott knows, I was very anxious to have  
14 this on the agenda. I think it's really important for  
15 us, regardless of what issue we're talking about, to  
16 know a little bit about what consumers are concerned  
17 about, what are the trends about consumer capability.

18 So Renee Moore is here, Consumer Information  
19 Analyst with the Consumer and Governmental Affairs  
20 Bureau. So thank you so much, Renee, for joining us.

21 CONSUMER COMPLAINTS TRENDS: WHAT ARE CONSUMERS  
22 COMPLAINING ABOUT TO THE FCC,

1           RENEE MOORE, CONSUMER INFORMATION ANALYST, CGB,

2                           AND HARRISON COX, CGB

3           MS. MOORE: Thank you for asking me. Beside  
4 me I have Harrison Cox as well.

5           CHAIRPERSON BERLYN: If you could just pull  
6 the mike a little bit closer.

7           MS. MOORE: Okay. I'll try to get through my  
8 slides real quick.

9           MR. MARSHALL: They're in the packet and they  
10 were sent electronically to you, the latest and greatest  
11 version, this morning.

12                   (Pause.)

13           MR. MARSHALL: One moment of technical  
14 difficulties here.

15                   (Slide.)

16           MS. MOORE: Good afternoon, everyone. My name  
17 is Renee Moore. I'm a Consumer Information Analyst with  
18 the Consumer Inquiries and Complaints Division, where we  
19 serve as the front line for the Commission through  
20 outreach and education, as well as through our consumer  
21 call center, which is responsible for handling consumer  
22 complaints and inquiries, inquiries and complaints

1 ranging from TCPA violations to billing and service-  
2 related issues to broadcast indecency complaints.

3 Consumers have the option of making contact  
4 with the Commission in one of many ways. We receive  
5 complaints and inquiries via phone, fax, email, postal  
6 mail, or via the web.

7 (Slide.)

8 Based on the consumer's issues, consumers have  
9 the option of filing a complaint using one of several  
10 complaint forms. We have a total of about 16 forms.  
11 Each complaint form is broken down by specific types.  
12 As you can see on the screen, there are 8 1088 forms.  
13 We have the 1088A through the 1088H, which are the forms  
14 to be used for TCP violations, such as junk fax, do not  
15 call, prerecorded messages, abandoned calls, or war  
16 dialing. We also have 6 2000 complaint forms, the 2000A  
17 through the 2000F, which are our informal complaint  
18 forms, where we handle complaints regarding billing and  
19 privacy-related issues, service quality issues,  
20 disability access complaints, emergency or public  
21 safety-related complaints. We also have a form within  
22 that 2000 where we handle all other complaints not

1 covered by the A through E.

2           There's also a complaint form which is used  
3 for complaints regarding unauthorized switching of  
4 consumers on long distance service providers and a form  
5 for indecency complaints, for complaints regarding  
6 indecent or obscene TV or radio broadcasts, which is of  
7 course 75B.

8           When complaints are received in the division,  
9 they're assigned, analyzed, coded, and processed by our  
10 consumer advocacy and mediation specialists.

11           (Slide.)

12           Just to give you an idea of the volume of  
13 complaints that we receive in the division, in 2009 we  
14 received over 480,000 complaints. The slide shows a  
15 breakdown of the total number of complaints received for  
16 each form type that I mentioned previously.

17           We've also received over 546,000 email and  
18 phone inquiries, and in addition to that the Commission  
19 has been responsible for obtaining over \$3.9 million in  
20 credits on behalf of the consumer. In 2009, some of the  
21 main complaint topics that we dealt with were the DTV  
22 transition, CCPA-related complaints, billing-related

1 complaints, and deceptive or misleading advertisement  
2 complaints.

3           In 2010 we received 251,000 complaints and  
4 were responsible for recovering over \$4.5 million for  
5 the consumer as a result of our complaints process or  
6 mediation by our specialists. During that time we also  
7 handled more than 376,000 phone and email inquiry  
8 complaints. Some of our top complaint categories in  
9 2010 were indecency-related complaints, TCPA-related  
10 complaints, and billing-related issues.

11           Also, thus far in 2011, which is not listed  
12 here as of yet, we've received over 160,000 complaints,  
13 more than 130,000 inquiries, and obtained nearly \$3  
14 million in credits for the consumer.

15           (Slide.)

16           Reporting. Each quarter we release a  
17 quarterly report which shows the top informal complaints  
18 and inquiries received in the division by category. For  
19 both the complaints and inquiries, the top four reported  
20 categories are: cable and satellite services; radio and  
21 television broadcasting; wireless telecommunications;  
22 and wireline telecommunications.



1           On the slide, below each category are a few  
2 examples of the subject matters that fall within those  
3 four categories. For your information, all these  
4 quarterly reports are available for your review on our  
5 web site at [www.fcc.gov](http://www.fcc.gov).

6           (Slide.)

7           Just to give you a little bit more specific  
8 information about our quarterly stats, the next slide  
9 shows the actual stats from the first through the fourth  
10 quarter of 2010 and shows the top subject areas for  
11 complaints and inquiries processed by the Bureau. You  
12 may notice that from quarter to quarter there are some  
13 spikes and fluctuations in the totals, which could be a  
14 result of hot initiatives, outreach efforts or email  
15 campaigns, or things that consumers saw on TV or heard  
16 on the radio that spiked calls or complaints. Again,  
17 this data is also available on our web site.

18           I really have a short presentation, so if you  
19 have any questions about the data or the complaint  
20 process me and Harrison Cox are open for questioning.

21           MS. WONG; Darlene Wong, National Consumer Law  
22 Center.

1           I was just curious if you could describe how  
2 the trend in complaints gets communicated to perhaps  
3 other divisions of the staff and sort of what -- just  
4 elaborate a little bit more on that information-sharing  
5 and how it gets translated into action or perhaps legal  
6 action.

7           MS. MOORE: We do a series of internal reports  
8 which kind of tracks the trends and what subject codes  
9 we see a spike in or fluctuations in. Based on those  
10 reports -- they go to the Policy Division, the front  
11 office, and then they do rulemakings based on the  
12 information that we provide.

13           CHAIRPERSON BERLYN: So, based on that, what  
14 we saw, that chart there, do you have categories within  
15 that that match up with some of the consumer empowerment  
16 issues that the FCC is addressing? Have you divided up  
17 by -- I saw a reference to slamming, for example. Do  
18 you have cramming? Do you have the mystery fees, the  
19 bill shock, those things? Do you divide it up by that  
20 as well?

21           MS. MOORE: They all fall within one of these  
22 categories. I just listed the most frequently top used

1 ones on the spreadsheet. But yes, they do fall within  
2 these four categories.

3 CHAIRPERSON BERLYN: Is there some way that we  
4 could see how they divide up?

5 MS. MOORE: I don't have a slide of how they  
6 line up right now.

7 CHAIRPERSON BERLYN: So you have that  
8 information?

9 MS. MOORE: But we have that information and  
10 we can provide it to you later.

11 CHAIRPERSON BERLYN: That would be great.

12 MR. COX: I want to respond to the young lady  
13 there. We are in the Informal Complaints Division.  
14 What we do once we receive the complaint, we serve it to  
15 the carrier, and if the carrier responds and the  
16 consumer is still not happy with the response, then we  
17 tell them they have to file a formal complaint, which  
18 goes to another division.

19 CHAIRPERSON BERLYN: One of my colleagues here  
20 was just wondering, is that information that you just  
21 mentioned, is that also on the web site, on the FCC's  
22 web site?

1 MS. MOORE: That information, yes.

2 CHAIRPERSON BERLYN: The breakdown on issues  
3 as well?

4 MS. MOORE: No. The only breakdown of the  
5 issues that we share with the public are the quarterly  
6 reports, and those are at the top, the general  
7 categories.

8 MR. CHESSEN: A follow-up question on that.  
9 So if the informal complaints that you get in and that  
10 you send to the carriers and then if people aren't happy  
11 they come back with a formal complaint, what percentage  
12 of informal complaints eventually turn into formal  
13 complaints that aren't resolved?

14 MS. MOORE: Before they turn into a formal  
15 complaint, we can do what's called a mediation to the  
16 carrier, between the consumer and the carrier. We do a  
17 mediation to see if we can resolve the issue before it  
18 has to go to the formal complaint process.

19 Formal complaints, what percentage would you  
20 say, Harrison? Probably less than 10 percent?

21 MR. COX: Yes.

22 MS. MOORE: Less than 10 percent of the

1 complaints go to the formal complaint process.

2 MS. HERRERA: Mitsuko Herrera from Montgomery  
3 County, Maryland.

4 So thanks to the Commission's hot spot, I'm  
5 looking at the actual report that you have listed on  
6 your web site, the quarterly reports. I guess here's a  
7 couple comments. One is, these reports have at least a  
8 six month lag. You just released this in August and you  
9 have the report date that runs through December of last  
10 year. So closing that gap would be useful and help  
11 provide more timely information. That might be a  
12 decision above your pay grade, but if you want to pass  
13 that along.

14 MS. MOORE: We're working on the first and  
15 second quarters of 2011. They did a serious revamping  
16 of the whole report, so those are soon to come.

17 MS. HERRERA: Along those lines, one thing is  
18 this information that you have in here in the complaints  
19 stats that shows the total numbers, that is not reported  
20 in the breakout charts that you have on line, because  
21 you only list the top issues.

22 MS. MOORE: Right.

1           MS. HERRERA:  And where they don't match up --  
2  for example, we heard this morning about wireless  
3  complaints -- sorry, cramming, which was primarily a  
4  wireline issue, and the question was raised about how  
5  big a problem it is.  There are 701 complaints for the  
6  quarter listed on there in your inquiries.  There is  
7  nothing reported in your complaints processed by your  
8  division, which I can only assume it means it didn't  
9  make it to the top spot.

10           But that makes it difficult if you can't match  
11  up what's coming in with what ends up being processed  
12  and you don't have any sense of how big a problem is  
13  this within the scheme of things.  And what you're  
14  saying here -- I guess these are not cumulative numbers  
15  -- is that in wireline you had somewhere close to over  
16  90,000 complaints and cramming was, if you take 4 times  
17  7, 2800.

18           The question we had this morning was, well,  
19  how is this a big complaint, and we had somebody,  
20  Michael, say that it was.  But you know, you've got data  
21  that's not showing that.

22           In any event, having reports in which you list

1 all the inquiries with a breakdown and all the  
2 complaints with a breakdown would be a useful start,  
3 because then you would get some sense of the scope and  
4 you'll know how to follow up. So I would say to do  
5 that, as opposed to the top. The most popular ones as  
6 an executive summary is fine, but the report itself  
7 should probably include the things. And if I have  
8 missed it, I apologize.

9 MS. MOORE: No, you haven't missed it. Point  
10 taken. I'll make a note of it.

11 CHAIRPERSON BERLYN: If we could get access to  
12 that information, that would be a great help for us, I  
13 think, too, to understand some of these issues that  
14 we're grappling with.

15 Stephen, you have a question?

16 MR. POCIASK: Yes. Steve Pociask with  
17 American Consumer Institute.

18 Just a quick look at the numbers -- and I  
19 think it is important that we get more information on  
20 this so we can kind of get into it. Some of us really  
21 like data.

22 I'm just looking at this and one impression I

1 get when I look at the credits and the receipts is just  
2 basically it amounts to like \$8 a complaint. And I see  
3 that there's an informal process and a mediation and  
4 then a formal process. It seems like this is a very  
5 labor-intensive effort that you put on. But I would  
6 like to see the data just so we can understand what  
7 makes that up.

8 Thank you.

9 CHAIRPERSON BERLYN: Irene.

10 MS. LEECH: When I have worked on data like  
11 this, I've often -- the numbers are there, but then I  
12 also get feelings about trends and that kind of thing.  
13 As you think about how things have changed over the last  
14 period of time, from say five years ago, what  
15 differences do you feel like you've seen in terms of  
16 what people complain about, when they complain, how they  
17 complain? Are there kind of trends that you're aware  
18 of?

19 MS. MOORE: Yes, there are trends that we are  
20 aware of. For 2009, during the DTV transition, because  
21 that was a hot topic, we saw a large spike in the  
22 numbers for that particular period, and then it died



1 down some. In 2010 the hot initiative was bill shock.  
2 So based on what rulemakings or what outreach is done  
3 kind of triggers the numbers.

4 MR. COX: It also depends on what they see on  
5 TV, because we have a lot on Family Guy or Janet Jackson  
6 or whatever. So it depends on what's going on.

7 MS. LEECH: But you don't have any ideas for  
8 us of kind of where things might be heading, something  
9 that we ought to be paying attention to, based on what  
10 you've seen?

11 MR. COX: There's nothing in advance. It's  
12 just whatever happens and they get the information.

13 CHAIRPERSON BERLYN: Scott. Mike, hand,  
14 identify.

15 MR. BERGMANN: Scott Bergmann with CTIA.

16 We certainly support the request to have some  
17 more data there. Certainly in the wireless context  
18 we've asked to have differentiation between TCPA  
19 complaints and other billing complaints. Those are  
20 traditionally lumped together, even though I think the  
21 data is collected that separates them out, and obviously  
22 there are different entities that are involved there.

1 So the wireless carriers are not typically involved in  
2 the TCPA complaints. Yet I think about 70 percent of  
3 the complaints in the wireless billing category are  
4 TCPA-related.

5 Information on inquiries versus complaints is  
6 always helpful as well, too. When you talked about  
7 trends showing an increase in bill shock, I think that  
8 was primarily inquiries, as I understand it. I think  
9 fourth quarter there were roughly about 400 complaints  
10 that were filed, so that's about one out of every  
11 million wireless -- one for every wireless subscribers.  
12 That's very helpful as well, too.

13 CHAIRPERSON BERLYN: Okay. Well, Renee, I  
14 think you learned a little bit about our Consumer  
15 Advisory Committee. We really appreciate your coming  
16 today and thank you so much for the information.

17 MR. MARSHALL: Thank you so much.

18 (Applause.)

19 CHAIRPERSON BERLYN: Excellent.

20 Let's see. We have --

21 MR. MARSHALL: Tom Beers, if he's here.

22 CHAIRPERSON BERLYN: Come to the table. We're

1 overloading you all with information here.

2           We wanted to just let you know about the  
3 Emergency Alert System and a November test coming up.  
4 We have Tom Beers, Chief, Policy Division, of the Public  
5 Safety and Homeland Security Bureau. So thank you so  
6 much for joining us today for a quick update.

7           EMERGENCY ALERT SYSTEM AND NOVEMBER TEST,  
8           THOMAS J. BEERS, CHIEF, POLICY DIVISION,  
9           PUBLIC SAFETY AND HOMELAND SECURITY BUREAU

10           MR. BEERS:       Well, thank you and good  
11 afternoon, everybody. It's nice to be invited to do  
12 this. I see some familiar faces.

13           But Scott tells me -- I'm a little bit  
14 surprised at this -- that I may be the first person from  
15 my Bureau to be making a presentation to this group.  
16 It's not that I consider that unfortunate, but I'm  
17 really glad to be here because of the message I'm  
18 carrying today, and also a more basic message than the  
19 Emergency Alert System that I'm going to be talking  
20 about, but just get to know my group, and I'd like to  
21 know you, because a lot of what we do in the Public  
22 Safety and Homeland Security Bureau is developing policy

1 and superintending programs that are of very direct  
2 benefit and interest to consumers. And we do a lot of  
3 things that I think would be of interest to you. So I'd  
4 very much like to make this a two-way street, a  
5 continuing two-way street.

6 I brought along today a couple of folks from  
7 my division: Greg Cook, who is my Associate Division  
8 Chief in the Public Safety, Homeland Security, Policy  
9 and Licensing Division. Greg is actually leading the  
10 charge on our testing initiatives, including the EAS.

11 Am I coming across on this microphone? Is  
12 everything going all right?

13 MR. MARSHALL: Yes.

14 MR. BEERS: And back here in the row behind  
15 me, I have Zengi Nakazara -- Zengi, raise your hand just  
16 a moment -- who's one of my deputy chiefs; and Eric  
17 Ehrenreich, who is senior attorney, an honors attorney  
18 actually, in my division. Eric in particular does a lot  
19 of work with the Emergency Alert System and also our  
20 ongoing efforts to implement the commercial mobile alert  
21 system, otherwise known as PLAN. Scott Bergmann knows a  
22 little bit about that, and he's smiling right now, which

1 is good, to see somebody smile. So we're going to talk  
2 a little bit about that, too.

3 But first of all, I can tell you I didn't  
4 bring any slides around. I figured I'd be one of the  
5 last people in the afternoon after a long day's program  
6 and the last thing you needed to be assailed with was  
7 more information that was coming at the end of a long  
8 day.

9 So I'd like you to think of and remember two  
10 things at this point pursuant to my presentation. One  
11 is a date, November 9 of this year, which is a  
12 Wednesday, and which is going to be five days after,  
13 apparently, your next in-house meeting here; and a time,  
14 2:00 o'clock p.m. Eastern Standard Time.

15 That is the day and the time on which the  
16 Federal Emergency Management Agency, FEMA, along with  
17 the FCC and the National Weather Service, are going to  
18 conduct the first national test of the Emergency Alert  
19 System. I'm going to talk a little bit about why that's  
20 important and why we're conducting the test and how we'd  
21 like to get some help from you in socializing this event  
22 and getting the word out about this event to some of the

1 groups that you represent. Especially folks who are  
2 here from disability communities and other communities  
3 that participate in this conference, we'd like you to  
4 help us get the word out about what is going to take  
5 place on November 9.

6           So what's the Emergency Alert System? Well,  
7 everybody here in this room, assuming you're an American  
8 and have been here as long as you've been alive, knows  
9 about the Emergency Alert System. Some of you are as  
10 old as I am and you remember it's predecessor, the  
11 Emergency Broadcast System, because you'd get these  
12 annoying announcements over the radio and television if  
13 you're watching or listening: This is a test of the  
14 Emergency Alert System, in consultation with federal  
15 authorities, and blah, blah, blah, blah, blah, we're  
16 going to interrupt your viewing or your listening and  
17 give you this annoying message so we can make sure that  
18 this Emergency Alert System works.

19           Well, we have in place, the FCC has in place,  
20 rules that require Emergency Alert System participants -  
21 - and that's broadcasters, cable TV folks, direct  
22 broadcast satellite folks, video programming folks -- we

1 have requirements that on a weekly and a monthly basis  
2 they test their equipment and their readiness to  
3 participate in this system.

4           This is the system that usually and regularly  
5 advises you of mostly weather alerts, typically. If a  
6 severe storm is blowing through the region and you're in  
7 the path of a tornado, the bottom line is the Emergency  
8 Alert System oftentimes is triggered and you receive  
9 warnings about developing weather crises.

10           Well, the Emergency Alert System and its  
11 predecessor the Emergency Broadcast System were  
12 originally designed to essentially handle national  
13 emergencies. The structure of the organization, the  
14 architecture of this thing, is something we describe as  
15 a cascade. FEMA's at the top of what you could almost  
16 think of also as a Christmas tree. FEMA's at the top  
17 and in the case -- in the case of a national emergency  
18 FEMA would handle the implementation of a message from  
19 the President of the United States broadcast to the  
20 country, and it would be delivered first to a series of  
21 50-plus primary entry point stations, broadcasters, who  
22 are identified around the country.

1           They would transmit that message. Some folks,  
2 consumers, would hear the message from those  
3 broadcasters. Other broadcasters would be tuned in to  
4 those broadcasters and would then pass the message down  
5 the tree, as well as passing the message to cable  
6 operators, direct broadcast satellite folks, and all the  
7 rest.

8           So you get this message if you're listening to  
9 the radio or watching television, you get this message  
10 as a result of this cascade.

11           Well, here's the funny thing. This thing has  
12 been in place through its predecessor, the Emergency  
13 Broadcast System, since the middle 1960s. It's never  
14 been tested from the top down. Luckily, fortunately,  
15 we've never had a national emergency that has required  
16 us to trigger the Emergency Alert System or its  
17 predecessor from the top down. But you never know when  
18 that sort of thing is going to happen.

19           Recently we've had any number of regional  
20 catastrophes weather-related that have happened, that  
21 indicate that maybe we should test it to make sure that  
22 the system works. Also recently, we've seen what



1 happened in Japan, didn't we? That's in real recent  
2 memory this last spring, and how tremendously violent  
3 the tsunamis that hit wide areas of that country were  
4 and, frankly, how well the Japanese alerting systems  
5 responded and let people know what was going on.

6           So the bottom line is the Commission, this  
7 Commission, back in, was it, January, back in January,  
8 adopted rules that require the Emergency Alert System  
9 participants to conduct with FEMA, the FCC, and the  
10 National Weather Service national tests of the Emergency  
11 Alert System. That's what's going to happen in  
12 November.

13           Now, why do we need your help getting the word  
14 out about this? The bottom line is we want people to  
15 understand that it's coming, we want people to know that  
16 it's going to happen, and we obviously want to prevent  
17 any kind of misinformation or panic at the time. The  
18 national alert will take about approximately 3 to 5  
19 minutes. If you're watching television or listening to  
20 the radio, you will hear an audio message that says:  
21 This is a test. But because this is a national  
22 triggering of the event for this test, the visual code

1 that comes across the television screen is going to  
2 reflect that this is truly a national emergency.

3           So the bottom line is we have concern that  
4 certain communities are going to find it difficult  
5 perhaps to get notice at the time of the test that this  
6 is a test. And we're working with FEMA and with the  
7 broadcasters -- Ann Brobek is here; nice to see you, Ann  
8 -- and the cable guys to try to make sure that there is  
9 visual messaging going on during the presentation of  
10 this test. But we don't know whether that's going to  
11 actually happen everywhere.

12           Part of the reason for this test is to  
13 determine just exactly how well the system works. So  
14 what we would like from all of you, if you would join  
15 with us in partnership, to let your members know, help  
16 us get the word out that this test is coming on November  
17 9. We have information published at our web site,  
18 that's very easy to get to, and it will walk people  
19 through just exactly what the particulars are of the  
20 test, what to expect, etcetera, but that just about the  
21 time that General Hospital or something else of the  
22 remaining soaps is being aired, for about ten minutes on

1 the afternoon of November 9 -- if you're on the eastern  
2 coast of the United States, it's going to be in the  
3 afternoon -- you're going to have your programming  
4 interrupted.

5           We chose November 9th because we'd be close to  
6 the end of the hurricane season, so chances are this  
7 test wouldn't interfere with a regular, an ordinary or  
8 extraordinary notice of a real hurricane developing, and  
9 we're at the very beginning of what could be the  
10 developing winter storm season, so hopefully we've got a  
11 window that's open here where we can test this system  
12 without running the risk that we're going to be bumping  
13 into real, say, weather situations or conditions.

14           If there is a real weather emergency,  
15 obviously that would take precedence and we'd take  
16 appropriate steps to reschedule the test.

17           But if you could help us get the word out, get  
18 information out about the test, and just let folks know  
19 in your communities that this is coming and to expect  
20 it, it would be tremendously useful to us, to FEMA, to  
21 the National Weather Service, and, frankly, to the  
22 communities you live in.

1           We think that the test will be a very good  
2 indicator, will produce some very good markers for us to  
3 be able to evaluate the system's usefulness, and that it  
4 will be a very good exercise. Pursuant to our rules, we  
5 envision these national tests to be no more than or no  
6 more regularly than yearly events. But we do expect  
7 that we're going to have regular national tests just to  
8 make sure that the EAS is up and ready and functioning  
9 according to its promise.

10           Now, I should say that the EAS as I described  
11 it to you is a very traditional communications type  
12 system for delivering emergency alerts. You might say  
13 it's state of the art technology for the 1960s.  
14 Emergency alerting is also moving into the 21st century  
15 very, very fast, and we are at this point in time in the  
16 middle of a rulemaking that is designed to upgrade,  
17 encourage the upgrade of the Emergency Alert System to  
18 21st century signaling technologies, working with FEMA  
19 and its rollout of what it calls its IPAWS delivery  
20 system, and the upgrade of the EAS into this new HTML-  
21 type-based alerting system is proceeding such that we  
22 will have the first chapter of that implementation hit

1 some time in the spring of next year.

2           The FEMA delivery system is also something  
3 with which the commercial mobile alerting system, by  
4 which you will get alerts through cellphones and other  
5 personal communications devices, that will also connect  
6 through those systems.

7           I also would like you and urge you to pay  
8 attention to what we're doing in our rulemakings and  
9 understand that we're going to have some very  
10 interesting conversations at the Commission here later  
11 this year and early next year about developing new  
12 technologies and the EAS and other alerting systems and  
13 the benefits that those new technologies will bring to  
14 hearing-impaired Americans, sight-impaired Americans,  
15 Americans who don't speak English as a primary language.

16 A whole host of issues that alerting has not  
17 traditionally been able to address well will be  
18 transformed once a fully next generation alerting  
19 architecture is in place, and we're marching toward  
20 those goals.

21           So those are my comments here. I'd love to  
22 entertain any questions from you all and urge you to

1 keep in touch with us through the web site and  
2 personally contacting us for whatever.

3 CHAIRPERSON BERLYN: Joel. Keep your hand up.  
4 I think you're on.

5 MR. OXLEY: Could you do us all a big favor  
6 and actually send a link to all of us? We just gave out  
7 a group email address. If you could send a link with  
8 information about the test that's upcoming, I think that  
9 would be a great way to expedite getting the information  
10 out to everybody.

11 MR. BEERS: Absolutely.

12 MR. OXLEY: I know that Scott and Debra have  
13 the email.

14 CHAIRPERSON BERLYN: And I thought, Joel, I  
15 thought you might be able to answer the question that I  
16 was going to ask, which is whether or not there would be  
17 public service announcements prior to the test about  
18 this test, so that people would get sort of a heads up  
19 about it.

20 MR. BEERS: We're working with the broadcast  
21 community and with the cable community and others to  
22 encourage that. We've always worked well with those

1 participant groups and we expect that we will have that  
2 sort of program in place.

3 MR. OXLEY: I know that we'd run them. The  
4 whole broadcast community would run them, because we  
5 don't want anybody to be -- as you were saying, the  
6 biggest concern here is they just hear part of it or  
7 they come to it a little bit late and they get a little  
8 confused. We want to try to educate as many people as  
9 possible so that doesn't happen.

10 MR. BEERS: As far as working with your own  
11 groups, the bottom line is this is probably too early to  
12 get people really keyed up for this test because we're  
13 still almost three months out. But we're I think  
14 literally 84 days out from the test right now. So that  
15 isn't a lot of time. But on the other hand, I think  
16 it's really going to be important for the last 30 days  
17 before the test that folks get the word out as to what's  
18 coming.

19 CHAIRPERSON BERLYN: Clayton.

20 MR. LEWIS: Clayton Lewis.

21 Can you say something about the assessment  
22 aspect of the test? How are we going to tell whether

1 it's working? What sort of data will be gathered?

2 MR. BEERS: We've got actually a data-  
3 gathering program that we're in the process of  
4 developing right now, which is going to allow the  
5 participating stations to register with us information  
6 about what they received, when they received it, if they  
7 did not receive it. This would be their position in  
8 this chain. They're going to be reporting that  
9 information to us in advance of the test, during the  
10 test, and after the test. And we're going to have a  
11 period of about -- what did we give them after the test,  
12 how many days? -- 45 days after the test.

13 But we're going to have a wide range and  
14 panoply of data sets to analyze, just to try to figure  
15 out where the weak links are, if there are weak links  
16 here.

17 I've got to tell you, I want to really be -- I  
18 really want to be honest with this group. Oftentimes,  
19 these events are structured to be kind of show exercises  
20 to make sure that everything looks good. We are really  
21 viewing this as a diagnostic opportunity. We expect  
22 that certain things will not work, because we're talking



1 about thousands of EAS participants in this operation.  
2 And that's valuable and that's fair and that's real, and  
3 that's what we should be looking for. We should be  
4 looking for ways to improve the system based on a  
5 rigorous application of analytics addressed to the data  
6 points. And I think for that reason we're going to have  
7 -- we're going to learn some useful information that we  
8 can put to good use afterwards.

9 CHAIRPERSON BERLYN: I have several hands  
10 here. Rick, I saw your hand before; and Lise and  
11 Rebecca.

12 MR. CHESSEN: Just a quick clarifying  
13 question. I think you said that the audio would say  
14 that this is only a test, but the information on the  
15 screen would not. So my question was, what will the  
16 screen say the emergency is and what will it tell people  
17 they should be doing?

18 MR. BEERS: In the event of an actual  
19 emergency and you're watching television as opposed to  
20 listening to the radio -- if you're listening to the  
21 radio, you're going to get an audio feed that announces:  
22 This is -- stay tuned for an emergency message, or this

1 is a test of the Emergency Alert System.

2           If you're watching on television, you're going  
3 to get that audio announcement, but you also typically  
4 get a crawl at the bottom of your television screen that  
5 gives you certain information. That information will  
6 not necessarily announce in that crawl that this is a  
7 test, because we're using a live event code. The only  
8 way we can test this nationally is to use the actual  
9 code for a national emergency to get all of the system  
10 elements to trigger.

11           MR. CHESSEN: What will the screen tell you?

12           MR. BEERS: Pardon me?

13           MR. CHESSEN: What will the screen tell you?

14           MR. BEERS: Well, what we're working with --  
15 this would be the broadcasters and with cable folks --  
16 is to have actually a backdrop slide that would say  
17 "This is a test" or something like that. But it's not  
18 clear that we're going to be able to do that in every  
19 case with all element or service element providers,  
20 because of technical limitations.

21           We are working to make sure that that's  
22 implemented as much as possible. But also, even where

1 we successfully implement technologies, some  
2 technologies can fail during the event. So there's no  
3 absolute guarantee that there's going to be a visual.  
4 There's no actual guarantee that there's going to be an  
5 audio, for that matter.

6 I mean, again that's part of what we're going  
7 to learn here, and that is a reason to take this test  
8 very seriously and to get out as much information in  
9 advance, so folks understand that when they have a  
10 disruption to their regular programming, the programming  
11 disruption is in the context of a test exercise, not an  
12 actual emergency exercise.

13 CHAIRPERSON BERLYN: Lise.

14 MR. HAMLIN: Lise Hamlin, Hearing Loss  
15 Association.

16 Both Claude and I work with people who are  
17 deaf or hard of hearing. So not having the audio be  
18 able to tell them there's going to be -- tell people who  
19 are watching what's going on, is going to be hugely  
20 important to our community. So if the link that was  
21 suggested gives us the information -- what I want to  
22 know is, who do I contact, how, to get the right

1 information to my groups from you guys, whether it's a  
2 link or whether there's a contact person that I should  
3 get the information that I need, that I can then  
4 disseminate out. I'd want to have that probably soon so  
5 we can set up.

6           And it's going to have to be repeated. For my  
7 group, if you send it out once a week before, you're not  
8 going to get everybody. So that's why I really  
9 appreciate the time in advance. We'll send it out a few  
10 times to as many people as we can.

11           MR. BEERS: Great, great. Absolutely.

12           MS. HAMLIN: The second question I had was  
13 about the test in spring. My understanding -- I  
14 actually heard from NOAA, and I don't know if it's the  
15 same thing you're talking about, there's a second  
16 testing in spring in New York that's going to have text  
17 messaging. Is that what you were referring to?

18           MR. BEERS: No.

19           MS. HAMLIN: No, it's a different one?

20           MR. BEERS: Yes. That's testing in connection  
21 with the rollout of the commercial mobile alert system,  
22 which is the cellular and handheld. That's a system

1 that will operate in tandem with these other systems.  
2 Essentially, the ultimate goal here is to have a number  
3 of different overlapping systems that provide emergency  
4 information to American consumers through multiple  
5 media, so you're not dependent on radio broadcasters or  
6 cable TV providers or cellular companies who manage  
7 networks, etcetera; you've got choice and, depending on  
8 whatever medium you're using, eventually hopefully  
9 you'll get alerts.

10 We're just in the process of working through  
11 that. That's what the concept of "Next Generation"  
12 means in its full implication. But as I say, we're on  
13 the cutting edge, moving forward on that. Everything is  
14 not moving forward at once, but we're going to see some  
15 real progress in the realization of a commercial mobile  
16 alert system next spring.

17 MS. HAMLIN: I would add that if, when it's  
18 ready, we'd love to spread that news out to our  
19 consumers as well.

20 MR. BEERS: That's going to be a little bit  
21 more complicated, because the ready part differs from  
22 company to company, the way the law is structured and

1 the way it was implemented. But we'd love to work with  
2 you to make sure that you've got basic information to  
3 get out so that people start learning about this as soon  
4 as the system starts being deployed.

5 CHAIRPERSON BERLYN: Okay. Oh, I'm sorry.  
6 Rebecca.

7 MS. LADEW: Yes. This is Rebecca Ladew.

8 Being on the Emergency Access Advisory  
9 Committee, I knew about the alert system and I'm happy  
10 to hear the full explanation.

11 MR. BEERS: Thank you.

12 CHAIRPERSON BERLYN: We have to wind up.

13 MS. HERRERA: Mitsy Herrera, Montgomery  
14 County.

15 We've actually been working with the National  
16 Association of Telecommunications Officers and Advisors,  
17 because we regularly try to review some of those reports  
18 about the local testing of cable systems, because we  
19 don't really handle satellite. But I guess for us it  
20 would be, are you reviewing or are you thinking of  
21 reviewing -- these at the local level, these operators  
22 are supposed to be performing monthly reports. So do

1 you have any baseline data, we know at the local level  
2 this is what it should be working, so you could compare  
3 when you get to the national level?

4           The other concern we have is, it sounds like  
5 what you're saying is that the reporting is sort of done  
6 on a voluntary basis, and so are you concerned at all  
7 that where you have problems they may not want to  
8 voluntarily report that they had a problem with the  
9 test?

10           MR. BEERS: First of all, the reporting is not  
11 voluntary. It's mandatory at all of those stages. And  
12 we're in the process of developing a real-time portal-  
13 based reporting system so we'll be able to make that  
14 reporting really easy for folks at each stage of the  
15 data reporting requirement.

16           As far as a baseline for comparison purposes,  
17 remember that the weekly and the monthly tests that are  
18 mandated now essentially require the participants to  
19 test their equipment. So as far as having a national  
20 baseline, we don't have anything at this point. This is  
21 going to -- this test will establish, help us establish  
22 a national baseline going forward.

1           But it's conceivable that equipment that works  
2 when tested individually or in a limited context won't  
3 work when it's tested as part of multi-thousand element  
4 system, and that's another really good reason for doing  
5 a national test and, frankly, for doing national tests  
6 on a reasonably regular basis.

7           On the other hand, we're very much aware of  
8 how much disruption this will cause both to consumers  
9 who will be inconvenienced by the test and to the  
10 participants, who -- these tests do represent real  
11 costs. So we don't really think that we should conduct  
12 these tests more than once a year. But we do think, for  
13 that very reason, it's important to conduct these tests  
14 as national tests from now on.

15           MS. HERRERA: I would just add that I would  
16 say from a consumer perspective that it is a very  
17 insignificant -- two to three minutes once a year to  
18 test an alerting system is not -- it may seem to you  
19 that you're testing it, but a lot of people are used to  
20 them and they recognize that they're important. And for  
21 people who live in places where you have routine testing  
22 of your civil defense to tell you that there's tsunamis



1 or hurricanes and things, they're important and people  
2 typically don't mind that much the interruption.

3 MR. BEERS: Would you call my mother and tell  
4 her that?

5 (Laughter.)

6 MR. BEERS: Because I get at least three phone  
7 calls a year from my mother. A year ago it was: Why  
8 are you interrupting Oprah, and I know you are  
9 responsible. But thank you for that. I'd like to think  
10 that was true.

11 (Laughter.)

12 CHAIRPERSON BERLYN: Thank you so much.

13 (Applause.)

14 MR. BEERS: Thank you. Thank you all.

15 CHAIRPERSON BERLYN: Thank you very much.

16 Can we bring -- Geof Blackwell, are you here?  
17 Another patient, flexible FCC staff member. Thank you,  
18 Geof.

19 MR. MARSHALL: The last time he was here we  
20 didn't do him justice. It was five minutes and a bad  
21 telephone.

22 CHAIRPERSON BERLYN: Right. That's right, you

1 were on the phone remotely joining us.

2 MR. BLACKWELL: Yes, I was dialing in from  
3 Indian country.

4 CHAIRPERSON BERLYN: Indian country. Now  
5 you're here.

6 Geof is Chief of the Office of Native Affairs  
7 and Policy here at the FCC. We're really pleased to  
8 have you join us. Sorry it's the end of our day, but  
9 you've got practically a full room, which is great.

10 UPDATE: OFFICE OF NATIVE AFFAIRS AND POLICY,  
11 GEOFFREY BLACKWELL, CHIEF, ONAP

12 MR. BLACKWELL: Well, thank you very much.  
13 Congratulations. I'd like to say I was at the  
14 Commission priorly when we constituted the Consumer  
15 Advisory Committee for the first time, and it's a  
16 pleasure. I never thought I'd be sitting here again  
17 before you on this side. But it's quite a pleasure to  
18 be here. And thank you, Scott, for the invitation. And  
19 thank you, Chairperson Berlyn.

20 The Office of Native Affairs and Policy was  
21 created just about one year ago. Last Friday was our  
22 one-year anniversary. We are the office within the

1 Commission charged with developing and driving a  
2 Commission-wide agenda and ensuring that Native voices  
3 are heard and taken into account in all of the relevant  
4 proceedings at the Commission.

5           So the way that the office really sort of came  
6 about being is as a recommendation in the national  
7 broadband plan. When the Commission opened dockets to  
8 create the broadband plan, the tribal governments gave  
9 the Commission about 40 different recommendations and  
10 all of them were taken. One of them was my position.  
11 Another was the creation of the office.

12           Not long after the office was created, the  
13 Chairman, Chairman Genachowski, agreed to one of the  
14 office's big requests, was for the Commission to hold an  
15 open Commission meeting focusing solely on tribal  
16 issues. So on March 3 we launched several proceedings  
17 related to tribal lands.

18           I'm happy to say that when we created the  
19 office last August we actually rolled the office out in  
20 Indian country, and we worked with tribal governments  
21 and providers and tribal businesses and community  
22 representatives and consumers to surface as many issues

1 as we could and then placed them into the dockets that  
2 we started on March 3.

3           The reason why there is an Office of Native  
4 Affairs and Policy at the FCC is not just because tribal  
5 governments are the third sovereign in the United  
6 States, but also because nationwide we have about a 99  
7 percent telephone penetration rate; on tribal lands we  
8 have about a 69 percent telephone penetration rate.  
9 Nationwide, about 65 percent of the nation has  
10 broadband; on tribal lands it is estimated that  
11 somewhere between -- somewhere less than 10 percent have  
12 broadband.

13           I was just looking at some of the stats in our  
14 most recent 706 report, the broadband subscribership  
15 data report. 5.9 percent of those on tribal land  
16 subscribe to broadband above 3 meg, compared to 32  
17 percent nationwide; and 21 percent subscribe to 768K,  
18 compared to 56 percent nationwide.

19           So based on those stats alone, our office  
20 certainly has its work cut out for it. We are the  
21 interface of the Commission with tribal nations. There  
22 are 565 American Indian and Alaska Native governments,

1 some found in the most remote regions of the United  
2 States. Part of our job is working across this entire  
3 agency.

4           We've been involved -- since our creation in  
5 August, we've been involved in virtually every major  
6 rulemaking that the Commission has undertaken. Whereas  
7 the Commission ten years ago used to see tribal matters  
8 as a very small singular type of issue, now tribal  
9 issues are viewed to relate to everything that's going  
10 on at the Commission. So we are quite busy.

11           Typically at other federal agencies you see  
12 maybe one or two people in an office of tribal affairs.

13       When fully staffed, our office will have at least seven  
14 full-time employees. There are four attorneys,  
15 including myself, and three consultation policy  
16 specialists.

17           So when we last spoke we had just sort of  
18 started up the office. We were just getting rolling. I  
19 dialed in from -- I think I was on a reservation in  
20 Nevada.

21           MR. MARSHALL: Yes, you were.

22           MR. BLACKWELL: We were cutting in and out.

1           I also know the value of serving on an  
2 advisory committee to the Commission. I served on the  
3 Diversity Advisory Committee for two years. So we very  
4 much look forward, both in the Office of Native Affairs  
5 and in the Consumer and Governmental Affairs Bureau and  
6 across the Commission, to the input that this advisory  
7 committee will have.

8           So I wanted to give you an update on one of  
9 the most recent -- very quickly tell you about what we  
10 launched on March 3, and I'm happy to answer, try to  
11 answer, whatever questions I can. There are some  
12 questions I cannot answer and then there are some  
13 questions I can't answer. But then also tell you about  
14 a recent eligible telecommunications carrier designation  
15 which represents an important precedent here at the FCC.

16           So on March 3 the Commission launched three  
17 separate proceedings. One is a further notice of  
18 proposed rulemaking creating a priority for tribal  
19 nations in radio licensing for tribes that wish to,  
20 tribal governments or tribal entities, that wish to  
21 provide services on their own lands. We are looking at  
22 extending the tribal priority to other forms of radio

1 broadcast license, other radio broadcast licenses, not  
2 just noncommercial educational, but also commercial  
3 licenses.

4           Secondly, the Commission launched a broad  
5 notice of proposed rulemaking on several different ways  
6 to create and spur new deployment and development in  
7 wireless services on tribal lands, several different  
8 wireless spectrum licensing options, including buildup  
9 requirements, secondary markets negotiations provisions,  
10 potential build-or-divest proposals as well.

11           Thirdly, the Commission launched what the  
12 Chairman affectionately referred to as an "omnibus  
13 notice of inquiry" that, for bureaus that were not  
14 positioned or the issues did not set up to initiate a  
15 proceeding or rulemaking, we worked with them to place  
16 their issues into a notice of inquiry so that this  
17 Commission can much better understand the state of  
18 affairs in Indian country and begin to better address  
19 the challenges of deploying services on tribal lands.  
20 It is much more than just a factor of remoteness and  
21 challenging population demographics and poverty, but  
22 there are genuine differences to deploying on tribal

1 lands as federal enclaves, genuine challenges.

2           So that notice of inquiry asks a number of  
3 different questions, including the extension of the  
4 FCC's concept of a Native nations priority. One of the  
5 things that this Commission has learned over the last  
6 decade is that in order to best address the lack of  
7 telecom services on tribal land one must, whatever the  
8 business model is that contemplates it, one must  
9 genuinely engage the representative of those consumers  
10 who are there, the tribal government; that it is through  
11 working with those tribal governments to aggregate  
12 demand, to reach their consumers, to effect land titles,  
13 that genuine solutions can be found.

14           We look at the possibility of -- the  
15 Commission asks a number of questions about the  
16 possibility of creating a new broadband -- a Native  
17 nations broadband fund, a fund to support broadband  
18 development specifically on tribal lands. We ask a  
19 number of questions -- the Commission initiated this  
20 inquiry to ask a number of questions about what might be  
21 unique and challenging around adoption on tribal lands  
22 or deployment models on tribal lands.



1           We also took a look at whether or not the  
2 Commission can create a uniform definition of "tribal  
3 lands." There are many different ways in which the  
4 Native peoples of the United States own and inhabit  
5 land. It is not all just reservations.

6           We look at the eligible telecommunications  
7 carrier designation process for tribal lands and whether  
8 or not there should be additional procedures in that  
9 process for carriers seeking designation on tribal  
10 lands. We look at specific 911, disability-related,  
11 satellite-related, and various other types of issues.  
12 It really was an omnibus notice of inquiry and has  
13 received a great deal of interest across the industry  
14 and throughout Indian country and formulates the basis  
15 for our consultation with tribal nations.

16           The Office of Native Affairs and Policy is  
17 also involved in several adjudicatory and individual  
18 petition matters before the Commission as well. One  
19 that is a significant milestone for the Commission and  
20 for Indian country was the recent designation of the  
21 first wireless tribally owned telephone company, the  
22 Standing Rock Sioux Tribe Telecom, Incorporated. That

1 particular carrier designation presented the Commission  
2 for the first time with the question of whether or not a  
3 tribe could be designated to receive universal service  
4 support wholly within its own reservation. That  
5 question had not been presented to the Commission before  
6 and unanimously the Commission agreed that it should,  
7 and it represents a very important precedent both for  
8 that service and that industry and the Universal Service  
9 Fund and for Indian country.

10 So I'm familiar with occasionally batting  
11 cleanup. I know you guys have had a very busy day. I  
12 know what it means to sit and be involved in an advisory  
13 committee. It looks like this is going to be a very  
14 lively and committed group. It is good to see that my  
15 home county of Montgomery County is represented. I  
16 remember Marilyn Praisner being very active in her time  
17 on this advisory committee.

18 So I am yours for any questions that you may  
19 have.

20 CHAIRPERSON BERLYN: I have one quick question  
21 for you, Geof. Does the penetration rate that you  
22 mentioned, does that include for wireless -- I'm sorry.

1 For broadcast, does that include mobile broadband as  
2 well?

3 MR. BLACKWELL: We do not have -- we don't  
4 have a perfect clear picture of where mobile broadband  
5 is on tribal lands. We know that, anecdotally from many  
6 different tribes, we know that there are -- 3G is  
7 available in border towns and on highways. We also know  
8 that it is not uniform. It can be quite a great --  
9 there can be quite a bit of difference between what the  
10 tribes in Oklahoma experience versus the villages in  
11 Alaska.

12 So once one comes up with a number for the  
13 entire nation, one almost has to immediately begin to  
14 explain why that doesn't work for -- as they say in  
15 Indian country, the tribes often say, one size fits  
16 none. So you can't generalize. We have to because  
17 there are 565 tribal nations. But there are so many  
18 different geopolitical situations, so many different  
19 training situations, so many different historical  
20 situations, that it's quite a challenge from one to  
21 another.

22 There are some tribes for which wireless is

1 the only alternative. There are others that simply,  
2 perhaps because of their cultural situation, the way  
3 that they over time created townships or more communally  
4 habitated, they can consider fiber to the home even. So  
5 there it is.

6 CHAIRPERSON BERLYN: Thank you.

7 Well, it has been a great day. Thank you so  
8 much, Geof, first of all.

9 (Applause.)

10 COMMENTS FROM THE PUBLIC

11 CHAIRPERSON BERLYN: We ran a little over  
12 today. That's a little unusual. But I appreciate  
13 everyone's patience to stick with us.

14 We are at the end of our program. There is  
15 one more, one more item of the day. We do have a public  
16 comment period. Is there anyone in the room who would  
17 like to offer any public comment to the CAC?

18 (No response.)

19 CHAIRPERSON BERLYN: Okay. Scott?

20 MR. MARSHALL: This is Scott, and we do  
21 solicit comments from the public, both oral and in  
22 writing. We received one regarding the Commission's new

1 broadcast exemption under our captioning rules, and I  
2 would propose, unless there are any objections, that we  
3 forward that material to our forthcoming, to be  
4 established, disability working group for further  
5 consideration in the event that a recommendation is  
6 warranted.

7 CHAIRPERSON BERLYN: That sounds like a good  
8 idea, Scott. Thanks. I think we can just by consensus  
9 agree to do that. Thank you.

10 Well, we have our dates in the works. We have  
11 working group suggestions. We have a plan for emails to  
12 go out. I think we've done our business. We've heard a  
13 lot of information today.

14 Does anyone have any final comments to offer?

15 (No response.)

16 CHAIRPERSON BERLYN: Do I have a motion to  
17 adjourn?

18 MS. LEECH: So moved.

19 CHAIRPERSON BERLYN: So moved.

20 VOICES: Second.

21 CHAIRPERSON BERLYN: And seconded. And yes,  
22 we all agree to do that. Thank you so much, everyone.

1 We'll see you at the next one. Thanks.

2 (Whereupon, at 4:12 p.m., the meeting was  
3 adjourned.)

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