

UNITED STATES OF AMERICA

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FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE MEETING

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FRIDAY
FEBRUARY 24, 2012

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The Advisory Committee met in the Commission Meeting Room, 445 12th Street, S.W., Washington, D.C., at 9:00 a.m., Debra Berlyn, CAC Chairperson, presiding.

PRESENT:

DEBRA BERLYN, Chairperson
CHRIS BAKER, AARP
ED BARTHOLME, Call for Action
INDRA CHALK, T-Mobile USA, Inc.
RICK CHESSEN, National Cable and
Telecommunications Association
MARY CRESPIY, Verizon Communications, Inc.
MARK DEFALCO, Appalachian Regional
Commission
AMALIA DELONEY, Center for Media Justice
MATT FRIEDMAN, T-Mobile, USA, Inc.
CECILIA GARCIA, Benton Foundation
LISE HAMLIN, Hearing Loss Association of
America
MITSUKO HERRERA, Montgomery County, MD,
Office of Cable and Broadband Services
JULIE KEARNEY, Consumer Electronics
Association
RAJA KUSHALNAGAR, Rochester Institute of
Technology

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PRESENT (Cont'd) :

REBECCA LADEW, Speech Communication
Assistance by Telephone, Inc.
FERNANDO R. LAGUARDA, Time Warner Cable
IRENE E. LEECH, Consumer Federation of
America
CLAYTON LEWIS, Coleman Institute for
Cognitive Disabilities
MIA MARTINEZ, National Asian American
Coalition
KEN McELDOWNEY, Consumer Action
TRACI MORRIS, Native Public Media
ART NEILL, Utility Consumers' Action Network
JOEL OXLEY, National Association of
Broadcasters
STEPHEN POCIASK, American Consumer Institute
STEPHANIE PODEY, National Cable and
Telecommunication Association
ANDREA QUIJADA, Media Literacy Project
PAUL SCHROEDER, American Foundation for the
Blind
CLAUDE STOUT, Deaf and Hard of Hearing
Consumer Advocacy Network
BARRY UMANSKY, Digital Policy Institute
DOROTHY WALT, Helen Keller National Center
for Deaf-Blind Youth and Adults
OLIVIA WEIN, National Consumer Law Center
KRISTA WITANOWSKI, CTIA The Wireless
Association

ALSO PRESENT:

SCOTT MARSHALL, Designated Federal Official
KRIS MONTEITH, Acting Bureau Chief, FCC
WILLIAM FREEDMAN, Deputy Bureau Chief,
Consumer and Governmental Affairs Bureau
JOSH GOTTHEIMER, Senior Counsel, Office of
the Chairman
KAREN PELTZ STRAUSS, Deputy Bureau Chief,
Consumer and Governmental Affairs Bureau
KIM SCARDINO, Deputy Chief,
Telecommunications Access Policy Division
MARK STONE, Deputy Bureau Chief, Consumer
and Governmental Affairs Bureau

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

2 9:12 a.m.

3 CHAIR BERLYN: Welcome, everyone.

4 Good morning. I am Debra Berlyn, CAC
5 Chairperson, representing the National
6 Consumers League. I want to welcome everyone
7 this morning. So glad you could make it.

8 We are going to go around the room
9 and introduce ourselves. If I could, I am
10 going to give a proper introduction to Chris
11 Monteith in a moment after we all go around,
12 but this is Chris Monteith, Acting Bureau
13 Chief of Consumer and Governmental Affairs
14 Bureau. Fernando?

15 MR. LAGUARDA: Good morning.
16 Fernando Laguarda, representing Time Warner
17 Cable.

18 MR. McELDOWNEY: Ken McEldowney,
19 Consumer Action.

20 CHAIR BERLYN: Oh, please remember
21 to raise your hand. Hopefully, they can catch
22 us as we are going around the room and keep

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1 those mikes live. But remember, when you want
2 to speak, you have to raise your hand so that
3 they know to turn the mike on and get it live.

4 MS. MARTINEZ: Good morning. Mia
5 Martinez with the National Asian American
6 Coalition.

7 MR. BARTHOLME: Ed Bartholme with
8 Call for Action.

9 MR. POCIASK: Steve Pociask,
10 American Consumer Institute.

11 MS. WALT: Dorothy Walt from the
12 Helen Keller National Center.

13 MR. DEFALCO: Mark Defalco, The
14 Appalachian Regional Commission.

15 MR. OXLEY: Joel Oxley, on the
16 Board of the national Association of
17 Broadcasters and with WTOP and WFED in
18 Washington.

19 MS. QUIJADA: Andrea Quijada,
20 Media Literacy Project in Albuquerque, New
21 Mexico.

22 MS. GARCIA: Cecilia Garcia,

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1 Benton Foundation.

2 MS. DELONEY: Amalia Deloney,
3 Center for Media Justice.

4 DR. MORRIS: Traci Morris, Native
5 Public Media, Phoenix, Arizona.

6 MS. WITANOWSKI: Krista
7 Witanowski, CTIA, The Wireless Association.

8 MS. LEECH; Irene Leech, Consumer
9 Federation of America.

10 MR. NEILL: Art Neill, Utility
11 Consumers Action Network and its independent
12 program New Media Rights.

13 MR. STOUT: Hello. My name is
14 Claude Stout, and I am with the Deaf and Hard
15 of Hearing Consumer Advocacy Network.

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

18 MS. PODEY: Stephanie Podey,
19 National Cable and Telecommunications
20 Association.

21 MR. BAKER: Chris Baker with AARP.

22 MS. CRESPIY: Mary Crespiy with

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1 Verizon Communications.

2 MR. SCHROEDER: Paul Schroeder,
3 American Foundation for the Blind.

4 MR. UMANSKY: I am Barry Umansky
5 with the Digital Policy Institute, and also in
6 attendance today is Dr. Robert Yadon from the
7 Digital Policy Institute.

8 MR. STONE: I am Mark Stone. I am
9 a Deputy Chief in the Consumer and
10 Governmental Affairs Bureau.

11 CHAIR BERLYN: Welcome, everyone,
12 and a special welcome to Art Neill who has
13 taken Michael Scott's place from UCAN. So,
14 welcome.

15 I am going to dispense with a lot
16 of our announcements until a little later this
17 morning, because we are on a very tight
18 schedule for the next two hours, but one
19 special announcement I want to make.

20 I want to thank Fernando Laguarda
21 and Time Warner Cable for our meals this
22 morning, for our breakfast and lunch. So

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1 thank you very much, Fernando. We very much
2 appreciate it.

3 I want to make one other
4 announcement. This is really exciting. We
5 are getting to the 21st Century here. For the
6 first time, our meeting is being live Tweeted
7 and posted on Facebook. So we will be getting
8 some questions sent to us from the general
9 public, and we will be able to respond to them
10 at various points during the day. So this is
11 to increase the participation from consumers
12 around the country and others to be able to
13 join us in this meeting during the day. So I
14 wanted to mention that.

15 Now it is my great pleasure to
16 introduce Chris. As most of you know, Joel
17 Gurin resigned last month, and his last day
18 was about a week or so ago. Is that right,
19 Chris? Yes, give or take a few days.

20 This is Kris' first week with the
21 Bureau, but it is not her first week with the
22 Commission. Kris has had a long and

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1 distinguished history here at the FCC,
2 chairing the Enforcement Bureau and actually
3 serving on the Consumer Bureau at one time as
4 a Deputy Bureau Chief. Correct?

5 Actually, she has been everywhere
6 at the FCC and has done everything. I have
7 known Kris for many years. We are so lucky to
8 have her as the Acting Bureau Chief. Correct?

9 You know, we really are. We are very
10 fortunate, and I am so pleased that she has
11 stepped into this role, and I am very pleased
12 that you are here today to give us an
13 introduction and to also introduce your staff,
14 and they will be giving us some updates as
15 well. So welcome, Kris.

16 MS. MONTEITH: Thank you very
17 much. Thank you for the introduction, Debra,
18 and it is great to be reconnecting with Debbie
19 and with many of the folks around the table.

20 I see many familiar faces, and for
21 those of you that I have not had the pleasure
22 of meeting, I look forward to working with you

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1 in the days and months ahead.

2 As Debbie said, it is Day Four on
3 the job for me. Thus far, I have moved
4 offices. I have met many new folks and
5 reconnected with others. I have had lots of
6 meetings. I have been briefed on new issues
7 and important priorities for the Bureau, but I
8 have lots to learn.

9 Some things I have learned
10 already, and these things were readily
11 apparent to me. First, the almost 200 men and
12 women of the Bureau are committed to its
13 mission, and that mission is developing and
14 implementing informed consumer policies,
15 including disability rights and disability
16 accessibility policies; serving as the public
17 face of the Commission through outreach and
18 education; responding to consumer inquiries
19 and complaints; and maintaining collaborative
20 partnerships with state, local, and tribal
21 governments in areas of overlapping
22 jurisdiction and common interests.

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1 Second, that there is an equally
2 committed, very talented, and strong
3 leadership team in place in the Bureau. I
4 have brought four of the Bureau's senior
5 leaders with me today: Mark Stone, who
6 oversees the Bureau's consumer policy and
7 intergovernmental affairs functions; Bill
8 Freedman, who has responsibility for our
9 consumer inquiries and complaints functions,
10 and web and print publishing; Geoff Blackwell,
11 who I actually hope will be joining us -- he
12 has been out sick for a couple of days, and I
13 don't see him here at the moment, but
14 hopefully, he is well enough to attend today,
15 and Geoff oversees our Native Affairs and
16 policy work; and Karen Peltz Strauss, who many
17 of you know, who has responsibility for our
18 disability rights and accessibility work and
19 the consumer affairs and outreach functions.

20 Mark, Bill and Geoff -- I hope,
21 Geoff -- will speak with you for a few minutes
22 following me, and Karen appears on your agenda

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1 later in the day. They are a great team, and
2 I am delighted to be working with them.

3 Together, the Bureau is also
4 committed to the Chairman's vision of a fact
5 based and data driven agency. We are also
6 committed to the overall vision of openness
7 and transparency in government.

8 With those goals in mind, Bill
9 Freedman has been working tirelessly on an
10 initiative to improve our consumer complaints
11 and inquiries function. We are striving for a
12 consumer experience that is efficient,
13 effective, user friendly, and with all
14 protections for consumers' privacy, one that
15 allows us to better understand and utilize the
16 data we gather through the consumer complaint
17 and inquiries process, to better inform the
18 agency's policy making.

19 We could use your help. We have
20 spoken with your Chairperson, Debbie, about
21 this initiative, and Bill will fill you in on
22 details in a few moments.

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1 I want to stress that the CAC is
2 important to the overall work of the Bureau
3 and to the agency. The collective depth and
4 breadth of your communications and consumer
5 expertise is awesome, truly awesome. We thank
6 you for your willingness to serve and for
7 giving of your time and your expertise.

8 I look forward to working with
9 each of you and getting to know you better. I
10 hope that we will have many opportunities to
11 chat and get to know each other. You know
12 where to reach me. I am on the fifth floor.
13 Debbie has got my contact information and my
14 telephone number. So, certainly, when you are
15 at the agency, stop by and say hello. I would
16 love to, as I said, get to know you, and give
17 me a ring at anytime.

18 Now I will turn it over to Mark.

19 MR. STONE: Hi. Thanks for giving
20 me a couple of minutes of your time to
21 describe some of the Bureau's recent policy
22 work. I think you will find these areas

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1 relevant to what you all what to accomplish.
2 Gut first, thanks for the work that you have
3 done and the work you are yet to do.

4 You are critical to our
5 understanding of what consumers expect and
6 need from their communication services. So
7 very briefly, I will tell you about the recent
8 robocalls order. In fact, that was last week
9 that the Commission adopted it. I also want
10 to tell you about another critical area that
11 we are looking at in the Bureau related to
12 cramming.

13 So first, robocalls: The changes
14 the Commission adopted last week give
15 consumers additional protection from those
16 annoying, unwanted, autodialed or pre-recorded
17 telemarketing calls, also known as robocalls.

18 The changes maximize consistency between the
19 Commission's rules and the Federal Trade
20 Commission's analogous telemarketing
21 requirements, as directed by the Do Not Call
22 Implementation Act.

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1 First, the Commission required
2 telemarketers to get prior express, written,
3 not oral, consent before robocalling a
4 consumer. In addition to conventional written
5 consent, the Commission chose to do the eSign
6 Act, which permits electronic alternatives to
7 conventional writing, things like e-mail, text
8 message, telephone key press or recorded oral
9 consent. Those will each facilitate that
10 consent process.

11 Significantly, the changes the
12 Commission adopted will not affect the purely
13 informational calls that consumers find
14 useful, such as those related to school
15 closings, usage alerts or bank fraud
16 notifications.

17 Second, the Commission eliminated
18 the "established business relationship"
19 exception to the consent requirements for
20 telemarketing robocalls. Under that
21 exception, telemarketers can currently make
22 robocalls to consumers with whom they have

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1 previously done business, even when the
2 consumer has not consented to those calls.

3 Third, the Commission required
4 telemarketers to provide consumers with an
5 automated, interactive opt-out mechanism
6 during each robocall.

7 So these new requirements will
8 gradually go into effect over the next year,
9 but we think it is a big win for consumers.

10 Second, I wanted to talk about
11 cramming, which folks around the table
12 probably are pretty familiar with. It is
13 something the Commission has had its eyes on
14 for years now. For those that may not know,
15 cramming is billing for unauthorized charges
16 on consumer telephone bills.

17 In 1998, a coalition of wireline
18 carriers recognized the issue and developed a
19 set of industry guidelines or best practices
20 to address the practice. Then in 1999, the
21 Commission adopted some truth in billing rules
22 that were designed to enable consumers to

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1 better detect both slamming and cramming.

2 More recently, in July of 2011,
3 the commission recognized that it was an
4 ongoing problem, and sought comment on a set
5 of proposed rules to further address cramming
6 with a couple of methods.

7 The first proposal was a clear
8 separation of third party charges on phone
9 bills from other charges. I should note that
10 third party charges have been the major source
11 of cramming complaints that we have seen here
12 and that we have heard of from organizations
13 outside the FCC.

14 The second proposal that the
15 Commission offered in July 2011 was clear
16 disclosure of options to block those charges.

17 So to the extent current wireline carriers
18 offer to consumers an option to block all
19 third party charges, that they will need to
20 make that clear to consumers up front.

21 I should note that the Commission
22 discussed the potential for cramming in the

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1 mobile context. It did not propose specific
2 rules for mobile. The proposed rules I just
3 mentioned were for the wireline telephone.

4 On the same day as the NPRM or
5 about the same time, the commission also
6 issued an infographic that was designed to
7 show how frequently consumers are affected by
8 cramming and how often they may not realize
9 they are being crammed.

10 Also in July of 2011, the Senate
11 Commerce Committee issued a staff report on
12 cramming, describing the effect to the
13 consumers. So we are taking a look at that as
14 well.

15 So now the comment and reply
16 comment dates are coming on. We are reviewing
17 the comments from the public, all relevant
18 stakeholders. Very generally, the carriers
19 oppose new rules. They argue that third party
20 billing can help consumers and that voluntary
21 carrier efforts to curb cramming are
22 sufficient, and that many already block third

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1 party charges at consumers' request.

2 Also very generally, some of the
3 states and the FTC and others say that more
4 action is needed to address cramming. Some
5 ideas that they have suggested include greater
6 bill disclosure of third party billing,
7 requiring opt-in from consumers to allow third
8 party charges, and other possible actions.

9 So these are just two of the
10 larger policy initiatives we have been working
11 on in the Bureau. I am excited to have Kris
12 here to lead us through our agenda. So we
13 continue to work on, in addition to the two I
14 mentioned, other matters under the Telephone
15 Consumer Protection Act and the Communications
16 Act, and again we look forward to working with
17 all of you as we move forward with our
18 consumer empowerment agenda.

19 CHAIR BERLYN: Shall we take
20 questions now? Ken?

21 MR. McELDOWNEY: Yes. Certainly,
22 after it seems like decades, welcome the land

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1 line cramming regulations. What steps do you
2 think the Commission is going to be taking in
3 terms of wireless cramming, given that that is
4 -- replacing land lines throughout the
5 country, in order to try and get this stopped
6 before it really gets a foothold?

7 MR. STONE: That is a good
8 question. I can't speak for the entire
9 Commission, obviously, but what I suspect it
10 will do, as we always do, is to continue to
11 take a look at the complaints we do receive
12 and analyze how it breaks out by each
13 category, and then consider what the next
14 appropriate steps are.

15 CHAIR BERLYN: Does anyone have
16 any other questions for Mark? Thank you,
17 Mark.

18 MS. MONTEITH: Now Bill Freedman
19 will fill you in on what is going on in the
20 consumer inquiries and complaints area. Bill
21 also oversees our web and print publishing
22 functions, if you have any questions in that

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1 area. Bill?

2 MR. FREEDMAN: Good morning. My
3 name is Bill Freedman. I am one of the three
4 Deputies in CGB and, as Kris mentioned, I am
5 responsible for two divisions, both of whose
6 work falls right within the wheelhouse of this
7 committee. So it is great to be here and see
8 you all here this morning.

9 One is the Web and Print
10 Publishing Division, which is responsible for,
11 in part, overseeing 175 consumer guides and
12 related information sources that we have on
13 the Internet where people want to know about
14 our policies and our rules, what their rights
15 are, how they can best enjoy communication
16 services that are offered by providers here in
17 this country.

18 What I am going to talk about more
19 today is our Consumer Inquiries and Complaints
20 Division, which is the other division that I
21 work with. It, obviously, handles complaints
22 and inquiries that we receive from members of

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1 the public. We get these inquiries and
2 complaints via a Commission website, email,
3 ordinary mail, Faxes and phone calls.

4 It is by far the largest division
5 in CGB. It has a total of 85 employees,
6 including 30 consumer advocacy and mediation
7 specialists, which we call CAMS, in the
8 Gettysburg office, and also 30 here in
9 Washington.

10 Just to give you an idea of the
11 volume of work that these CAMS take care of,
12 in the third and fourth quarter of 2011 they
13 responded to over 43,000 emails, nearly
14 102,000 phone calls, and over 135,000
15 complaints.

16 So they are very, very busy, and
17 one of the exciting things that I am doing, as
18 Kris mentioned, is taking a fresh look at the
19 process by which they handle this tremendous
20 volume of inquiries and complaints from the
21 public and see, number one, if there is a way
22 that we can do it more efficiently and

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1 effectively but, number two, make the
2 interface with the public a little more
3 consumer friendly and understandable so people
4 are invited to avail themselves of these
5 processes and have us handle their complaints,
6 and do it in a reasonable manner.

7 There are a number of functions of
8 the complaint process and the inquiry process
9 that I want to go over, and these functions
10 really guide how we are looking at the
11 process.

12 One is, obviously, someone writes
13 us or calls us or emails us and asks for
14 information about a particular commission
15 policy and a consumer problem, like spoofing
16 or loud commercials on television or rural
17 phone calls that aren't completed as they
18 should be, and the CAMS have information as
19 well as written guides that can give people
20 the information that they want.

21 The second function that the CAMS
22 carry out is handling complaints from

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1 consumers. When consumers have problems, what
2 we often do is we listen to the complaint. We
3 get it in writing. We serve a copy of the
4 complaint on the carrier or the communications
5 provider, and ask them to respond to try to
6 work out with the consumer a resolution to the
7 problem that is acceptable to the consumer who
8 has complained to us.

9 If that doesn't work, what our
10 CAMS often do is engage in mediation and try
11 to act as an advocate for the consumer to work
12 out a solution.

13 Something that just happened this
14 week that is a good example of this process
15 is: We had a gentleman send a complaint, that
16 he wanted to get an iPhone, that he wanted to
17 get one of these new Smart Phones rather than
18 the dumb phone that he has. The
19 communications provider originally said,
20 sorry, you got to wait until the term is up;
21 you have two years; we will be thrilled to
22 sell you a phone at a discounted price where

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1 we underwrite part of it, but we can't do it
2 in the middle of your term.

3 So we talked to the consumer, and
4 the consumer said, that is crazy, I am willing
5 to extend the term for another two years, they
6 are going to get more money from me; there is
7 no reason why they shouldn't give me an
8 iPhone.

9 So we went back to the carrier,
10 and after a little head banging, the carrier
11 came back and said, got great news for you, we
12 will sell the complainant a discounted Smart
13 Phone as long as it is not an iPhone. So he
14 was less than overjoyed with this, and our
15 relentless CAM went back to the carrier
16 another time and said, that just doesn't work;
17 he needs an iPhone. And Tuesday he got his
18 iPhone.

19 I am not saying that we can do
20 that kind of thing for everybody. Don't write
21 down my name or my phone number, but that is
22 what we try to do, and these CAMS really are

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1 incredible as to what they do, because they
2 have to know pretty much everything that we do
3 here at the Commission, which is kind of a
4 daunting task, and they work very, very hard
5 to resolve these problems, and I think it is
6 terrific that they do that.

7 Again, what we want to do is work
8 with you guys to try to make this process even
9 more effective than it already is.

10 The other thing that the CAMS do
11 is they act as kind of an early warning system
12 for the Commission, and let us know what is
13 going out there in the marketplace where
14 people are encountering problems. What we are
15 able to do is alert folks here at the
16 Commission that problems are occurring, and we
17 can be a little more proactive in dealing with
18 them.

19 A real good example of that is:
20 As you probably know, at the end of last year
21 one of the carriers announced that they were
22 going to charge consumers two dollars for the

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1 privilege of paying their phone bills on the
2 Internet or over the phone.

3 One of our CAMS, the Friday before
4 -- actually, the Thursday before New Years,
5 took down this complaint, and I sent it up to
6 the eighth floor, and all I can tell you is
7 that later that day the Commission issued a
8 strongly worded statement that we were
9 concerned about this practice, and we were
10 looking into it. By the end of the day, the
11 carrier had rescinded the policy.

12 Now I am not saying that it was
13 this lone CAM in Gettysburg on a frigid
14 December morning that took this complaint and
15 passed it on and that is why this happened,
16 but I would like to think that the fact that
17 these CAMS are diligently doing their jobs
18 helps the commission protect consumers and
19 make sure that there aren't irregularities in
20 the marketplace that might be violative of the
21 spirit, if not the letter, of our rules.

22 The last substantial function that

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1 this complaint and inquiry process performs is
2 it informs the commission as to what problems
3 consumers are encountering on a trend basis,
4 so that we can maybe take another look at our
5 rules and maybe adjust them or come up with
6 new rules, or take enforcement action or do a
7 combination of both, again to effectively and
8 quickly deal with problems that happen in the
9 marketplace, which is a long, long way of
10 saying that I am here to ask you for your
11 help.

12 As Kris mentioned, one of the
13 things that we are doing is looking at this
14 entire process to see if it can be more
15 effective and efficient and, in part, more
16 consumer friendly. So we are looking at a
17 number of alternative interfaces that
18 consumers can use if they want to file
19 complaints with the commission on the Internet
20 or over the phone or by email or whatever.

21 We are getting our arms around the
22 problems. We are going to be calling on you,

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1 if you will, to take a look at what we are
2 coming up with, and make sure that it doesn't
3 smack too much of bureaucrat-speak, and
4 whether it is actually understandable English
5 that real people can understand and use to
6 their benefit.

7 We are also taking a look at the
8 way our CAMS process these complaints, whether
9 it makes sense for CAMS to specialize in
10 particular substantive areas. We are also
11 looking at how they compile the data that they
12 receive from complaints and inquiries. We
13 will be talking to the various bureaus and
14 talking to the various offices of the
15 Commission and asking them, what kind of data
16 do you really need; what areas are you really
17 looking into; how can we best break down the
18 data that we get so that it serves your
19 purposes?

20 So that is a long, long commercial
21 to say that we appreciate everything that you
22 all do, and we will be calling on you soon,

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1 and I look forward to working with all of you.

2 Thank you.

3 CHAIR BERLYN: Thank you, Bill.

4 We have -- Oh, Bill, do you want to stay for a
5 moment? Looks like there are questions.

6 MR. FREEDMAN: I have a truck in
7 the front. Go ahead. Oh, I'm sorry.

8 CHAIR BERLYN: Remember, the way
9 we do this is lift your tent card up. It is a
10 way to keep me organized here, if you have
11 questions. So Chris, Paul and Ken and, I
12 think -- and Lise. That is probably all the
13 time we are going to have for questions. We
14 might even get that far, but let's give it a
15 shot. Chris?

16 MR. BAKER: Chris Baker.

17 CHAIR BERLYN: And keep your cards
18 up.

19 MR. BAKER: Chris Baker with AARP.

20 In the introductions, I neglected to
21 introduce my colleague Coralette Hannan, who
22 is sitting behind us. Sorry about that.

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1 CHAIR BERLYN: Coralette.

2 MR. BAKER: In our discussions in
3 working groups, we have talked about the new
4 website. I am curious as to how the new
5 website and the link to the old website --
6 what impact is that having on complaints or
7 are more people seeing it or not, or if you
8 see any trends.

9 MR. FREEDMAN: Well, I should say
10 that one of Web and Print Publishing's primary
11 functions is to work with our IT people here
12 at the Commission to try to make the new
13 website as user friendly as possible. As with
14 anything else that is so radically changed,
15 there have been some glitches.

16 We rolled out last month something
17 known as My FCC that allows people to
18 customize what they get to fall within the
19 areas that they are concerned about. As far
20 as the complaint process, one of the synergies
21 of my working with both of these divisions is
22 I am working with Web and Print Publishing as

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1 well to make sure, again, that our complaint
2 process is transparent and usable to consumers
3 as possible. So that will continue. Thank
4 you.

5 CHAIR BERLYN: Let me just also
6 mention, the website is a tool that we are
7 very interested in. We did ask to have
8 someone come specifically and talk about the
9 website, the design and redesign and the
10 updating of it. We didn't get someone for
11 this meeting, but we expect to have someone
12 come and talk about it at our next meeting.
13 We talk about that later, but that is
14 something, Bill, that we are really interested
15 in, because we see that as an information
16 tool, as an outreach tool, and here also, as
17 Chris mentioned, it is probably something that
18 helps connect consumers to the complaint
19 process as well. So, good question. Paul?

20 MR. SCHROEDER: Hi. Paul
21 Schroeder, AFB, Foundation for the Blind.
22 Just a couple of quick things.

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1 I want to make sure that -- and we
2 can talk about this separately -- that there
3 is opportunities to make sure that consumers,
4 particularly someone with vision loss, know
5 how to contact the complaint center, including
6 on issues not related to disability but on all
7 the host of other consumer issues that, of
8 course, they might be interested in. So we
9 will want to maybe work with you separately on
10 how to make sure that kind of information is
11 being made available to consumers, which kind
12 of gets to one of my points.

13 I have three quick questions:
14 Awareness: How do consumers know about the
15 complaint center, if you could briefly touch
16 on that.

17 Issues that you are surprised are
18 not covered or that -- You mentioned ones that
19 emerge from the complaints, but I am wondering
20 if there are ones, as you look through the
21 numbers, that you are surprised aren't coming
22 through; and if so, are there steps to try to

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1 deal with that?

2 Then I guess the third quick
3 question would be: The ones that are
4 disability issue related complaints, those
5 that come into the center. How are those
6 handled?

7 MR. FREEDMAN: As far as new areas
8 of concern, one of the things that we are
9 doing as we are taking a fresh look at this
10 complaint process is how the process by which
11 we receive complaints can be more agile to
12 deal with either new issues that arise under
13 our existing rules, things like spoofing and
14 difficulties with people getting long distance
15 calls in rural areas, as well as new areas
16 that we are regulating as the laws change,
17 things like loud commercials, CableCards, open
18 Internet principles, things like that.

19 The problem is that we have drop-
20 down menus by which people file their
21 complaints, and sometimes it is hard to
22 shoehorn a new area into one of those existing

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1 drop-down menus.

2 So we are working very closely
3 with our IT people to come up with ways where
4 we can sort of shift on a dime, if all of a
5 sudden problems with rural calls break out in
6 Nebraska or something like that, so we can
7 deal with those problems.

8 As far as complaints from the
9 disabled community, we do have folks in
10 Gettysburg and in Washington who can handle
11 those types of complaints. One of the things
12 we are looking at, again, is how to handle
13 those more efficiently and effectively, and I
14 look forward to working with you, Paul, to
15 come up with some solutions.

16 CHAIR BERLYN: Ken.

17 MR. McELDOWNEY: I am Ken
18 McEldowney. Talking about consumer action, I
19 think one of the things that I have been
20 hemming at over the years and, hopefully,
21 there will be a difference now, has been the
22 inabilities of the Commission to basically

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1 serve folks for whom English is not the
2 primary language.

3 I remember out of earlier CAT, I
4 was told that there was a blind woman who
5 spoke Spanish, but unfortunately she was on
6 maternity leave. I guess what I wanted to
7 know is a couple of things.

8 What is the breakdown in terms of
9 your complaint handling staff in terms of
10 being bilingual, and what languages are
11 served? How are you talking to consumers for
12 whom English is not the primary language in
13 terms of how to file complaints, and sort of
14 what education materials do you have that sort
15 of alert folks who do not speak English about
16 their rights and how to complain?

17 Consumer Action has had a
18 bilingual complaint line with which we serve
19 consumers in English, Spanish, Cantonese and
20 Mandarin for probably two decades, and the
21 information in terms of how to get those
22 complaints and how to reach us in those

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1 languages is on all the materials that we
2 distribute, about a million a year.

3 As an indication of the problem,
4 we recently, on our Chinese hotline, learned
5 about a massive scam in San Francisco
6 Chinatown in which people were purporting to
7 represent AT&T, having people come in, order
8 multiple cellphones, SmartPhones, telling them
9 not to open the boxes and to bring them back
10 to them. The company then would resell it to
11 get some media in language press. We received
12 some 80 complaints.

13 None of those people knew how to
14 reach the FCC, none of them; only could come
15 to us for assistance, and we worked with AT&T
16 in terms of resolving that complaint. I mean
17 those complaints and rolling those back.

18 Again, I would really like to work
19 with you in terms of trying to see exactly
20 what you are doing in terms of tracking
21 complaints by language and seeing whether or
22 not that represents -- that that breakdown is

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1 very similar to the breakdown within the
2 country itself.

3 MR. FREEDMAN: I can tell you that
4 this Commission in particular is very
5 sensitive to making our complaint and inquiry
6 process as all inclusive as possible. to that
7 end, within the last six months our Web and
8 Print Publishing Division translated virtually
9 all of our consumer guides into Spanish.

10 I know that there are some other
11 languages that might need translating, too,
12 and we are looking into that and, when I am
13 done, I would like to trade contact
14 information to work with you on this.

15 I know that we do have folks in
16 our Consumer Centers who are definitely
17 Spanish speaking, and I believe we have folks
18 who are accessible to translate complaints
19 into other areas. We want to do more in this,
20 and again I would like to work with you on
21 that.

22 MR. McELDOWNEY: Yes. We have

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1 been translating all our materials into the
2 five languages for probably 15 years. I think
3 the breakdown is probably sort of informative.

4 Probably in the course of a year, probably 30
5 percent -- We distribute our material to a
6 national network of some 7,000 groups, and
7 they order materials from us free and in bulk.

8 About 30 percent of the
9 publications that we ship out are in Spanish,
10 and probably, again, five to 10 percent in
11 Chinese, in both Chinese, Korea and also in
12 Vietnamese.

13 CHAIR BERLYN: I am going to move
14 to Lise next but, you know, the number of
15 cards that have popped up, Bill, has made me
16 realize that at our next meeting we are going
17 to plan a one-on-one with Bill, because I
18 think that you, obviously, have a set of
19 issues that the CAC is really interested in.
20 So I think we want to dedicate some more time
21 at our next meeting to a dialogue with you and
22 talk about some of these issues in greater

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1 depth. Lise, you are next.

2 MS. HAMLIN: Lise Hamlin from
3 Hearing Loss Association of America, and I am
4 really glad to hear Debra say that, because
5 there is a lot, and I don't want to take up
6 too much time now, but just quickly.

7 I think Ken hit on something that
8 is not just true with people who speak other
9 languages, but also people with disabilities.
10 They don't know who to complain to. They
11 don't know to come to the FCC for an issue.

12 I even had somebody who had an
13 iPhone, can't hear on it or use it. I said,
14 did you file a complaint, and he said, no. So
15 I look at your list of complaints. I saw the
16 recent report, and people with disabilities is
17 this little tiny portion of it, which makes
18 you think, oh, everything is okay, right?

19 Everything is not okay. So I
20 think one of the things that we need -- How I
21 would like to work with you is trying to find
22 of how do we get that information out to the

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1 consumers? You don't want complaints about
2 things out in left field, but you do want to
3 hear about the things that the FCC can
4 actually do something about.

5 So that was one thing, and whether
6 we can work with you on surveying or whatever
7 we can do to reach out to the community, we
8 would like to work with you on that.

9 So if you have plans already in
10 your mind about what we can do to help you, I
11 would like to find a way to be involved in
12 that.

13 Then I think these consumer -- I
14 love, actually, the fact sheets. I love
15 getting those and being able to send them out,
16 but we need more ways that the consumers know
17 that these sheets are out there, that they can
18 get this information. Just more public
19 awareness, I think, would help us help you.

20 MR. FREEDMAN: Well, one of the
21 things that we are doing with Web and Print
22 Publishing is, again, trying to tweak the new

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1 FCC website to make it as user friendly as
2 possible. So if somebody wants to know about
3 cramming, they can put the word cramming in,
4 and everything will appear before them,
5 because we have a substantial number of
6 information sheets out there, and it is a
7 question of hooking up the people with the
8 sheets that they need, and we are trying to
9 this in as reasonable and logical and user
10 friendly a way as possible.

11 MS. HAMLIN: If I could just add
12 one more thing real quickly, it is that the
13 other thing that we find is a lot of our
14 people have complaints about television,
15 access to television and captioning, that kind
16 of thing. But when you go -- It is really not
17 an easy process. It is a barrier, the forms
18 that are used now.

19 I find them easy, because I have
20 used them a lot, but I have heard from my
21 people that they find it hard to use. The
22 other piece is that you are sitting and

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1 watching television, and your kicked back.
2 You don't want to have to spend the time
3 complaining.

4 So there may be an easier way to
5 do it like shooting out an email and saying I
6 am having a problem now, here is my problem,
7 instead of having to go through the whole,
8 okay, now I got to go to the Internet and fill
9 out this whole form, and find it.

10 There may be -- That is another
11 area, I think, that we need to look at, how
12 those forms work and the interface with actual
13 people.

14 MR. FREEDMAN: Well, one of the
15 things we are doing, as I mentioned -- I don't
16 want to take up this whole meeting, but one of
17 the things that we are doing in looking at
18 this whole process is not only complaints but
19 also consumer inquiries where people do just
20 that. They call up and they say, I am having
21 a problem with this, what are my rights.

22 One of the things that we are

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1 trying to do is true up the scripts and the
2 information that are available to our CAMS to
3 handle those types of questions with the
4 information sheets that are prepared, to make
5 sure that what the CAMS are telling people and
6 what the information sheets say are in synch
7 and also are as up to date as possible.

8 As you can imagine, there is a lot
9 of information that we have to cover, and one
10 of the things that we are looking at is a way
11 to involve each of the licensing bureaus and
12 operational bureaus that have particular
13 expertise in particular areas to get them
14 involved in this process to proactively update
15 our information base, again with the objective
16 of getting it to people as efficiently as
17 possible.

18 Here is Karen. I was just going
19 to give her a plug.

20 MS. PELTZ STRAUSS: I just wanted
21 to mention that, if anybody does have a
22 captioning complaint, they can always send an

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1 email to our DRO mailbox. I believe it is
2 dro@fcc.gov, and I will confirm later when I
3 come down.

4 If we have concerns about filling
5 out the form, we have people that can help
6 with it, and no one should not file a
7 complaint, because they are having trouble
8 with the form. They can let us know, and we
9 have people that can help them.

10 CHAIR BERLYN: Thanks, Karen.

11 MR. FREEDMAN: I will close and
12 just say thank you again for all of your
13 interest and all of your enthusiasm, and I
14 look forward to working with everyone of you.
15 Thank you.

16 CHAIR BERLYN: Thank you, Bill.
17 Thank you very much. Kris, anything?

18 MS. MONTEITH: I apologize. Geoff
19 Blackwell, who heads up our Native Affairs and
20 Policy Office, is out sick today, but
21 generally, Geoff's shop has been instrumental
22 in working with other bureaus and offices to

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1 make sure that, as we make policy decisions,
2 that the interests of native nations are also
3 front and center in that policy making.

4 He has also worked very hard to go
5 out to visit native nations and to bring,
6 again, information where it is needed, and to
7 work with native nations to address their
8 concerns. It is a community that has been
9 historically underserved, and we want to
10 change that.

11 So he will be available later in
12 the day, if there is any time on your agenda.

13 I think he is coming into the office later,
14 but just wasn't -- He has been out sick a
15 couple of days. So wasn't feeling up to it
16 this morning. We can also put him on your
17 agenda, assuming that is fine with Debbie, for
18 another meeting.

19 Again just in closing, I really
20 appreciate -- We, the Bureau, the agency,
21 really appreciates all your time and your
22 energies. It sounds like we have hit upon

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1 some issues that are ripe for discussion and
2 really digging in, and we would love to use
3 you as -- Obviously, you are an asset. You
4 are a resource. We would love to get the
5 benefit of all your expertise and your
6 knowledge. Thank you so much.

7 CHAIR BERLYN: Thank you, Kris.

8 While we are waiting for our next
9 speaker, let me go back to some introductory
10 announcements. One of the things I didn't do
11 before was recognize. I believe we have some
12 people on the bridge, on the phone:

13 Indra Chalk, who is the alternate
14 representative from T-Mobile; Clayton Lewis,
15 Coleman Institute for Cognitive Disabilities;
16 and Rebecca Ladew, Speech Communications and
17 Assistance by Telephone. So welcome to those
18 who are on the phone.

19 Before we adjourn for lunch, Scott
20 will announce our breakout session. So we
21 will do that, and we will talk about that
22 later.

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1 In your packet, new
2 recommendations that we are going to address
3 at the meeting this afternoon are on pink
4 paper -- thank you, Scott -- to make it easy
5 to recognize. That was Betty? Well, thank
6 you.

7 Later on this afternoon, we will
8 also be readopting three recommendations that
9 we passed at our November meeting, just a
10 process issue that we need to take care of.

11 I believe that is it. So we will
12 take care of any other business later. I
13 don't want to give us a break right now,
14 because we are expecting Josh Gottheimer
15 momentarily. He must have gotten hung up in
16 the Chairman's office, which I know often
17 happens. So I don't want to let everybody out
18 of the room, because I know his time is
19 limited today. So if we leave the room and
20 then he shows up, we will have to lock the
21 door, and we have another speaker right after
22 Josh. So we don't want to --

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1 Let me just ask if -- We have
2 tried really hard to work out the room here so
3 that everybody can see, but if there is anyone
4 at the end of the room who is having any
5 trouble seeing the speakers here, we do have
6 one empty seat right next to Rick Chessen over
7 here. If you do want to relocate, you are
8 welcome to that.

9 Also, I noticed that the seat next
10 to Irene is also empty. That member is not
11 going to be here, at least not for the
12 morning. So if you want to take that seat,
13 that one is also right on the corner there.
14 That one is also available. So please feel
15 free to shuffle around, if you need to.
16 Julie?

17 MS. KEARNEY: I'm happy to switch.

18 CHAIR BERLYN: Okay. We do have
19 some flexibility. So, please, that is all I
20 wanted to mention. If you need to, please
21 feel flexible to do that. Yes, Ken?

22 MR. McELDOWNNEY: I would really --

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1 It would be great if the Commission could
2 afford some power strips. I realize that is a
3 radical idea, but -- Okay, good

4 CHAIR BERLYN: Paul?

5 MR. SCHROEDER: Paul Schroeder,
6 American Foundation for the Blind. I actually
7 just want to take a second. Although I don't
8 have any pink paper, I do want to compliment
9 Scott and the team, whoever was responsible,
10 for excellent Braille. I know that has been
11 an ongoing challenge for the Commission. So
12 thank you for producing material in Braille,
13 particularly for today's meeting, even though
14 I don't think there is any pink Braille in my
15 packet.

16 CHAIR BERLYN: That is most
17 certainly Scott and his team.

18 So again, while we are waiting,
19 just a couple of things to note on our agenda
20 today. One of the things that we have done is
21 we are heavy on issue substance this morning,
22 and then we are on process this afternoon. So

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1 that is sort of the way we have designed the
2 schedule.

3 One of the things that we have
4 added today, and you will see, right before
5 our lunch break is a roundtable discussion.
6 What I want to try and do during that
7 roundtable discussion is to have an
8 opportunity to talk about the issues that have
9 been presented in the morning, but also to
10 discuss any other issues that you think the
11 CAC should be addressing that we haven't
12 perhaps talked about today or that we haven't
13 brought up previously.

14 So something that you said, you
15 know, this is something that the CAC should be
16 working on -- so that is an opportunity for us
17 to do that. So think about that, but that is
18 something we have added, and hopefully, we can
19 continue to do that at each of our CAC
20 meetings.

21 Anyone have any new business? Oh,
22 I just got an email. There we are.

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1 MR. GOTTHEIMER: Morning.

2 CHAIR BERLYN: Good morning.

3 MR. GOTTHEIMER: Thanks for coming
4 on a Friday.

5 CHAIR BERLYN: I am very pleased
6 to introduce Josh Gottheimer, who got here
7 just in time before I had to start singing and
8 dancing. Welcome, Josh.

9 MR. GOTTHEIMER: I would like to
10 have seen that, actually. I am going to leave
11 now.

12 CHAIR BERLYN: Welcome. Thank you
13 so much for being here. We have had the
14 pleasure of welcoming the Chairman from time
15 to time and welcoming you here as Senior
16 Counsel for the Chairman, and we are really
17 excited to hear about some of the highlights
18 from the Chairman's office. So thank you for
19 being here.

20 MR. GOTTHEIMER: Sure. Do you
21 want to ask me some of the questions and have
22 me answer them or just sort of speak?

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1 CHAIR BERLYN: We could do that,
2 and I know your time is limited.

3 MR. GOTTHEIMER: I can do it. I
4 want to do what would be best for everybody.

5 CHAIR BERLYN: I think -- Does
6 anyone have any questions for Josh, and we
7 could just see if cards go up. That is one
8 way we could do it. I think it is obvious
9 that there is a National Broadband Plan that
10 is being implemented, that there have been
11 acts of Congress recently, that there are all
12 sorts of things that have been happening.

13 So I could probably ask about five
14 questions, but -- oops, there is a card.

15 MR. GOTTHEIMER: Okay.

16 CHAIR BERLYN: So why don't we
17 just see. Does anyone have any questions for
18 Josh?

19 MR. GOTTHEIMER: If you have
20 questions, I will open for a minute, and then
21 we can answer some questions. This way, we
22 use the time well, and I really want to make

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1 sure that I address what is on your minds.

2 First, I want to begin, and on
3 behalf of the Chairman who I spoke to a few
4 minutes ago, I want to thank you all very,
5 very much for your service and your work on
6 this, and for being here. I know you are very
7 busy. This is quite important that this FACA
8 exists and is giving constant feedback and,
9 Debbie, thanks for your good work.

10 CHAIR BERLYN: Thank you.

11 MR. GOTTHEIMER: The Chairman, as
12 many of you know by now, is focused on -- has
13 been focused on two big areas, and this goes
14 back to his broadband plan, really the access
15 to broadband and the adoption of broadband in
16 this country for the purpose of, beyond
17 anything, making sure that we are leading the
18 world, that Americans have access to the best
19 information and the best jobs and are able to
20 keep our economy and our leadership in all
21 areas, whether it is education or health care
22 or technology, strong.

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1 We think broadband is critical to
2 that. At the agency, there are lots of things
3 we wake up thinking about every single day.
4 Number one on that list, and that has many
5 pieces, is broadband. The Chairman, when I
6 first arrived, gave me a big box of Broadband
7 cereal and said, you have to eat this every
8 morning, and I think it is pretty accurate,
9 because that is what we worry about.

10 The issues that are tied to that,
11 of course, foremost one of them being consumer
12 issues and making sure that consumers are
13 comfortable and armed with the best
14 information to get broadband, but beyond that
15 to make sure that we take every step possible
16 to prevent them being discouraged from
17 adopting, and that has lots of pieces to it as
18 well that you know about, because if it goes a
19 long way, you discourage people from making --
20 to adopting and getting all the benefits out
21 of broadband.

22 So I will get to that in a second,

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1 but if you think about broadband every single
2 day, you have got to focus on two pieces.
3 One is the access to it and making sure that
4 our country, everyone in the country, has an
5 option, at least one, preferably more, to get
6 high speed broadband at home, and to get
7 mobile broadband, access to mobile broadband,
8 wherever they are.

9 The reason we think it is so
10 important that they have access at home, as I
11 said, is because there is -- if you don't have
12 access and you are left out of that, to me,
13 you are living in a very -- the digital
14 divide, and the other side of the divide
15 nowadays is so severe and so -- You are really
16 being left out of the economy. You are being
17 left out of connecting with friends and
18 family. You are being left out of education.

19 It is the other side of the
20 opportunity divide. It is no longer an
21 optional thing to be connected. It is a
22 requirement to be a full part in society, and

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1 we really believe that. So the access side
2 and making sure you have a choice is quite
3 important.

4 If you have noticed U.S. effort,
5 steps we have taken on reforming USF, which
6 was a significant achievement here, and
7 working on the transition to broadband in the
8 USF fund, obviously on the access side, on the
9 mobile side. Just in the last week -- and I
10 know many of you had a hand in this --
11 Congress passed and the President signed
12 incentive option legislation for voluntary
13 incentive options to try to get more to meet
14 the ever growing demand of broadband.

15 We called it the spectrum crunch,
16 because there is such a demand on spectrum,
17 given the explosion of tablets and SmartPhones
18 and all the other uses of wireless and mobile
19 technology from both the licensed and
20 unlicensed side.

21 We thought it was essential that
22 we free up more spectrum, and we are beginning

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1 that process now, studying the legislation,
2 and we will take steps and have more to say
3 soon on that, but that was a very big
4 accomplishment for the country and an
5 important step for connectivity.

6 That is the -- and then his whole
7 spectrum agenda. There are many pieces that
8 we have focused on to free up more spectrum.
9 So that will continue to be a significant
10 priority, because we can't afford to give up
11 our mobile leadership. We are leading the
12 world in 4G deployment.

13 We think it is essential from a
14 business perspective, from technology
15 leadership where we continue to be the envy of
16 the world because of all of our start-ups and
17 our existing companies that lead in this
18 space.

19 Tom Friedman said it well
20 recently where he said, you know, we may not
21 be building everything in America anymore, but
22 everything, I believe, is invented in --

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1 innovated in the USA, and that is sort of what
2 things should be stamped, "Innovated in the
3 USA." I think that is right.

4 We really -- The intellectual
5 capital behind so many of the new businesses
6 and new products, whether it is the apps
7 economy and all that is happening in the apps
8 space or the content on the social media side
9 -- just look at what is going on, and you
10 understand why other people around the world
11 are asking us how do they do it, too.

12 That is one piece, the access ID.
13 Then you have another huge problem which I
14 know many of you grapple with, and one that we
15 have spent a lot of time on lately that I have
16 personally led a lot. It is the adoption of
17 broadband side.

18 It is wonderful if people have
19 access in their homes and on the go. But if
20 they can't afford it or if they just can't get
21 their hands on it or they don't know how to
22 use it or don't understand why it matters to

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1 them and why they should get it, you have got
2 another significant problem; because those
3 people also are being left on the other side
4 of the digital divide, and they are into
5 significant disadvantage.

6 So our adoption efforts -- and we
7 just took steps in our lifeline reform with
8 broadband pilots. Also, we proposed using
9 more funding for digital literacy, and the
10 Chairman helped launch a very important
11 initiative called Connect to Compete which
12 will -- the cable industry stepped up and
13 offered to provide \$9.95 broadband for two
14 years to any -- \$9.95 a month broadband for
15 two years to any free school lunch eligible
16 families.

17 There were a series of companies
18 that came together around that, that are
19 helping address some of the reasons people
20 aren't adopting broadband. The three big ones
21 are cost of the device and the connectivity --
22 that is where the 9.95 comes in. We also have

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1 the largest refurbisher in the country offer
2 \$150 devices, refurbished devices, to school
3 lunch eligible families.

4 On the digital literacy side,
5 which is another big barrier, 40-plus million
6 Americans -- I'm sorry, 60 million Americans
7 are digitally illiterate and don't know how to
8 use a device, whether it is get on email or
9 use a mouse.

10 The fact that we have got so many
11 people who don't have the basics, it is like
12 reading, writing and arithmetic and, to me, it
13 is also using computer. If you don't know how
14 to use a device and that is the reason holding
15 you back, we have to take steps to fix that.

16 Now America's public libraries are
17 an incredible leader in the digital literacy
18 space. There are 6,000 American public
19 libraries that are offering basic digital
20 literacy, about 38 percent of them in the
21 country. We want to get that up to about 65
22 percent of the America's public libraries

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1 offering basic digital literacy classes.

2 Best Buy has offered -- They are
3 putting their Geek Squad forward, and they are
4 going to be training people starting in 20
5 states how to do basic digital literacy and do
6 classes for them.

7 Then the third barrier, which is
8 the relevance piece of why do I need this in
9 my life: A series of content providers on the
10 jobs front for Clear Builder and monster.com
11 and others and on the education front, people
12 like Discovery, have offered up free content.

13 So whether it is job training,
14 certification online, or homework helper for
15 kids, if you can't afford a tutor, but there
16 is all this wonderful rich content online, to
17 low income Americans. So they have offered
18 this up for free to low income Americans.

19 Our goal there is Connect and
20 Compete, which is now actually being run
21 outside of government in a nonprofit, a new
22 nonprofit called Connect and Compete.

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1 Our goal there is to ensure that
2 more people, especially those who really can't
3 afford it, to have a shot at getting
4 connected, because we know that a third of the
5 country is not adopting broadband, which is
6 just at home, which is a very, very
7 significant number when you compare it to
8 places like Singapore where it is 90-plus
9 percent, but in low income areas and with
10 minorities, the number is more like 50-60
11 percent don't have broadband at home.

12 So think about that from your
13 perspective. If we are worried that people
14 are falling further and further behind if they
15 are not connected, and then we know there is a
16 huge swath of the country, maybe 50-60
17 percent, have certain populations which aren't
18 getting online, that is a real problem.

19 We also know that it is a big
20 seniors issue, a massive senior issue, and
21 digital literacy, actually more than costs
22 there, is a big problem, but cost is also a

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1 significant issue.

2 If we walk away, and the Chairman
3 walks away thinking that he hasn't dealt with
4 the access side or hasn't dealt with the
5 adoption side, if we hadn't taken steps, I
6 think we would have been remiss, and I think
7 that is why we are working feverishly to deal
8 with that.

9 Just one last piece, and then I
10 will open to questions: The other big
11 initiative lately that I think you might be
12 interested in that we are doing is on digital
13 learning, another reason why you have
14 broadband, because broadband, as I said, is
15 not -- you don't just get broadband for the
16 sake of having a pipe in your house for
17 broadband. It is the reason you use it.

18 For some people, it is connecting
19 to friends and family, and for others it is
20 looking for a job or getting a job. But then
21 the education piece -- it is so important to
22 that, and we, from a meaningful use

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1 perspective, think it is critical.

2 Now not all of Julie's clients are
3 going to think that that -- Not everyone wakes
4 up every day thinking I am going to build
5 something for this purpose. They might do it
6 for social reasons or for showing video. We
7 think that is wonderful, too, but we think the
8 meaningful use piece on education, for
9 instance, is so important.

10 The Chairman, two weeks ago,
11 announced with Secretary Duncan -- challenged
12 the ecosystem of those who do learning and
13 textbooks in this country. It is a \$7 billion
14 industry, by the way -- a year, just in case
15 you are wondering if there is any money being
16 made in textbooks, and it is a great business,
17 by the way, like every seven years you get to
18 change a few words and put on a new cover.
19 You slap a new cover on and just charge
20 schools again for it. So it is a great
21 business model, if you can get it.

22 There has been no innovation or

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1 very little. I don't want to offend them,
2 but very little innovation in that space.
3 There has been some, but compared to where
4 other industries are, it has been small. It
5 is our children and we are paying the taxpayer
6 dollars for all this stuff. You would think
7 there would be a little bit more, but if you
8 got a good thing, why change it.

9 You should see what is going on in
10 the digital industry. The explosion of
11 innovation in the last two years or three
12 years is remarkable. If you have a tablet,
13 basically, imagine this, just to give you a
14 perspective of what is available right now,
15 increasingly affordable available right now.

16 You have a tablet, and at night
17 your child goes home, and they open it up and
18 on it is not your static text, which is one
19 size fits all, but it is actually this
20 incredibly engaging personalized learning
21 experience where you open up algebra or
22 geometry, and the shapes pop out and move

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1 around and turn around, and there are videos
2 about the solar system, and they can do
3 assignments through social media, connect with
4 other people in their class, and the textbook
5 learns as your child goes through the
6 textbook.

7 So there is a company called
8 Newton, very interesting right now, that is
9 taking thousands of data points as your child
10 is reading their textbook or their digital
11 textbook. So you turn the page, and it notes
12 how long you spend on each section. You learn
13 better visually, because you spend less time,
14 and you answer questions more accurately when
15 you see it visually or, when it is written,
16 you do better. If it is written in bullets,
17 you do better, and the textbook actually just
18 changes to you, to conform to how you learn,
19 because think about it. We don't really do
20 anything one size fits all. Yet we do
21 textbooks one size fits all for all kids, and
22 we know that kids learn differently.

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1 Then at the end of the section on
2 triangles, you realize -- remember, we used to
3 take those 10 questions at the end. You rip
4 out the page. You hand it to the teacher or
5 you just hand in your homework assignment and
6 you take it out to see if you understood the
7 chapter on triangles or on isosceles
8 triangles.

9 Well, imagine that at the end of
10 the chapter, you child answers the questions.

11 It shoots -- A shoots the answers -- It
12 grades it, shoots it to your teacher. Fine,
13 that is one piece. That seems pretty simple.

14 Teacher doesn't have to grade 1,000 papers.
15 But beyond that, it says, ah, Johnny is having
16 problems with isosceles triangles, and it
17 automatically right there pops in another
18 chapter or another workbook section on
19 isosceles triangles and says, oh, you are
20 having problems; let's do a few more, and I
21 can see you are not learning well this way,
22 but why don't you try it this way and see if

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1 that will help you.

2 We know that, if a kid goes -- By
3 the fourth grade, if kids are behind, they
4 never catch up. So imagine we make sure that
5 at night they do whatever they can to catch
6 up. So the textbook learns. Then it sends a
7 note to the teacher, not just on how you did,
8 but it sends a note and says these five kids
9 are having problems or not understanding this
10 piece of the triangle section; why don't you
11 spend another 20 minutes in class tomorrow
12 teaching about that, because we are going to
13 lose a third of your class.

14 Then when they are in the class
15 sitting there teaching -- and you all remember
16 this from being in school -- and you are
17 teaching, and half the kids sort of doze off
18 or they are not really understanding what the
19 teacher is saying.

20 As you are sitting there with your
21 tablet, it sends every 20 minutes -- the
22 teacher can send a pop question to the tablet,

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1 and you answer yes or no on your little
2 survey, and on the teacher's tablet it shows
3 like, actually, a third of the class has no
4 idea what you are talking about. You better
5 circle back and spend time on that.

6 That is after, when you walked in
7 in the morning, the textbook checked you in,
8 because you know you are there and sends a
9 little -- this is happening in several states
10 right now. It sends a text to your parents
11 and says Johnny arrived, because it knows you
12 arrived. Of course, the kids are really good
13 at cutting school will give it to a friend to
14 carry their tablet into school that day.

15 This is wonderful, but here is the
16 problem. If a kid is not connected -- If
17 there is no connectivity outside the
18 schoolhouse door, because eRay, obviously,
19 deals with a piece of the connectivity in
20 school -- if there is no connectivity outside
21 the schoolhouse door, it doesn't work. The
22 whole system shuts down. That is why the

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1 wonderful part of it or the rich part of it is
2 being connected at home.

3 So we are working very closely
4 with the Ecosystem right now. We ran a whole
5 process with Co-Chair for the Department of
6 Education with the tablet manufacturers, with
7 the connectivity, the inter-surf providers and
8 connectivity folks, with the content players,
9 and said how do we actually produce a really
10 affordable product here? How can you do it?
11 There are people to come together to produce a
12 whole product, and how do we deal with the
13 connectivity issues, and how do we make this
14 so that it works, it is affordable?

15 The price points work, but how do
16 we get it out to the country? So that is what
17 the Chairman and the Secretary challenged this
18 industry to get done, so that in five years
19 every kid, K-12, has one of these.

20 We are there. there is no reason
21 this shouldn't be happening technologically.
22 Now we just have to get there. So that is an

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1 example of the sort of thing that we are
2 working on that brings to life the reason this
3 agency exists every day. And I will end
4 there.

5 CHAIR BERLYN: Thank you, Josh. I
6 do notice that cards have gone up while you
7 have been talking, and continue to go up.

8 MR. GOTTHEIMER: They tacking what
9 I am saying.

10 CHAIR BERLYN: Mitsy, I think your
11 card went up before Josh even got in the room.

12 So go for it, and then Claude and Irene,
13 Paul, Chris. We have got a lot. I will write
14 names down, but we will start with Mitsy here.

15 MS. HERRERA: Good morning.

16 CHAIR BERLYN: Remember to raise
17 your hands, so the booth knows, and do make
18 your questions short, because I know that
19 Josh's time is limited.

20 MS. HERRERA: Good morning, Josh.
21 First, I was struck by thinking that the
22 broadband breakfast cereal should be replaced

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1 with Broadband Crunch with little crunch
2 berries, you know, like the little shiny
3 things.

4 MR. GOTTHEIMER: That is a good
5 idea.

6 MS. HERRERA: So I am really glad
7 -- and this is a big issue for local
8 governments, particularly as we move, we roll
9 out. We try to get more information that is
10 online and access, and those are big issues
11 for us. So I want to press you.

12 First is on accountability. The
13 Connect to Compete program is based on the
14 terms and conditions that the Commission
15 negotiated with Comcast as part of the
16 Universal Service -- at least part of the
17 rollout for the school age children of the
18 broadband services and the 9.95.

19 Do you have any statistics back
20 from Comcast as to how many children were
21 eligible in their areas, and how many children
22 have actually signed up, because we have

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1 significant feedback from people that the
2 process itself makes it very difficult for
3 people to actually get the service?

4 MR. GOTTHEIMER: Good question.
5 Two responses. One, through Comcast/NBC
6 merger, the company offered to do an adoption
7 program, of course, one that we worked with
8 them on. That was called Internet Essentials.

9 So that is a separate -- It is a very similar
10 program to Connect to Compete.

11 Connect to Compete is a voluntary
12 program from the rest of the industry, the
13 cable industry, that offered to provide \$9.95
14 broadband similar to Comcast, only the terms
15 were slightly different.

16 Comcast, just about two weeks ago
17 -- I think it was about two weeks ago -- put
18 out a report on accountability, which we can
19 get to you, on their statistics -- I don't
20 want to cite them from memory -- on what they
21 are seeing so far.

22 I thought, actually, it was a very

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1 good step forward. They are being hard on
2 themselves. The gentleman who is really
3 overseeing the program, David Cohen, one of
4 their leaders, is spending quite a bit of time
5 and actually taking it very seriously and
6 going above and beyond.

7 In fact, they announced they were
8 making -- The initial claim that they made was
9 for free school lunch eligible, which was what
10 Connect to Compete is. They offered, starting
11 next year they are going to do free and
12 reduced. So they are expanding their
13 population voluntarily, just because they see
14 it going well.

15 They admit that this is not easy,
16 and part of the challenge here -- and Connect
17 to Compete, I know, is struggling with this,
18 too, although making a lot of progress on how
19 to do this -- is to verify that someone is
20 school lunch eligible. There is no national
21 database. Even the states don't have the
22 databases. It is all -- In most cases, you

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1 say you are school lunch eligible.

2 So what Comcast is requiring, and
3 the other cable companies, is some sort of
4 proof of that, and that is why it has been
5 complicated, because they have to send in this
6 -- You say you are interested. You just send
7 in the document.

8 The companies and Comcast commit
9 this, too, and we are working with the other
10 companies on this, are finding a way to, if
11 you give certain data points in, where you
12 live -- so Census information, stock
13 information -- plus what school you go to
14 which shows what percentage are school lunch
15 eligible. If you hit a certain threshold, you
16 don't have to go through that process. You
17 automatically qualify.

18 I think that is going to make a
19 huge difference in dealing with the roadblock
20 that is up there. It is a shame that there is
21 no national -- that we have no database to
22 check. It is a problem we have with Lifeline,

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1 too, and it is part of what the reforms of
2 Lifeline is finding, a database; because you
3 might imagine these companies don't want to --
4 that are doing this, don't want to lose a lot
5 of money and have all these people who really
6 don't qualify, quality, and I don't blame
7 them, but also I have been really pressing
8 them to say we've got to find a better way,
9 because we can't lose a huge swath of people,
10 because it is too hard.

11 So this has been one of my biggest
12 issues, the eligibility screen, and we are
13 working very, very hard on it.

14 If you want to talk about other
15 issues they are having, I am going to give you
16 my card, and I would love to connect with you,
17 and we can talk about specifics.

18 MS. HERRERA: I would just say
19 that at the school level they have that
20 information.

21 MR. GOTTHEIMER: Yes.

22 MS. HERRERA: And if you just

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1 created a very simple database that they could
2 upload that information at the local school
3 level, you could at least start to --

4 MR. GOTTHEIMER: They tried this.
5 We just had a five-hour meeting with them
6 yesterday. They have tried this. Schools are
7 really -- The school leaders are really busy,
8 and the feedback they are getting from schools
9 is, if you make t his really easy for me, I
10 will hand out a flyer and stuff it into the
11 school lunch packets, but if you require us to
12 do anything, we have so many demands on our
13 time.

14 A lot of the schools are -- They
15 have to still get permission from each kid to
16 release -- each parent has to sign a waiver to
17 actually let the school give that information
18 out. So unless the school has a database
19 themselves, each school that Comcast or enter
20 Connect to Compete, it won't work, because
21 they still need -- You can't just give this
22 information out. It is all confidential.

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1 So this is like the big problem.
2 Otherwise, they would just be handing over the
3 list. They actually have to get permission
4 from each individual parent. It is really --
5 The process is just aggravating, but we are
6 trying to work around it.

7 MS. HERRERA: I will just say,
8 though, that on all of these national
9 programs, the accountability -- and, frankly,
10 there are programs at the local level, they
11 are not national, that actually engage in
12 broadband adoption addressing the relevance
13 issue, and finding ways for the FCC to drive
14 these national programs, not just seek out
15 people who have a presence in 50 states, but
16 to actually engage with people who are
17 regional based, who have very effective
18 measures. I might just put that in your ear.

19 MR. GOTTHEIMER: I completely
20 agree. That is one of the reasons why Connect
21 to Compete has about 25 people like United Way
22 and 4-H and all these national organizations

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1 which are going to their local organizations
2 and bringing them in, the ones that at least
3 have national footprints, because you need
4 somebody to coordinate with.

5 I would say you are right. The
6 more -- but it is hard to know every single
7 organization. What will continue to happen is
8 they are finding out state by state who they
9 should be connecting with at the local level,
10 but it is really hard to get all that
11 information.

12 I know they are using -- Connect
13 to Compete is using every single organization,
14 whether it is the United Way or the mayors or
15 local officials or all the national
16 organizations that represent all the local
17 people, to try to get to them, and the public
18 libraries are talking to every local public
19 library through the American Library
20 Association.

21 So it is hard. They don't have
22 the resources to go themselves one by one, but

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1 they can use all these organizations to get
2 there. It is hard stuff, and I think it will
3 keep getting better and better as more people
4 know about it. There is no point in having
5 these programs if people don't know about
6 them.

7 On the accountability front, I
8 know that Connect to Compete has hired Nicol
9 Turner-Lee at the Joint Center from the
10 accountability to study this incessantly to
11 make sure that it is actually moving a dial.
12 That has to be done. The accountability is
13 critical. If we have no accountability, why
14 have these programs? So I am with you 180
15 percent, and we should talk more about this.

16 CHAIR BERLYN: Okay. We are going
17 to have to move on, and Josh needs to leave.
18 Josh, can you take, what, one, two more
19 questions?

20 MR. GOTTHEIMER: I'm checking.

21 CHAIR BERLYN: And Kim, who is
22 next, has to start.

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1 MR. GOTTHEIMER: So we could do a
2 couple more questions.

3 CHAIR BERLYN: Two more questions,
4 and Claude, quick. Two quick questions. No
5 statements. That is a no statement rule.

6 MR. STOUT: Can you hear me okay?
7 Josh, I wanted you to know that the National
8 Broadband Plan is one of the best things that
9 has happened to us in the disability community
10 in my 15 years of working with the FCC.

11 I wanted to bring to your
12 attention that I'm sure that you have a
13 Verizon phone. I have an AT&T phone. If I
14 were hearing and I could call you anytime, no
15 matter which company I was using, if you were
16 -- and no matter which company you were using.

17 We would be able to talk on the phone. But
18 it is not that easy, and it is not so with us
19 in the deaf community.

20 Deaf people are using video
21 phones. If you have an iPhone and I have an
22 iPhone, then we could talk through video, but

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1 if you have an iPhone and I have a Blackberry,
2 then we can't chat on the phone through video
3 chat.

4 So even though the experience
5 happens through voice communication, it is not
6 happening through video, and we would like
7 that same kind of experience, and it is
8 something that we look forward to working with
9 you on, because it would require a lot of
10 companies working together, like Google and
11 Apple and Microsoft coming together to
12 collaborate, along with mobile companies to do
13 that sort of collaboration.

14 So I just wanted to call that
15 simple thing to your attention.

16 MR. GOTTHEIMER: Thank you, and I
17 am glad you did. As you know, when that
18 started with the Broadband Plan, this FCC has
19 been, I think, historically committed to
20 working this issue and figuring it out. Our
21 office here that addresses these issues, I
22 think, is one of the best that the FCC has

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1 ever had.

2 In fact, I was just in a meeting
3 yesterday talking about these issues. So
4 please know that we are incredibly committed
5 to them. We have to figure them out. You
6 heard me, that I think we can't afford for
7 anyone to be on the side of the unconnected,
8 and if everyone doesn't get to experience the
9 benefits, then it is going to have a
10 tremendous cost to not just our social side of
11 life, but our economy. Know that we are
12 working these issues hard.

13 CHAIR BERLYN: Paul, you get the
14 last quick question. Oh, Chris, you stepped
15 in there. Thank you, Paul.

16 MR. BAKER: Thank you, Paul. My
17 question is about the Connect to Compete.
18 First of all, I appreciate your mention of
19 desire to get more older adults online. I
20 just wanted to make sure that you understood
21 that not many older adults qualify for the
22 school lunch program, one point.

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1 Then also, in that National
2 Broadband Plan, the one recommendation that
3 addresses the Consumer Advisory Committee by
4 name is the Connect to Compete program. I
5 just wanted to get your thoughts as to how you
6 -- and this is probably a question for when we
7 have more time, but how you envision the CAC
8 responding to that.

9 MR. GOTTHEIMER: To the question
10 of?

11 MR. BAKER: To the Connect to
12 Compete initiative and sort of monitoring
13 their progress and reporting back on
14 suggestions and so forth. It was actually
15 mentioned in the National Broadband Plan.

16 MR. GOTTHEIMER: Yes. Well,
17 Connect to Compete wasn't, but you are right,
18 the adoption idea was.

19 CHAIR BERLYN: The concept.

20 MR. GOTTHEIMER: Yes. So one of
21 the things on the older Americans front -- and
22 Debbie knows this, because we have been

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1 working on this -- we are very eager to do
2 more on that front. I will tell you candidly
3 that the response from the community has been
4 slow. We are very eager from the FCC's
5 perspective to do more.

6 We believe, and I believe, you
7 have got -- I could look at the stats -- a big
8 challenge with not enough seniors being
9 connected, and I know from someone who --
10 daughter Skypes with her grandmother at least
11 four days a week, and my mother keeps a good
12 healthy distance.

13 MR. BAKER: We are happy to give
14 you a list of programs that might qualify for
15 it, if you want to add it to the school lunch
16 program.

17 MR. GOTTHEIMER: I know that the
18 cable -- I am just kidding, Mom, in case you
19 are reading the record here. I will tell you
20 that the cable industry offered something, and
21 we believe it is a massive commitment on their
22 end, like a \$3 billion commitment, and the

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1 whole program is a \$4 billion and time
2 commitment.

3 We believe that it is very
4 important. I can't speak for the industry who
5 offered this on a voluntary basis about what
6 they are going to do to expand, and I know
7 that. So I will leave that to them, but I
8 will tell you from the FCC's perspective,
9 beyond that program we have to do more to find
10 ways to connect people and to knock down the
11 barriers, and there are lots of things we can
12 do to get there.

13 We have had several meetings to
14 try to figure out what it will take. Is it
15 more on digital literacy, and should we be
16 working with more of the seniors organizations
17 to provide more digital literacy and training?

18 Are there more programs we could do through
19 American Public Libraries to deal with the
20 training?

21 On the relevance side, are there
22 things we should be doing, and put aside the

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1 cost side for now. There are lots of other --
2 There are also a lot of other obstacles in
3 the way. At least, that is what the research
4 shows, besides costs.

5 Let's all work together and figure
6 out if we can get there on costs. I am all
7 for everyone talking to everybody else and
8 seeing if there is something we can do, but
9 what I would hope is this has to be a more
10 urgent priority for the older American
11 community, and we are ready to do more and
12 work through this together, because I think we
13 have to, and there is no reason not to.

14 So I am committed, if you are.

15 CHAIR BERLYN: And we do need to
16 move forward. I would suggest that, for the
17 second part of your question or the first part
18 -- I don't remember which part it was, but our
19 role -- we talk about that later today.

20 We have talked very informally,
21 but I think that that is something that we
22 actually need to address and talk about. So

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1 we will do that, Josh, and take your
2 advisement at some point, but we need to
3 continue that conversation.

4 MR. GOTTHEIMER: Excellent.
5 Thanks, Debbie.

6 CHAIR BERLYN: Thank you very
7 much.

8 MR. GOTTHEIMER: Thank you all
9 very, very much again for what you are doing.
10 It is invaluable for us. Please let me know
11 if you have questions. I am going to leave
12 cards here with Debbie. So if you want to
13 call me or talk to me or send notes, harass
14 me, harangue me, I'm all for it. Everyone in
15 Washington does. So you might as well. But
16 thank you, really, very much. Thanks.

17 CHAIR BERLYN: Thank you, Josh.

18 Don't anybody leave. We are very
19 pleased to have Kim Scardino join us at the
20 table. Kim has been with us before, because
21 she has been dealing with a really important
22 issue for consumers and for, I know, a lot of

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1 CAC members, Lifeline, and the recent order
2 that came out on Lifeline and Link-up Reform
3 and Modernization.

4 Kim is Deputy Chief,
5 Telecommunications Access Policy Division for
6 the Wireline Competition Bureau. So we are
7 very pleased to have you again, Kim. Thank
8 you, and thank you for your patience. I know
9 we are running a little late. So sorry about
10 that.

11 MS. SCARDINO: You should never
12 have Josh going before. I am just kidding. I
13 am not as funny as him. So this will be more
14 serious, I think.

15 Thanks for having me back, and I
16 am thrilled that the Lifeline reform order has
17 been released, and now we can -- I know
18 everybody here has read it and understands the
19 whole thing. No. It is a long order and a
20 lot of new rules. The entire program has
21 really been revamped in a lot of ways.

22 What I thought I would do is give

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1 you the highlights, and then save time for
2 questions. I have certainly gotten a lot of
3 questions from folks. I spoke at NARUC and
4 for the Joint Board as well as some other
5 states. So I have been talking a lot with the
6 states about some of their questions. So I
7 will try as I go along to address some of the
8 things that have been raised since the order
9 was released.

10 One of the best things that I
11 think that the order does is it puts all
12 eligible telecommunications carriers under the
13 same rules largely. There are some
14 differences, but before we had a situation
15 where you had some of the forbearance carriers
16 operating under certain rules that were
17 different from what everyone else was
18 operating under, and the purpose of the order
19 was really to put everybody under the same
20 rules, so that there was clear guidance to the
21 states and, of course, you see about what
22 everyone should be doing when they sign people

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1 up for Lifeline and continue to serve them.

2 The order, for the first time,
3 adopts three goals for the Lifeline program,
4 as well as some measures, and also simplifies
5 the definition for the supported service to
6 make it consistent with the supported service
7 that was adopted in the Connect America Fund
8 order, replacing the nine list of services
9 with what we call voice telepathy service.

10 Along those lines, it also talks a
11 lot about what constitutes facilities for
12 purposes of providing that supported service,
13 and it grants conditional forbearance to those
14 carriers that had previously relied on the
15 operator services directory assistance type of
16 service to become facilities based providers
17 when they got designated.

18 The order basically doesn't
19 disrupt any service that is being provided
20 right now, and sets forth a process whereby
21 those carriers that had previously relied on
22 facilities that are no longer supported

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1 services, that they could come to the FCC and
2 get a compliance plan approved and continue
3 operating services, and those that haven't
4 been yet designated would first get a
5 compliance plan from us.

6 The compliance plan process will
7 just be that they file a document explaining
8 how they will comply with the rules in the
9 order, how they will sign people up for
10 Lifeline. We are going to be issuing a public
11 notice next week to carriers explaining what
12 they need to put in those compliance plans.

13 The order also adopts, starting
14 April 1st, a flat rate reimbursement, which we
15 think administratively will be a lot easier
16 for everyone. Before, we had a three-tiered
17 process for non-travel support.

18 The order doesn't do anything to
19 disrupt the current tier 4 travel support, but
20 it replaces the old process, which was a bit
21 antiquated, because it relied on subscriber
22 line charge of the ILEC that really had

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1 nothing to do at all with the service being
2 provided.

3 So it replaced it with a flat rate
4 of \$9.25, and we look at that as an interim
5 rate, subject to -- we have a further notice
6 asking questions about what the permanent rate
7 should be and whether that is enough support.
8 so we are anxious to get feedback on that
9 from carriers.

10 I would say the heart of the order
11 relates to the eligibility and certification
12 and recertification for Lifeline. Prior to
13 this, you had largely a self-certification
14 model where consumers signed up for Lifeline
15 saying that they were eligible, without really
16 proving that they were enrolled in any kind of
17 program.

18 We always had a rule that, for
19 income, that the consumer needed to show that
20 they were eligible, but on the program based
21 side it was self-certification. The
22 certification forms that the carriers had were

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1 largely very small font, really not explaining
2 that it was a Federal benefit that the
3 customer was signing up for, what Lifeline
4 was.

5 The intent of the order is really
6 focused on consumers, so the consumers really
7 understand that they are signing up for a
8 benefit.

9 When we did a 12-state duplicate
10 process that we went through to contact
11 consumers that had more than one Lifeline, we
12 found that a lot of consumers called in and
13 said they didn't even realize that they were
14 signed up for more than one Lifeline. I think
15 that the revised certification process will go
16 a long way at consumers understanding that
17 they are actually signing up for a Federal
18 benefit and what the requirements are for that
19 benefit.

20 So along those lines, the order
21 establishes uniform eligibility criteria that
22 are a floor that the states can go beyond.

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1 That basically means that in any state a
2 consumer can sign up for Lifeline through
3 income, which is 135 percent of the Federal
4 poverty guideline, or through participation in
5 a qualifying program.

6 At a minimum, the state needs to
7 accept the Federal programs, and a state could
8 add additional programs if it has a program in
9 its state that is income based and meets the
10 criteria established in the order.

11 So anywhere that somebody can --
12 anybody that is eligible for Lifeline can sign
13 up, either through proving that they meet the
14 income threshold or that they participate in
15 one of the qualifying programs.

16 I have gotten some questions from
17 states about what that means, and basically
18 what it means is anywhere, any consumer should
19 be able to sign up for Lifeline either through
20 income or program, and that the states are
21 certainly free to add programs to the list,
22 the Federal list.

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1 Along those lines -- and Olivia
2 was very helpful on this next point, which is
3 the one per household rule, which is really a
4 one per economic unit rule, and you could
5 interpret it as one per family. It is one per
6 economic unit.

7 We had in the Notice of Proposed
8 Rulemaking that the Commission released in
9 March had proposed a one per residential
10 address, and we heard from people that came in
11 and said, you know, there's multiple
12 households that often live at any address, and
13 you shouldn't go with that definition. So we
14 didn't. We went with a definition that allows
15 multiple economic units that might share an
16 address to get Lifeline.

17 At the same time, it also allows
18 people living in group living facilities to
19 get Lifeline as well, which before prior to
20 this order was a bit unclear with the way the
21 rules were before. You didn't see a lot of
22 Lifeline participation from people living in

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1 group living facilities, and we certainly know
2 that we got a lot of questions about that on
3 the way, about why people that did live in
4 group living facilities couldn't get Lifeline.

5 The definition is based on the
6 LIHEAP, the Low Income Home Energy Assistance
7 Program, definition, with a few tweaks. The
8 order directs USAC to come up with materials
9 that will guide states and ETCs and consumers
10 alike to kind of plain English "what does this
11 mean" and gives scenarios like two families
12 living together at the same address, two
13 multi-generational families living together,
14 two roommates, all those different scenarios,
15 and USAC will be developing materials that
16 will be available in print format as well as
17 on the website to give a little context about
18 what this definition means for consumers.

19 The way we envision when somebody
20 signs up for Lifeline, we are ultimate going
21 to have a duplicate database that would check.

22 For everybody that is in the program,

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1 everyone that is currently enrolled in the
2 program would be in the database.

3 So if somebody came along at that
4 same address and wanted to get Lifeline, they
5 would be given then a worksheet, which USAC is
6 developing, that would allow the person to
7 figure out whether they are part of the same
8 economic unit as that person that is at that
9 address.

10 We think that will be a simple
11 process for consumers to, if an ETC is signing
12 somebody up or a state and sees that somebody
13 at that address already has Lifeline, they
14 will give them the worksheet to figure out if
15 they are part of that same economic unit or
16 not and, if they are not, then they would be
17 signing up for Lifeline and be put into the
18 database.

19 The certification: We didn't come
20 up with a uniform certification form that
21 everybody has to use, because we knew that
22 states and ETCs have their own forms now, and

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1 instead we chose to -- in an appendix, which
2 is Appendix C -- list all the things that need
3 to be updated on that certification form.

4 So everyone can take their
5 existing forms and just update it with all the
6 things that need to be part of that form, and
7 that all has to just be done by June 1st. So
8 June 1st is the date that the one per
9 household and the certification will take
10 effect. Hopefully, by then USAC will have all
11 those materials.

12 Right now the Federal process for
13 when somebody signs up, as I mentioned, it is
14 self-certification. But now under this rule,
15 a consumer would need to demonstrate that they
16 are indeed eligible. That could be done one
17 of two ways.

18 The first, which is the preferred
19 method, is if there is a database that exists
20 in a state, the carrier or the state needs to
21 use it to check for eligibility. We recognize
22 that some states do have databases, and we

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1 will be looking to them as a model for how we
2 can get the other states to put their data
3 online as well. But if a state does not have
4 a database available to check for eligibility,
5 the subscriber would need to show that they
6 are indeed eligible by showing their Food
7 Stamp card, their Medicaid card.

8 This is another thing that the
9 order directs USAC to develop materials about
10 what those look like. What does a Food Stamp
11 card, and what does a Medicaid card look like.

12 Those would all be online for ETCs to use in
13 their training and have available to people,
14 so that the reps that are signing people up
15 would know that looks like.

16 After somebody is enrolled in
17 Lifeline, then you have the challenge about
18 whether they continue to remain eligible. Oh,
19 I should note that the order only requires new
20 subscribers to demonstrate that they are
21 eligible. It doesn't require that the
22 carriers or the states go back and get proof

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1 of eligibility from their entire subscriber
2 base, because right now there are 13.5 million
3 subscribers. So it is a going forward basis,
4 again starting June 1st.

5 There is always a challenge about
6 how you know if somebody continues to be
7 eligible for the program and whether they even
8 continue to want the service. So the order
9 sets forth a process that replaces the current
10 verification sample process, which required
11 that ETCs take a sample of their subscribers,
12 and subscribers would need to prove that they
13 are eligible.

14 It replaces that with an annual
15 recertification process where the ETCs need to
16 contact all of their subscribers on a rolling
17 basis throughout the year to have the
18 subscriber certify that they remain eligible,
19 no one at their household -- no one that was
20 in their household is getting Lifeline, and a
21 couple of other things that they would attest
22 to. They would provide that form back to the

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1 carrier.

2 Now that process can be done on
3 paper, online, via phone through an IVR,
4 Interactive Voice Response, unit system, or
5 through text in the case of wireless. So the
6 order sets forth all of those rules for how
7 that could be done.

8 We think it is really important
9 that the first year, in 2012, that the
10 carriers or the states if they do this
11 function for the carriers contact their
12 subscribers to see if they remain eligible.
13 This is something that hasn't been done except
14 only TracFone and Virgin Mobile do this today.

15 A lot of people have been on
16 Lifeline for a long time, and no one has
17 contacted them to see if they want to remain
18 in the program. So there would be like this
19 initial outreach in 2012, starting in June,
20 from June until the end of the year, that
21 everyone needs to contact their subscribers
22 and recertify them and report the results to

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1 USAC at the end of January 2013.

2 Then starting in 2013, this would
3 be done on a rolling basis, again first by
4 checking the database, if a database is
5 available, but if not, then going to the
6 subscriber to see if they remain eligible.
7 That could be done on a rolling basis.

8 The order also gives -- If
9 carriers feel like they can't do this, for
10 whatever reason, they think it is too
11 burdensome or they are not able to do it, they
12 could have USAC perform that function for
13 them.

14 So just moving on, I won't touch
15 on everything in the order, but one of the
16 things that I mentioned, the database, the
17 duplicate database, that is something that we
18 are moving forward with and hope to be done
19 within a year, to have a system where carriers
20 would be able to tell if somebody is already
21 receiving the benefit.

22 We have done the duplicate process

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1 in 12 states, which I talked about last time I
2 was here, and we are going to continue that
3 process in about another 16 to 17 states this
4 year, while the database is being constructed,
5 and there will be the same process we did
6 before.

7 Before, we had a system where the
8 carriers were paying for the customer care
9 functionality, and that is being brought in.
10 USAC is performing that function and paying
11 for it out of the fund.

12 The order eliminates link up
13 support for carriers serving non-tribal lands,
14 and on tribal lines only those carriers that
15 are high cost recipients would be able to get
16 Link Up. The Commission has found that Link
17 Up was being abused and that some carriers
18 were getting it; some weren't.

19 The carriers that were getting it
20 were serving the same areas as those that
21 weren't getting it. So the Commission
22 concluded that it was a waste of resources for

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1 the funds to be giving a Link Up subsidy to
2 some carriers and not others in the same area.

3 Similarly but a little different,
4 toll limitation service: The order clarifies
5 who is even entitled to toll limitation
6 service support and who needs to provide it.
7 Basically, if a subscriber can pick up the
8 phone and dial -- make toll calls that incur
9 additional fees, then the carrier needs to
10 offer toll limitation service and could get
11 support. But if the subscriber is offered all
12 distance minutes where it can't incur any
13 additional charges for making a toll call,
14 then toll limitation service is not necessary
15 and, certainly, the carrier should not be
16 seeking support for it.

17 The order adopts a 60-day non-
18 usage condition, which really only applies to
19 prepaid wireless carriers that offer the
20 service for free. The order does not require
21 a minimum charge. The carriers are still
22 allowed to offer the service for free like

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1 they have been doing, but those free carriers
2 have this extra condition, that they need to
3 make sure that the subscriber is using the
4 service.

5 So after 60 days, if that customer
6 has not used the service, they need to check
7 in with them and see if they want to continue
8 with the service, and if they don't, then they
9 have to be de-enrolled from Lifeline, and that
10 carrier shouldn't be seeking money from the
11 fund.

12 We also established activation
13 requirements, that phones couldn't be shipped
14 to people that were pre-activated, because we
15 got some complaints that consumers were
16 shipped phones that they never ordered, and
17 they were already activated. So that company
18 was seeking money from the fund, but nobody
19 was actually using the service. So somebody
20 needs to activate the service before that
21 carrier can seek reimbursement under the fund.

22 One part of the order relates to

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1 consumer disclosures. It is called Marketing
2 and Outreach, but it is largely a disclosure
3 section about what consumers need to be told
4 about the service, that the product is a
5 Lifeline supported product, that it is a
6 government benefit, and what you need for
7 enrollment.

8 Some of the things we were seeing,
9 like these "refer a friend" programs where you
10 could send a Lifeline link to somebody that
11 wasn't even eligible. So that needs to be
12 clear, that you need to be eligible in order
13 to qualify for the benefit, and it is a
14 benefit for low income consumers, not just
15 something that anybody can get.

16 There is also in this same section
17 of the order a discussion about the need for
18 consumer outreach about the new rule, and this
19 is where I think the Consumer Advisory
20 Committee can really play a role. I don't
21 know when you are meeting next, but this is
22 something I would love for you to give us some

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1 recommendations for how we and the Consumer
2 Government Affairs Bureau -- Gayle Teicher is
3 here from that Bureau -- We are going to be
4 working on a campaign to reach consumers about
5 what the new rules are.

6 One of the things we did during
7 the duplicate process was public service
8 announcements in the states, and the
9 Intergovernmental Affairs folks that go out to
10 conferences were passing out literature. That
11 will all be updated, but if you all feel that
12 there are other ways that we can reach
13 consumers, we would love to hear it. So I
14 encourage you to look at that section of the
15 order.

16 There are audit provisions for new
17 carriers as well as ones that are independent
18 audit requirements for carriers that take more
19 than 5 million on annual from the fund.

20 It also moves the -- Right now,
21 the program basically pays people on projected
22 lines, and this will move the program to

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1 people actually submitting for actual. It is
2 really an administrative issue, but that all
3 happens in the fall.

4 Then as Josh was talking about,
5 the order establishes a broadband pilot. It
6 sets aside \$25 million for the pilot that
7 would -- The way we envision -- The order sets
8 forth kind of an outline of how this would
9 work, but there will be a public notice
10 calling for pilot participants, and there will
11 be at least 45 days for carriers to file their
12 applications to participate in the pilot.

13 Then there would be a selection
14 process, and the pilot participants then will
15 offer broadband service to qualifying low
16 income consumers. I know there were some
17 questions about the school lunch. Well, t his
18 would be all the Lifeline eligibility
19 criteria, both income as well as all the
20 programs.

21 So it will be a broad community
22 that would be able to participate in this, and

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1 we are looking forward to having a robust
2 pilot. We have had some interest, some
3 carriers that have called and asked questions
4 about it. So we are hoping that we will see a
5 good size number of applicants.

6 Then there is a further notice
7 attached to the item. I won't go into detail
8 about it, but those comments will be due 30
9 days after it is published, and I am hoping it
10 will be published by March 1st. So they will
11 be due around April 1st, and we will do a
12 public notice announcing the comment phase.

13 I talked longer than I wanted to.
14 So I apologize, and I can take a couple of
15 questions.

16 CHAIR BERLYN: I am going to go
17 around this side. Well, it looks like the
18 cards are actually coming with the exception
19 of Paul who I passed on last time. So I am
20 going to go to Paul first, and then I am going
21 to go from that end of the table, since we
22 started here last time. So, Paul.

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1 We are running behind, of course,
2 and I know you have a meeting. So we are
3 going to try to get as many questions in.
4 Paul, and then Cecilia.

5 MR. SCHROEDER: Thanks. Paul
6 Schroeder with the American Foundation for the
7 Blind. No statement.

8 CHAIR BERLYN: Yes, thank you.

9 MR. SCHROEDER: Any provisions
10 regarding the kind of phones that are
11 distributed, if people with disabilities are
12 requesting in terms of access features, how is
13 that being handled?

14 MS. SCARDINO: That is something
15 that we have teed up for resolution in Notice
16 of Proposed Rule Making. So it is not a draft
17 in the order. There is nothing specific
18 related. The devices are not supported under
19 the fund. It is the service itself. So we
20 didn't address that issue in the order.

21 MR. SCHROEDER: So that is to say
22 that somebody with a disability would be

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1 eligible for the service and not be able to
2 obtain an equipment -- a device that is
3 accessible under that order?

4 MS. SCARDINO: Well, it just
5 depends on if the ETC offers the service.
6 There is not a discussion in here about the
7 devices, because those aren't supported by the
8 fund.

9 MR. SCHROEDER: I'm sorry. The
10 issue is no longer relevant. Is there not
11 going to be an opportunity to comment on that?
12 We missed it, obviously.

13 MS. SCARDINO: I think, in the
14 further notice where it asks about the support
15 levels, you could always weigh in on that
16 issue in the further notice.

17 MR. SCHROEDER: Thank you.

18 CHAIR BERLYN: Cecilia.

19 MS. GARCIA: Cecilia Garcia with
20 the Benton Foundation. I have a real quick
21 question, and it has to do with some of the
22 savings that are being derived from kind of

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1 addressing fraud, waste and abuse.

2 We have heard that at least 25
3 million, as you say, of those savings are
4 going to be dedicated to the broadband pilot
5 programs. I have also heard that an
6 additional up to 50 million may be used for
7 digital literacy, also derived from the
8 savings there.

9 So my question is: While we re
10 very supportive of the effort for digital
11 literacy, the concern is will that effort be
12 within the USF framework so that
13 accountability is built into it; and if not,
14 how will the FCC ensure that the low income
15 consumers for whom Lifeline is designed will
16 actually benefit from the digital literacy
17 funds, if it is derived from that?

18 MS. SCARDINO: There is also a
19 savings target that we need to hit in 2012 or
20 keep track of. We are being very -- The rules
21 are very proactive at getting at that waste.
22 So we are fairly confident that -- We already

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1 know, like for the broadband pilot, for
2 example, USAC filed an ex parte like three
3 weeks before the order was voted that
4 quantified the savings associated with just
5 doing the duplicate outreach in 12 states,
6 which was \$35 million, just by looking at
7 duplicates in 12 states with the top four
8 carriers in those states.

9 So we are going this year and
10 doing at least another 16 of those, and
11 expanding it to more carriers. So we are
12 confident that we will be able to -- I think
13 what your question is, is your concern that
14 there wouldn't be the funding available for
15 these things, but I think, in light of the new
16 rules, we think that the waste that is there
17 today that the rules will address that, like
18 the link up issue, for example.

19 Link up this year was projected to
20 be \$180 million, and we eliminated -- The
21 order eliminates it except for high cost
22 recipients on tribal lands.

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1 CHAIR BERLYN: Interesting.
2 Dorothy?

3 MS. WALT: I participated July 1st
4 of this year in the National Deaf/Blind
5 Equipment Distribution Program, and I was just
6 thinking that Lifeline and Link Up would be
7 very beneficial for so many consumers who are
8 participating in that program. However, if I
9 remember correctly, the National Deaf-Blind
10 Equipment Distribution Program, the applicants
11 must meet the Federal poverty guideline of 400
12 percent.

13 I think you said that Lifeline or
14 Link Up was 135 percent, if I am correct. I
15 am not sure if that is the right number, but I
16 am wondering how we are going to reconcile
17 those two figures, because many of the deaf-
18 blind people who qualify for equipment under
19 the Deaf-Blind Equipment Distribution Program
20 at 400 percent of Federal poverty guidelines
21 will not qualify under -- if they are over 135
22 percent. Is that the right amount, 135

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1 percent?

2 MS. SCARDINO: It is 135 percent
3 of the Federal poverty guidelines.

4 MS. WALT: Ah, right. So those
5 two programs are not going to reconcile, if
6 the deaf-blind person is over the 135 percent.

7 They don't qualify for the Lifeline or the
8 Link Up. So I am seeing that might be an
9 unfair or sort of a discriminatory
10 reconciliation between the two programs,
11 because many deaf-blind people will probably
12 want to participate in the Lifeline or Link
13 Up. Thank you.

14 CHAIR BERLYN: I think Karen is
15 going to -- Karen Peltz Strauss, our next
16 speaker, can address this at her presentation
17 which is up next in just a few minutes. One
18 more question, Stephen?

19 MR. POCIASK: I am Steve Pociask.
20 I am with the American Consumer Institute. I
21 want to make sure I understand. You talked
22 about some individuals who would qualify based

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1 on programs, but you also said succinctly that
2 there also would be some income based. I want
3 to understand how that works.

4 Let's say, for example, we have a
5 connected household with above average income,
6 just as an example. They have a child, a 22-
7 year-old child out of school, not working.
8 They have, let's say, a spouse who receives
9 minimal income, but files separately. You
10 have an aunt who is retired living in a room
11 separately.

12 Do those individuals potentially
13 qualify for Lifeline?

14 MS. SCARDINO: It depends on --
15 Potentially. It depends the way we set the
16 definition is all adult individuals
17 contributing to and sharing in the income and
18 expenses of the household. So it is an "and,"
19 contributing to and sharing in the expenses of
20 the household.

21 Those are the types of scenarios
22 that USAC will be developing for the

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1 materials. There is a link in the order. The
2 WIC program has really a great tool that we
3 found online that allows people to input all
4 those scenarios that you just mentioned to
5 figure out who on that list could qualify.

6 CHAIR BERLYN: Thank you so much,
7 Kim. It is great information. You
8 synthesized a very long order for us. So we
9 greatly appreciate that. So thank you.

10 MS. SCARDINO: All right. Great.
11 Thanks.

12 CHAIR BERLYN: Hang in there,
13 gang. We are almost at a break, but if you
14 could, just stay seated for another one of our
15 speakers who has been very patient with our
16 scheduling this morning.

17 MS. PELTZ STRAUSS: Do you all
18 want to stand up? Everybody stand up and
19 stretch.

20 CHAIR BERLYN: I am not sure that
21 will help, because I think what we need is not
22 a stretch, but that is okay.

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1 MS. PELTZ STRAUSS: Seventh inning
2 stretch. I am a little bit nervous about
3 standing between you and the next speaker and
4 lunch.

5 CHAIR BERLYN: We are going to
6 take a break after Karen. So we are almost at
7 the home stretch.

8 MS. PELTZ STRAUSS: Okay. Well,
9 bear with me.

10 CHAIR BERLYN: Karen Peltz
11 Strauss, Deputy Chief of Consumer and
12 Governmental Affairs. Thank you for your
13 patience this morning. We always think we are
14 going to do really well with our schedule, and
15 we never do. So we greatly appreciate your
16 patience in joining us again this morning to
17 talk about what you do on disability rights
18 with the Bureau. So thank you, Karen.

19 MS. PELTZ STRAUSS: Sure. My
20 pleasure. It is great to be back and to chat
21 with you. I think the last time that I
22 addressed you all, I was only here to talk

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1 about the clearinghouse, which means that we
2 have done a lot since the last time our bureau
3 actually talked to you about disability
4 accomplishments here at the Commission.

5 So there is a long list. I am
6 going to give you an overview. Later on, Greg
7 Hlibok will be down here to meet with the
8 breakout session, but always feel free to
9 contact me individually, if you need more
10 information about any of these issues.

11 A lot of you around the table know
12 these issues very well, having been very
13 involved in the proceedings as they were
14 making their way through the Commission.

15 Over the last year, we have issued
16 a multitude -- that is the only word I can
17 describe -- of orders and had a multitude of
18 proceedings on disability issues, largely to
19 implement the 21st Century Communications and
20 Video Accessibility Act, also known as the
21 CVAA.

22 Among other things, we issued

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1 rules last April on the Deaf-Blind Equipment
2 Distribution Program. In August, we issued
3 the video description rules, which require
4 narration, narrative descriptions of what is
5 going on visually on a television program that
6 are inserted into natural causes of television
7 program, so that blind people can follow along
8 with the program. Those were rules that
9 reinstated rules that had been overturned by a
10 court back in the early 2000s.

11 In October we issued very
12 comprehensive rules. I think the report and
13 order in that case is 300 pages on advanced
14 communication services and equipment to make
15 sure that people can access -- people with
16 disabilities can access services and equipment
17 that are used with the Internet, for the most
18 part, and it is focused on communications, not
19 video programming, so things like instant
20 messaging, electronic mail, and interconnected
21 and non-interconnected VOIP services and
22 equipment used with those services.

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1 We also issued in October rules
2 requiring VOIP, V-o-I-P, providers to
3 contribute to the Telecommunications Relay
4 Service Fund. This expanded our current
5 rules. We actually already had rules in place
6 requiring telecommunications carriers and
7 interconnected VOIP providers to do so. This
8 expanded our rules to non-interconnected VOIP.

9 More recently, we issued rules
10 requiring captions that are on television
11 programs to be retained on those programs when
12 they are delivered via Internet protocol. so
13 that is a fairly substantial change.

14 Before, there were so such
15 requirements, and now when people who are deaf
16 and hard of hearing miss a television program
17 on TV or want to see it again, if it has
18 already had captions when it is shown on TV,
19 those captions have to be there when they are
20 shown on the Internet.

21 There are deadlines and timetables
22 and various schedules for each of these. I

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1 don't have time to go through all of them now,
2 but there is a gradation of requirements over
3 the next several years for each of these.

4 We also took some other actions as
5 well that are not related to the CVAA. Last
6 April we issued -- We actually are engaged in
7 a very significant effort at the Commission to
8 reform the way the program for video relay
9 service is conducted. This is to try to
10 restore and maintain the integrity of this
11 program, to rid it of some of the fraud and
12 abuse that it has become subject to in recent
13 years.

14 So last April we issued what we
15 call the April Fraud VRS Order. It actually
16 covers a little bit of IP relay as well,
17 putting into place lots of requirements and
18 prohibitions against certain actions that are
19 designed to minimize and eliminate fraud in
20 that program.

21 In July, we also adopted new
22 certification procedures for VRS and IP relay

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1 services, again to make sure that the
2 providers that are providing these services
3 are doing so in full compliance with our
4 rules, and there may be some people around the
5 table who don't know what relay services are.

6 They are basically communication
7 services that typically use a person in
8 between the caller and the called person, and
9 they have lots of different forms. You could
10 have a deaf or hard of hearing person using a
11 text device. It could either be a TTY or an
12 Internet text device, and then that person
13 calls the person at the other end, but a
14 communication assistant in the middle will
15 read what the person types and type back to
16 that individual.

17 You could have video relay, as I
18 mentioned, which is sign language interpreters
19 where the deaf or hard of hearing or speech
20 disabled person signs to an interpreter that
21 is a communication assistant, and then the CA
22 interprets what that person says to the other

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1 person, and then signs back.

2 There is speech to speech, and
3 that is a service that has the person in the
4 middle converting what the individual is
5 saying. The person might have a whisper or
6 have a stutter or a stammer or some kind of
7 other speech disability, and may have trouble
8 talking directly to the other individual. A
9 lot of people will hang up on people that
10 sound different. So this person in the middle
11 then repeats what the individual says.

12 Finally, there is something called
13 caption telephone, which allows people who are
14 typically hard of hearing and still have their
15 voices to speak directly to the other person
16 and to have the relay service -- well, to be
17 able to hear with their residual hearing a
18 little bit of what the other person is saying,
19 but to have the relay service send back in
20 text what that other person is saying.

21 Typically the CA, the
22 communication assistant, in this case repeats

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1 what the responding party is saying into a
2 speech to text recognition program, and then
3 that individual with the hearing disability
4 can, when it is converted to text, read what
5 the responding party is saying, but they can
6 also have a direct connection and listen to
7 what that individual is saying.

8 So these are some of the various
9 VRS, TRS, caption telephone, speech -- these
10 are some of the various programs that we
11 implement on an ongoing basis.

12 We also in this past -- Oh, and I
13 am sorry. In July, we issued this
14 certification order, because some of these
15 services are IP based, and they are not
16 regulated or certified through states, and
17 some of our intrastate analog PSTN based
18 components of TRS do have oversight by the
19 states, but these IP based programs, whenever
20 relay goes over in IP form, there is no state
21 oversight. So we are trying to step up the
22 FCC's oversight.

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1 In addition to the certification
2 order, this past December we released a Notice
3 of Proposed Rule Making to consider changes
4 structurally in how we reimburse VRS and also
5 how VRS is provided. This is in addition to
6 some of the measures we took to curb fraud,
7 and comments are due on that this coming March
8 9th and the 30th, and we are hoping to get
9 something out sometime late spring.

10 Very complicated issues. We are
11 going to have to work through these issues.
12 We don't want to rush it, but it is our goal
13 to try to complete this proceeding in a timely
14 fashion.

15 We also have a lot of work on
16 closed captioning. We are constantly working
17 on closed captioning issues. As I mentioned,
18 the IP Captioning Order came out. In addition
19 to that, we are working on a closed captioning
20 order on quality.

21 That has been pending before the
22 Commission for about seven years or so. It

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1 was a result of a petition filed by consumers
2 in 2004 out of concerns that not every
3 channel, every network, has been producing
4 programming with captioning quality that
5 allows individuals to understand the content
6 of programming.

7 So we are looking at ways that
8 will be fair to both consumers and the
9 programmers that achieve that result and
10 achieve some consistency across programming.
11 We do not have a timetable for that as of yet.

12 We also, in October, released what
13 is called the Anglers -- a lot of different
14 names. It is the Anglers Reversal MO&O,
15 Memorandum Opinion and Order, which overturned
16 a series of exemptions that had been granted
17 by CGB in the past that we felt had not gone
18 through the necessary processes for reviewing
19 exemptions.

20 Under our rules, an entity can
21 petition for an exemption from the captioning
22 rules, if they believe that they would

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1 experience what is now called an economic
2 burden or that it would be economically
3 burdensome for them to provide captions. At
4 the time that this order -- the original order
5 granting the exemptions was granted, the
6 terminology was undue burden. The CVA has
7 changed it to economically burdensome.

8 The results of overturning these
9 original petitions was to have approximately
10 300 additional -- Originally, there were two
11 petitions granted, two exemptions granted, but
12 then there were approximately 300 more linked
13 to the rationale in an original decision that
14 had granted those two petitions.

15 The Commission here decided that
16 all of them had not been reviewed
17 appropriately and were based on an incorrect
18 standard, and so as a consequence, reversed
19 all of the exemptions.

20 We then sent out letters to each
21 of the petitioners that had their exemptions
22 reversed. Mind you, while their exemptions

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1 were pending this entire time, they were
2 actually getting an exemption. So there was
3 no harm in reversing these, because what we
4 told each one is that you may refile.

5 So we have gotten some refiles,
6 and those exemptions are still pending. Many
7 of these entities -- many of them are small --
8 did not refile. So those petitions have been
9 dismissed, and we are now continuing to make
10 our way through several additional petitions
11 that were filed between 2006 or 2007 --
12 actually, some even filed before -- and now,
13 to make sure that they are all going to be
14 reviewed, if they are still needed, with the
15 new standard, which is actually the original
16 standard for determining whether or not a
17 station or a network should -- or channel or
18 programmer should get a captioning exemption.

19 The short way of saying that is
20 that we are working through our backlog of
21 exemption requests, and we are hoping to -- We
22 are gradually getting this under control.

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1 outreach component as well.

2 In answer to your question earlier
3 about the inconsistency between qualification
4 -- the income qualifications between the two
5 programs, what Rebecca explained to me -- I am
6 not as familiar with the Lifeline program as
7 she is, but she said that, if individuals meet
8 the guidelines for certain Federal programs
9 like Medicaid, even if they have more income
10 than what is specified for Lifeline, they can
11 still qualify.

12 So there may be some individuals
13 that fall between -- I think it is 135 percent
14 for Lifeline and 400 percent -- You were
15 right, it is 400 percent for the National
16 Deaf-Blind Program -- they may still qualify
17 for Lifeline.

18 The reason that we established
19 such a lenient, for lack of a better word, or
20 a liberal interpretation of the income
21 qualifications for the National Deaf-Blind
22 Program is because we received on the record a

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1 lot of information about the very high costs,
2 medical and personal assistance costs and
3 other costs related to being deaf-blind that
4 were so common for deaf-blind people.

5 So we didn't want to exclude
6 anybody that might have an income that is even
7 300 percent of the Federal poverty level, if
8 all of their expenses are bringing them down
9 to 100 percent of the poverty level.

10 So we went to 400 percent, which
11 was what some of the state equipment
12 distribution programs do. That was the max
13 that we saw that some of the state equipment
14 distributions do. so we felt comfortable
15 using that as a cutoff.

16 Something else that we are very
17 active in now is NG911. We have our Emergency
18 Access Advisory committee, which was created
19 under the CVAA, which conducted a survey last
20 spring to determine the preferred methods of
21 providing emergency access -- of using
22 emergency access technologies for people with

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1 disabilities.

2 That committee developed a report
3 based on that survey, containing
4 recommendations to the Commission. It gave us
5 that report on December 7th, as was required
6 by the legislation, but the committee decided
7 to continue its work and go into more depth
8 with respect to trying to refine what those
9 recommendations are.

10 They have developed seven
11 different subcommittees for this purpose.
12 Just by way of example, there are committees
13 on using text to 911, for Mobile Solutions
14 pre-NG911, using sign language with PSAPs, TTY
15 transition. Again, there are approximately
16 seven committees.

17 We are hosting -- You may be
18 interested in knowing this. At the end of
19 March, on March 28th and 29th, we are hosting
20 an exhibition fair here at the Commission
21 where we will be having on display and having
22 demos of proposed interim text to 911

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1 solutions, again pre-the full blown NG911.

2 The reason that we are hosting it
3 then is because this is on the tails of NENA's
4 -- the National Emergency Number Association's
5 "911 Goes to Washington." Then also on the
6 30th, the VPAAC will be having one of its
7 committee meetings.

8 So it is going to be 911 week,
9 basically, and we understand that there is
10 another demo happening on the 26th. So if you
11 are interested in 911, this is the place to
12 be.

13 The other things that we are
14 working on are the accessibility
15 clearinghouse. Again, we talked to you about
16 that last time. We just wanted to let you
17 know that we are still working on it actively.

18 We have meetings on it, it seems like, every
19 day. We are concerned. We are not getting a
20 lot of hits on it yet. Clearly, we need to do
21 outreach.

22 We are required by the Act to do

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1 outreach, and we are working on improvements.

2 We are very excited. We think it is a great
3 clearinghouse, and we are looking forward to
4 working with this community and others to make
5 sure that this does reach the intended
6 population.

7 The next thing is HAC, Hearing Aid
8 Compatibility. We haven't released a whole
9 bunch in that area for a while, but we do have
10 pending some new standards, and we also have
11 pending a rule making to make sure that
12 equipment use with Advanced Communication
13 Services are also hearing aid compatible, and
14 we are expecting that the Wireless Bureau will
15 be working on that again in the coming months.

16 Finally, what is left is the
17 VPAAC, the Video Programming Access
18 Accessibility Advisory Committee, which is the
19 other CVAA advisory committee that was
20 created, is working on three remaining issues,
21 and they have to deliver reports to us in
22 April on making sure that emergency

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1 information provided on television programming
2 is accessible to blind people, making sure
3 that the equipment used for video programming
4 can convey that emergency information, and
5 also that that equipment can convey -- that
6 that equipment has user interfaces that are
7 accessible to people with disabilities,
8 including accessing volume control, changing
9 channels, menu guides.

10 Very difficult right now for a
11 blind person to navigate those types of
12 interfaces and controls on a television, and
13 finally making sure that this equipment can
14 pass through or render video description.

15 So there is still a tremendous
16 amount of work being done by that committee
17 that will be coming to us in April, and then
18 we have another 12 to 18 months, depending on
19 the issue, to issue rules.

20 The other thing that is happening
21 that still is pending is the Advanced
22 Communication Services item. Even though we

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1 issued rules in October, there are some pieces
2 left out, and we have to complete those with
3 respect to -- The issues that are outstanding
4 are browsers on mobile phones, video
5 conferencing, and a small business exemption,
6 among others.

7 So we received comments on this, I
8 think, February 13th. I think the replies are
9 still due by March 12th or 14th -- 12th? I
10 have the 14th, but in any case, they are due
11 mid-March. Then we are going to start looking
12 at those, and that is another proceeding that
13 we are going to have.

14 Finally, we just last week or the
15 week before issued a Public Notice seeking
16 comment on IP relay. It was a refresh notice
17 to follow up on a Notice of Proposed Rule
18 Making that we issued. I think it was in
19 2006, asking about measures that we can take
20 to curb fraud and abuse of IP relay, again.

21 Unfortunately, although these are
22 programs designed to assist relay users, they

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1 have become subject to abuse that had not been
2 anticipated when they were first created. So
3 we are trying to crack down on that.

4 So that is it, and I know that you
5 are tired. I am tired from going through
6 this, and I know that you don't have a whole
7 lot of time. I don't know if you want to take
8 questions, if you have any questions now or
9 you want to bring them up during the
10 disabilities section and just take your break
11 now. Any questions?

12 CHAIR BERLYN: If you have time
13 for a couple of questions, if anyone does have
14 a couple of questions. Paul?

15 MR. SCHROEDER: Paul Schroeder,
16 American Foundation for the Blind. I will
17 just ask you, Karen, that same question I just
18 asked about Lifeline and equipment.

19 Is this something that could be
20 dealt with by the Commission to ensure that
21 people who have access to handsets under the
22 new Lifeline requirements can, in fact, find

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1 handsets that are accessible for people with
2 disabilities, because it is at that low end of
3 the equipment that people have had the most
4 trouble finding accessible handsets?

5 MS. PELTZ STRAUSS: I wasn't here
6 when you asked the first question. So I am
7 not sure what it is predicated on, but I do
8 know that you are right, that there are
9 issues, especially for the blind community
10 that there are significant problems with being
11 able to find lower end phones, because it is
12 the higher end phones that tend to have the
13 accessibility.

14 The only thing that I could
15 suggest is that I will talk to Kim about this
16 and confer with the Wireline Bureau to see
17 whether there is something that can be worked
18 out, but I can tell you that it is something
19 that really does concern us.

20 We hosted some events here, some
21 workshops, to address that, and we just
22 continue to encourage individuals to feel free

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1 to file complaints when they see phones that
2 are not accessible, and we will try to address
3 those that way.

4 Basically, Section 255 of the
5 Communications Act and now Section 716 are
6 both complaint driven. So 716, which is the
7 Advanced Communication Services -- filing
8 complaints for those has not gone into effect
9 yet, but many of the phones that you are
10 talking about are still under 255.

11 CHAIR BERLYN: Does anyone else
12 have a question for Karen? Karen, thank you
13 so much. Your work is exhaustive and
14 exhausting. We really appreciate your being
15 here. You have done so much at the Commission
16 and at the Bureau, and we greatly appreciate
17 your coming and talking to us again.

18 MS. PELTZ STRAUSS: It is my
19 pleasure, and I just want to say that,
20 clearly, because I am here, I get the credit,
21 but it is not only me. Obviously, there are
22 teams and teams, multiple teams, of people

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1 around the agency that have spent hours on
2 weekends, evenings, given many, many hours of
3 their free time to meet these high deadlines
4 imposed by the CVAA, and to achieve these
5 other goals.

6 So whenever I get the chance, I
7 thank those individuals, because they have
8 been absolutely extraordinary. So it has been
9 very, very gratifying, being able to work with
10 all of these individuals and to watch this
11 administration's commitment to making sure
12 that these issues get addressed in a timely
13 fashion.

14 Thank you as well for all of your
15 input.

16 CHAIR BERLYN: Thanks, Karen. So
17 here is what we are going to do. We are going
18 to take a much needed break. It will be a
19 real break and a phone break.

20 I know that Betty is out front
21 waiting to receive lunch for us all. So take
22 a look at your agenda with me. What we are

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1 going to do is we are going to shuffle it a
2 little bit.

3 I do feel like the roundtable
4 discussion is important, and I want to do that
5 before we break into our working groups, so
6 that working groups can discuss any of the
7 issues that are brought up during the
8 roundtable discussion.

9 So what we are going to do is we
10 are going to take our break. Hopefully,.
11 after we take a break and check our email and
12 make any phone calls we want to make, that
13 will time us well with lunch appearing,
14 magically appearing, on the table over here,
15 which it has not yet.

16 Then we will take a real, true
17 lunch break here in the room and another
18 little network break. That will take us to
19 about 12:15. Then at 12:15, we are going to
20 have our roundtable discussion from 12:15 to
21 12:45, and then we are going to do our
22 breakout sessions from 12:45 to 1:45. Scott

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1 will tell us where those rooms will be.

2 Scott asked our working group
3 chairs which working groups wanted to have
4 breakout sessions. I think the Media Group
5 has already done a meeting. So they are not
6 going to have a breakout session. I know the
7 USF Working Group does want to have a
8 breakout. I think the Broadband Working Group
9 is going to meet. Is that right? Okay. The
10 Disability Group is going to meet here. I
11 know that.

12 Ed, what about the Consumer? You
13 are going to have a brief meeting. So you may
14 go meet, and then join one of the other
15 working groups. Great. Excellent.

16 So after our roundtable
17 discussion, Scott will give us the different
18 room numbers so that we don't forget them
19 between now and the breakout, because I know I
20 would.

21 So let's take a break and then
22 stay in the room for lunch, and then we will

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1 have our roundtable discussion at around
2 12:15.

3 Thanks, everybody. This has been
4 a great morning.

5 (Whereupon, the foregoing matter
6 went off the record at 11:35 a.m. and resumed
7 at 12:18 p.m.)

8 CHAIR BERLYN: Okay. We are going
9 to get started again. To keep us on schedule,
10 we are going to start our roundtable
11 discussion.

12 So what I want to do with this
13 time that we have before our roundtable
14 discussion is to give everyone an opportunity
15 to raise any issues that you have heard about
16 this morning, as well as raise any other
17 issues that you have thought about that you
18 think the Consumer Advisory committee should
19 address that we haven't yet talked about, so
20 that we can assign those issues to working
21 groups to talk about today and going forward.

22 Before we do that, I just want to

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1 mention two issues that speakers this morning
2 talked about that we will, hopefully, work on
3 going forward. One, Kris Monteith and Bill
4 Freedman talked about, which is getting our
5 feedback on the complaint process.

6 So I will be getting a little bit
7 more information from the Bureau staff about
8 what they are looking for from us, and then we
9 will set up some sort of process for working
10 on that for them. We will find out a little
11 bit more about what kind of feedback, in
12 particular, they want from the CAC, what would
13 be most helpful, and then we will figure out a
14 process for going forward there.

15 Then the other one that we heard
16 about this morning was from Kim Scardino. She
17 said that she would appreciate some feedback
18 on outreach efforts that they could undertake
19 for reaching consumers and educating them
20 about the new Lifeline rules, and providing
21 information for consumers about that. So I
22 think that would be another good one.

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1 It would make sense, I think, for
2 our USF Working Group to start off in talking
3 about that. So perhaps you can talk about
4 that today in your working group, and bring
5 that back to the full CAC today, if you want
6 to talk about that a little bit with us, and
7 about the process that you will take on
8 thinking about that, if there are other CAC
9 members who might want to participate in that.

10 Those are two things I heard this
11 morning, but now I would like to open it up to
12 all of you to other thoughts you have on this
13 morning's discussion and other issues. So
14 anyone want to kick it off? Barry? Please,
15 tent cards and hand raising, and then pull the
16 mike close.

17 MR. UMANSKY: Thanks, Debbie. As
18 you know, I have been uncharacteristically
19 silent so far today. What I want to do before
20 you guys break out in the working groups is to
21 have you think about something, and we are
22 going to have a further discussion with the

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1 Media Working Group dialogue, our
2 presentation, right after the breakouts.

3 We talked a lot about disclosure
4 so far today, disclosure of information to
5 consumers. Today, right now, in front of the
6 Supreme Court there is a protest going on
7 dealing with what they call Citizens United 2,
8 a Supreme Court decision tossing out a state
9 requirement of placing limitations on
10 corporate campaign funds going into candidates
11 and the independent groups.

12 Of course, you know about the
13 Citizens United case. There is nothing the
14 FCC can do to overturn a Supreme Court
15 decision. There is nothing, really, the
16 Congress can do either to overturn a Supreme
17 Court decision, but that decision, the
18 Regional Citizens United, even the one today,
19 suggested that voters, consumers, would have
20 full access to information as to who is trying
21 to persuade them. But the way the FCC has
22 been interpreting a longstanding provision of

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1 the Communications Act, Section 317, has
2 really failed to provide that kind of
3 disclosure.

4 The FCC made the judgment years
5 ago, well before we had the onslaught of
6 millions and millions of dollars from all kind
7 of groups that it would not normally require
8 piercing the veil, although it says it was
9 essentially a shell organization that would be
10 signing a check for the medium of
11 communications who run the ad.

12 Only a couple of times in the most
13 extraordinary circumstances has the FCC
14 required that the actual frontiers of the money
15 be disclosed to the audience, be disclosed to
16 the viewing or listening public.

17 Well, I have talked to many of the
18 people in the Media Working Group, and in our
19 presentation later today, and in formal
20 recommendations we will have in June, we want
21 to have a recommendation that the FCC, on its
22 own and also in a recommendation to Congress -

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1 - and we have already established at the last
2 meeting that one provision of the
3 Communications Act requires that the FCC let
4 Congress know periodically what kind of
5 legislative changes might be made to help it
6 fulfill its mission.

7 Bobby Baker was supposed to have
8 been here late this morning to talk about
9 these issues. He is not around. A couple of
10 things we were going to recommend to Bobby is
11 that they issue public notices explaining
12 again to consumers what the heck is going on
13 here.

14 Number two: To explain to all
15 advertisers, not just broadcasters -- I'm
16 sorry, to all media, not just broadcasters,
17 the consequences of running spots that may be
18 misleading. More importantly, we were going
19 to urge, and we will mention this again this
20 afternoon -- There has been a petition pending
21 at the FCC for about 10 months. Not I don't
22 think everybody necessarily embraces every

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1 part of it, but it would require that the FCC
2 take a second look at how it is implementing a
3 Federal statute that would require that people
4 like you and me know who is trying to persuade
5 them in commercial advertising, including
6 political spots.

7 There is also a bill on Capitol
8 Hill recently introduced, H.R. 4010. It is
9 our proposal. Our Media Working Group urged
10 the FCC to embrace those concepts, to start
11 its own internal proceeding, and to kind of
12 raise the dialogue on what can be done under
13 existing and proposed legislation to cure this
14 problem. More details at 1:45, I believe.
15 Thank you.

16 CHAIR BERLYN: A couple of things,
17 Barry. First of all, Barry mentioned Bobby
18 Baker of the FCC, and just to let everybody
19 know, Scott invited Bobby Baker to come and
20 speak today, and he definitely wanted to be
21 here, and he had a family member who had
22 surgery today. So, unfortunately, he had to

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1 be out of town for that reason. So it is not
2 out of lack of wanting to be here.

3 So I just wanted to mention that.
4 Thank you, Barry, for teeing that issue up,
5 and we will look forward to more to come.

6 MR. UMANSKY: By the way, a
7 footnote to history. Bobby Baker and I
8 started out -- I was an FCC attorney for seven
9 years. We started the very same day. We were
10 fingerprinted together as we started our
11 Federal employment back then. Thank you.

12 CHAIR BERLYN: Thanks. Mitsy.

13 MS. HERRERA: Good afternoon. Two
14 things. One is I wanted to shamelessly just
15 take advantage of the fact that there were so
16 many of our partners from the deaf and hard of
17 hearing community in the room to alert them to
18 there is a piece of proposed Maryland
19 legislation which has a hearing on March 9th
20 in Annapolis at 1:00 p.m.

21 It would create a tax commission
22 and a tax moratorium on telecommunications

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1 taxes in Maryland. The state fund which
2 finances the relay services for telephone
3 services for the deaf will run out of money in
4 the end of FY '13, and if the tax moratorium
5 goes into place, they will have no means to
6 enact some new funding mechanism.

7 So if any of you are interested in
8 that, if you could just see me, and I will
9 just separately give you information about
10 that. I am trying to find some people from
11 the deaf and hard of hearing community to come
12 and testify. That is a Friday, March 9th, in
13 Annapolis. That is at 1:00 p.m.

14 The other issue I wanted to ask
15 generally in the CCAC is whether it should be
16 part of the General Disabilities Working Group
17 or whether a subgroup should be focused
18 particularly on video issues.

19 The one, in particular, that has
20 been raised a lot in the last couple of
21 meetings is closed captioning. There is a lot
22 of information and new things that are coming

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1 out there, and frankly, the FCC is not really
2 keeping up on some of those.

3 So I want to know -- I see Julie
4 is not back yet -- whether there was some
5 interest in specifically focusing on video
6 issues, because a lot of what we deal with are
7 dealing with handsets, phonesets, and really
8 sort of focusing on television sets and video
9 communications.

10 CHAIR BERLYN: I am turning to
11 Lise and Paul and our Disability -- Paul, do
12 you want to address that?

13 MR. SCHROEDER: I think we have
14 had several conversations in the Disability
15 Work Group -- This is Paul Schroeder with AFB
16 -- about closed captioning issues and some of
17 the pending petitions at the FCC.

18 Some of the video work, of course,
19 is under review and rule making or about to
20 be, and some of it is under the VPAAC, Video
21 Program Access Advisory Committee. So as I
22 recall, we were instructed or encouraged to

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1 not take up some of those issues that were
2 under another FCC Advisory Committee's area,
3 at least for the moment.

4 As Karen mentioned, that report
5 will be issued in a couple of months, and then
6 a rule making will commence on those issues.

7 Just while I have got the mike, I
8 was going to raise a similar point, though,
9 because I think one of the issues that we
10 haven't really discussed as a committee here,
11 and I don't know that we have heard from folks
12 in media to talk about -- There is a whole
13 raft of issues around television and video,
14 and Barry just mentioned one, and I know his
15 group has been working on a couple of others,
16 but there are many others that I think we shy
17 away from as consumer advocates sometimes
18 talking about television very much.

19 This is true, I think, for the
20 blindness community, but it might be true for
21 the general consumer advocacy community,
22 because we don't think television is very

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1 important, other than the fact that it is the
2 hugest media that people spend most of their
3 time with. So we don't think it is important,
4 because it is trash, but it is where people
5 spend a lot of time.

6 Anyway, I have a lot of concerns
7 about the consumer access, open initiatives
8 effort for people to get access to media
9 outside of the traditional means and channels,
10 opening up cable and other systems so that
11 people can have competitive equipment, those
12 kinds of issues, some of which, I know, are
13 being adjudicated or heard by the Commission
14 and some of which are long time challenges up
15 here.

16 So the direct answer to your
17 question, Mitsy: Absolutely, I think video is
18 within the Disability Work Group's area. We
19 are looking at some of the issues. Some, we
20 will probably look at in more detail as the
21 Video Program Advisory Committee's work ends,
22 and we may look at some of those issues and

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1 see what we would want to bring to the
2 Consumer Committee.

3 Then I think, as I said, while I
4 have got the microphone, I think there is a
5 whole host of broader media issues around TV
6 and consumer access to equipment and controls
7 and issues that I would love to see us wrestle
8 with.

9 CHAIR BERLYN: Lise.

10 MS. HAMLIN: If I could add to
11 that, we will be looking at captioning issues,
12 and we have been, again to the extent that it
13 doesn't overlap with CVAA. But if other
14 people are seeing trends or issues that we
15 miss, because that could certainly happen, and
16 you could see something locally that you are
17 beginning to see and want, I would really
18 welcome any input from anybody on the
19 committee who saw things that we should be
20 picking up that our group hasn't seen.

21 CHAIR BERLYN: Steve.

22 MR. POCIASK: Steve Pociask,

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1 American Consumer Institute. I think there is
2 an issue that we may want to consider going
3 forward dealing with online consumer privacy.

4 There has been a number of incidences over
5 the last few years that sort of exposed
6 consumer information to the public, the
7 collection of WiFi information, medical
8 records that are downloaded without consumers'
9 information.

10 The latest example is Google's
11 work-around that undid the default settings
12 for Apple users, effectively collecting
13 information that they chose not to collect.
14 Essentially, it is sort of a work-around hack,
15 if you will.

16 I think there should be some
17 expression of outrage for what has happened or
18 a statement maybe to the Federal Trade
19 Commission or to Congress to look further into
20 this, because my fear is some of these abuses
21 might, in the end, create some onerous
22 regulation on the industry which we may not

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1 need, because there is a lot of good behavior
2 going on.

3 It is just a series of incidences
4 that have happened by a collection of few that
5 we need to be aware of. This is people's
6 personal information, and while, in exchange
7 for that information, some people are getting
8 very useful services, we need to be aware
9 that, when this information is taken without
10 the consumer's consent, that it is theft, and
11 we should be outraged by that.

12 Another example was location
13 information was put online where people could
14 see where they were located. So this is an
15 ongoing problem that we are having, and I
16 think it is something that we should have some
17 sort of group expression of outrage for.
18 Thank you.

19 CHAIR BERLYN: I think it is a
20 very interesting issue. It is certainly very
21 timely with the White House recent White House
22 proposal that came out. It might be what I

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1 would say -- and I am not sure what working
2 group to put this in, but it might be helpful
3 to have someone come and talk about the
4 jurisdictional issues with the FCC and the
5 FTC, because so much of this falls within the
6 jurisdiction of the FTC.

7 So it might be interesting to find
8 out what jurisdiction the FCC has on online
9 privacy issues, so that we could then find out
10 how we could -- where we could be helpful in
11 terms of an advisory role. I think that that
12 might be helpful, perhaps at our next meeting,
13 to have someone come and talk about it. But,
14 yes, a really timely and important issue for
15 consumers. Thanks, Steve.

16 One other thing that -- I will
17 turn to you next, Art, and then I will speak.
18 Go ahead.

19 MR. NEILL: Art Neill from Utility
20 Consumers Action Network in San Diego.

21 Just as a follow-up on the online
22 privacy side of things: Besides the White

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1 House announcing their privacy bill of rights,
2 there is also in California an effort that,
3 just in the last two days, the Attorney
4 General, Paul Harris, has taken with a number
5 of the Google, Apple, other Silicon Valley
6 companies, regarding online privacy. So you
7 might also keep an eye on that.

8 Two issues I just wanted to
9 mention. I was going to mention this when
10 Bill Freedman was talking. Number one is:
11 You can as a group that deals directly with
12 consumers and helps them resolve disputes with
13 companies seize this issue of getting the
14 individual complaints to the point of
15 understanding trends that are going on.

16 There is a disconnect there.
17 There are a couple of ways, I think, that you
18 can deal with that. In California, we
19 actually have a monthly meeting, for instance,
20 with the Consumer Advisory Bureau of the
21 California Public Utilities Commission to talk
22 about some of the issues that are going on.

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1 That is something new that has developed
2 there.

3 I think that, while it is great to
4 have openness and transparency, what the FCC
5 is finding, it is also good to hear from some
6 of these groups. I am sure there are other
7 groups in the room that speak to consumers
8 directly, and to be able to communicate some
9 of the trends that we are seeing and turning
10 those individual trends, instead one-off
11 situations where people are refunded five
12 dollars or they have their situation fixed, to
13 help the other.

14 You know, when you see five or 10
15 people, there is usually hundreds or thousands
16 that are affected, and getting to that point
17 of systematic fixing is something that we are
18 really interested in. So we would want to
19 work with Bill and anyone else who is willing
20 to get better access to that information.

21 The second -- I had one other
22 issue that I wanted to mention, and I will

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1 have to come back to it, I guess.

2 CHAIR BERLYN: Okay. Good
3 suggestion. One thing that I wanted --
4 Another thing that I wanted to just respond to
5 is the whole Connect to Compete question and
6 where we fit into this. I know that the
7 Broadband Working Group recommended that we
8 have someone come and talk at this meeting to
9 update us on the Connect to Compete from One
10 Economy. So I just wanted to respond to that.

11 We did have someone scheduled to
12 come from One Economy at this meeting, and
13 that didn't happen at the last minute, and
14 there is a commitment from One Economy to come
15 to our next meeting. So we will have someone
16 come to our next meeting.

17 The CAC does have a role that Kris
18 asked Josh a question about. In the National
19 Broadband Plan, there is language in there
20 that says that the FCC should develop a
21 partnership to promote broadband adoption. So
22 this partnership was not named, of course. It

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1 was an idea in the National Broadband Plan,
2 but the first step of that is this Connect to
3 Compete.

4 It says in there that this
5 partnership -- that several things should
6 happen. One thing that should happen is that
7 the Consumer Advisory Committee should help
8 monitor this partnership. So we do have a
9 role to play in monitoring the progress of
10 Connect to Compete.

11 So what does that mean? We are
12 not 100 percent sure exactly what that means,
13 but it means that we need to see what is going
14 on, and progress is being made, and have folks
15 come in and talk to us about it, and ourselves
16 make any recommendations we may want directly
17 to the partnership, One Economy, and also we
18 can to the FCC as well.

19 So we will do that, and I think
20 what we are finding right now is -- and I know
21 that we have some of the -- We have the cable
22 partners who are involved as part of the CAC,

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1 but this is really in the very early stages of
2 development.

3 Connect to Compete is just
4 organizing and getting going and working
5 toward a kickoff to time with the start of the
6 school year, 2012 school year. So they are
7 really putting this altogether now, and so
8 there really -- you know, the progress is --
9 It is better served for them to come and talk
10 to us about what is happening at our next
11 meeting, and we will talk about when that next
12 meeting will be in June, but we will talk
13 about that later.

14 That is what is going on. So I
15 just wanted to mention that.

16 I see your card go up. Does
17 anyone want to respond to Connect to Compete
18 before I leave that? Okay. Yes, several
19 people, because I saw cards go up before I
20 started talking. So I wasn't sure.

21 I think Amalia's card went up
22 first, and Barry's did. So, Amalia, go ahead.

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1 MS. DELONEY: Just quickly on the
2 Connect to Compete piece. You know, we have a
3 lot of interest in following it through and
4 taking a more rigorous look at some of the
5 issues that we hear are being raised.

6 To that end, I would also request
7 that we share the information of surveys that
8 were done by a group from Philadelphia called
9 Action United. It is a survey from a
10 community based organization that looks at
11 Connect to Compete and some of the challenges
12 they were seeing among their members.

13 It is something that is available
14 online, and I can certainly share the link
15 with people here, but I think as we look at
16 bringing in people to advise the committee or
17 talk to us both about the pros and the cons or
18 -- cons isn't the right word -- the great
19 things that are happening with the program and
20 some of the very real barriers and challenges
21 people are facing, it would be important to
22 think about how we could include the voices of

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1 Action United; because to date they have done
2 the only sort of community driven
3 participatory action research survey I know
4 about real people who are facing issues with
5 subscribing.

6 CHAIR BERLYN: Thank you. That
7 would be great to have that link so we can
8 send that around to the CAC.

9 MR. SCHROEDER: Please ask people
10 to remember to state their names.

11 CHAIR BERLYN: Yes. That was
12 Amalia. If you could, Amalia, you can send
13 that directly to the CAC, so everybody could
14 take a look at that survey, that would be
15 great.

16 MS. HAMLIN: Perfect. Then I have
17 one more question, but I can wait after people
18 finish.

19 CHAIR BERLYN: Other comments on
20 the Connect to Compete? Barry and then mark.

21 MR. UMANSKY: This is Barry
22 Umansky, Digital Policy Institute. Really, an

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1 offer.

2 Yesterday evening, Dr. Yadon and I
3 had dinner with Kelly Dunn, who had been one
4 of the key people, and still is, with Connect
5 to Compete, very much involved with One
6 Economy, and he is continuing to be an advisor
7 to that group and will continue to be
8 integrally involved with Connect to Compete.

9 He has offered to speak to our
10 plenary group, to working groups, to be on
11 conference calls, and to help with the
12 assessment of metrics on how the process is
13 going.

14 He is a tremendous resource. I
15 strongly suggest we take advantage of his
16 offer to give us guidance, direction, and some
17 good information as well.

18 CHAIR BERLYN: Thanks, Barry.
19 Josh also mentioned Nicol Turner-Lee, who is
20 with the Joint Center for Political and
21 Economic Studies, who has responsibility to
22 collect the metrics for Connect to Compete.

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1 So we probably will want her to come and talk
2 at some point. They have done amazing work on
3 broadband adoption. So I think she would be
4 an excellent resource as well. Mark?

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

7 I am disappointed that somebody
8 from Connect to Compete could not make it. I
9 mean, we gave them a substantial warning. It
10 would have been good if they could have been
11 here, but a broader issue that, I think, is
12 all relative to this.

13 The working group, the Broadband
14 Working Group, has spent a lot of time talking
15 about the Connect to Compete process, talking
16 about the Comcast process in terms of trying
17 to get the adoption out there, and the
18 adoption for the free school lunch program.

19 So when Josh was here, he had
20 mentioned the two significant things that the
21 Chairman was trying to do right now relative
22 to broadband, and it was access and adoption.

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1 We as a committee really can't do a whole lot
2 with the access issue, other than kind of say
3 that we would like everybody to have access,
4 try to make access ubiquitous, but we all
5 understand the problems in terms of financing,
6 access into very rural areas.

7 So that becomes a very big
8 stumbling block. Then you turn to the
9 adoption issue, and the adoption seems to be
10 where the Commission is putting a lot of
11 attention, and it certainly is where the
12 administration has put a lot of attention
13 through the dollars that were put out through
14 the stimulus program, through the BTOP program
15 in particular from NTIA, trying to help
16 communities put in broadband adoption
17 processes and best practices and things like
18 that.

19 So there are some models out there
20 that I think maybe could be useful. One thing
21 that I am struggling with myself, as well as
22 our group is struggling with, is trying to say

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1 what role do we really have in this adoption
2 effort. It just seems like the FCC has said,
3 okay, we are going to create a spin-off or the
4 nonprofit Connect to Compete to take this role
5 of trying to work through the adoption issue.

6 They have done a wonderful job in
7 terms of trying to get together some very good
8 partners to help them do what they are doing,
9 and we talked about the metrics a little bit,
10 and what do we put in place to try to monitor
11 what they are doing and make midstream
12 corrections if things are not doing the best
13 things they could be doing, but then it seems
14 like there is another party that is being
15 brought in to monitor the metrics.

16 So I am struggling, trying to
17 figure out what role do we really -- what role
18 should we be playing in this, especially since
19 the FCC has taken this issue and given it to a
20 third party, and then the third party has gone
21 to a fourth party for the metrics part of
22 this.

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1 So I don't know. We are spending
2 an awful lot of time on this, and maybe we
3 shouldn't be. Maybe we should be spending our
4 time doing something else. So a little
5 direction, I think, would be really good right
6 now.

7 CHAIR BERLYN: Anyone else on
8 Connect to Compete? I have Mitsy. Okay.

9 MS. HERRERA: I agree with Mark,
10 that some direction would be good and getting
11 feedback, but I would actually ask. We have
12 the folks from Connect to Compete here. Could
13 we also get somebody from NTIA, particularly
14 their sustainable broadband adoption; because
15 one thing I do think that we can bring to the
16 table is the glaring lack of coordination
17 between Federal agencies that are working on
18 the same issue.

19 The fact that Josh works in the
20 Chairman's office and says that they don't
21 know about any of these programs, and NTIA has
22 compiled, I think, a big database of some of

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1 these local programs -- So one of the things I
2 think we can bring to the table is helping to
3 get these government agencies to talk to each
4 other.

5 So I would ask, if we can, and we
6 have the Connect to Compete people, could we
7 also get somebody from NTIA?

8 CHAIR BERLYN: What I would
9 suggest is that the Broadband Working Group
10 talk about that. Okay. Amalia, I think you
11 said you had another thought.

12 MS. DELONEY: This is Amalia,
13 Center for Media Justice. I am not sure that
14 this is the right place, but I thought I would
15 raise it, because there is interest, at least
16 from several of us here.

17 We are working with communities
18 across the country on the issue of the cost of
19 prison phone calls, particularly the
20 exorbitant cost that is borne by the family
21 members who have folks who are incarcerated,
22 either in jails or prisons or through

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1 immigrant detention.

2 This is something where there has
3 been a petition in front of the FCC for over
4 12 years. It is an issue that is bubbling up
5 again. There is impact at the Federal levels,
6 state level, and municipal level. It is a
7 consumer issue, more so tied to phones than it
8 is to broadbands.

9 I would at least like to raise the
10 issue and hear from people whether or not
11 there is space at this table to talk about
12 these sorts of things, given the fact that at
13 least several groups here are actively engaged
14 in this issue.

15 CHAIR BERLYN: Is there anyone who
16 wants to respond to that issue? Art?

17 MR. NEILL: Just for what it is
18 worth, UCAN has done a number of individual
19 cases where there are lots of issues, as you
20 say, because there is monopolies given to
21 carriers in the prisons. So there is a lot of
22 abuse that takes place anytime you have a

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1 total monopoly.

2 We have cases and probably stories
3 to share, and ways of solving individual
4 problems, as well as identifying trends.

5 CHAIR BERLYN: We are just
6 chatting to see if that falls within any of
7 the areas of our working group, and I am
8 having a hard time sort of figuring out what
9 it falls under. Yes?

10 There is a petition pending, you
11 said? You said there is something pending at
12 the FCC on this?

13 MS. DELONEY: There has been a
14 petition in front of the FCC for, I believe,
15 12 years.

16 CHAIR BERLYN: You know, an
17 organization that might have an interest in
18 that, and they are not here today, is NASUCA.

19 So unfortunately, their representative is not
20 here today. Lawrence, are you on the phone,
21 by any chance? No. Ken?

22 MR. McELDOWNEY: I think one thing

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1 that might be interesting to do would be for
2 the CAC to come up with a list of petitions
3 that have been sitting at the FCC for years,
4 and then get someone to come from the
5 Commission to sort of address those.

6 There is no excuse for something
7 lasting 12 years, much less 12 weeks -- I mean
8 12 weeks, much less 12 years. That is just
9 inexcusable. My guess is it is sort of lost
10 in some dusty drawer somewhere.

11 CHAIR BERLYN: It is a good idea.
12 Sounds like a good way to address it. Yes?
13 Mitsy?

14 MS. HERRERA: I am sorry. Just
15 to follow up to that, I believe that there was
16 a report that they had to do for Congress. It
17 probably would have been within the last year,
18 which noted the backlog of FCC petitions that
19 they have failed to take action on. I would
20 note that for my brethren out there in the
21 public educational government access
22 community.

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1 They have had one about the
2 failure for people to get local -- to get AT&T
3 to carry local public educational and
4 government access petitions, and it has been
5 sitting at the FCC for over three years. It
6 is a widespread problem, particularly when the
7 FCC is confronted with a difficult issue.

8 CHAIR BERLYN: I think we have the
9 start of some good thinking about this. So
10 let me think about how we sort of move this
11 forward, but it is a good idea, yes. Ed?

12 MR. BARTHOLME: I was just going
13 to piggyback off of that and say --

14 CHAIR BERLYN: Oh, Ed, identify
15 yourself. Sorry.

16 MR. BARTHOLME: I am Ed Bartholme
17 with Call for Action.

18 In addition to some follow-up on
19 some of those things, the CAC in various
20 iterations has made a number of
21 recommendations to the FCC, and I don't
22 believe we have ever really gotten a formal

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1 report back on any of the recommendations that
2 we have made.

3 So even from an "in our own house"
4 standpoint, it would be nice to have somebody
5 just come and address some of the things that
6 we have put before the Commission over the
7 years. For one, there are new people at the
8 table who don't realize the things that we
9 have already acted on as a group or not
10 necessarily even when I was part of the group,
11 but that the group has already acted on.

12 So it would be nice to know where
13 those things sit and where they might be
14 going, so that that way we can better focus
15 our energy and effort, so that we are not
16 duplicating effort and covering the same
17 issues again, especially if there is just no
18 interest in the Commission actually doing
19 anything about our suggestions.

20 MR. UMANSKY: This is Barry
21 Umansky. I guess, in partial defense of the
22 FCC, there was an original plan to have a

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1 report back on one of our Media Working Group
2 and full CAC recommendations on evaluation of
3 the national EAS test.

4 As it turns out, that person is
5 not here now, but there was definitely an
6 effort to at least respond to one. There was
7 a conflict or --

8 CHAIR BERLYN: Scott is going to
9 respond. Scott, mike.

10 MR. MARSHALL: This is Scott
11 Marshall. We did invite Tom Beers who spoke
12 to us last time. Actually, he has been here a
13 couple of times, from the Public Safety and
14 Homeland Security Bureau. He wrote me
15 yesterday and said there is some data that
16 they now have. It is being reviewed, and I
17 believe he indicated that he would be briefing
18 the Chairman about it, and I know he is
19 interested in coming back in June, because we
20 talked about it.

21 CHAIR BERLYN: Okay. So getting
22 back to -- Thank you, Scott. Getting back to

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1 Ed's point, I think it is a great one. We
2 make great recommendations. What happens to
3 them? We have seen -- To give ourselves some
4 credit, we have seen our recommendations
5 appear in orders, like Lifeline is a great
6 example, USF.

7 So we should give ourselves that
8 credit. So that is enough of a validation
9 there, that there is something that happens
10 with our recommendations, but it is not a bad
11 idea for us to do a little bit of a check once
12 in a while with the Commission and say, hey,
13 what is going on with some of our
14 recommendations.

15 MR. BARTHOLME: I think we should
16 skip the DTV ones, though.

17 CHAIR BERLYN: I think we can skip
18 that, yes, which was the focus of a lot of our
19 work in 2007 to 2009. Yes.

20 Okay, we are going to wrap this up
21 in just a minute, but, Ken, you want to have a
22 last comment here?

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1 MR. BARTHOLME: Yes. I was going
2 to say that I think one of the advantages of
3 getting feedback as opposed to just
4 recognition for the recommendations is that,
5 from the feedback, we could find out whether
6 or not they didn't quite understand the
7 recommendations or whether or not there is
8 additional information we can provide.

9 So I think it is not just the
10 recognition. I think it is being able to
11 really sort of follow through on the
12 recommendations that we make.

13 CHAIR BERLYN: Right. So is there
14 any other final issues, comments. If you
15 haven't gotten an opportunity to speak about
16 your important issue, now is the time to do
17 it. We are going to send off the -- Is that a
18 hand up, or no? That was a sort of hand up.
19 Name and hand up for the mike?

20 MR. BAKER: Chris Baker, AARP. We
21 had talked about the FCC website in a number
22 of our different groups, and we are interested

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1 in having someone from the FCC come talk to
2 us. The speaker earlier this morning
3 addressed the complaints aspect of it, but I
4 can't remember. What is sort of the next
5 steps on that and what we were thinking about?

6 CHAIR BERLYN: Scott?

7 MR. MARSHALL: This is Scott
8 Marshall. Yes, we had invited, as it turned
9 out, our Managing Director, David Robbins, to
10 this meeting. Unfortunately, he could not
11 make it, but he did indicate to me on the
12 phone day before yesterday that he would be
13 willing to come to us again or even come to a
14 working group meeting, if you wanted to have
15 an initial discussion so that you could get
16 the ball rolling before the June meeting.

17 So I think my suggestion would be
18 give me a couple of dates, and I will get back
19 to him and see if we can facilitate that, if
20 you want to meet at the working group level.
21 Otherwise, we can have him in June, too.

22 CHAIR BERLYN: Go ahead.

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1 MR. BAKER: Because June is the
2 next meeting date?

3 CHAIR BERLYN: Yes. We might as
4 well mention that now. We have identified a
5 date in June, a date. We are keeping our
6 fingers crossed, when this room is available.

7 June is the next time we thought we would
8 meet before we get into the time of the
9 summer, which is always difficult for folks.

10 So Scott checked into the
11 availability of the Commission Meeting Room
12 and checked conferences for all the
13 organizations that sit on the CAC.

14 So the available date is June
15 15th, which is a Friday, which we know is
16 usually a little bit easier for folks. So
17 that is the proposed next meeting date for the
18 CAC. Hopefully, it is not hitting during a
19 vacation day for you all, or vacation week.

20 So that is when we are proposing
21 to meet again. I think, in terms of the
22 website and having him speak, it might be a

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1 good idea to pull him into a working group
2 conference call, so that you can make an early
3 determination whether or not he needs to come
4 to talk to the full CAC.

5 MR. BAKER: Did we decide which
6 working that was? I know there was some talk
7 about it in the Consumer Group. We have
8 talked about it in the Broadband Group, but I
9 don't know.

10 CHAIR BERLYN: I think it is the
11 Consumer Group, I think, is the appropriate
12 working group. But these working groups are
13 open, and so, Ed, if it is okay with you to
14 have the Consumer Working Group handle that
15 issue, but to make sure that folks know;
16 because the website does touch everybody, and
17 others might be interested.

18 MR. MARSHALL: I am sure I must
19 have said this at one time or another, but if
20 I didn't, I apologize. Any of you can post a
21 message on our robot mailing list to the
22 entire committee. You can also post a message

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1 to your own working group of which you are a
2 member, and we also have a leadership group
3 which consists of the chairs of the working
4 groups that meet once a month via phone, and
5 we also have a leadership list as well that
6 the leaders can post to.

7 So please free to use any of those
8 vehicles to help cross-fertilize, if you will,
9 the work of the various groups and, if there
10 are any other good ways of doing that, I would
11 be happy to help try to facilitate it.

12 CHAIR BERLYN: Fernando is going
13 to make a comment. We will make that the last
14 one around the room, and then I do want to
15 check and see if anyone on the phone --
16 hopefully, there are folks there -- if anyone
17 on the phone wants to comment. Fernando?

18 MR. LAGUARDA: Fernando Laguarda,
19 Time-Warner Cable. This is more of an
20 announcement, but Scott reminded me of the
21 importance of making the announcement.

22 The Telecommunications Policy

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1 Research Conference, which is the leading
2 conference for academic work in the
3 telecommunications space, is having its 40th
4 annual conference at George Mason University
5 this fall.

6 The deadline for submissions of
7 abstracts for papers for the conference is
8 March 31st. I will circulate the information
9 on how to submit, but the website is tprc.org
10 -- tprcweb.com -- sorry. I will circulate
11 that to the group, but I wanted to make the
12 announcement since the deadline will take
13 place before we meet again, but it is an
14 important conference and a great opportunity
15 to submit papers, research papers of interest
16 to the academic community, and I would bring
17 that to your attention. Thanks.

18 CHAIR BERLYN: Thanks, Fernando.
19 Does anyone on the phone want to offer any
20 comments? We do have someone who is checking
21 Facebook and is supposed to communicate with
22 us.

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1 By the way, if anyone wants to
2 Tweet from here, our hash tag, apparently, is
3 fcclive. We didn't have any this morning,
4 and they are supposed to keep us informed. So
5 we will let you know.

6 MR. MARSHALL: We are not planning
7 on interrupting the consideration of the
8 recommendations and your reports back with
9 questions.

10 CHAIR BERLYN: Hopefully, we will
11 get people more engaged in this process going
12 forward.

13 MR. MARSHALL: The Tweeting and
14 the Facebook is new for us. I think it is
15 pretty new for any of the Advisory Committees,
16 and that is something that will be done with
17 all of the Advisory Committees, as I
18 understand it, and although the existence of
19 this meeting was Tweeted all week, I am sure
20 there are other ways of publicizing that that
21 we need to explore.

22 I had a volunteer that was ready

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1 to give us the questions here in the room
2 today, and he and I will be meeting with our
3 new media team folks to see going forward if
4 we could make it -- stir the pot, if you will,
5 to try to get more public participation via
6 questions.

7 CHAIR BERLYN: I think, Scott,
8 probably the best way for us to get the word
9 out -- I don't know how many of you around the
10 room participate in Tweet. I do. Anybody
11 else? Right. So if each of us could do it in
12 the days leading up to the FCC meeting and
13 just say, hey, you know, we have got a
14 meeting, and these are some of the issues we
15 are going to talk about, I think that might
16 stimulate some interest, because we all have
17 followers. I think that is another way to do
18 it. So I will keep that in mind for our next
19 meeting, and I think that will help.

20 MR. MARSHALL: And I can put a
21 reminder in the advance materials or something
22 like that, too, or post to the list.

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1 CHAIR BERLYN: So this is a little
2 too early. I didn't think about it, but I
3 think that is a way to generate some interest.

4 Yes, Mitsy? A final comment?

5 MS. HERRERA: Yes. I just want to
6 ask quickly, because I did actually send out
7 some Tweets during that meeting. Is the FCC
8 at @fcc or are they at @fcc.gov? Which is
9 their actually Tweet?

10 CHAIR BERLYN: I don't know.

11 MR. MARSHALL: I'm sorry, but I
12 will let you know.

13 CHAIR BERLYN: You didn't pick it
14 up on your --

15 MS. HERRERA: I got two. I just
16 thought, if you want to follow or send stuff
17 to them, they have got two listed, and the dot
18 is spelled out. It @fccdotgov.

19 CHAIR BERLYN: I don't know.

20 MR. MARSHALL: I think I know the
21 answer to that question. I asked that
22 question one time, and I was told that they

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1 spelled out the dot so that robots couldn't
2 capture and use the data or use the address
3 inappropriately. I think that is the reason.

4 T he address is actually not d-o-t spelled
5 out, but which address is the preferred one, I
6 don't know, but I will let you all know.

7 CHAIR BERLYN: We will find out,
8 yes. All right. Thank you all. That was a
9 really excellent discussion. All right. We
10 are going to move along now to our breakout
11 rooms. Scott, we are running a little late.
12 We are going to take the breakout still on the
13 dot of two o'clock. Make sure, if you are not
14 meeting in this room, that you are back in
15 this room on the dot of two o'clock.

16 MR. MARSHALL: Okay. USF and
17 Broadband, please, up the stairs, out this
18 door to my right. Make a right, go up the
19 stairs, and turn right, and two rooms, 438,
20 468 are adjoining, and I am told they are
21 unlocked and ready for your use.

22 Consumer folks, right down this

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1 hall past the intersecting corridor, and down
2 in that corridor. It is 402, and I believe
3 that is on the right.

4 Disability, of course, is staying
5 here. Again, please speak into the microphone
6 so that we can keep the captioning stream as
7 clear as we can get it.

8 CHAIR BERLYN: We will see you all
9 back here at two o'clock. Thanks.

10 (Whereupon, the foregoing matter
11 went off the record at 1:07 p.m. and resumed
12 at 2:07 p.m.)

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1 they didn't get into the Federal Register in a
2 timely fashion, we have to reaffirm them.

3 So I could have a motion to
4 readopt these recommendations, from the floor.

5 MR. UMANSKY: I move them the
6 motion.

7 CHAIR BERLYN: And second?

8 MS. CRESPIY: Second.

9 CHAIR BERLYN: Any discussion?
10 Fernando? Discussion, Fernando?

11 MR. LAGUARDA: Fernando Laguarda,
12 Time-Warner Cable. I think, procedurally, it
13 is fine. I would only want to make sure that
14 the motions as adopted reflect the votes that
15 took place. So I believe there were some No
16 votes and some Abstentions, as reflected in
17 the document. Then I have no problem. While
18 I would vote for these motions, my votes on
19 the individual items would stand as they were
20 when we took them.

21 CHAIR BERLYN: Excellent point,
22 Fernando, and Scott assures me that that is

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1 the case. Lise?

2 MS. HAMLIN: Lise Hamlin here. So
3 that brings to mind a question. I wasn't here
4 for that meeting. Do you want the votes to
5 reflect exactly what they were in the last
6 session? I just wasn't here. I didn't
7 abstain. I just wasn't here.

8 CHAIR BERLYN: It is unnecessary
9 that you abstain from this vote, because you
10 didn't vote on the last vote. It is fine that
11 you vote to affirm these. Any further
12 discussion?

13 All those in favor? Any opposed?
14 Abstaining? Okay, thank you all.

15 The next item of business is that
16 I would like to send a letter on behalf of the
17 CAC commending Joel Gurin for his outstanding
18 service and commitment to consumers during his
19 time as Bureau Chief of the Consumer and
20 Governmental Affairs Bureau. So that is
21 something that I would like to draft and send
22 on the CAC's behalf.

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1 MR. UMANSKY: I will second that.

2 CHAIR BERLYN: Thank you. That is
3 my motion, and it has now been seconded. Any
4 discussion? All those in favor, signify by
5 saying Aye. Any opposed? Any abstaining? I
6 love that, two unanimous votes in a row,
7 Scott. Excellent. Great.

8 All right. Now we are into our
9 reports, and I am going to call on Barry first
10 for a report of the Media Working Group.

11 MR. UMANSKY: Barry Umansky,
12 Digital Policy Institute.

13 As was mentioned earlier, we
14 should -- Of course, we checked on what the
15 Commission is doing on various
16 recommendations. We will be following through
17 on EAS and Public Broadcasting. They were
18 just now reaffirmed; also, some of the
19 materials that Traci Morris had been advancing
20 on tribal priorities. We want to keep a close
21 look on that.

22 I have talked with her and I have

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1 talked with Steve about some potential new
2 recommendations for the meeting in June.

3 Right before we had the breakout
4 sessions, I alluded to something that I
5 personally think, and I have done briefly a
6 consensus that we should have greater focus, I
7 think, as a Consumer Advisory Committee, in
8 urging the FCC and perhaps the Congress as
9 well on the issue of disclosure; because there
10 is nothing that we can do to overturn the
11 Supreme Court.

12 That is not the way it works, but
13 for years the FCC has had the statutory
14 mandate to make sure that people know who is
15 trying to persuade them in television and
16 radio ads. But I think we have got something
17 larger than just over-the-air broadcasting.

18 That is why any solution, which I
19 think is long overdue, because we have changed
20 circumstances now. Once or twice, the FCC has
21 pierced the veil and has departed from its
22 standard policy of just looking at who signs

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1 the check. That kind of covered it in the old
2 days.

3 Once or twice, they actually
4 looked to really where the money was coming
5 from when it was so blatant, and these are
6 rules that -- or decisions from about a decade
7 and a half ago.

8 We have got new changed
9 circumstances. There has been a petition that
10 has been sitting for about 10 months at the
11 FCC, has yet to go on public notice. Now I
12 don't think we necessarily have to say we
13 embrace every element of this petition that
14 was filed by the Media Access Project, but I
15 think it would be a useful point to start the
16 dialogue on what the FCC could do under
17 existing legislation perhaps to reinterpret
18 through its rules what kind of disclosure is
19 necessary when you have these independent ads.

20 Another track -- and as you recall
21 from our last meeting in November, we had
22 gotten the FCC's General Counsel's Office to

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1 concur that, under Section 4(k)(4) of the
2 Communications Act of 1934, the FCC not only
3 has the opportunity but the duty to recommend
4 legislative changes that might better help the
5 agency fulfill its requirements.

6 I hope that we can all take a look
7 in the next couple of weeks at the contents of
8 H.R. 4010, which is not just restricted to
9 broadcasting. It would extend to all
10 electronic media, and would deal with
11 disclosure of who really is behind these ads.

12 Our next plenary meeting of the
13 group is going to be -- I think June 15th is
14 the new day. We will have ready by June 15th
15 probably a couple of recommendations that deal
16 with this area. In the meantime, I think we
17 will be informally asking the Commission to at
18 least put that one petition on public notice,
19 again sensitive to the issue of burdens of
20 recordkeeping.

21 We don't think that they
22 necessarily have to fall on media. We look at

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1 the precedent that was set in like disclosure
2 of contraindications of prescription drugs. I
3 think the onus should be on the advertiser for
4 full disclosure.

5 So that is what is coming. I just
6 want to give you a preview of another area
7 where I think both the Media Working Group and
8 the Broadband group and perhaps others, of the
9 myriad rule makings that will starting up as a
10 result of the spectrum related rider to the
11 extension of the payroll tax cut.

12 We will keep a watchful eye on
13 that, and I think that by June probably both
14 working groups will have some recommendations
15 on the FCC's implementation of that
16 Congressional directive. That's it. Any
17 questions? Okay.

18 CHAIR BERLYN: Cecilia has a
19 question.

20 MS. GARCIA: Cecilia Garcia,
21 Benton Foundation. Barry, I wanted to ask if
22 your group at all about the ongoing

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1 discussions around online disclosure for
2 broadcasters, the political files, and that
3 kind of thing?

4 MR. UMANSKY: That is not the
5 focus of our discussion right now. We are
6 looking at the disclosure itself and not
7 looking at the outlying issue. That is a
8 separate matter. I think, by the time that we
9 meet again, that is probably going to be
10 decided by the FCC. I think the intent is to
11 put it on the March or April agenda.

12 Once we see what the Commission
13 has done, then I think that perhaps the
14 dialogue will be a little more focused.

15 One other thing that, I'm sorry, I
16 left out. One thing that we would ask Bobby
17 Baker to do, if we were here, to put together
18 some public notices that would, one, explain
19 to consumers what exactly they are seeing and
20 what they are not seeing, but also to explain
21 to all media, not just broadcasting, not just
22 electronic, that there are consequences of

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1 airing advertising that contains libelous,
2 untrue material.

3 The protections the broadcasters
4 have when a candidate is running for office,
5 and a candidate's authorized ad is aired, many
6 Supreme Court cases have said that stations
7 are not liable for the content and not liable
8 for libel. But that doesn't exist. There is
9 no such protections for any media when you
10 have ads by independent groups. That's it.

11 CHAIR BERLYN: Thanks, Barry.
12 Okay. Now we are going to turn to Cecilia
13 Garcia and the USF Working Group.

14 MS. GARCIA: Cecilia Garcia,
15 Benton Foundation. First, I want to thank the
16 USF Working Group for a great breakout
17 session. I think we made some pretty
18 interesting decisions about the work for the
19 next couple of months, moving into the June
20 meeting.

21 The very first thing that we want
22 to report is that we want to change the name

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1 of the Working Group and drop USF as a title
2 and make it Universal Service, because that
3 certainly includes the Fund, the work of
4 Lifeline and the high cost and the fund
5 itself, but also it allows us to look at
6 affordability, which we think for low income
7 consumers is important.

8 It allows us to take on some
9 things, and we will talk a little bit about
10 that. So that is the first item, and I want
11 to thank the group for pointing that out and
12 kind of rallying around that.

13 We will have two calls before the
14 June meeting, at least two calls. We may
15 decide to have a third. Our April call, for
16 the working group I will send around a doodle,
17 so that we can figure out the appropriate
18 time, but what we will take up in our next
19 call will be outreach and education around the
20 Lifeline changes.

21 We think it is very important. As
22 we know, the order really did change things

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1 considerably, and as Kim told us this morning,
2 this is an area that they really want the CAC
3 to weigh in on. So we are going to take that
4 up in our next meeting.

5 What we would like to do, and I
6 will talk to Debra and Scott about this after
7 our meeting, we would like the FCC staffer who
8 can join us for that call to talk about
9 outreach. We would like them to come prepared
10 to discuss with us what materials are being
11 prepared, what is the timeline, and what
12 process can we create together to ensure our
13 input and to make sure that we can provide
14 some good feedback for them.

15 So we can talk about who that
16 person should be and when we can have the
17 call. So that is the very next thing.

18 Our May call -- That was our first
19 call. That would be our April call. Then the
20 next call: One of the reasons that we wanted
21 to make the change in the name is so that we
22 can really look at this issue of prison phones

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1 that Amalia brought up.

2 There is a lot of activity going
3 on at the grassroots level around this issue.

4 We are positioned well, we think, to be able
5 to bring these concerns to the FCC so that the
6 FCC then can weigh in. So we would like to do
7 that.

8 Another part of that call will be
9 a briefing on the survey that Amalia talked
10 about from Action United on the experiences of
11 low income consumers in Philadelphia around
12 signing up for the Internet Essentials Program
13 for Comcast. So we will get a briefing on
14 that as well during that call.

15 I think that's it. That is it for
16 our activities heading into the next meeting.

17 Do you also want me to talk about the
18 recommendation?

19 CHAIR BERLYN: Yes. We will turn
20 to that in a minute. Does anyone from the
21 Universal Service Working Group have anything
22 else to add, any other thoughts?

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1 MS. DELONEY: We love our group.

2 CHAIR BERLYN: Great, and yes.
3 Everyone take out one of your two pink pieces
4 of paper in your folder here. It is the
5 recommendation regarding the Remote Areas Fund
6 that you will see. This is the Working Group
7 recommendation that Cecilia is going to now
8 present.

9 MS. GARCIA: Basically, this
10 recommendation has two points. The first is
11 to -- What we are asking is that the Remote
12 Areas Fund be structured in such a way that it
13 enables the municipal community and local
14 broadband providers to participate in the
15 fund.

16 The reason for that is we believe
17 that community based entities are able to
18 reach deeper within communities. That is
19 really the reason for the first part of this
20 recommendation. It is to acknowledge the work
21 that is done at the community level, and we
22 just feel that there is a lot to be gained,

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1 that a lot of community engagement, true
2 community engagement, and feedback that can
3 happen if this opportunity is made available
4 to these entities. So that is the first part.

5 The second is an interconnection
6 obligation. Basically, what this part of the
7 recommendation assures is that that last mile
8 of connectivity is assured in rural areas.
9 That is basically the essence of that second
10 recommendation there.

11 As we know, in rural areas that
12 last mile is usually the hardest of the
13 connections to make, and this would give the
14 back haul capacity to communities so that they
15 can have that connectivity in an easier
16 fashion. So that is the essence of our
17 recommendation.

18 If I have misspoke or if there is
19 something that my colleagues want to add to
20 that, please feel free to raise your hand and
21 add. I want to thank Amalia for helping me
22 understand that second part a little better.

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1 CHAIR BERLYN: Does someone make a
2 motion to move -- Oh, we will have discussion
3 after -- Someone make a motion to move the
4 recommendation?

5 MR. McELDOWNEY: I will.

6 CHAIR BERLYN: And second?

7 MS. MARTINEZ: Second.

8 CHAIR BERLYN: Discussion.
9 Questions and discussion? Chris, and then
10 Paul. Chris, raise your hand and identify
11 yourself.

12 MR. BAKER: Chris Baker, AARP. A
13 minor point: In the first bullet, you
14 mentioned to assure that consumers have access
15 to the most robust available broadband
16 service. Do we want to put affordable in
17 there? I don't see a mention of affordable.

18 MS. GARCIA: Absolutely. That
19 would be fine with me. Sure.

20 CHAIR BERLYN: No objections.
21 Paul?

22 MR. SCHROEDER: Paul Schroeder,

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1 American Foundation for the Blind. It
2 shouldn't need to be said, but I think it
3 probably does. I would love to see if we
4 could add something along the lines of "ensure
5 that these groups will do outreach and work
6 with the disability community" or "efforts to
7 ensure that people with disabilities have
8 access," something along those lines.
9 Otherwise, I fear, like the Lifeline
10 discussion, it will be lost in the cracks.

11 MS. GARCIA: Paul, I think that is
12 a wonderful suggestion, and I would appreciate
13 if maybe you could help me with some language
14 to insert, and I think that would be good.

15 MR. SCHROEDER: Okay.

16 CHAIR BERLYN: Perhaps, Paul, if
17 you could draft something in the next half-
18 hour or so that you can give to Cecilia, and
19 we will come back to this and vote on it in
20 the next half-hour or so, that would be great.

21 Does anyone else have any other
22 comments, edits, questions? Mitsy?

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1 MS. HERRERA: In the second bullet
2 point, the interconnection obligation -- Is
3 that an interconnection obligation to each
4 other?

5 MS. GARCIA: The obligation would
6 be on the providers who receive support from
7 the fund.

8 MS. HERRERA: They are
9 interconnecting to what?

10 MS. GARCIA: It would be to
11 provide the last mile, the connectivity --
12 They would be providing the mechanism whereby
13 communities can then make the connection in
14 the last mile, the last two homes and
15 businesses.

16 CHAIR BERLYN: Does that answer
17 your question, Mitsy?

18 MS. HERRERA: I understand the
19 first bullet point. I am just trying to
20 understand the second one. Are you saying
21 that, where you have other last mile providers
22 that the incumbent has an obligation to

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1 interconnect with them?

2 MS. GARCIA: Yes.

3 MS. HERRERA: Okay.

4 CHAIR BERLYN: Okay. Any other
5 questions right now? If not, Cecilia, Paul
6 will work with you on incorporating that
7 language, and we will get back to you after
8 the other working group reports.

9 Ed, the Consumer Empowerment
10 Working Group.

11 MR. BARTHOLME: Ed Bartholme with
12 Call for Action.

13 Since the November meeting, our
14 group had been focusing pretty heavily on the
15 NOI concerning harmonization of the TCPA and
16 TSR rules. We had actually begun to draft a
17 recommendation concerning that, and then I
18 guess the Commission caught wind, and out of
19 fear of our impending recommendation decided
20 to add it to their agenda and preemptively
21 strike on us, so that we couldn't get a
22 recommendation out.

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1 So we decided to table it and wait
2 and see what the outcome of their discussion
3 was concerning this topic. The outcome was in
4 line with what we were going to recommend that
5 they do. So we see that as being a good
6 thing.

7 A little bit earlier, we had some
8 further discussion on the topic, and are going
9 to plan to recommend moving forward. We are
10 going to put out a recommendation that both
11 supports the decision that was made,
12 acknowledges that we feel that that was the
13 right way to go with it, but we also feel
14 that, while it is nice to harmonize the rules,
15 what is really lacking here is the enforcement
16 side of things concerning TCPA violations.

17 In looking at the complaints that
18 are logged, the TCPA related complaints have
19 grown exponentially over the past few years,
20 and until they actually start to go after the
21 bad actors in this arena, it is not going to
22 stop, and it is not going to change.

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1 So while it is great that this was
2 a very positive outcome in that the rules are
3 now the same, until they actually start to
4 enforce the rules, consumers and end line
5 users are not going to see any real
6 improvement in their situation or their
7 frustration level.

8 So that is what we are going to
9 carry forward as the next step, and this is
10 for stuff like the unwanted text messages you
11 get on your phone or marketing calls where it
12 is really not the carrier's fault, and the
13 carrier has very little they can actually do
14 about it.

15 There needs to be enforcement
16 action taken against the initiators, whether
17 it is a robocall company or a marketing firm
18 or whoever is on the back end sending out
19 these blasts of text messages and phone calls.

20 So that is something that we are planning on
21 looking at and having a recommendation for at
22 the June meeting.

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1 We also had been discussing
2 heavily the website. We did look at whether
3 or not it would be wise to make a
4 recommendation concerning the website, and the
5 majority of the group felt that it would be
6 better to hear from someone from the FCC as to
7 what they see as the audience, where they
8 gauge their own progress on the site before we
9 put forth any sort of recommendation.

10 That was intended to happen today,
11 but unfortunately, plans didn't jive with
12 that, and it has to be pushed back. So we are
13 going to have a working group phone call at
14 the very least. We discussed the possibility
15 of maybe even having a webinar or some sort of
16 web conference where the person can walk us
17 through different parts of the website, if
18 that is necessary, some us some of the things
19 or show us some future things potentially that
20 they are working on.

21 Because that is of interest to so
22 many other groups, aside from just the

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1 Consumer Empowerment Group, I will send out an
2 email to the entire plen, with any notice of
3 when we are going to have that phone call,
4 when that person would be available, and any
5 other information related to that. So please
6 don't think I am Spamming you. I am just
7 trying to keep you in the loop as to what is
8 going on with that.

9 Hopefully, we will get some good
10 information and like what we are hearing, and
11 maybe have a recommendation that supports
12 their future endeavors at the next meeting.
13 If not, we would probably be in favor of
14 making a recommendation expressing some
15 concerns with the direction that it has taken
16 or this current state, and maybe offering up
17 some possible improvement suggestions, just
18 depending on how that dialogue goes.

19 So that is something else that is
20 on our radar as a working group.

21 We also talked a little bit about
22 some of the issues that deal with marketing in

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1 underserved communities or minority
2 communities where there are certain scams that
3 seem to run rampant through those areas, that
4 prey on language differences and those sorts
5 of things. That might be something we look at
6 as a group moving forward.

7 Another thing that we talked about
8 was the possibility of sharing greater
9 consumer input and consumer group feedback
10 with the consumer protection group here at the
11 FCC. We were very encouraged by Bill's
12 comments this morning. We look forward to
13 having him back at a future meeting.

14 We briefly dialogued about the
15 possibility of doing something similar to what
16 the FTC does with their Consumer Sentinel
17 where they allow outside groups to provide
18 data into that system of what they are seeing,
19 so that that way there is a greater aggregate
20 total.

21 We also talked about maybe having
22 the possibility for more direct dialogue and

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1 interaction between some of the consumer
2 groups with some people here at the Commission
3 as to what we are seeing as problems, and is
4 it unique to us? Is it unique to a certain
5 area or is this something that is on their
6 radar as well, and what, if anything, can we
7 do about that?

8 We are not sure if that is best
9 suited for the CAC as a whole or if that
10 should be maybe a separate outreach effort
11 between the Consumer Protection Group and
12 Consumer Empowerment Group here and various
13 members of the plan and other consumer focused
14 organizations out there.

15 That's where we are at.

16 CHAIR BERLYN: Interesting.
17 Thanks, Ed. Does anyone have any questions
18 for Ed? I would just like to say on the
19 question of the website, because we talked a
20 lot about it on one call that I was on, but I
21 missed, I think, the subsequent conversation.

22 There were questions about who was

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1 having issues with the website. Many of us
2 who use the website are not your typical
3 consumers who are going on the FCC's website.

4 So I think that was one thing that we were
5 sort of grappling with.

6 Chris was very helpful in pointing
7 out an article or something that the American
8 Bar Association had written about how the
9 newly designed website was not working, and
10 that raised some concerns. But, of course,
11 the American Bar Association was offering it
12 from the point of view of regulatory attorneys
13 who are using this website to participate in
14 the filing process at the FCC. So that is not
15 whose interests we are representing.

16 We are representing consumers who
17 want to participate in the process at the FCC.

18 So we felt like we had to look at this a
19 little bit more closely from the perspective
20 of the consumers who would be getting
21 information, filing complaints, and wanting to
22 participate and get their views heard at the

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1 FCC. So what is the best website for them,
2 and how do you best get information about the
3 FCC.

4 One of the questions we had, which
5 we haven't gotten an answer to, is for those
6 of you who use the FCC's new website, it is
7 very interesting that the first thing that you
8 can do is click that little button that says
9 previous fcc.gov.

10 On our call, we discovered that
11 just about all of us do that right away, that
12 we immediately go to the old website and use
13 all of the features that the old website has.

14 I don't know if that is force of habit or it
15 is just more easily laid out. We haven't
16 quite figured that out yet. We wonder how
17 long we are going to still be able to use
18 that, those of us that use that.

19 Those are some of the questions
20 that we were grappling with, with the website,
21 and we are anxious to talk to someone at the
22 FCC about that, so that we can start this

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1 process of trying to figure it out and figure
2 it out for the consumer population that is
3 trying to make the best use of the website.

4 MR. BARTHOLME: To tag along with
5 that, some of the stuff we addressed is who is
6 the actual audience of this website.

7 CHAIR BERLYN: Right.

8 MR. BARTHOLME: Is it groups like
9 ours who frequently go there and look for
10 proposed rule makings and stuff like that, or
11 is it more of a consumer education/consumer
12 empowerment portal, and does that work better?

13 Are we missing the point, so to speak, on
14 that, because we have the habit of going to
15 where we know where to find things, whereas
16 consumers who come there for the first time,
17 this is the best thing going for them, and we
18 just don't see it that way, because we are
19 kind of looking at it through a different
20 perspective.

21 So do they have any sort of
22 research they have done or are they looking at

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1 focus groups and getting feedback on what they
2 have put out there, and do they know it works
3 and we just don't see it, which could very
4 well be the case.

5 CHAIR BERLYN: Right.

6 MR. BARTHOLME: So that is
7 something that we are anxious to hear back
8 from them.

9 If I could add, one of the things
10 that I am going to send out to the group is I
11 would like any feedback or concerns that you
12 have with the website. So just, if you could
13 start to look at the new website, not click
14 through to the old website, but spend a little
15 time on the new website and just kind of play
16 around a little bit, and see.

17 Kind of just make some notes about
18 what you think works or what you think doesn't
19 work, and we will try to get a list together
20 so that it is not just a barrage of questions
21 when we finally do get somebody on the phone.

22 We would like to give them a heads up about

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1 some of the things that we want to address.

2 CHAIR BERLYN: Yes. One piece of
3 feedback that you might all look at, too, is
4 how the Consumer Advisory Committee is laid
5 out on the new website as well, because I know
6 some of us who are concerned about how more
7 difficult it is to actually find that on the
8 new website. So that might be helpful.

9 If any of you have actual
10 consumers who are kind of new users who might
11 go to the FCC's website and have insight into
12 how it is to use the FCC website for the first
13 time, I think that would really be helpful.
14 That kind of feedback would be great as well.

15 Any other questions for Ed?
16 Thanks, Ed. Broadband Working Group. Chris
17 and Mark?

18 MR. DEFALCO: Hi. Mark Defalco ad
19 the Appalachian Regional Commission. Since
20 the last time we have met, we have had three
21 or four calls. They have been very lively, a
22 lot of discussion, a lot of good discussion.

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1 It did result in the
2 recommendation from the Working Group to the
3 Committee, and Crystal will go through that, I
4 think, in just a minute. We are still
5 concentrating on broadband adoption. We think
6 that is probably the area where we could best
7 serve the interests of the Commission.

8 I would like to thank Mary Crespy
9 for all the work she did in compiling some
10 lists of all the recommendations coming out of
11 the National Broadband Plan, and then voting
12 that we all put together on trying to
13 highlight areas where we thought would be the
14 most constructive for our attention, and she
15 really put a lot of work into that. So I want
16 to publicly thank her for doing all of that.

17 We acknowledge the value that
18 partnership groups have in working toward
19 broadband solutions. With that in mind, going
20 forward, we are going to pursue discussions,
21 hopefully, leading to recommendations for
22 adoption efforts for other at risk groups such

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1 as older Americans, perhaps some disadvantaged
2 minority groups, areas where we think that
3 perhaps partnerships could be put together to
4 try to assist in the adoption efforts.

5 Then we are going to continue to
6 monitor other adoption activities that are
7 currently underway by various groups, and just
8 make sure we have a thorough understanding of
9 what they are doing, how they are doing it,
10 and how it may or may not tie in with other
11 activities that have taken place at the state
12 level or through other government agencies.

13 Then we are also going to, I
14 think, pursue some discussions on the use of
15 unlicensed spectrum in working toward
16 broadband spectrum issues.

17 So that is pretty much where we
18 are. I certainly encourage any of the Group
19 members to jump in with thoughts or comments
20 or concerns.

21 CHAIR BERLYN: Does anyone else on
22 the Broadband Working Group have any input

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1 into the discussion points? Any questions for
2 Mark before we turn to the recommendations
3 that the Working Group has? Okay, your other
4 pink sheet. Mark or Chris, who is going to
5 present this? Okay, Chris.

6 MR. BAKER: Hello. Chris Baker,
7 AARP. We think this recommendation really
8 goes to the heart, the essence, of what the
9 Working Group's responsibilities are, and that
10 National Broadband Plan was a 10-year
11 strategy goal that was approved almost two
12 years ago, and lays out an ambitious plan.

13 Part of it was the recognition,
14 understanding, by the FCC that, to be
15 successful, they need to measure the progress
16 and report back to the public on what is
17 happening. They specifically mentioned the
18 broadband.gov website as a good way to do
19 that, and used that very effectively the first
20 year or so of the plan. But this
21 recommendation encourages the FCC to continue
22 to use that and to, as bullet one -- the first

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1 bullet says, to make plans available year by
2 year of what are the priorities for the FCC's
3 work for that year.

4 Then, number two, to track the
5 recommendations. Where are we? How far along
6 are we, and to update frequently so that
7 people know, can follow the progress. Some of
8 this is updated on different parts of the
9 fcc.gov website or in reports that are issued,
10 but having it all in one place on a website
11 named broadband.gov, I think, would help focus
12 attention on it and have people understand
13 what is going on.

14 Then finally, as was mentioned in
15 the Broadband Plan, to track the six goals of
16 the plan and see where we are in meeting those
17 would be an important way to understand the
18 success of the plan. Any questions?

19 CHAIR BERLYN: Would someone move
20 the recommendation?

21 MR. LAGUARDA: So moved.

22 CHAIR BERLYN: And second?

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1 MS. GARCIA: Second.

2 CHAIR BERLYN: And second. Any
3 questions or discussion on the recommendation?
4 Sounds like you have done a good job,
5 Broadband Working Group. We can move the
6 question.

7 All those in favor of the
8 recommendation, signify by saying Aye. Any
9 opposed? Any abstaining? I'm sorry, is that
10 an abstention? I see one abstention. Any
11 others? I apologize. Scott, I did forget
12 that people on the phone cannot respond. Is
13 that right? We have to stop?

14 MR. MARSHALL: I should check on
15 that other vote, just to make sure that we
16 didn't have any. Well, okay. Let me stop
17 then and ask: On the phone --

18 MR. MARSHALL: I'm sorry. Who
19 abstained?

20 CHAIR BERLYN: Krista for CTIA
21 abstained.

22 MR. MARSHALL: I just wanted to

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1 get that on the record.

2 CHAIR BERLYN: Everyone else was a
3 yes, and there were no no votes.

4 Is there anyone else on the phone
5 who wishes to cast a vote?

6 MR. LEWIS: This is Clayton. I
7 voted Aye.

8 CHAIR BERLYN: Okay. Great, thank
9 you. Thanks, Chris, and thanks, Mark.

10 All right. Now we have the
11 Disability Working Group report. Lise or
12 Paul?

13 MR. SCHROEDER: Paul Schroeder. I
14 think we drew straws and arm wrestled, and I
15 got tangled into it.

16 We talked about a number of
17 topics, and I just want to mention a couple
18 that I think are ones that we are going to
19 continue to work on, just so you are aware of
20 it.

21 Actually, a new one that came up
22 today and might even have relevance to others

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1 in this room -- I don't know, but that was the
2 issue of consumer comment and feedback on rule
3 making at the FCC. The sort of the sum was
4 that it is a rather daunting and legalistic
5 process, particularly for consumers who are
6 not necessarily able to use the resources of
7 an organization in order to put in their
8 comments.

9 I think several of the Disability
10 Group members agreed that we would like to see
11 if we can propose models or other ideas,
12 recognizing that the FCC, and particularly the
13 DRO, has worked very hard to try to gather
14 consumer input and to ensure that consumers
15 are heard in rule making, particularly around
16 disability issues, though input on any number
17 of rules would be relevant.

18 The point remains that the FCC,
19 perhaps more than most other Federal agencies
20 with which consumers, at least consumers with
21 disabilities, come into contact, is an
22 offputting process, and I think a lot of

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1 people are scared that, when they do submit
2 comments, if they don't have all of the
3 headings and report and orders and rule
4 makings exactly right, that their comments
5 won't be heard and won't be germane.

6 So that is something that, I
7 think, we will certainly take a look at and,
8 as I said, it may have relevance even to other
9 groups. I don't know if others have heard
10 similar concerns from consumers about entering
11 into providing feedback on rule making at this
12 agency.

13 There is possibly a set of
14 comments to come back on video relay service,
15 not so much -- There is rule making in place
16 now, but we may entertain comments about the
17 structure itself, and so those would be
18 something, if it is deemed relevant by the
19 Work Group over the next few months, we will
20 bring back to consider for June agenda.

21 We discussed the clearinghouse on
22 products that has been set up pursuant to the

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1 Communications and Video Accessibility Act,
2 and we didn't have anyone from DRO to address
3 that with us, but we did have a conversation
4 about ways in which we could be providing
5 feedback on the clearinghouse, and also giving
6 guidance on steps that need to be taken.

7 There were a number of topics that
8 we did not get to, and there are still some
9 topics on our agenda. I think we are going to
10 have to get back to doing much more work as a
11 Work Group during these interim months before
12 June.

13 I will ask Lise if she wants to
14 add anything initially.

15 MS. HAMLIN: This is Lise Hamlin.

16 The only other thing that -- I don't know, I
17 think my access is cutting out. I can't hear
18 myself.

19 The only other thing I wanted to
20 bring up is that we discussed -- There were
21 some issues related to caption quality and
22 people who are deaf-blind, which goes back to

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1 CVAA. We were -- Actually, when we set up
2 this committee, we were told that we should
3 stay away from CVAA issues, because there are
4 two other advisory bodies that are working on
5 that. But now they are closing.

6 VPAAC is closing up. EAAC is
7 still active, so emergency issues. So I want
8 to bring the question up: Now that VPAAC is
9 closing up, if we can address some of the
10 issues that have been left out or not
11 addressed?

12 MR. MARSHALL: This is Scott. I
13 believe that was the intention, Lise, that
14 once the statutorily created Advisory
15 Committees ceased, that we could again pick up
16 these issues, as we had done in the past.

17 MR. HAMLIN: Thank you, and I
18 think we will probably want to do that then.
19 I would ask any other members of the committee
20 if they have anything to add to what we
21 brought? I think Paul did a great job
22 summarizing it. So thank you, and multi-

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1 tasking at the same time, and providing more
2 comments. Very impressed.

3 CHAIR BERLYN: Anyone have any
4 questions of the Disability Working Group?
5 Ed?

6 MR. BARTHOLME: This is not really
7 a question, but kind of a comment, and maybe I
8 am completely making this up. But I thought I
9 remembered when one of the first visits Joel
10 had here and talking about the transition to
11 the new website and new outreach efforts, I
12 thought there was some mention of the fact
13 that they were going to have like Tweeting and
14 discussion posts that they planned on then
15 including in the public record as it pertains
16 to certain things.

17 I just wonder if that is another
18 avenue for filing outside of the formal
19 process of -- and the burden and the effort
20 that goes into actually filing a formal
21 comment, if that is another way of
22 participation, and maybe the follow-up

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1 question to that would be to go back to the
2 Commission and say, how do you guys
3 incorporate tweets and discussion posts into
4 what you do? Do you weigh those the same as
5 you weigh formal comments that are filed, and
6 that sort of thing.

7 CHAIR BERLYN: So maybe someone
8 else can help me out here, but I know during
9 the open Internet proceeding, there was a way
10 of just going on that and just writing a
11 comment, a one-line, two-line comment, and it
12 went right into the record, and they got
13 thousands of comments that way.

14 So I don't know. Did they do that
15 on every -- Do you know, Scott? Do they do
16 that on every proceeding now or is it just
17 certain proceedings?

18 MR. MARSHALL: This is Scott. I
19 don't know the answer to that precise question
20 about whether it is available on every
21 proceeding. I do know that the Office of
22 General Counsel did look at this matter and

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1 how it worked with the Administrative
2 Procedure Act, and that when the new blogging
3 system was developed, the whole idea was that
4 people would be able to make comments and that
5 the comments would be incorporated into a
6 particular docket through the website in that
7 fashion.

8 Beyond that, I don't know more
9 about it, but we can certainly inquire further
10 and let you know.

11 CHAIR BERLYN: Good question,
12 though, really good point. Back to our
13 Universal Service Working Group and Cecilia's
14 recommendation. Do you have new language for
15 us?

16 MS. GARCIA: Yes. Thank you to
17 Paul for giving us this language. This would
18 be added -- This sentence would be added to
19 the second paragraph of the recommendation,
20 and the sentence reads: "The CAC further
21 encourages the Commission to ensure that these
22 municipal, community, and local broadband

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1 providers ensure that their broadband services
2 address the needs of, and are accessible to,
3 people with disabilities."

4 CHAIR BERLYN: One more reading.
5 This is at the last sentence of the second
6 paragraph?

7 MS. GARCIA: That is correct.
8 "The CAC further encourages the Commission to
9 ensure that these municipal, community, and
10 local broadband providers ensure that their
11 broadband services address the needs of, and
12 are accessible to, people with disabilities."

13 CHAIR BERLYN: Someone want to
14 move the amendment?

15 MR. SCHROEDER: I will move it.

16 CHAIR BERLYN: Okay. Second?

17 MR. UMANSKY: Second.

18 CHAIR BERLYN: And now discussion
19 on the amendment? Hearing no discussion, we
20 now will take a vote on the amendment to the
21 recommendation. All those in favor, say Aye.
22 Any opposed? Any abstaining? Now this is on

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1 the amendment. This is just on the amendment.

2 I have one abstention, Krista from CTIA.

3 Now we need to take a vote on the
4 recommendation itself. So on the
5 recommendation as amendment, all those in
6 favor, signify by saying Aye. Anyone opposed?
7 And abstaining?

8 Now abstaining, Scott, we have
9 Fernando, Time-Warner, Julie, CEA, Steven
10 Pociask, Krista, and Rick. Those are all
11 abstentions. Oh, and T-Mobile. I'm sorry.
12 Two abstentions then, on the amendment and
13 then also T-Mobile on the final. Did I catch
14 all the abstentions?

15 MR. MARSHALL: Did we get
16 everybody?

17 CHAIR BERLYN: I think so.
18 Excellent. Thank you. Thank you, Cecilia.

19 So that concludes all of our
20 working group reports and all our
21 recommendations. Thank you, everyone for all
22 your hard work. You all have been meeting

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1 regularly, and doing great work. So thank you
2 all for all your upcoming plans as well.

3 We are now at that point from
4 comments from the public. Is there anyone who
5 has a comment? I don't think we have any
6 tweets to respond to. Is that right, Scott?
7 Well, we are going to work on that for our
8 next meeting. There is one in our packet?
9 There is something in the packet?

10 MR. MARSHALL: It is a comment
11 from someone who emailed me, and it is just
12 for information only.

13 CHAIR BERLYN: For information
14 only. Okay. Mitsy?

15 MS. HERRERA: Yes, just two quick
16 things. Just on that comment, it does ask for
17 a status update on the AllVid proceeding. Can
18 we get that on the next agenda?

19 The other is a sort of
20 housekeeping detail. I notice that, when we
21 schedule the Bureau staff to come, there are
22 relatively small periods, and we have

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1 questions, and we sort of always run late. So
2 maybe we could schedule them for longer
3 periods.

4 CHAIR BERLYN: Yes. I think that
5 is a good recommendation. We will work on our
6 scheduling cluster time. Based on today, I
7 think we already have an agenda for June.

8 MR. MARSHALL: Yes, I think so.

9 CHAIR BERLYN: Sounds like we have
10 already got June's agenda set, and we
11 definitely will see if we can line up Bill
12 Freedman for a one-on-one, because we had so
13 much to talk to him about as well.

14 So wrap up --

15 MR. MARSHALL: Can I respond to
16 Mitsy's other question about the status issue?

17 I did respond to this consumer, Mitsy -- this
18 is Scott Marshall -- and said that I would try
19 to find out, if I could, any information about
20 this, although usually on matters of timing
21 and when the Commission is going to act on
22 something, that information is pretty much

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1 made public when it is made public, and I
2 would not have any advance notice of that
3 anymore than anyone else would.

4 MS. HERRERA: When I talked
5 earlier about the video issues, that at the
6 NCA meeting last year -- or actually, I take
7 it back. At a year ago January, they sort of
8 had announced this would come out. It is an
9 issue that is a big deal for consumers,
10 because it does address their ability to get
11 around paying for rentals of set-top boxes.

12 So I understand that maybe if
13 there could at least be a status update -- I
14 understand, it is difficult to predict
15 deadlines, but at least sort of where this
16 stands and what are sort of the remaining
17 issues that the Commission is grappling with.

18 MR. MARSHALL: I will make the
19 inquiry.

20 CHAIR BERLYN: Okay. Just in the
21 next couple of minutes, just a couple of
22 announcements. We have a date for our next

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1 CAC meeting, June 15th.

2 Thank you all. We seem to all --
3 Scott, you know it is about one minute to
4 three. So we are at our adjournment time.
5 Somehow we did that. But we will figure out
6 our schedule next time, so we don't cram our
7 speakers so closely together, but I am glad we
8 had time to have some good issue discussions
9 as well as a group.

10 I look forward to seeing you again
11 in June, and thanks for all your hard work.
12 Motion to adjourn?

13 MR. LAGUARDA: So move.

14 MR. McELDOWNEY: Second.

15 CHAIR BERLYN: All those in favor?

16 See you in June. Thanks, all.

17 (Whereupon, the foregoing matter
18 went off the record at 2:59 p.m.)
19
20
21

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