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1 FEDERAL COMMUNICATIONS COMMISSION

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5 Consumer Advisory Committee Teleconference Meeting

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10 2:00 p.m.

11 Tuesday, September 27, 2011

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16 445 12th Street, S.W.

17 Room 6B516

18 Washington, D.C. 20554

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

2 MS. BERLYN: Hello, everybody on the phone

3 and in the room. This is Debbie Berlyn. Welcome.

4 This is our second meeting of the Advisory Committee

5 and I thank you all for joining us today.

6 We have some folks in the room here at the

7 FCC building and then many of you on the call, and I

8 want to thank everyone for joining us today, and also

9 thank the Working Group chairs and the members of the

10 Working Group for joining in the effort so quickly to

11 get started in considering issues that the CAC is going

12 to work on for the next several months.

13 And this meeting today is to start the

14 process of considering issues and recommendations to

15 the FCC, and we're going to have each of you report on
16 the meetings that have taken place, and we know that a
17 lot happened last week in a very short period of time
18 and I thank the Working Group chairs for the quick
19 action that you took in putting those meetings
20 together.

21 I know that's not an easy task. So thank you
22 all. I'm looking forward to hearing about your

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1 discussions today.

2 We are going to go around the room and around
3 the phone, and before we do that Scott is going to --
4 actually, I think the easiest thing probably, Scott,
5 rather than having everybody introduce themselves --
6 that's a very difficult thing to do with the phone --
7 Scott is going to do a call of the roster here so that
8 we can get an idea of who is actually with us today.

9 MR. MARSHALL: Thank you, Debbie. This is
10 Scott Marshall. Our first member, AARP, Chris Baker.

11 MR. BAKER: Here.

12 MR. MARSHALL: Here in the room. American
13 Consumer Institute -- Steve, I think you're on the
14 phone.

15 MR. POCIASK: I'm here, thanks.

16 MR. MARSHALL: All right. American
17 Foundation for the Blind is not with us today.
18 Appalachian Regional Commission -- Mark?

19 MR. DEFALCO: Yes. I'm on the phone. Thank
20 you.

21 MR. MARSHALL: All right. The Benton
22 Foundation?

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1 MS. GARCIA: Yes. Cecilia -- I'm here.

2 MR. MARSHALL: Call for Action?

3 MR. BARTHOLME: I'm here, Scott.

4 MR. MARSHALL: All right, Ed. Thank you.
5 Coleman Institute?

6 MR. LEWIS: Clayton Lewis here.

7 MR. MARSHALL: Hi, Clayton. Consumer Action
8 -- Ken?
9 MR. MCELDFOWNEY: I'm here.
10 MR. MARSHALL: Consumer Federation of America
11 -- Irene?
12 MS. LEECH: Here.
13 MR. MARSHALL: Consumer Electronics
14 Association -- they're going to be a little late.
15 Center for Media Justice -- Amalia?
16 [No response.]
17 MR. MARSHALL: She is going to be joining us
18 on the phone. CTIA -- Scott, are you with us?
19 MR. BERGMANN: This is Scott. I am and I
20 apologize. I'm going to have to drop off at 2:30 but
21 I'll try to join again as quickly as I can afterwards.
22 MR. MARSHALL: Okay. Thank you. Deaf and
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1 Hard of Hearing Consumer Action Network -- Claude is in
2 the room I know. I spoke to him earlier.
3 FEMALE SPEAKER: I'm here.
4 MR. MARSHALL: Digital Policy Institute --
5 Barry, you're on the phone?
6 MR. UMANSKY: I certainly am.
7 MR. MARSHALL: Hearing Loss Association of
8 America -- Lise Hamlin is on the phone.
9 MS. HAMLIN: Yes, I am.
10 MR. MARSHALL: Dorothy Walt from Helen Keller
11 National Center -- are you here, please?
12 MS. WALT: Yeah.
13 MR. MARSHALL: Thank you. Media Literacy
14 Project -- alternate for Andrea?
15 MR. BELLAMY: Yes. Hakim Bellamy.
16 MR. MARSHALL: Hakim, thank you for being
17 here.
18 MR. BELLAMY: Thank you.
19 MR. MARSHALL: Montgomery County Office of
20 Cable and Broadband -- it's Margie, right, for Mitsuko?
21 MS. WILLIAMS: Yes. Yes. I'm here.

22 MR. MARSHALL: All right. Very good.

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1 National Asian American Coalition -- Mia?

2 MS. MARTINEZ: Yes, I'm here.

3 MR. MARSHALL: Thank you very much. And I
4 believe Joel is here -- NAB -- correct, Joel? On the
5 phone?

6 MR. OXLEY: Yes. I'm here.

7 MR. MARSHALL: Okay. National Association of
8 State Utility Consumer Advocates -- Lawrence, are you
9 with us?

10 [No response.]

11 MR. MARSHALL: All right. The National Cable
12 and Telecommunications Association -- Rick, are you
13 with us?

14 MR. CHESSEN: Yes. Rick Chessen here on the
15 phone. Thanks.

16 MR. MARSHALL: Rick, thank you. The National
17 Consumer Law Center -- Olivia is in the room by now.
18 Excellent. National Consumers League -- I think you
19 know she's here. Native Public Media is not here
20 today. Rochester Institute of Technology -- Raja, are
21 you with us, please?

22 [No response.]

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1 MR. MARSHALL: I guess not.

2 MS. KUSHALNAGAR: Yes, I'm here.

3 MR. MARSHALL: Oh, you are here. Okay. I'm
4 sorry. Speech Communication Assistance by Telephone --
5 Rebecca Ladew is not with us today. Time Warner --
6 Fernando is in the room. T-Mobile -- Indra, are you
7 with us?

8 MS. CHALK: Yes, I'm here.

9 MR. MARSHALL: All right. And Mike Scott,
10 Utility Consumers' Action Network.

11 MR. SCOTT: Yes, I'm here.

12 MR. MARSHALL: Okay. Thank you. And Verizon
13 -- Donna?

14 MS. RYNEX: Donna is here.

15 MR. MARSHALL: Thank you very much. Madame
16 Chairman, we have a quorum.

17 MS. BERLYN: Excellent.

18 MR. MARSHALL: And we might want to introduce
19 who else -- who all is in the room here.

20 MS. BERLYN: We do have a couple of FCC staff
21 people here in the room with us and I'm going to
22 introduce Joel Gurin first -- the chief of the Consumer
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1 and Government Affairs Bureau -- and Joel is going to
2 make some remarks in just a moment.

3 And Gail, you want to just quickly introduce
4 yourself and maybe get to a mike? I'd love to have you
5 folks know who you are and identify yourself.

6 MS. TEISCHER: Hi. I'm Gail Teischer. I
7 work for Joel, our new chief of the Consumer
8 Governmental Affairs Bureau.

9 MS. BERLYN: Thank you, Gail. And is there
10 anyone else from the FCC staff who --

11 MALE SPEAKER: And anyone else on the phone.

12 MS. HAMLIN: This is Lise Hamlin. I could
13 not hear. It was inaudible to me and the CARD person.

14 MS. BERLYN: Oh. Come on back to -- stay at
15 the mike there, Gail.

16 MS. TEISCHER: Gail Teischer from the
17 Consumer and Governmental Affairs Bureau.

18 MS. BERLYN: Thank you, Gail. Is there
19 anyone from FCC staff on the phone? And is there
20 anyone else who has not identified themselves so far
21 who is on the phone?

22 MR. GODGE: Yeah. Hi. This is Ted Godge
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1 with Telecommunications Reports.

2 MS. BERLYN: Great. Thank you, Ted.

3 MR. BREYAULT: Hi. This is John Breyault
4 with the National Consumers League.

5 MS. BERLYN: Thank you, John. Anyone else?

6 MR. STREMMER: Hi. This is Bart Stremmer
7 with NAB.

8 MS. BERLYN: Okay. Great. Thank you
9 everyone. Welcome again, and now I'd like to introduce
10 Joel.

11 MR. GURIN: Thank you, Debbie.

12 MS. BERLYN: Joel, do you -- do you have a
13 microphone?

14 MR. GURIN: I can just sort of scoot over
15 here. So I am leaning over the phone but I'm really
16 just going to say a few words.

17 I'm delighted that the CAC has gotten off to
18 a very fast start. You know, I -- when I was able to
19 attend the first meeting I was just very, very
20 impressed by the expertise that you all bring to this
21 and, really, the diversity of points of view in many
22 ways.

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1 So I'm really here today much more to listen
2 than to talk. I'm able to stay for the whole -- the
3 whole session. I'm very interested to hear what the
4 different Working Groups have been working on and, you
5 know, thank you -- thank you in advance.

6 We are, as you know, an increasingly
7 consumer-focused agency and the work you're all doing
8 will help us tremendously. So I'm going to sit back
9 now and take notes. Thank you.

10 MS. BERLYN: Thank you, Joel. Thanks for
11 being here to support the -- and your support of the
12 CAC. It's just great. Now, we're going to go through
13 all of our five Working Groups.

14 I know all of you met yesterday between
15 Wednesday and Friday. I was able to attend two of the
16 Working Groups. I would have liked to have done all
17 five.

18 Sorry I couldn't make it to all five but I
19 was able to at least participate in two of them and
20 could tell from those two groups that the work that you

21 all did in that span of time is great and you really
22 have a wonderful start with the discussions that you've
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1 had.

2 I know you're going to be presenting some
3 issues that you've discussed. I know that from here we
4 have our next meeting on November 4th. We'll talk
5 about that at the end of our call in our meeting today,
6 and from here one of the goals is to get to some
7 recommendations if your group so decides.

8 The issues that you discuss today may be the
9 basis for those recommendations. They may not. You
10 may find over the course of the next five or six weeks
11 that there are other issues that rise to the top for
12 consideration or you may find that some of the issues
13 that you initially discussed may or may not be the ones
14 that you want to consider for recommendations, or that
15 they need fine tuning or that you need to bring in some
16 FCC staff to further consider those issues and to fine
17 tune them.

18 So this is -- you know, this is the beginning
19 of your consideration of where you want to go and I am
20 looking forward to hearing where your discussions are
21 taking you.

22 So we're going to start with the Broadband
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1 Working Group, and Chris Baker is here in the room and
2 I know Mark is on the phone. So Chris, shall we start
3 with you?

4 MR. BAKER: Sure. Should I move or --

5 MS. BERLYN: I think I can pull this over and
6 we can share it there.

7 MR. BAKER: Okay. Okay. We met on last
8 Friday, and as I think I emailed to Debbie afterwards,
9 there were certainly a lot more questions than there
10 were answers.

11 As I recall, there was -- and Mark Defalco as
12 the co-chair here -- help me out if I leave anything

13 out -- but as I recall, there was about eight Working
14 Group members out of the 19 in the group on the call
15 and we came up with a long list of potential issues and
16 had a good discussion back and forth and raised
17 questions about whether or not it would be more
18 beneficial -- you know, considering this is broadband
19 do we avoid some of the issues that the National
20 Broadband Plan raised, because you -- the FCC has
21 already addressed it -- or do we -- is it important to
22 go back and augment those -- some of those positions or
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1 to track some of those positions, and we raised a
2 variety of issues.

3 And in doing so, Mark and I afterwards had a
4 discussion and tried to think of a way to address a lot
5 of those issues in the most reasonable way until we got
6 further clarification, maybe, from others and ideas.

7 So our thought was, considering this is the
8 largest Working Group, maybe to break it down into two
9 Working Groups within -- two subgroups within the
10 larger Working Group -- and we came up with sort of
11 four larger issues that encompass the numerous issues
12 we dealt with on the phone, and to give each of the
13 subgroups those two issues and then they can decide
14 which of the two they want to pursue for now and then
15 we'll move forward.

16 So the four issues we came up with in general
17 were access -- you know, sort of connecting the
18 unconnected; ease of use, you know, with education and
19 outreach -- plug and play equipments -- relevance -- to
20 increasing the relevance to people that haven't adopted
21 or don't use it as much -- that's number two.

22 Number three, quality, and by quality we mean
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1 the bandwidth capabilities and the affordability --
2 that they have access or are able to use a certain
3 amount of bandwidth to accomplish the tasks they want,
4 to get the services they need and at a reasonable

5 price.

6 And then the fourth issue is a little bit
7 different than the others and looking at National
8 Broadband Plan implementation and following up, maybe
9 trying to provide the FCC with suggestions on what
10 maybe should be the next issues to pursue or what we
11 think the consumer point of view is and why certain
12 issues are important.

13 So that's the summary of those issues.
14 Again, those are broad encompassing issues that we can
15 -- as we break out into the work groups can get more
16 specific in terms of the outcomes that we want.

17 I'd be interested to getting feedback and
18 Mark, or others that were present, please jump in and
19 let me know -- let us know if there's anything I
20 missed.

21 MS. BERLYN: So Chris, my question is you've
22 got these four issues and then you're thinking of
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1 breaking into sub Working Groups for each one of these
2 four?

3 MR. BAKER: Well, we thought that might be a
4 lot so we were thinking maybe have two subgroups --

5 MS. BERLYN: Two subgroups. Okay.

6 MR. BAKER: -- each one take two issues and
7 sort of debate with themselves which issue they may
8 want to work with first, at least. Maybe they don't
9 want to work with the other issue at all. But -- and
10 then move forward with that.

11 So then we have two subgroups each pursuing
12 their own issue at least initially and then at some
13 point come together and talk about the recommendations.

14 MS. BERLYN: I see. Anyone who's on this
15 Working Group on the -- on the phone or in the room
16 want to add to the discussion that you had and the
17 comments that Chris has made thus far?

18 MR. DEFALCO: Yeah. This is Mark and I think
19 it would be helpful if we could get a little guidance

20 and perhaps Joel could provide that guidance.

21 What we're, I think, struggling with is
22 whether or not we should, you know, address issues that
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1 have already been addressed elsewhere and, for example,
2 what I mean is something like broadband speed.

3 The Broadband Plan that was put out by the
4 FCC had ranges in there as to what were acceptable
5 speeds for rural areas and suburban areas and urban
6 areas, and is that the kind of thing we should even be
7 talking about or because a decision or a recommendation
8 has already been made by the Commission should we, you
9 know, be dealing with other issues.

10 MR. GURIN: Well, that's a good question. So
11 I would say that --

12 MALE SPEAKER: Identify yourself.

13 MR. GURIN: Oh, I'm sorry. I'm sorry. This
14 is Joel Gurin, Chief of the Consumer and Governmental
15 Affairs Bureau here. It's a good question. This would
16 be my suggestion.

17 I think what the CAC can uniquely bring to an
18 issue like this is probably not as much the question
19 of, you know, sort of technical decisions or guidance
20 as to what kinds of speeds or latency or whatever are
21 appropriate for different kinds of consumer use but I
22 think much more in the areas of ease of use and
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1 relevance, for example.

2 So we are now working -- and this is all, you
3 know, quite public -- we're continuing to work with the
4 same industry collaborative that we worked with on the
5 original broadband speed report that came out a couple
6 of months ago and trying to figure out the next step
7 which will involve, you know, how do we communicate the
8 information really effectively to consumers and how do
9 we communicate to consumers some guidance about what
10 they should look for in broadband.

11 That's the kind of area where I think the CAC

12 could be particularly helpful and I think where, you
13 know, the kinds of interactions that you all have with
14 consumers could help flag issues for us that have to do
15 with communication, with ease of use, with relevance,
16 with, you know, the framing -- really, the framework
17 and context for what are often sort of technical
18 questions. That would be particularly helpful. Does
19 that -- Mark, does that help?

20 MR. DEFALCO: It does help.

21 MR. GURIN: Great.

22 MS. BERLYN: Fernando, did you have a

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1 question or comment?

2 MR. LAGUARDA: Yes. This is Fernando
3 Laguarda from Time Warner Cable, and I participated in
4 some of the discussion but it overlapped with the
5 Disability Working Group. So I wasn't able to
6 participate in all of it. So my question --

7 MS. HAMLIN: I'm sorry. We're not hearing on
8 the phone.

9 MS. BERLYN: Oh, the mike -- thank you.

10 MR. LAGUARDA: This is Fernando Laguarda from
11 Time Warner Cable and I participated in the Broadband
12 Working Group and also the Disability Group --

13 MS. HAMLIN: Still not coming through. I'm
14 sorry.

15 MALE SPEAKER: Debbie, are the microphones
16 working?

17 MS. BERLYN: Yeah. Have you missed other
18 parts of the discussion?

19 MS. HAMLIN: No. Your voice is coming
20 through. We're just missing this one.

21 MR. LAGUARDA: The light's not on.

22 MS. BERLYN: Oh, it's not on. Hold on one

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1 second. We're just having a little technical
2 difficulty here. Give us a second. Is there another
3 mike? Why don't you come --

4 MR. GURIN: Yeah, this one's flashing. Why
5 would that be?

6 MS. BERLYN: Whoops. Now we're on.

7 MR. GURIN: Now it's okay. No, no. Yeah, it
8 works. It's okay.

9 MS. BERLYN: Okay. Now we're okay. Yeah.

10 MR. LAGUARDA: Now it's off. I guess you
11 only can have one on at a time?

12 MS. BERLYN: No. No.

13 MR. LAGUARDA: Because when he pushes it then
14 it goes off.

15 MS. BERLYN: Who pushed it?

16 MR. GURIN: Right. That might be the case.

17 MS. BERLYN: Okay. Let's leave that one off.

18 Something is up with that one because this one and
19 that one work. So let's just leave that one on. Come
20 on over here please. I'm sorry. Hold on one second.
21 We're --

22 MR. LAGUARDA: This is Fernando Laguarda from
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1 Time Warner Cable and I participated in both Working
2 Groups -- Broadband and Disability -- and since the
3 times overlapped I might have missed this part of the
4 discussion.

5 But I'm wondering what is meant by ease of
6 use as a topic and is that a strand of addressing
7 broadband adoption or is it intended to be specifically
8 about products, features and other sort of consumer-
9 facing interfaces.

10 MR. BAKER: Yeah. This is Chris Baker with
11 AARP. Yeah, it's a good question. I mean, for the
12 lack of a better word or term it was intended to be as
13 broad as possible in the sense of making it easier for
14 the consumer to be connected.

15 So whether or not that's education outreach
16 about the programs or how to use Word or so forth or
17 whether or not it is plug and play or -- and making it
18 relevant to them so it's very broad. Does that --

19 MS. BERLYN: So it's a element of adoption as
20 well as devices. Does it cover both then, would you
21 say?

22 MR. BAKER: Yes. Yes. I mean, so we had --
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1 you know, number one was access and that was more for
2 the unconnected -- the disconnected -- and ease of use
3 then was about increasing connectivity so, you know,
4 using more adoption. I mean, if -- yeah. I mean, does
5 that -- does that answer your question, I mean --

6 MR. LAGUARDA: So what I -- what I understand
7 and I think what you are saying -- this is Fernando
8 again for those on the phone -- is that ease of use is
9 another way to try to -- to try to get at all the
10 issues that might prevent someone who has access from
11 actually using broadband.

12 MR. BAKER: Right. Right. I mean, so the
13 general overarching is increasing adoption use and
14 these are sort of -- these four points are issues that
15 we think from the discussion seem to go toward that --
16 you know, increasing access for those that aren't
17 connected -- helping those that are connected feel more
18 comfortable and want to use it more and have more value
19 for them and then quality -- I mean, we call -- we say
20 broadband that has a general term that can mean, you
21 know, a wide variety of bandwidth.

22 So that's -- that addresses that. And then
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1 looking at implementation -- what is -- what is --
2 where is the plan -- what's happening with -- are there
3 particular issues we can recommend that -- maybe that
4 the FCC look forward to.

5 MR. MCELDFOWNEY: This is -- this is Ken
6 McEldowney of Consumer Action. I was unable to make
7 the call. I assume you'll also be looking at the cost
8 of devices and the cost of access.

9 MR. BAKER: Yeah. I meant that -- and then
10 again, you know, for the lack of a better term that

11 would, I guess, fall under quality. You know, if you
12 can't afford it then there's no point in having the,
13 you know, device for that person.

14 So, you know, under quality we had the
15 description, speed, and affordability -- you know, the
16 bandwidth and then whether or not the equipment and the
17 service are affordable.

18 MR. MCELLOWNEY: Thank you.

19 MS. BERLYN: Anybody else on the Broadband
20 Working Group want to report? Any other comments or
21 questions?

22 MR. BAKER: Just one other thing I just

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1 realized.

2 MS. BERLYN: Hold on one second. Sorry. Go
3 ahead.

4 MR. BAKER: And this is Chris Baker with AARP
5 again. You know, as I'm sure will come up again too is
6 we were a little unsure of where we recognized overlap
7 would occur on these issues with the various Working
8 Groups and, you know, any direction we can get on how
9 to proceed with that would be helpful as well. Olivia?

10 MS. WEIN: I just had a question for the
11 Working Group but I'm not --

12 MS. BERLYN: Hold on one second. Olivia
13 might need that --

14 MALE SPEAKER: Can you hear her on the phone?

15 MS. WEIN: It's Olivia Wein, National
16 Consumer Law Center. Can you hear me? Hi. It's
17 Olivia Wein, National Consumer Law Center, and I had a
18 question for the Working Group in terms of the ease of
19 use question, and I was wondering if there was some
20 sort of segmentation in what you were thinking -- if
21 that even came up like younger users -- school-age
22 children, teens, older consumers.

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1 I think that there may be some different
2 unique situations for the different subpopulations. If

3 you stratify it maybe it'll be easier to come up with a
4 recommendation that's more appropriate.

5 MR. BAKER: I mean, I -- you know, I think
6 that's a good point and that sort of goes to the --
7 this is Chris Baker with the AARP again -- sorry. You
8 know, that goes to the broad nature of this discussion.
9 You know, how do we -- you know, there's so much we
10 could discuss. Although I would say on that particular
11 issue we always use the example of curb cuts on, you
12 know, sidewalks and how that was specifically designed
13 for --

14 FEMALE SPEAKER: Hi. We're missing part of
15 this. We can't hear the last comment.

16 MR. BAKER: Okay. Which --

17 MR. MCELDOWNEY: Yeah. I would just start
18 over.

19 MS. BERLYN: Start with -- start with Chris?
20 Start with Chris.

21 MR. BAKER: Okay. In answer to Olivia's
22 question, I think that's a good point and I think it
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1 would be something that the Working Group, you know,
2 segmentation of ease of use to address older, younger,
3 various other demographics in terms of ease of use and
4 I think that's something the subgroup could look at.
5 And then I was getting into the sort of -- maybe a
6 potential response for that. Maybe we can save that
7 for later but just the fact that sometimes if it's
8 easier for one group it'll be easier for others as
9 well.

10 MR. GURIN: One thing I might just suggest
11 that you look at. We had -- the chairman's office
12 arranged a brown-bag yesterday with people from the
13 organization called Computers for Youth, which now goes
14 by the acronym CFY. They're in New York, L.A., several
15 other places, and they've done -- they've done a lot of
16 work in the schools helping, you know, low-income kids
17 get online.

18 But one of the things that was most
19 interesting about their presentation was that they have
20 focused very much on communicating relevance and that
21 they believe that that's even more of a barrier than
22 cost, and they would just be an interesting group that
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1 you might want to connect with at some point as you
2 look at this.

3 And I think that's -- that actually is
4 probably an example where the kinds of issues that turn
5 out to be important for kids would be important for,
6 you know, older Americans as well, and Debbie, you
7 would certainly know about that so yeah.

8 MS. BERLYN: Any other comments on broadband?
9 Well, that sounds like some great issues and I think a
10 good way you do have -- we knew that broadband would be
11 huge and you've got a big group.

12 So I think you have a good plan for time to
13 divide it up and work on it, segment it in some way.
14 So that sounds like a great plan and we look forward to
15 seeing how you come to narrowing this down a bit. So
16 great. Thanks, Chris, and thanks, Mark.

17 Next up we have the Consumer Empowerment
18 Working Group Report. Ed Bartholme is our chair there
19 so Ed, are you -- you're on the line, right?

20 MR. BARTHOLME: Yes, I'm here, Debbie.

21 MS. BERLYN: Great. Thanks.

22 MR. BARTHOLME: No problem. We had a
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1 productive initial phone call last week. We had really
2 good attendance on the call and we discussed a number
3 of currently relevant issues to raise as possible focus
4 topics for the group.

5 Some of those included bill shock,
6 transparency and to closure -- and disclosure prior to
7 signing up for communication services, education about
8 choice of service, ability to switch providers,
9 cramming, issues relating to prepaid calling cards,

10 bundling of services and its effect on affordability in
11 the wireless sphere, and those were just kind of some
12 of the bigger picture things that initially came across
13 as possible topics of focus.

14 A number of these do complement each other
15 and go hand in hand with one another. The predominant
16 two that really kind of seemed to be on most everyone's
17 list of things to look at were bill shock and
18 transparency and disclosure.

19 Transparency and disclosure for more of a --
20 how do we move this forward and formalize what is
21 actually required to be conveyed to consumers either at
22 the point of sale or prior to an engagement for a

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1 service or a product, and bill shock from just the
2 general -- you know, it continues to be happening.
3 People are still opening up the envelopes and being --
4 taken aghast by what they see.

5 So we want to get ahead of that and kind of
6 be able to change that dynamic. Beginning with the
7 next call we're going to discuss possible
8 recommendations to the Commission in action items that
9 we can focus on to alleviate these consumer problems
10 and move forward from there.

11 Since we have Joel in the room as a resource,
12 I know that this group has put forth some past
13 recommendations in these areas. Is there anything
14 specific that you would like to see us kind of break
15 down a little further or a direction that we could head
16 on those two topics?

17 MR. GURIN: Sure. Well, just following on
18 your two topics, the only thing I would say is that, of
19 course, we do have an open proceeding on bill shock.
20 Any input you want to have into that at this -- I mean,
21 I don't know if that would automatically then become --
22 I don't know how that happens procedurally but -- that

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1 would be of interest but that is one that we already do

2 have the NPRM out there.

3 Transparency and disclosure at point of sale
4 I think is very interesting. We do have the notice of
5 inquiry for two years ago that covered that. Beyond
6 that, we really have not done as much in that arena and
7 I think there particularly it would be very interesting
8 to see what your input was on the kinds of issues the
9 consumers face and possible ways of addressing them.

10 MR. BARTHOLME: Okay. Great. I would open
11 it up to anybody else who is a member of the group who
12 wants to throw anything else out there that I might
13 have missed or anybody who wants any clarification or
14 questions or anything along those lines.

15 MS. BERLYN: Does anyone have any other
16 thoughts from the Working Group they want to add?

17 MS. WEIN: Just -- I want to --

18 MS. BERLYN: Okay. Hold on. Let's pause it
19 now.

20 MS. WEIN: Hi. This is Olivia again from
21 National Consumer Law Center and I wanted to expand on
22 the last question to Joel and to say was there anything
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1 else on that list that Ed went through that you thought
2 might be ripe for some additional consumer feedback?

3 MR. GURIN: Sure. Well, I'm glad I stayed
4 for this meeting.

5 [Laughter.]

6 MR. GURIN: Well, Ed, tell me if I missed
7 anything but it sounded to me like you really had two
8 major topics. One was bill shock and the other was
9 what I heard as kind of transparency, disclosure, point
10 of sale issues and bundling.

11 Transparency and disclosure, we are always
12 interested in any input you have on that. It's a very
13 broad topic and it really covers a lot of our work and
14 it's central to our work. Point of sale and bundling
15 -- I heard bundling is kind of a subset of point of
16 sale issues and if you all think it's important we

17 would be very interested in hearing about that.

18 But I will say, again, going back to the
19 notice of inquiry we originally issued, we did flag
20 point of sale concerns as something we're interested
21 in. We continue to be interested and I would note that
22 that's an area, you know, unlike bill shock, unlike
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1 cramming, where we have not really initiated major
2 proceedings at this point so input will be very
3 interesting. But did I miss anything on your list?

4 MR. BARTHOLME: There was some discussion
5 about ability to switch providers, cramming, and
6 prepaid calling cards, and some of the kind of
7 usability and, I guess, relative fraud issues that are
8 sometimes wrapped up with those.

9 MR. GURIN: Okay. Sorry. Then I -- then I
10 wasn't taking very good notes, I guess. So just to
11 address some of those, prepaid calling cards, you know,
12 have been -- that is an issue that we've been looking
13 at with the FTC through a couple of different lenses,
14 and I think an interesting one.

15 I'm sorry, Ed. I didn't write those down.
16 The other ones?

17 MR. BARTHOLME: Cramming.

18 MR. GURIN: Yeah. Cramming -- we have the
19 proceeding that's going -- that's going on now.

20 MR. BARTHOLME: And then ability to switch
21 providers. And kind of on the bundling thing, it was
22 specifically brought up in the -- in terms of the
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1 wireless sphere now and the, you know, some devices
2 require the bundle of not only a voice plan but a data
3 plan and other things along with that.

4 MR. GURIN: And when you're talking about
5 ability to switch providers what might you have in mind
6 there in terms of an issue or approach?

7 MR. BARTHOLME: Chris from AARP is in the --
8 is in the room or on the call, right?

9 MR. BAKER: Yeah, I'm in the room.

10 MR. BARTHOLME: Yeah. And that was something
11 that you had brought up. Would you mind elaborating on
12 that a little bit more?

13 MR. BAKER: Sure. You know, certainly early
14 termination fees and other things that can prevent
15 consumers from taking advantage of the competition and
16 some of the benefits.

17 MR. GURIN: Okay. Those are all -- those are
18 all issues that, you know, that we've teed up in that
19 notice of inquiry which continues to guide our work.

20 I would -- I guess I would say that ability
21 to switch providers beyond some initial work we did on
22 early termination fees we have not done as much and we
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1 have not done as much with point of sale disclosure or
2 bundling for wireline or wireless or cable. So yeah,
3 tell us what you think please. Yeah. And then
4 Colleen, yeah.

5 MS. HEITKAMP: This is Colleen Heitkamp. I
6 work for Joel and two things that I thought of is just
7 to remind you that our cramming docket is still -- the
8 comments are due in October here so there's still time
9 to add comments.

10 MS. HAMLIN: Colleen, I can't hear you very
11 well.

12 MS. HEITKAMP: Okay. The cramming NPRM
13 comments are due sometime in October. I can't remember
14 the exact date. So that's a possibility if you're
15 interested in it to submit comments. And on prepaid
16 calling cards, I know one thing, I think, that would be
17 of real interest is what kind of educational efforts to
18 reach groups that -- they're not necessarily groups of
19 people that even come here to the Commission.

20 And so how can outreach to those groups be
21 most effective and what is the message that they need
22 to hear. So I think that's certainly something that

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1 we're very interested in and I think it's especially in
2 terms of outreach. So those were the only -- those
3 were the two comments I have.

4 MR. GURIN: Yeah, and those are both
5 excellent points. I would second both of those.
6 Thanks. Yeah.

7 MS. BERLYN: Good. Thanks. Anyone else have
8 anything to add to the Consumer Working Group report?
9 The only thing that I would add is maybe as the group
10 goes forward with these issues is to take a look at how
11 these issues -- how these issues are impacted even
12 within the different services.

13 So, you know, we've got -- we've got the
14 topics but, you know, what -- are we looking at
15 wireless, wireline, video -- you know, what are -- how
16 do the different services get impacted by these issues.
17 So that might be another way to discuss them as well.
18 Okay. Disability Working Group report -- Lise Hamlin
19 and Paul Schroeder. I think, Lise, you're bringing the
20 report. Is that right?

21 MS. HAMLIN: That's correct. This is Lise
22 Hamlin. Paul is not here today so he asked me to
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1 report out. Okay. We had a good meeting. We had all
2 eight of our members who were able to attend and we
3 spoke for about an hour and a half. I'm going to try
4 to condense this really quickly as this is a
5 discussion.

6 One of the things that came up as a request
7 right away was to have for our Working Group to include
8 somebody from DRO or someone else from the staff to
9 help us work through some of these issues. We're going
10 to make that request right up front.

11 We also requested -- we also are looking for
12 a number of things from the FCC. One of the things we
13 were looking for was reports on the status of petitions
14 that are already out there. So, for example, there's a
15 Caption Quality Petition that was filed back in 2004,

16 an application for a review of the Anglers Exemption
17 Order back in 2006 and a petition -- more recent
18 petition for rulemaking on closed captioning of video
19 programming and eliminating the broad class of
20 exemptions that was made in January of this year.

21 So we'd like to have reports come back to the
22 Disability Working Group so we can know what the status
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1 is and perhaps the entire CAC. We're also looking for
2 status on -- there was a 2010 Hearing Aid Compatibility
3 Review that was made from the Wireless Bureau or is in
4 the process, and we wanted to see if we can get the
5 status of where that is as well.

6 Some of the issues we want to work on was
7 that the vision loss community has sent a letter to the
8 Commission in January regarding concerns about the lack
9 of expertise in terms of staffing for the FCC now that
10 the CVAA is there and there are more vision loss
11 issues.

12 Disability Working Group agreed that this is
13 an important issue. We requested some report on --
14 from the Commission on the FCC's ability to address
15 staffing as related to people with vision loss having
16 expertise in the office there.

17 We also had someone else on the Working Group
18 who had a concern particularly about the new equipment
19 distribution programs for people who are deaf and
20 blind. She made recommendations coming out of the
21 Disability Working Group has agreed to recommend --
22 requested information regarding the use of funds under
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1 which the program and its funds used under the program
2 for -- specifically for training consumers. There is a
3 ability to distribute equipment but the question came
4 up can we use some of that programming money to train
5 the trainer so that the people know how to use the
6 equipment that's being distributed.

7 Further items that we want to consider and we

8 want to talk about is, for example, a mergers review.
9 We discussed -- with the number of mergers coming
10 before the Commission and we're interested in ensuring
11 that disability access issues are -- is given
12 appropriate consideration on these reviews.

13 So we request a briefing from the Commission
14 regarding the nature of merger review considerations
15 and whether or not it includes disability access. We
16 also wanted to -- there was another issue that came up
17 that we were talking about.

18 We had seen recently that complaints that are
19 filed with the Commission -- we have seen some reviews
20 of them -- annual reviews -- and we would like to
21 suggest that annual reviews of complaints should happen
22 across the board, not again with CVAA. There may be
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1 not just captioning complaints but hearing aid
2 compatibility complaints or video description
3 complaints -- whatever the disability issue is -- if
4 there could be a yearly review of what complaints are
5 coming before the FCC and those complaints could be --
6 as I've said, a review of that report could be public -
7 - certainly brought before the CAC but also the public
8 in general.

9 And then there were things that we didn't get
10 enough time to talk about but that came up and some of
11 the people in our group wanted to talk about at some
12 point and wanted to get more of a handle on -- the
13 availability of accessible communications products and
14 services. We discussed the need for further
15 information regarding accessible products and services
16 under Section 255 of the Communications Act.

17 There has been a petition filed to improve TV
18 caption -- excuse me, wrong page -- sorry -- the lack
19 of available options for wireless and voice effectors
20 for people with vision loss. Other people expressed
21 concerns about the lack of accessible products for
22 people with cognitive disabilities and we thought that

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1 needed to be examined -- access for seniors with
2 multiple disabilities such as hearing loss combined
3 with vision loss.

4 So we thought that the FCC should conduct a
5 review of the availability of products and services and
6 effectors covered by Section 255 and maybe even
7 expanded to CVAA.

8 We wanted to look at that a little bit
9 further and spend some more time discussing it and see
10 if we wanted to bring it farther. And one last issue
11 we had brought up was there is an issue concerning --
12 for people who have vision and hearing loss there is a
13 need for communication facilitators for access to
14 relayed calls, and there is a petition out there that
15 has been brought forward that was filed last spring
16 regarding deaf/blind relay service programming.

17 And while we didn't have enough time to
18 discuss it, it is something that we want to put on the
19 agenda and talk about it at a further meeting. So
20 those were our issues and if anybody else in the group
21 wanted to add to that or make -- clarify anything
22 please feel free to do that.

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1 MR. LEWIS: This is Clayton. Just one
2 clarification. This is about the training in
3 deaf/blind -- the specific concern is training the
4 trainer rather than directly training the consumers.
5 Obviously, training the consumers is an issue. But as
6 we understand it funding for that is permitted but
7 there aren't enough people to do the training because
8 it's pretty specialized. So the matter that was raised
9 is could funds be expended on training trainers so that
10 there are people available to do the training that's
11 needed.

12 MS. BERLYN: Anyone else from the Disability
13 Working Group want to add to Lise's remarks? It's a
14 very comprehensive report. Thank you, Lise. Sounds

15 like you've got a lot of great suggestions and
16 potential actions there. Does anyone have any
17 questions or comments for the Working Group?

18 [No response.]

19 MS. BERLYN: Hearing none, we'll move on to
20 the Media Working Group.

21 MR. GURIN: Yeah. This is Joel Gurin again.
22 I just wanted to say thank you. It's a very rich

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1 agenda and I think the Disability Rights Office here
2 will really benefit from that input. Thank you.

3 MS. HAMLIN: Thank you.

4 MS. BERLIN: Barry?

5 MR. UMANSKY: Sure. Yeah, thanks, Debbie and
6 Scott. I think we're about 10 minutes running behind
7 on our agenda so I will be uncharacteristically brief.

8 We had a telephone conference call last Wednesday, the
9 21st. All but one of our member groups was

10 represented, which is pretty good.

11 We addressed a number of media-related topics
12 that -- really some significant implications for
13 consumers. Our policy was to put the issues on the
14 table. None was rejected and we did not provide any
15 kind of a triage as to which issues might be more -- be
16 given more priority than others.

17 It's our plan to get together with another
18 conference call in early October to reassess the list
19 and to decide how best we might approach each and what
20 kind of areas might be the subject of near-term
21 recommendations or at least request for
22 recommendations.

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1 Among the issues we talked about, one, of
2 course, involved the electromagnetic spectrum -- how
3 consumers best might be served by, you know, the
4 multiple users all vying for spectrum from wireless
5 broadband to digital television, et cetera.

6 We talked also about the ongoing assessment

7 of public interest responsibilities of digital
8 broadcasters. We looked at the FCC's ongoing
9 proceeding on program carriage and program access rules
10 for multi channel providers.

11 We also talked about media ownership on how
12 those choices could affect consumers. Retransmission
13 consent was also discussed -- how it affects consumers
14 in the short and long terms. We also talked a bit
15 about tribal priorities, looking at radio licensing
16 priorities for tribal lands, looking at funding of not
17 only tribal broadcasting but tribal broadband -- how
18 USF might be tailored to help those on tribal lands,
19 especially in an era of reduced funding from other
20 sources.

21 And the last issue we discussed in our
22 relatively brief conference call was perhaps giving
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1 some focus on the matter of sponsorship identification
2 and making sure that listening and viewing audiences
3 have a clear picture of who's trying to persuade them.

4 Again, that's our list and we hope to provide
5 a more refined assessment by perhaps the first week of
6 October through a subsequent conference call.

7 MS. BERLYN: Great. Thank you, Barry.

8 MR. UMANSKY: Sure.

9 MS. BERLYN: Does anyone else on the Media
10 Group have anything to add to Barry's list or other
11 comments you want to make?

12 MR. OXLEY: I guess we had -- this is Joel
13 Oxley. I guess we had brought up about the EAS
14 testing, correct? The big one on November, what is it,
15 9th?

16 MR. UMANSKY: Yeah. We did mention that. I
17 think we obviously want to see, you know, how that
18 happens. Certainly, there's other -- a myriad of FCC
19 activities right now in referring to the test. Joel,
20 why don't you expand a little more on the issue?

21 MR. OXLEY: Well, just that it's a big test

22 to make sure that the system truly works. It's never
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1 really been completely tested and it's -- this is the
2 opportunity to do that and hopefully do it correctly.

3 MR. UMANSKY: By the way, I was working at a
4 TV station when the Falls test came out in the 1970s
5 and no one responded. So this will be interesting to
6 watch.

7 MS. BERLYN: Do you -- Barry and Joel, do you
8 anticipate having anything to say to the FCC prior to
9 that test on 11/9?

10 MR. OXLEY: I think they're aware of it and
11 they are anticipating it. Barry, any thoughts from you
12 on that?

13 MR. UMANSKY: No. Had this been an actual
14 alert we would have told them.

15 MS. BERLYN: No, no. I --

16 MR. UMANSKY: I think we'll just do that.

17 MS. BERLYN: No, I mean in terms of advice --
18 you know, what to do in terms of advice of, you know,
19 any outreach or anything like that.

20 MR. UMANSKY: Yeah, we'll be addressing that,
21 you know, in the first part of October. I don't want
22 to foreclose anything right now.

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1 MS. BERLYN: Okay. Anyone have any questions
2 for this Working Group?

3 [No response.]

4 MS. BERLYN: And Barry, you know, we are
5 always late on our schedule but we always make up our
6 time. So no worries.

7 MR. UMANSKY: Compression. Okay. Very good.

8 MS. BERLYN: Okay. Cecilia, the USF
9 coordinator.

10 MS. GARCIA: Yes, thank you. We -- the USF
11 Working Group met by phone on Thursday and we had a
12 very, very good turnout. I think probably 10 to 12 of
13 our 15 members were actually on the call and I thank

14 everybody for being flexible and being available on
15 such very short notice.

16 We went through -- we started the meeting by
17 kind of going through organizationally what kind of
18 involvement we've all had with USF up to this point,
19 and came away with a pretty interesting cross section
20 of organizations that are very active on the dockets
21 and on the proceedings and others that tend to sign on
22 to others and may be not as active.

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1 Then we -- then we actually talked about what
2 our areas of concern were, and although we know that
3 there is an awful lot of work that has to happen for
4 the high cost of proceeding we know that the time frame
5 for that is pretty short. And so we felt that our
6 efforts may be best served to look at Lifeline/Link-Up
7 issues.

8 MS. BERLYN: Cecilia?

9 MS. GARCIA: Yes?

10 MS. BERLYN: It's Debbie. If I could just
11 interrupt for just a moment. We have some -- the
12 technician here -- the technician here who helped fix
13 the mikes and we just want to do a quick test in the
14 room before he leaves. So you, obviously, can hear me.
15 I want Fernando to test his mike and see if that one's
16 working.

17 MR. LAGUARDA: Hi. This is Fernando. I just
18 want to test the mike.

19 MS. BERLYN: And could you all hear that on
20 the phone?

21 MS. GARCIA: Yes. Yes.

22 MALE SPEAKER: Yes, it was good.

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1 MALE SPEAKER: Yes.

2 MS. BERLYN: Great.

3 MALE SPEAKER: Good test.

4 MS. BERLYN: Thank you very much. Okay.
5 Sorry to interrupt you, Cecilia. Go ahead.

6 MS. GARCIA: Okay. As I was saying, we
7 talked much more about thinking about recommendations
8 for the Lifeline/Link-Up proceeding that's coming up,
9 and keeping our eye -- knowing that a lot of things are
10 going to emerge around the high cost -- issues in the
11 high cost area.

12 And I think what we want to do is kind of
13 keep our eye on that and see if there may be some
14 things that emerge that the Working Group may want to
15 recommend to the full CAC that we respond to but that
16 we would pay closer attention and devote activity
17 actually to the Lifeline/Link-Up area. And we talked
18 about two basic areas -- two big areas -- and then a
19 third area.

20 The first one was outreach and education.
21 There was a discussion about the fact that the
22 Lifeline/Link-Up -- that the program tends to be
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1 underused and we'd like to help the FCC in some way get
2 the word out to those that are eligible to actually
3 take advantage and participate in the program. So
4 that's one big area, we think, of activity.

5 The second one is around the transition from
6 analog to broadband. There was a feeling in the group
7 that there really has to be an emphasis and a real -- a
8 real effort to make the transition so that the
9 Lifeline/Link-Up program will eventually become
10 broadband based.

11 And in order to do that we wanted to pay
12 close attention to the programs that are being -- that
13 the FCC proposed and take a look at areas of adoption,
14 and in this case we know that we would overlap with the
15 Broadband Working Group. But there is a very strong
16 acknowledgment that successful broadband-based
17 Lifeline/Link-Up services are a matter of more than
18 just picking up a phone.

19 It has more to do with digital literacy and
20 things like that and so we want to pay attention to

21 that as well. And then the third issue is
22 affordability, and I was looking back through my notes
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1 to -- I may actually ask Olivia to talk a little bit
2 more about that because I think you and Mark actually
3 mentioned it in my notes -- but for the first two,
4 specifically the outreach and the broadband project or
5 the pilot project, our process now will be that Amina
6 -- my alternate and I -- are going to work on the
7 document that kind of lays out some language in terms
8 of the direction that we would want the group to
9 respond to based on this conversation, and we're in the
10 process of organizing a second call in early October.

11 We'll distribute that. We'll talk about it
12 some more and then we'll be -- I think we'll be in
13 pretty good shape for the November meeting. But I
14 certainly would welcome others in the group who was
15 very active, I think, and pretty strong participation.
16 I would maybe ask Olivia first to see if there's more
17 that you can say about the affordability issue that was
18 raised.

19 MS. WEIN: Hi. It's Olivia Wein, National
20 Consumer Law Center, and we just wanted -- because
21 these two docket -- these two proceedings are looking
22 at serious reform issues -- some way to keep focused
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1 also on the concept of affordability and, you know,
2 also looking at things like basic rates and making sure
3 that they don't disappear -- access to basic service,
4 making sure that in any transition that we're thinking
5 of, like the funding mechanisms or technologies that
6 they're -- we avoid flash cuts or sort of lopping off
7 some populations who may not have the wherewithal to
8 adapt quickly to change so to preserve affordable
9 connectivity to the network, whatever that means, but
10 to keep that as a priority issue.

11 So it was a high-level concept with no -- you
12 know, perhaps it is a way that we would be looking at

13 various proposals -- would, you know, certain things
14 tend to exclude certain subpopulations and that's
15 pretty much where we left it.

16 MS. GARCIA: And that's it for us, Debra.

17 MS. BERLYN: Could I have the microphone?

18 MR. MCELDFOWNEY: Yeah. This is -- this is
19 Ken McEldowney -- actually again. This was another
20 call I wasn't able to make. Yeah, I wanted to really
21 emphasize two points and then raise a third one.

22 One is I think that -- certainly, I think

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1 it's very important for the migration to broadband but
2 very worried about the folks who, you know, want and
3 can't afford voice first rate service. The second
4 thing really is that -- yeah, I know, attempted before
5 is I think that it would be wonderful if the FCC could
6 devote funds to a very aggressive kind of outreach
7 program around USF.

8 In California, we use the surcharge and
9 probably are now funding about \$5 million a year in
10 terms of outreach, call centers and things like that
11 and also certification, and I think that, you know,
12 that USF is never going to be really, really successful
13 until there is a very aggressive outreach program.

14 The other thing has to do with the funding of
15 the program. I think it's very important to make sure
16 that the funding of it is structured in such a way that
17 while it may be using the funding to add people to the
18 service that the funding mechanism could negatively
19 impact those who are just slightly above the income
20 ceiling for Lifeline.

21 And the added fees in terms of supporting the
22 Lifeline program would make (inaudible) people dropping

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1 off. I certainly think the fundamental issue here is
2 on the prepaid cell phones exactly how any fees are
3 going to be allocated to those.

4 MS. BERLYN: Thanks, Ken. Thanks, Ken. I

5 think -- are you on the USF Working Group, Ken?

6 MR. MCELLOWNEY: Yes.

7 MS. BERLYN: Okay. Good. Does anyone else
8 have any comments, thoughts, additional input on that
9 Working Group?

10 [No response.]

11 MS. BERLYN: Okay. Great. Thank you,
12 Cecilia. That's a great start-up with issues. Sounds
13 like you've got a good plan and a great organization
14 there for the issues as well. So we look forward to
15 hearing more from your group. Okay.

16 So those are our five reports. I really -- I
17 can't tell you how pleased I am with the work that
18 happened in a very short period of time. So thanks
19 everybody for jumping up to the call for action. And
20 now on our agenda we do have an opportunity as always,
21 as this is an open meeting, if there's anyone from the
22 public who has any comments.

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1 [No response.]

2 MS. BERLYN: Hearing none, there is one thing
3 that Scott and I have talked about which we thought
4 might help facilitate our leadership going forward of
5 having monthly Working Group leaders conference calls,
6 and I'm not going to look -- I'm not going to look at
7 one of our Working Group leaders who's sitting here in
8 the room because this isn't something that I told you
9 about when I asked folks to be Working Group leaders.

10 I know it is a small request of your time but
11 it is additional time. But we thought it might be
12 helpful in terms of our coordinating between working
13 groups because, as one of you mentioned, there might be
14 an overlap in issues that you're looking at within your
15 Working Group.

16 So that we thought it might be helpful once a
17 month for the Working Group chairs -- for the five
18 Working Group chairs to get together with Scott and
19 myself for a short meeting to talk about what your

20 Working Groups are working on so we can have some
21 coordination and you can share the issues that you're
22 working on and the plans that you have.

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1 So we're going to start to institute those, I
2 guess, this month in October -- get that going. I
3 think that will be helpful.

4 MR. GURIN: And Debbie, just before you go on
5 to more CAC business -- this is Joel Gurin -- I'm going
6 to take off now but just wanted to say thank you all.
7 This is really great work and an awful lot of very good
8 work in a short time. So I appreciate it and keep up
9 the good work. Keep up the good Working Groups and --

10 MS. BERLYN: Thank you, Joel.

11 MR. GURIN: -- look forward to hearing more.
12 Thank you, Debbie.

13 MS. BERLYN: Thank you for joining us.
14 Thanks. Yeah.

15 MR. ARMSTRONG: Debbie, we might mention -- I
16 don't think she was introduced -- Colleen Heitkamp --

17 MS. BERLYN: Yes.

18 MR. ARMSTRONG: -- who is chief of our Policy
19 Division who knows all -- who has been with us for the
20 duration as well and I think that's going to be very,
21 very helpful going forward to have this resource
22 available to us.

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1 MS. BERLYN: Yeah. Thank you, Colleen, for
2 being here today.

3 MS. HEITKAMP: Well, I'm excited about this
4 and I -- if I had not gone to the wrong conference room
5 I would have been here in time to be introduced. But
6 anyway, I think this is a great group and Scott and I
7 have been having some great conversations. So I look
8 forward to hearing all of what you guys are doing going
9 forward.

10 MS. BERLYN: Yeah. Thank you for coming.

11 MS. HEITKAMP: Sure.

12 MS. BERLYN: Thank you. So now we're almost
13 at the end of our meeting and as I mentioned at the
14 beginning our next CAC -- our regular plenary meeting
15 -- is November 4th, which is just a little over a month
16 away, and Scott can help us figure this out but, you
17 know, we have -- we have to publicly notice any actions
18 that our CAC is planning to take.

19 So Scott, give us the schedule for that so
20 the Working Groups know when they need to let you know
21 what actions they're planning to take.

22 MR. ARMSTRONG: Sure. This is Scott
0056

1 speaking. This is a Federal Advisory Committee Act
2 requirement, not mine. So please don't shoot the
3 messenger, as it were. We need to publish in the
4 Federal Register by October 20th -- that's 15 days
5 before our meeting -- a very general -- it doesn't have
6 to be much at all -- idea of what the nature of any
7 action item by way of a recommendation will be on the
8 November 4th agenda.

9 What does this actually mean? Does it mean
10 that you have to have a recommendation written by
11 October 20th? But certainly probably by at least a
12 week before the 20th I need to have some notion if you
13 think you're going to have a recommendation for the
14 November agenda. Now, if it's a matter of a speaker
15 recommendation we're going to talk about that in a
16 minute. We don't have to notice that.

17 But if you intend to have a recommendation
18 for consideration and, you know, it's always good when
19 we -- that's what this committee is all about after all
20 -- you were chartered to recommend to the full
21 Commission and only the full CAC can do that.

22 We need to have some idea of that coming down
0057

1 the pike so that we can comply with the Federal
2 Advisory Committee Act requirements.

3 MR. BAKER: Scott, can you clarify what you

4 mean by recommendations? I mean, is it --

5 MS. BERLYN: I don't think you heard that but
6 Chris just asked Scott to clarify what he meant by
7 recommendation.

8 MR. ARMSTRONG: If -- Chris, if you look on
9 our website, all of the past recommendations of this
10 committee are there. Some of them relate to a open
11 proceeding -- open up a time, for example.

12 Some of them were in the nature of an ex
13 parte communication that was filed after the closure of
14 an open proceeding. Some recommendations were more
15 directed to staff in terms of recommending new ways of
16 outreach, for example, in situations where we didn't
17 have an open proceeding.

18 So the answer to your question, and Debbie,
19 certainly you can comment here too if you wish -- it's
20 a very broad concept of what we can recommend about.
21 The charter of this committee is very, very broad and
22 you have the ability to recommend pretty much any issue
0058

1 to the -- to the Commission and then we -- we then take
2 those recommendations and either file them in the
3 appropriate dockets, transmit them to the appropriate
4 staff. After every meeting Debbie also sends copies to
5 all of the commissioners' offices as well.

6 MS. BERLYN: So it could be -- so it could be
7 something as formal as comments filed in an open docket
8 --

9 MR. ARMSTRONG: If they're not before.

10 MS. BERLYN: -- or an ex parte filing -- you
11 know, a letter -- you know, letter format or
12 recommendation and -- or it could be something like
13 Cecilia was talking about -- outreach for USF so it
14 could be a plan for recommendations for outreach for
15 Lifeline and Link-Up, for example -- how to improve
16 that -- and we would, you know, we would send that to
17 the commissioners and their staff and the appropriate
18 bureau and staff.

19 So it's really any recommendation formal or
20 informal that we would want to make to the
21 commissioners, their staff or the bureau and bureau
22 staff. So anything from, you know, within a proceeding
0059

1 to anything else that the FCC is working on.

2 It could be ways to improve the complaint
3 process. You know, we can look through what -- some of
4 the things that we've talked about today and start to
5 craft some potential recommendation ideas, and some of
6 them might be formal comments for proceedings that are
7 ongoing and others may be outside of proceeding because
8 they're either isn't an ongoing proceeding or the rules
9 have already been issued but you want to tweak them or
10 make further recommendations.

11 MR. BAKER: So just to clarify, I thought I
12 heard Scott say that even for having a speaker come --

13 MALE SPEAKER: I can't hear you.

14 MS. BERLYN: Oh. A speaker. Yeah, well,
15 that's not a formal recommendation. That's if before
16 November 4th your Working Group wants to have a
17 particular topic addressed at the November 4th meeting.
18 So let's not call that a recommendation. That's
19 something different.

20 So new topic. If your Working Group or any
21 individual member of the CAC has a recommendation for a
22 topic or a particular speaker for the next meeting on
0060

1 November 4th please send those recommendations to Scott
2 and myself so that we can consider it for the agenda
3 for November 4th and if there is a -- an FCC or even an
4 outside speaker that you think would be great to have
5 at the FCC we can start to get working on that. And we
6 have had panels as well so we could even put together a
7 panel, or a Working Group has from time to time put
8 together a panel on a particular topic that they're
9 working on prior to a recommendation that they want to
10 have a vote on or, you know, want to put together.

11 They thought it might be helpful to have a panel
12 discussion on that topic.

13 So, you know, if your Working Group wants to
14 put together a panel and have time on the agenda to do
15 that, you can do that as well. Just, you know, let us
16 know that that's something that you're interested in
17 doing so we can consider time on the agenda for
18 something like that.

19 MR. ARMSTRONG: Could I add one more point
20 also? This is Scott again. Regrettably, I don't have
21 the budget to pay for any outside speakers so keep that
22 in mind as well. And secondly, sometimes you will find
0061

1 that it's more appropriate to have the discussion with
2 a speaker or with someone from the outside at the
3 Working Group level rather than doing it before the
4 entire committee.

5 So usually the presentations at the committee
6 level are more the bigger picture stuff whereas if
7 you're really getting down into the grass, as it were,
8 you may want to prefer to do that at the Working Group
9 level since the committee is not going to really be in
10 a good position to get down to that level of detail.

11 MS. BERLYN: We've also had -- we've had
12 speakers who are outside of Washington join us by --

13 MR. ARMSTRONG: Call in.

14 MS. BERLYN: -- the phone too. So we've had
15 professors from other areas come in by call at our --
16 at our meetings. So we're able to do that as well.
17 Olivia?

18 MS. WEIN: It's Olivia, National --

19 MS. BERLYN: Hold on.

20 MS. WEIN: Olivia, National Consumer Law
21 Center, with a follow-up question. Scott was going
22 through the timeline and balancing it out.

0062

1 So I guess I need a clarifying question first
2 and then (inaudible) timeline -- it relates to the

3 timeline question. The full committee will be voting
4 on the recommendations at the -- these full CAC
5 meetings like the one in November.

6 Okay. And is there a protocol for when
7 members of the CAC would see the other Working Groups
8 propose recommendations or would those be presented on
9 the day of the meeting?

10 MS. BERLYN: Scott, you can answer. You've
11 got a mike right there.

12 MR. ARMSTRONG: Sure. There's no hard and
13 fast rule as to when that recommendation is circulated
14 to the -- to the membership, although sooner is always
15 better.

16 We do prefer to have something circulated to
17 the membership -- the full committee -- in advance and
18 time enough for them to read it and then so forth
19 because, again, under the FACA rules the full committee
20 is not supposed to be just a rubber stamp.

21 It is supposed to deliberate on these things
22 and consider them and not just take the Working Groups'
0063

1 recommendation necessarily on face value. So the
2 answer to your question is the sooner that you can
3 provide a recommendation in written form the better.

4 But we also realize that given the time
5 constraints that we're all operating under that's a
6 pretty tall order. But we've had recommendations out
7 what, Debbie, two or three days before a meeting and
8 we've even put final touches on a recommendation over
9 lunch at a meeting. But, again, the committee meeting
10 itself is not the best place for us to be doing a lot
11 of heavy drafting.

12 MS. BERLYN: Yeah. The preferred way of
13 doing it --

14 MR. ARMSTRONG: Right.

15 MS. BERLYN: -- is not that way.

16 MR. ARMSTRONG: Right. Right.

17 MS. BERLYN: You know, the preferred way of

18 doing it is to have drafts of the recommendations at
19 least several days in advance so that individuals can
20 review them and also so that you can put them in
21 Braille form --

22 MR. ARMSTRONG: That's right. That's another
0064

1 recommendation.

2 MS. BERLYN: -- Scott, for some of our
3 members so that they're not caught short-handed as well
4 with little time to review them. So, you know, giving
5 us at least several days in advance for a draft and --
6 is important. And those recommendations should go
7 through your Working Group for approval first as well.
8 So --

9 MR. ARMSTRONG: And although we meet -- this
10 is Scott again -- and although we meet face to face
11 normally three times -- four times a year, every three
12 months -- we can have a special meeting to consider a
13 item or two items if necessary.

14 We've done that before too -- another hour or
15 hour and a half to finish up something or to put -- to
16 make sure that, you know, the recommendation gets
17 processed in a timely manner because we certainly want
18 to get the recommendations out the door as quickly as
19 we can into the hands of the people that are actually
20 looking at this stuff here at the FCC.

21 MS. BERLYN: Did you have a follow-up
22 question?

0065

1 FEMALE SPEAKER: No. That was it.

2 MS. BERLYN: Okay.

3 MR. ARMSTRONG: Okay.

4 MS. BERLYN: Does anyone else have any
5 procedural questions?

6 MR. ARMSTRONG: This is Scott again. We can
7 also discuss this further during our leadership calls
8 too.

9 MS. BERLYN: Chris?

10 MR. BAKER: This is Chris from the AARP. So
11 do we have a schedule for next year of when the
12 meetings are or when does that come out? I mean, how
13 many times do we meet? Again, I know I should know
14 this.

15 [Laughter.]

16 MS. BERLYN: We meet a minimum of three times
17 in person for the full day plenary meetings and we
18 probably may try for a fourth meeting. Is that right,
19 Scott?

20 MR. ARMSTRONG: Mm-hmm. That's correct.

21 MS. BERLYN: We may try for a fourth meeting.
22 We can have special meetings as well, as Scott

0066

1 mentioned, if decisions need to be made between those
2 plenary meetings and those can be done the way this one
3 is being done, with as many people in the room in
4 person and then the conference call-in option. So but
5 a minimum of three full day plenary meetings.

6 MR. ARMSTRONG: And this is Scott again.
7 What we could also do, which we, given the time factor
8 didn't have time to do for this meeting and really for
9 the November 4th one either, we'll try to poll people
10 about dates and get a date that's, you know, from one
11 meeting to the next that would be the most convenient.
12 We like to do those polls if we at all possibly can.
13 It helps the attendance. It helps everybody's
14 schedule.

15 MS. HAMLIN: So I -- Scott, this is Lise.
16 I'm losing you there but I heard -- I caught up to you
17 about meeting dates, and then, I did not understand.

18 MR. ARMSTRONG: Okay. Oh right in front of
19 me. Okay. Sorry, Lise. My point was that the -- we
20 really try to give people as much notice about meetings
21 as possible and in the past we've done polls of
22 convenient dates.

0067

1 We did not do that with this meeting or the

2 November meeting just because of the time factor
3 involved. But we will do that from one meeting to the
4 next just to give people as much advance notice as
5 possible.

6 MS. BERLYN: And it's likely that our next
7 meeting after the November 4th one will be probably
8 late January/February time frame. We'll be looking --
9 and we're -- we have to -- we need that commissioners
10 meeting room. So that dictates -- you know, that's
11 what restricts us quite a bit with the availability of
12 dates, and then we -- then we look at, you know,
13 holidays.

14 We have a slight preference for meeting later
15 in the week as opposed to, you know, the Monday/Tuesday
16 dates. So that's -- you know, we kind of start from
17 there but try to avoid holidays -- that sort of thing.

18 So that's what we're -- that's what we're looking at.

19 MR. ARMSTRONG: This is Scott. And as you
20 can imagine, it's much easier to meet in the CMR and
21 that room is becoming increasingly more difficult to
22 get and we can caption more easily there.

0068

1 We can broadcast on the Internet there.
2 Where you know, one of the largest conference rooms in
3 the building today but it's not -- we know it's not the
4 ideal location for these kinds of meetings.

5 MR. MCELDFOWNEY: Let me -- could I just -- I
6 understand, of course, of trying to do it later in the
7 week. Do you think it would possible to try and hold
8 -- also look at Thursdays for the meeting?

9 MS. BERLYN: Sure.

10 MR. MCELDFOWNEY: Because it's certainly --
11 you know, being able to fly in on a Wednesday and out
12 on a Thursday is often much lower flight fares --

13 MALE SPEAKER: Good point.

14 MR. MCELDFOWNEY: -- and, you know --

15 MS. BERLYN: Sure.

16 MR. MCELDFOWNEY: -- it might be something to

17 think about.

18 MS. BERLYN: We're happy to accommodate that.
19 We just have to make sure we don't run into the
20 commissioners' meetings. So they're -- you know,
21 Fridays have always tended to be lower usage days of
22 that meeting room but --

0069

1 MR. MCELLOWNEY: Right. I always forget that
2 the higher-ups have a four-day work week.

3 [Laughter.]

4 MS. BERLYN: No, but we will definitely do
5 that.

6 MR. ARMSTRONG: I didn't say that, by the
7 way. It's Scott.

8 [Laughter.]

9 MS. BERLYN: But we will definitely do that,
10 Ken. You know, we'll look at the Wednesdays and
11 Thursdays. Yeah, we'll try and -- we'll try and do
12 that.

13 MS. HAMLIN: This is Lise. I have a quick
14 question on another issue. Is anyone taking notes so
15 that we can have a quick -- you know, just a brief
16 summary of this meeting for people who are not here?

17 MR. ARMSTRONG: We will -- we will
18 immediately have a -- the captioning transcript of this
19 meeting probably, you know, within, you know, a half
20 hour after we adjourn here. I can download it. And
21 then within 10 business days, roughly, we'll actually
22 have the formal transcript that then gets posted on the

0070

1 Web or I can email it to you or whatever.

2 MS. HAMLIN: Okay. Thank you.

3 MS. BERLYN: Great. Does anyone have any
4 other business -- any other questions?

5 MR. MCELLOWNEY: I move to adjourn.

6 MS. BERLYN: Oh. Ken, yeah.

7 MR. MCELLOWNEY: That's his idea.

8 [Laughter.]

9 MS. BERLYN: Did I call -- did I call for
10 that?

11 [Laughter.]

12 MS. BERLYN: Well, this has been -- you know,
13 this has been a great meeting. Ken, hold on for one
14 second. But this has been a great meeting and I
15 appreciate it. You know --

16 MR. ARMSTRONG: I second that motion, by the
17 way. It's a great meeting.

18 MS. BERLYN: -- conference calls --
19 conference calls are a substitute but this has been
20 great and thank you again, Working Groups, for all the
21 hard work that you did last week. Keep it up, and we
22 look forward to your recommendations for actions coming
0071

1 out in the next several weeks. So thanks so much
2 everybody. All those in favor of Ken's motion.

3 [A chorus of ayes.]

4 MS. BERLYN: Are you saying aye or getting
5 off the phone?

6 MR. ARMSTRONG: (Inaudible)

7 MS. BERLYN: Thank you, everybody.

8 MR. ARMSTRONG: Thanks, everybody.

9 MS. HAMLIN: Thank you.

10 [Whereupon, at 3:25 p.m., the meeting was
11 adjourned.]

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