UNITED STATES OF AMERICA

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FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE MEETING

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FRIDAY,

JUNE 15, 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

CHARLIE ACQUARD, National Association of

State Utility Consumer Advocates

CHRIS BAKER, AARP

ED BARTHOLME, Call for Action

ANN BOBECK, National Association of

Broadcasters

RICK CHESSEN, National Cable and

Telecommunications Association

MARY CRESPY, Verizon Communications, Inc.

MARK DeFALCO, Appalachian Regional Commission

CECILIA GARCIA, Benton Foundation

LISE HAMLIN, Hearing Loss Association of

America

MITSUKO HERRERA, Montgomery County, MD,

Office of Cable & Broadband Services

JULIE KEARNEY, Consumer Electronics Assn.

REBECCA LADEW, Speech Communication

Assistance by Telephone, Inc.

FERNANDO R. LAGUARDA, Time Warner Cable

LUISA LANCETTI, T-Mobile USA, Inc.

IRENE E. LEECH, Consumer Federation of

America

CLAYTON LEWIS, Coleman Institute for

Cognitive Disabilities

MIA MARTINEZ, National Asian American

Coalition

KEN McELDOWNEY, Consumer Action

ART NEILL, Utility Consumer's Action

Network

STEPHEN POCIASK, American Consumer

Institute

STEPHANIE PODEY, National Cable and

Telecommunication Association

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 & Adults

OLIVIA WEIN, National Consumer Law Center

ALSO PRESENT:

AJIT PAI, FCC Commissioner

MIGNON CLYBURN, FCC Commissioner

JESSICA ROSENWORCEL, FCC Commissioner

ROBERT ALDERFER, Incentive Auctions Team,

Wireless Telecommunications Bureau

JAMES BIRD, Senior Attorney, Head of

Transaction Team, Office of General

Counsel

SHARON BOWERS, Chief Consumer Complaints and

Inquiries Division, CGB

DEBORAH BRODERSON, Legal Advisor, CGB

MICHAEL CAROWITZ, Acting Chief of Staff, CGB

ELIZABETH CROCKER, Executive Director,

Foundation for Rural Services

THOMAS KOUTSKY, Chief Policy Counsel,

Connected Nation

SCOTT MARSHALL, FCC

KRIS MONTEITH, Acting Bureau Chief, FCC

MARK STONE, Deputy Bureau Chief, CGB

KAREN PELTZ STRAUSS, Deputy Bureau Chief, CGB

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8:52 a.m.

CHAIR BERLYN: Good morning, everyone, and welcome to the Consumer Advisory Committee meeting. Thank you all for those of you who got here a little early this morning and we were able to get your coffee. I appreciate that. And we have a very full agenda.

Once again, Scott has done a fantastic job of pulling together this program. I helped a little and so did some of you, so thank you very much.

But we do have a really good program and you will see during the course of the day. And we will try and keep as much as we can on schedule, but we do have some special guests joining us this morning, as you will see from the agenda.

The first thing I would like to do is to go around and introduce ourselves. We have some of you who may be here for the first time, if you are substituting for someone else. So let's introduce ourselves.

I'm Debra Berlyn, Chair of the CAC, and representing the National Consumers League. And let's go around to Barry.

MR. UMANSKY: Good morning. I'm Barry Umansky of the Digital Policy Institute at Ball State University. And my colleague, Robert Yadon, is here as well.

MR. POCIASK: And I'm Steve Pociask. I'm with the American Consumer Institute.

MR. BARTHOLME: I'm Ed Bartholme with Call For Action.

MS. WALT: Good morning, everyone. I'm Dorothy Walt. I'm a Regional Representative for the Helen Keller National Center, the Northwest Region. I'm happy to see everyone this morning.

MR. LAGUARDA: Good morning. My name is Fernando Laguarda and I'm representing Time-Warner Cable.

MS. BOBECK: Good morning, everyone. I'm Ann Bobeck from the National Association of Broadcasters. And I just want to welcome also our three summer interns who are here. So good morning.

MS. PODEY: Good morning. I'm Stephanie Podey from NCTA. I'm an alternate for Rick Chessen.

MS. LANCETTI: Good morning, all. Louis Lancetti here with T-Mobile and also with an intern in the audience, Aveny Bell.

CHAIR BERLYN: If you all could remember as you go around to wait for the mikes to come on. Thanks.

MR. BERGMANN: Hi, I'm Scott Bergmann on behalf of CTIA. And we represent global wireless providers and equipment and handset manufacturers and applications developers that bring wireless products to consumers.

MS. LADEW: Hello. I'm Rebecca Ladew and representing the Speech Communications Assistance by Telephone, Inc. I would also like to add a happy Father's Day for all of you who are fathers.

MS. HAMLIN: Lise Hamlin. I'm representing Hearing Loss Association of America.

MR. STOUT: Hello. Claude Stout and I'm with Deaf and Hard of Hearing Consumer Advocacy Network.

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

MR. DeFALCO: Thank you. Mark DeFalco with the Appalachian Regional Commission.

MS. CRESPY: Good morning. I'm Mary Crespy with Verizon.

MS. GARCIA: Good morning Cecilia Garcia with The Benton Foundation.

CHAIR BERLYN: Okay. Did we miss anyone? Ken, did you introduce yourself?

MR. McELDOWNEY: I didn't because I didn't have a name tag. I'm Ken McEldowney from Consumer Action.

CHAIR BERLYN: And?

MR. MARSHALL: And I'm Scott Marshall.

CHAIR BERLYN: Okay. Excellent. And we do have some -- do we have anyone now on the telephone?

MR. LEWIS: Yes. This is Clayton Lewis, Coleman Institute.

CHAIR BERLYN: Clayton Lewis. Okay. Great. Anyone else?

MR. NEILL: Hi, this is Art Neill, good morning from the west coast, representing Utility's Action Network.

CHAIR BERLYN: Okay. And anyone else? Okay.

MS. HAMLIN: Could you repeat those two names, because they didn't come across and I could not hear them.

CHAIR BERLYN: Sure. Clayton Lewis is on the line and Art Neill.

Okay. Well, welcome everybody. The first order of business, I would like to thank NCTA for providing our meals this morning. So, Stephanie and Rick Chessen, thank you very much. We appreciate that.

And our first speaker Kris Monteith, the Bureau Chief, Acting Bureau Chief for Consumer and Governmental Affairs will be down momentarily. So that we will get started shortly.

Yes, well, Scott, we can do that. And meanwhile, I want to know if anyone has any questions about our program today? As you know, we will be having most of our program sessions this morning and then we do have our working group session meeting right after lunch, soon after lunch. Actually, not right after lunch. And then we have our recommendations that will be discussed after that.

So hopefully you all will be able to stay. I know Ken has a flight towards the end of the day, but other than that, I hope that you all will be able to stay for the full program. It is important that we have your full participation for the discussions on the recommendations. We have some very interesting ones today and those are really important.

Does anyone have any questions? Yes, Lise?

MS. HAMLIN: Yes, I just had a quick question here. Well, I noticed that it doesn't talk about a next meeting.

CHAIR BERLYN: Sure. Yes, we -- and it's a very good question and something that I did want to discuss at some point today. So I will discuss that right now.

We do have a next meeting planned for the month of October. And Scott is working with logistics to find out availability for here in the meeting room. Most likely another Friday, those are the best days to get availability here. And also we traditionally try and make them for Fridays.

So we are looking at a Friday in October for the next meeting.

I think some of you may know this, but perhaps not all of you know this, that the CAC has a two-year charter and our charter actually ends in November of this year, which means that October is our last meeting of this Consumer Advisory Committee.

So Scott and I may talk a little bit more about that later, but that -- you know, it's one of those things where it comes as a bit of a surprise because we actually started with our first meeting the August after we would have officially been chartered. So it gave us just a little bit over a year.

So we will talk a little bit more about that later.

I see Kris is here. Perfect timing. We are ready for you. So thank you very much and, Kris Monteith, Acting Bureau Chief. Thank you for joining us.

MS. MONTEITH: Yes, absolutely. Good morning, everyone. It's great to see you here. And we certainly appreciate your coming today and helping the Commission to advance its Consumer Protection and Empowerment agenda.

Since we last met in February, the Bureau has had a busy time. Lots of things going on and I will just mention a couple of the things that we have been working on at a high level. And I did the smart thing and brought the experts with me who can address them in more depth.

So in a nutshell, over the course of the last few months, we have released two significant Commission level items on important issues Cramming and PSAP Do-Not-Call and several Bureau-level items on equally important issues, such as TRS and Caller ID.

We have taken some important steps towards launching the National Deaf Blind Equipment Distribution Program and sought nominations for the second annual Chairman's Award for Advancement and Accessibility.

We released our Consumer Complaint Quarterly Report numbers of the first quarter of 2012 and the second quarter will follow shortly.

We have exhibited major industry and consumer conferences to educate consumers on key telecom issues. In conjunction with other parts of the Agency, we worked with industry on Consumer Protection issues, such as stolen and lost cell phones to address those issues in a voluntary way and issued new FAQ sheets and guides to educate consumers.

We have undertaken a number of important listening and consultation sessions with Native Nations and have done a soft launch of our new Native Learning Labs. And we have hosted our fourth state and local webinar.

These are just a few of the things we have been working on. It has been a very busy few months, a very interesting few months for me personally and professionally and, of course, there are lots of things going on at the Commission outside of CGB, which will be a part of your agenda and discussion, we'll touch on a couple of those.

I know that you have previously talked with Josh Gottheimer, the Chairman Senior Counselor, on a wide range of issues and most particularly broadband and the public/private initiatives effort the Commission has going on.

Today, you will continue the discussion on broadband adoption with outside advocacy organizations and, of course, your own member, The Benton Foundation.

Broadband availability and adoption is such a critical issue for the country and the Commission, reiterated again with yesterday's executive order, removing barriers to broadband infrastructure deployment on federal lands and buildings and making it easier to deploy high-speed Internet across the country.

I hope you will share with the Commission your thoughts and recommendations on how we can address these types of barriers faced by many communities across the nation.

The Spectrum is another critical issue facing the country as the Commission looks at ways to make sure that we use this finite resource efficiently and effectively and properly allocate Spectrum among many competing interests. Please, help us ensure that the interests of consumers are not lost in the mix.

With respect to mergers, we are all very aware that consumers have interests at stake when mergers take place. There is a role for the CAC to play in helping the Commission to monitor merger conditions, which we often impose as these transactions move forward, and I'm happy to see you consider this topic.

On Universal Service, thank you very much for your extensive recommendations. We know that the Universal Service Working Group is engaged with our outreach team as we begin spreading the word regarding our new Lifeline roles.

Later this morning, you will be hearing from folks in CGB that are working on our consumer complaint process. We are hoping to make changes that will make the process more transparent and consumer-friendly, which will allow us to better utilize the information we receive from consumers in our rulemakings.

We look forward to your recommendations about this topic, which really encompasses many of CGB's and the Commission's systems and processes, including our telephone IVR system, our website and, of course, the complaint forms themselves.

Finally, I note that you are addressing other timely issues, including EAS, which has been updated for the first time since the 1960s and the issue of third-party wireless shutdowns.

In short, it has been busy, lots on our plates. I'll turn it over to Mark and Karen and Roger Goldblatt is also here to address our outreach efforts and we would certainly like your input on some of those issues as well.

Again, we greatly appreciate your sharing your time and your expertise with the Commission. Mark?

MR. STONE: Good morning. I want to highlight for you two of the major items that our Policy Division has accomplished since you met last February.

First, I want to discuss the new Rules on Cramming. And second is an NPRM to begin establishing a Do-Not-Call Registry for public safety answering points.

First, Cramming. I mentioned at your last meeting that the Commission had proposed rules to help consumers avoid Cramming, which is the placement of unauthorized charges on phone bills.

On April 27th, the Commission adopted new rules to address Cramming and sought further comment on potential further steps to help consumers. I want to highlight a couple of the things the Commission did.

First, the Commission required landline telephone companies to notify subscribers at the point of sale on each bill and on their websites of the options to block third-party charges from their landline telephone bills, if the carrier offers that option.

Second, it strengthens the Commission's requirement that third-party charges be separated from the landline telephone company's charges on phone bills.

And third, it asks whether the Commission should adopt additional protections, such as requiring landline telephone companies to get consumer consent before placing those third-party charges on their telephone bills, if the company already offers to block such charges.

And fourth, it asked about Cramming for commercial and mobile radio service, such as wireless telephone companies or providers of Voice-Over-Internet-Protocol service. The Commission said it would monitor complaints from consumers of these services.

Comments on the further notice are due June 25th and reply comments on July 9th.

The second major item Kris mentioned that we have been working on is a Do-Not-Call Registry for public safety answering points. The Commission adopted NPRM on this on May 21st.

First, a bit of background. A provision of the Middle Class Tax Relief and Job Creation Act of 2012 requires the Commission to initiate within 90 days of enactment a proceeding to create a specialized Do-Not-Call Registry for public safety answering points.

This provision addresses concerns about the use of automatic dialing equipment or robocalls which can generate large numbers of phone calls in a short time, tie up public safety lines, divert critical responder resources away from emergency services and impede access by the public to emergency services.

The NPRM initiated a proceeding to establish a registry that allows PSAPs to register telephone numbers on a PSAP-specific Do-Not-Call List and prohibit the use of automatic dialing equipment to contact those registry numbers.

The PSAP Registry would build upon the existing protections under the Telephone Consumer Protection Act against the use of auto dialers to contact emergency numbers by precluding operators of automatic dialing equipment from using such equipment to contact any number included on the registry.

The NPRM seeks comment on the structure and operation of the proposed registry setting forth several proposals. The NPRM asks about the most efficient means of establishing a registry, the process for accessing the registry by operators of that equipment, safeguards to protect numbers in the registry from unauthorized disclosure or dissemination, rules to prohibit the use of automatic dialing equipment to contact numbers on the registry and enforcement provisions contained in the Tax Relief Act.

Among the specific questions the NPRM asked is which PSAP numbers should be included on the registry? Is the FTC's approach to the National Do-Not-Call Registry a useful and effective model for the PSAP Registry? What should be the process for verifying and updating PSAP numbers in the registry?

How should the registry be made available to operators of automatic dialing equipment? And finally, does the Communications Act and the Middle Class Tax Relief Act give the Commission authority to propose fines for a first violation of the Act's provision or must the Commission first issue a citation to a non-regulated violator as required by the Standard Enforcement Provisions of Section 503 of the Communications Act?

In closing, I want to thank all of you for your hard work on these key consumer issues. It really does make a difference both to CGB and the rest of the Commission. Thanks again.

MS. PELTZ STRAUSS: Hi. I'm Karen Strauss. It's great to see all of you again. I'm going to give you an update on all that we have been doing on the disability issues.

The first major thing is Internet-based captioning. As many of you know, in January we released rules that are going to require that all television programs shown with captions on TV must contain those captions when moved to the Internet.

And I believe that I already talked to you about this last time, but just as a quick review, the rules are going to be going into effect beginning this coming September. So I'm not sure you are meeting before then, so I just thought I would remind you of that.

And that particular set of rules cover pre-recorded programming that is not edited for Internet distribution. Once those programs are shown on TV with captions, when they are shown for Internet distribution, they will have to be captioned as of September 30th.

March 30, 2013, the rules apply to live and near-live programming. Near-live is programs such as late night programming. And on September 30, 2013, the rules are extended to pre-recorded programming edited for Internet distribution.

There are different rules that are a little further out for archival programming, that is programming that is already in an Internet distributor's library. After those programs are shown on TV, those distributors have a little bit of extra time.

That's the first item in CVA. The 21st Century Communications and Video Accessibility Act that I wanted to mention.

The second item is video description. As you probably know, many of you are already familiar with a lot of this. Our rules on video description are going to go into effect this July. It's very exciting for the blind and visually impaired community.

These rules were originally adopted by the Commission in the year 2000 and they were overturned by a Federal Court for lack of authority. In the CVAA Congress instructed the Commission to reinstate the rules. And so these rules are now being reinstated.

And they will apply to the four National Broadcast Networks, that's ABC, CBS, NBC, FOX, and their affiliates in the top 25 markets, as well as the top five cable channels, and that includes USA, Disney, TNT, TBS, Nickelodeon and Nick at Nite.

The rules are not as comprehensive as our Closed Caption Rules. They require only four hours of primetime or children's programming per week, that is roughly 50 hours per calendar quarter. However, the FCC has additional authority to conduct an inquiry on the benefits, uses and availability and costs of the rules one year after the phase-in and can expand the rules, if necessary.

The next item that I want to mention is the National Deaf/Blind Equipment Distribution Program. That program is also going into effect this July. That program -- Kris mentioned that program. That program is going to distribute through local entities equipment, telecommunications and advanced communication service equipment to low-income individuals who are deaf/blind.

They have to meet the Federal Poverty Guideline level that we are using as 400 percent of the poverty guideline level will qualify them. They also need to meet a definition set by the statute or actually set by the National Helen Keller Statute.

These individuals as well can get assessments, training. The program will cover warranties, outreach and all other associated related costs that are reasonable will be covered by the program.

There will be one program in every state or locality that will be responsible for conducting this distribution. We are on the cusp of announcing the certified entities. We had issued a public notice a few months back seeking applications and did a thorough review of those applications to make sure that each entity would be qualified to comply with all of our rules under this program.

I should mention it's a pilot program. We have authorized it for two to three years, so that we can really figure out how the program needs to work. There are several reporting requirements by these various entities. We are going to be reviewing those very carefully to make sure that the program is meeting the needs of the community that it is intended to serve.

In all, there will be 53 entities that are certified. We also just recently announced the National Outreach Coordinator. It's the Perkins School for the Blind in conjunction with the Helen Keller National Center and FableVision. They have been awarded $500,000 per each year of the pilot program to conduct national outreach.

So we are set. We are almost set to begin very soon and you will be hearing more about that in some public notices.

The next thing that I want to mention is the work that we have been doing on Next Generation 911. Many of you are already familiar with some of this, but it has been very, very exciting. We have a Notice of Proposed Rulemaking that has been pending since September on NG911 focused mostly on text to 911.

Our Emergency Access Advisory Committee that was created under the CVA has been meeting regularly. In 2011, it met monthly per the requirements of the Act. Now, it has been meeting more infrequently, but still meeting.

The group produced or the committee produced a survey covering and analyzing, approximately, 3,000 -- well, 10,000 people responded to the survey. 3,000 completed surveys by people with disabilities reporting on how they access emergency services.

And the product of that survey and the product of the committee's report eventually led to a resolution that people with disabilities wanted access to 911 via text. And tremendous progress has been made in that area.

Since then, Verizon and AT&T have announced that they are going to be piloting Text to 911 programs. And so we are going to be working with these companies in order to make sure that outreach is done and our Consumer Outreach Office will be orchestrating some meetings shortly to coordinate efforts between consumers, industry, PSAPs and other relevant stakeholders.

Just really quickly, I want to mention that in October we also have to submit to Congress a report on how we have been doing with respect to achieving accessibility of advanced communication services and telecommunication services. We are also continuing to work on our clearinghouse, our accessibility clearinghouse that provides products and services, information about accessible products and services to the community.

And we just recently released a public notice seeking comment on our -- the report that we received from our Video Programming Access Advisory Committee on making devices compatible with video description and providing emergency access information or information about emergencies accessible to people with -- who are blind and visually impaired.

Those are two requirements -- that's emergency information, in this context, I'm talking about is on television. Those are two issues that are dealt with in the video programming section of the CVAA and we are getting comments back and replies are due on June 19th, because we are going to have to be issuing rules on that.

And I know I have made your brains fried, at this point, so I'm going to stop talking. But you can see that we have a lot to do. I'm going to be back later on for the disability group. Cheryl King is going to be joining you initially and then I'm going to be stepping in a little bit later on. So I can fill you in on more of the details.

MS. MONTEITH: Thanks very much, Karen. Now, Roger, if you would, please, talk a little bit about some of the consumer outreach issues and, particularly, where we could use some help?

MR. GOLDBLATT: Okay. Thank you. First of all, I wanted to start with thank you and then I'll end with a request.

Many of you have been generous enough to invite us to exhibit at your conventions. We did CS and CTA, NAD in the past few months. And I would say you really ran us ragged. I say the two or three people we have had at the booth had been busy nonstop.

It so gratifying to have people come to us and say thank you for being here. And they come out and they bring their little ragged list of questions they have for FCC. And then, of course, you always have, no matter where we go for the past 12 years I have been here, the HAM operators that come and want to show their little HAM licenses.

But outreach is really fascinating here, because FCC has a lot of lawyers and a lot of engineers. I mean, we come out with a lot of great rules and regulations that really help consumers. But if you ask your parents or grandparents or niece or nephews or children or neighbors what some of these words like the viewability, cramming, broadband, Spectrum, eRate, Universal Service, robocalls, billshock, VoIP, LPFM, LPTV, they won't know what you are talking about.

We have people that come to us and they go, you know, I go into McDonalds and I see this little sign, what does that mean? And we say well, that means they have wireless. And they go really? Or they wonder about the QR Code. What does that mean? I say well, you can take your Smartphone and you can get to a website. And they go really?

So what we try to do, as far as outreach, is to kind of be the bridge, be the conduit and say, okay, FCC does an awful lot to help consumers and we will try to explain to you what it is and what we do.

And that's why they come with these questions. And we really do an awful lot, because we have groups that come in and we say well, what does FCC mean to you? What do you think FCC does? And I would say 99 to 100 percent will say indecency and obscenity. To tell you the truth, that's like, you know, very, very little percent of what we do, but we do an awful lot to help consumers.

And we try to, because we are a small band of people, concentrate on certain areas. People with disabilities, people in rural areas, minorities, African-Americans, Asians, non-English-speaking people, Hispanics, very, very important, seniors.

We find that a lot of seniors are afraid to get onto broadband. It isn't always a financial issue. It's just not knowing what is going on. And I think you have had people talk about our Connect to Compete Program, because it's really important. And we are trying to work pilot programs around the country to get people to understand how important it is to be on the computer.

We are actually exhibiting next week at the American Library Association, because libraries are so important for people who don't have computers. People who go look for jobs on the computers. People who don't have computers look at their emails. Kids who don't have computers at home do their homework. I mean, so we try to form partnerships.

And what we try to do also is I think we do a decent job, but we could do a heck of a lot better job. You know, we work on distracted driving. I don't know about you, but I don't think we have done enough on that.

You look and you see how many people are still texting and are talking on the phone while they are driving. You know, that's an FCC issue. Almost for a small Agency, we cut, probably impact everybody in some aspect of their life, whether it be TV, television, computers. You know, there are so many aspects.

So what we would like to do, you know, like I said, we are the face of the FCC. We go and people ask us questions. FCC like every other Federal Agency has budget cuts. So we try to do the best we can. We are experimenting with technology, ways we can do things from here, but it does help when we are out there and people come to us and they have their questions.

So if you can help us come up with ideas how can we impact? How can we reach people? How can we translate? How can we get the word out to people all over the country?

We really -- any creative ideas that you have, we are open to. There pretty much are no barriers as far as ideas. We really are so enthusiastic. We really want to get the word out. We love talking to people. We love when they come and they say thank you and by the way, I have a question. And we will try to answer.

And that's our goal. We are not experts, but we know who the experts are. So to come to us, we get the answer and I think a lot of times they are surprised because like, you know, we are from the Government and we're here to help you and we really are there to help.

So like I said, I started with thank you for those who have invited us and we have worked with. And I know most of you. I think of all of you as friends and partners. So I guess I want to end with a request.

Any ideas you have for how we can outreach better, how we can partner better, how we can reach a lot of the under-served communities that really need us or need to know a lot of the programs that are available, the Lifeline programs, the eRate programs. There are so many good things the FCC does and we really need your assistance.

So thank you very much.

MS. MONTEITH: I would like to introduce my Acting Chief of Staff, the Acting Chief of Staff for CGB, Michael Carowitz.

MR. CAROWITZ: Hi. I just --

CHAIR BERLYN: You need the mike.

MR. CAROWITZ: Thanks. I just wanted to say hello to everybody and let you know that I'm here as a point of contact in the CGB. If there is anything that you need at any point, please, feel free to give me a call. I can point you in the right direction and get you acquainted with the right people.

And because I'm new, your questions will help me learn my job just a little bit quicker. So thanks.

CHAIR BERLYN: Okay. Questions?

MR. McELDOWNEY: Yes. I guess I continue to be very disappointed by the sort of inability of the FCC to free-up money for serious outreach. I really applaud the fact that you want to try to reach low-income consumers. You want to reach the people who--for whom English is not the primary language. But I think that as most of the folks around this table will know, that takes money.

And putting stuff on a website doesn't do it. Going to National Conference doesn't do it. You have got to work with the actual agencies that are working with consumers on a day-to-day basis.

And it's just it can -- it has sort of been refrained that I and other people on this Council have been saying for years and years and years. And I have just not seen a serious commitment in that area, whether it is on Lifeline or anything else. There has to be printed materials. There has to be money for distribution of them. There has to be money for training. And we are not talking -- you know, I would be happy just to see a few $100,000 dollars in terms of commitment by the Commission to actually reach the people that you purport to help.

And I think that certainly going to conferences and things like that, working at the library is a small first step, but it's a very tiny, tiny, tiny step. And I think you really have to figure out how in a tight budget era to free-up some money for serious outreach with printed materials in different languages.

You now, Consumer Action does it with a very small budget, smaller than yours. And I think other organizations around the table do as well, as do many of the companies.

I think the models are out there. I just think that the FCC really has to get serious and step up to the table.

MS. MONTEITH: I'm happy to hear you say that, Ken, honestly, because I think one of the issues as Roger was saying that we really face is in an era of shrinking budgets, is the consumer outreach function -- how is the consumer outreach function viewed?

And I think that the core group of folks in CGB think it is a mission critical function for the Commission. But we, as Government Agencies, you know, face shrinking budgets. So we would really appreciate your help in -- on that issue to say yes, it is important for the Commission to get out there and actually have a face-to-face conversation with consumers outside of the, you know, proverbial beltway. So I appreciate your comments in that regard.

MR. McELDOWNEY: Just a quick follow-up to that. I don't think it's necessary for the Commission to get out and talk to individual consumers. Consumer Action uses a Train the Trainer model. We train between 800 and 1,000 community group staff a year around the country in terms of how to successfully use our materials in the community.

And the advantage of that is that these are the agencies that work with consumers on a day-to-day basis on a wide range of issues in a wide range of languages. We would go nuts if we wanted to try to reach individual consumers.

But our 7,000 agencies put over a million pieces of literature a year in the hands of consumers, because they are on the ground. And I think that's something that the Commission has to do is to work with the groups more closely throughout the country. They are actually working with consumers on a day-to-day basis.

For example, the small foundation grant, we are training about 45 community group staff in San Bernardino in terms of proper use of cell phones with materials that we did for the small, you know, foundation grid. And that has got to reach a huge number of consumers.

CHAIR BERLYN: If I could, we have a Commissioner in the room. I see two tent cards up. I will allow one more question. If you could make it very brief and then I'm afraid we will have to move on. We do have someone else we will take, if you don't mind, perhaps just give me your questions and I can forward them on to Kris, so that we don't lose your questions in the course of our discussion today, because I know that your questions are important.

Irene, you put your question down. I don't know who came up first.

MS. LEECH: He came up first.

CHAIR BERLYN: Okay.

MS. LEECH: That's why I did that.

CHAIR BERLYN: All right. So make sure that you get your question to me. And go ahead. And if you could make your question a question and brief?

MS. HERRERA: Yes.

CHAIR BERLYN: Thank you.

MS. HERRERA: Mitsi Herrera, Cable and Broadband Administrator from Montgomery County Maryland.

One thing I would just note to you, we have had a recent thing with the Broadband Adoption Program. If you work with local governments or you pick a few larger ones, they can help bring together the people who run programs aimed at low-income clients from HHS or Health and Human Services, the housing people, the schools and you can -- they can help organize meetings for you where you can come out and effectively reach people who are -- to find your target population.

So you should try to look at some of those local partners in addition with our consumer groups.

CHAIR BERLYN: Great. Thank you.

MS. WALT: Do you mind if people can identify themselves before they speak?

CHAIR BERLYN: Absolutely. You should identify yourself. I believe you did.

MS. HERRERA: I did. But Mitsi Herrera, the Cable and Broadband Administrator from Montgomery County Maryland.

CHAIR BERLYN: I'm sorry, I thought you did.

MS. WALT: Thank you.

CHAIR BERLYN: Great. Thank you.

MS. MONTEITH: Thank you.

CHAIR BERLYN: Well, thank you very much, Kris. I greatly appreciate you coming and speaking with us with your entire team. It has been great. We will make sure if anyone has any other questions, please, forward them to me or to Scott and we will make sure that Kris does get them, so that we don't lose that opportunity. So thank you again.

MS. MONTEITH: Thank you so much.

CHAIR BERLYN: We will also have someone else from Kris' team here.

(Applause)

CHAIR BERLYN: Thank you. It is my pleasure to call Commissioner Rosenworcel to the table. Right here we have a spot. For those of you who don't know our new Commissioner here, I don't know is there anyone in the room who does not know our new Commissioner?

She was probably in the room several times with her former boss who was outstanding, Commissioner Copps. And she is, I'm sure, going to continue his legacy of strong consumer policies here at the Commission and we are so pleased to have you here today. So welcome.

COMMISSIONER ROSENWORCEL: Thank you. So as Debbie was just saying, it's a not very closely held secret that I am not entirely new to the Agency, though I was just sworn in to office last month. So I'm familiar with this room and many of the people who are sitting here today with a lot of the issues. And at the risk of aging myself, I even remember back in 2000 when the Commission first started the Consumer Advisory Committee.

So the work you do, I know because I have watched it for so many years, is really, really important.

And thinking back on it, I was thinking about what I did between my last tour of duty at the FCC and what I hoped to do in the weeks and months ahead. I spent five years on Capitol Hill and the bulk of that time was spent on the Digital Television transition, the Broadband Data Improvement Act, the 21st Century Communications and Video Accessibility Act and on Spectrum Auctions.

And if there is a single thread that connects all of those things, it's how they impact consumers from the DTV transition making sure everyone does not lose access to television, so that they can get not just entertainment, but critical news and information to the Broadband Date Improvement Act, which is about trying to figure out where broadband is and is not in households across this country.

To also, obviously, the 21st Century Communications and Video Accessibility Act, which is about making sure that everyone in this country, no matter who they are, has access to the great services available in the digital age.

And then finally, Spectrum Auctions, which seems sort of wonkish and academic, but in the end is not just about making sure there are opportunities for wireless providers to do new and innovative things with Spectrum, but it's about taking those Spectrum resources and pushing them into consumers' hands, so that they can have access to a whole new range of services.

So that's what I have been doing during the last five years, but now I'm back in the Agency and I'm looking forward to working with all of you trying to figure out what the Agency does well when it comes to consumers and, quite frankly, what the Agency can do better.

So I'm looking forward to starting a dialogue with everyone here, with the Committee at-large and I just wanted to let you know that my door is always open.

CHAIR BERLYN: Thank you. Yes, does anyone -- I don't know if anyone has any questions for the Commissioner? This is the honeymoon phase. Julie?

MS. KEARNEY: I actually -- this is Julie Kearney from the Consumer Electronics Association. I don't have a question. I just have a welcome back. It's great to have you here. And I know you are such an expert on the issues and you have got a great staff.

COMMISSIONER ROSENWORCEL: That's right. I'll make sure you meet Priscilla Argeris, who is part of my staff, and we will be working on wire lineage use, a lot of consumer issues and she should become a familiar name and face to you. She knows a lot already and is going to know more even when she converses with all of you.

MS. KEARNEY: Great. So nothing except we are thrilled to have you back.

COMMISSIONER ROSENWORCEL: Okay.

CHAIR BERLYN: And I will add to that, it's a pleasure to -- you know, I should have mentioned that you have such an outstanding history on all the issues, but particularly with representing consumers on all these issues.

So we are so lucky to have you here and so many of us know that that is so true having worked with you not only here, but also on Capitol Hill. So we are very happy to have you.

COMMISSIONER ROSENWORCEL: I have worked extensively with Debbie on the DTV transition. She was really an impressive advocate on behalf of AARP at the time.

CHAIR BERLYN: Thank you.

COMMISSIONER ROSENWORCEL: And so I have a lot of respect for what you have done.

CHAIR BERLYN: Thank you. Thank you. Paul, do you have a --

MR. SCHROEDER: Yes. Paul Schroeder with the American Foundation for -- do we have this microphone on? Yes, okay, good.

CHAIR BERLYN: Yes, you're on.

MR. SCHROEDER: Paul Schroeder, American Foundation for the Blind. Commissioner, good to work with you here as well as having worked with you on the Hill. I do hope that one of the things we always encourage Commissioners to do and some of them do it well, some of them don't, is to remember that it's important to talk about people with disabilities as consumers in communications, not just here and in front of consumer committees, but more important when you are out talking with industry, in particular, because I do think sometimes those issues tend to get forgotten.

And you have a terrific megaphone to be able to bring people's attention to those issues. And I think, particularly, the issues that relate to consumers with disabilities are often overlooked and forgotten when we are talking about communications policies.

So I do hope you will -- I appreciate your shout out to the CVAA. We have worked hard with your office on it at the time and I do hope you will remember to talk about the importance of involving people with disabilities and not just in sort of a throw away way, but really in a meaningful way of talking about how communication services that are accessible are better for everyone and, of course, more useful for all consumers.

COMMISSIONER ROSENWORCEL: Thank you. Good points.

CHAIR BERLYN: All right.

COMMISSIONER ROSENWORCEL: Appreciate it.

CHAIR BERLYN: Thank you so much.

COMMISSIONER ROSENWORCEL: Thank you.

(Applause)

CHAIR BERLYN: Thank you. Well, this morning -- am I back on? This morning we are joined, and I hope you will help me by identifying yourselves by raising your hands or standing up, by some members of FCC's Intergovernmental Affairs Committee. And there is -- are you Marlin Blizinsky? No? Okay. Great.

So I wanted to have -- maybe you will have to self-identify yourselves, but I know -- is Joyce Dickerson here? Great. Joyce Dickerson, who is the Chair Commissioner with Richland County Council in South Carolina, so if you could just come on over for a moment?

And Vice Chair Marlin Blizinsky, are you in the room? Okay. And I'm sorry, are you with the -- there is another gentleman. I'm sorry, you will have to come on over. I don't have your name here, but you are Tom Sloan? Representative Tom Sloan, come on over.

I just want to give them a couple of minutes to say a few words to our Committee from another committee. Welcome, thank you so much.

MS. DICKERSON: Thank you so very much.

CHAIR BERLYN: Welcome.

MS. DICKERSON: Good morning. And thank you --

CHAIR BERLYN: Here let me get -- I'm sorry, let me give you the mike.

MS. DICKERSON: Thank you. Good morning and thank you, Madam Chair, for allowing us to be with you --

CHAIR BERLYN: Oh and there are other committee members here as well.

MS. DICKERSON: Yes.

CHAIR BERLYN: Well, if you can -- we've got a seat over here as well.

MS. DICKERSON: Okay.

CHAIR BERLYN: Maybe why don't you introduce yourselves at the mikes --

MS. DICKERSON: Okay.

CHAIR BERLYN: -- if I missed you with my introductions? Did I miss you? I missed you, didn't I?

MR. FELLMAN: Yes, sorry. Ken Fellman, City Attorney in Cherry Hills Village, Colorado.

CHAIR BERLYN: And?

MR. HUCKABA: Andy Huckaba, City Councilman, Lenexa, Kansas.

CHAIR BERLYN: And I'm sorry I didn't give you a proper introduction.

REPRESENTATIVE SLOAN: That's fine. I'm Representative Tom Sloan from Kansas.

CHAIR BERLYN: Okay.

MS. DICKERSON: Thank you. Good morning, Madam Chair. And thank you for the opportunity and the privilege to be with you this morning. I am Councilwoman Joyce Dickerson from Columbia, South Carolina. And I am very pleased to be here to introduce my group this morning, our committee this morning, the IAC.

Just to give you a little bit of the background on the IAC, the IAC Advisory Committee was a federal communications appointee, which back in 1997 it was first established the IAC predecessors, which was Local and State Government Advisory Committee. And in July it was changed from its name to the advisory committee to be called the Body of the IAC to reflect a greater balance between state, local and tribal governments and so that we would have a better representation across the board.

The urban and rural representation also as well as the experts, we need some expertise in Homeland Security and rural matters.

And in November of 2011, the FCC released a public notice announcing the new members of the IAC who will serve for two years from the first scheduled meeting, which was held December 2011.

While the Commission rules authority of a 15 member committee, the Chairman announced 14 of those and he left one of them vacant and later I was appointed to be Chair of this committee and I am very pleased to serve with such a very, very well level of expertise that I serve with veterans who have been here for a long time and I'm just coming on as a novice and I really, really feel very privileged to have this opportunity to serve.

As a matter of fact, I am just really pleased and thankful that I believe that both of these committees, both the CAC and the IAC, can compliment each other and I think what we bring to the table will bring a level of expertise, because we will be addressing mostly and mainly the same issues, although from a different perspective.

And because we are coming from a different perspective, I just believe that as we work together to give and to give the Commission some very good advice on some things that we feel that will better serve the unserved and the under-served to me is very, very important, Madam Chair.

And I think as we go along working together and sharing information, I think we will be a strong body to make the Commission a more stronger body as we go forward.

And so with that said, I'm just so excited to be here this morning. And we are privileged to have the opportunity to come, that you give us this opportunity to come and visit with you this morning, because we feel that the issues that we are addressing are so very important and vital to the community, to our citizens and to those that we serve on a day-to-day basis.

And from my perspective, as a Council Member, I deal with these issues on a daily basis, because of my constituents. They are always contacting me. Although I serve on an 11 member panel, you would think that I am the only one that is on that Commission, because every time there is an issue, I don't care what jurisdiction it is, they call Councilwoman Joyce Dickerson.

I'm like don't you -- they have my number on speed dial. And but I think it is a very good thing, because when you have a presence, in my opinion, in your community working with your constituents on a daily basis, having an open ear, I think that's a good thing when they know that you have an open door policy that they can always come to and to me that is an asset.

So with that said, I was going to introduce my Vice Chair to you this morning and let him say a few words, but I have veteran members on this committee who have --

REPRESENTATIVE SLOAN: Marlin just got here.

MS. DICKERSON: Oh, okay. Marlin, you are just on time. But I have veterans on this committee who have just been a tremendous asset to me, Ken and Tom, they have me on speed dial as well. And I think it's very good. We have only -- this is our third time meeting, but we have made a bond. We have put together a bond, because we are addressing issues.

Our committee has five subcommittees of which Ken chairs one, my Vice Chair Marlin is here, he is Vice Chair and chairs our Broadband Adoption. So out of those five subcommittees, we are trying to reach across the board to make sure that we address those issues that we can bring to the FCC and making sure that the advice we give and the comments that we make will reflect the committee and make sure that those things are very, very important to the unserved and the under-served.

I think that's I got involved, because I am so concerned about the unserved and the under-served around the nation. So with that said, if Marlin would like to have a few words, I would like to share -- turn it over to my Vice Chair and if any of the other members would love to say anything, I would love to have them -- would love to introduce them as well.

Thank you so very much for the privilege, Madam Chair.

MR. BLIZINSKY: Thank you. Hi, I'm Marlin Blizinsky. I'm from King County, Washington, which is --

CHAIR BERLYN: Use the mike.

MR. BLIZINSKY: Is this better? Yes. I'm from King County, Washington, which is the county that includes Seattle and Redmond. And I want to thank you for meeting with us.

We are very interested in many consumer issues as you are and so we wanted to meet with you today to let you know of our interests, but also let you know of our interest in working with you, so that we are not working across purposes and that if we are interested in similar efforts, that we can work together on those efforts and coordinate our activities with you.

So thank you very much for having us today and we look forward to working with you.

MS. DICKERSON: And I would like to introduce Tom Sloan, Representative Tom Sloan.

REPRESENTATIVE SLOAN: Thank you, Madam Chairman, Madam Chairman. My only comments are that as our Chairwoman indicated, we are comprised of state legislators, local government officials and I would encourage the Members of the other Council and the general public not only to look at how we can interact with the FCC, but also how we interact in our home constituencies, and particularly the three state legislators that are on the IAC.

You know, we all interact very extensively with our Public Utility Commission and a lot of consumer complaints start and end at that level.

So, you know, speaking for the other two who are not here and, therefore, you know, I can speak for them, you know, we encourage you to, you know, get our contact information and, you know, use our resources, not only in the three states we represent, but all three of us are very active in the professional associations that legislators have, so we can carry messages to other states as well. Thank you.

MS. DICKERSON: And I also did not -- I would be remiss if I did not introduce Ken. Well, he is probably not a stranger to Debbie.

MR. FELLMAN: No. I appreciate the opportunity to be here. Thank you, Madam Chair and Chairwoman Berlyn. I served on the original Government Advisory Committee, the Local and State Government Advisory Committee, so this is my second tour of duty and I'm very pleased with how things are going so far with our relationship with the staff and the Commissioners.

And this is a new experience for me to have a joint meeting with another FCC Advisory Committee, so I think it is a great opportunity to move the ball forward on the issues that both committees are dealing with. Thank you.

CHAIR BERLYN: Thank you. Thank you all for --

MS. DICKERSON: I also would like to introduce Radhika Karmarkar.

MS. KARMARKAR: Hi, I'm Radhika Karmarkar. I'm also with New York City.

CHAIR BERLYN: You need to come to the microphone.

MS. KARMARKAR: Sorry.

CHAIR BERLYN: There are people in the room who can't hear you.

MS. KARMARKAR: Hi, I'm Radhika Karmarkar. I'm with New York City and I work on franchising and consumer issues related to franchising and regulatory issues in the city. And I'm very happy to be here. I actually worked with the FCC for a decade before I came to New York, so it is really great for me.

And I have actually spoken to Mitsi earlier, so it's good to meet you Mitsi. And I'm looking forward to coordinating with both groups.

CHAIR BERLYN: Great. Thank you all.

MS. DICKERSON: Okay.

CHAIR BERLYN: And I do recognize you, Ken, because I can attest to the fact that you were with the original committee, because I came and spoke to you back in the late '90s, I remember, after the Telecom Act Pact passed, so I do recall that.

This is a great opportunity. I'm so glad that you came here today and we do have so much in common that we should look for opportunities to work together. So thank you so much for coming today. And perhaps we can come to one of your gatherings in the future.

MS. DICKERSON: Yes, Madam Chair, I look forward to that. As a matter of fact, I would think it would be a great thing for, you know, if some time in the very near future, once you work with your organ -- your Committee, and we go forward with our committee, that we look at a joint -- you know, having a joint session if that is possible, because we could share a lot of information.

And I just can't -- I would also be remiss if I didn't thank my staff here for helping me to coordinate this so very much and I'm so pleased to have them with me. Thank you again. And thank you for having us this morning.

CHAIR BERLYN: Thank you.

MS. DICKERSON: Thank you.

CHAIR BERLYN: Excellent. Thank you. Deborah? Stay in your seats. We are moving right into our next session group. Thank you. Okay. Everyone stay in your seats. This is an important session we are going to have now talking about the Consumer Complaint Process and some Reform that the FCC is working on and needs our help on.

Are you all set?

MS. BRODERSON: Yes, absolutely.

CHAIR BERLYN: Excellent. Great. So I would like to introduce Deborah Broderson, Legal Advisor for CGB, and Sharon Bowers, Chief Consumer Complaints and Inquiries Division at CGB. So thank you both for joining us this morning.

And if everybody is getting a little antsy, we will have a break after this session, but also just to let both of you know, that some time during this session, we will be joined by Commissioner Pai, so we will take a break at some point. He is going to be joining us some time between 10:00 and 10:20, so I'll be on the lookout and we will take a, you know, short five minute break during this session and then we will get back to it.

So everyone stay in your seats for this great session. Thank you both for joining us.

MS. BRODERSON: Good morning. Thanks for being here. Thank you, Chairman Berlyn and thanks to the IAC as well, Chairman Dickerson and others who are here with us today.

Sharon and I are very excited. Sharon drove all the way down from Gettysburg this morning. She was so excited she got here at 8:30. So that's how excited we are about Consumer Complaint Reform and to talk to you all about sort of the process that we have been -- it has been underway for a little while, but we are definitely sell and listening mode.

So we have some, if not direct asks, then some pre-asks for you that will come at the end of the presentation. So something to look forward to. Let me see if I can click. Yes.

And we have a PowerPoint. I assume that people who are attending on the phone have it electronically, so -- but we will talk through everything on the PowerPoint.

MS. BOWERS: As Deborah said, I drove down from Gettysburg this morning across the Battlefield and it was just a beautiful morning and a beautiful sunrise. I actually saw a couple of deer on the Battlefield, so it was just a nice way to start the day.

And I appreciate this opportunity to come down and speak with the CAC and Deborah and I look forward to working with this group.

Just to give you a little bit of background on the Complaints and Inquiry Process, there are several methods in which a consumer can file a complaint or an inquiry with us.

They can file on-line on Form 2000 Complaint or 1088. We also have the Slamming Complaint Form and the Indecency Form. They can send it via our website. They could send it in, what we refer to these days, as snail mail or they can fax it in or, in fact, they can phone it in and we can take a complaint over the phone for them.

CGB has a huge responsibility in tracking the complaints and inquiries and reporting it to our bureaus and offices that help develop our policy to help protect consumers. And we take this very important, which is why we are here today to reach out to the CAC on how we can maybe improve our processes and talk to you about our Complaint Reform.

We also report by topics on our quarterly report, which can be found on our website. And as I said, the complaint information drives proceedings and we often -- bureaus often reach out to us and ask for data to help support proceedings.

MS. BRODERSON: And at times even initiate proceedings. I mean, that's one of the exciting things about working with the Consumer Complaints is that it's this direct hotline, literally sometimes, from consumers to tell us what is going on and sometimes we end up spotting trends much -- even more quickly than we could hear about them from lobbyists or consumer advocates, because the consumers are the ones who are directly affected.

Oops, click. So Sharon mentioned our Quarterly Complaint Report. I put up some statistics from the most recent report, which was the first quarter, January through March. So we break out report down into inquiries and complaints.

Inquiry is a question from a consumer about FCC policy, about the regulations.

And a complaint is a request from a consumer to do something. Something happened to me, this company, I'm having a problem with this company, this service provider, can you help me?

So we had almost 18,000 inquiries in the first quarter and almost 90,000 complaints in the first quarter from consumers. So that's a lot. You can see our numbers are up 29 percent in inquiries, 32 percent for complaints. So either something really bad is happening out there or we are getting the word out to consumers and we like to think that it's just we are getting word out to consumers and they know that they can come complain to us. Although that, again, is something that we hope to work on as well.

CHAIR BERLYN: A quick question about that. When you track complaints over a year long period, do they go up and down over the year? So you are comparing it to the fourth quarter, but over a year long period, are there quarters where complaints go up and down?

So if you compared it to the first quarter of 2010, how would they compare to first quarter -- I'm sorry, 2011 compared to 2012? Because I remember looking at complaints over a year long and they tend to go up and down. So I'm just wondering how do they track over a year long period of time?

MS. BOWERS: Well, and that's part of the reason why we want to reach out to the CAC and talk a little bit about our complaint process. Because what we would like to develop is that very type of tracking from year-to-year.

When we put the quarterly report out, we don't specifically go back and then look up and down like within the month or within that general year.

But we want to improve how we intake the complaint, so that we can do more of a drill down, so we can see in specific subject matter if there is a change.

Right now, it's too broad and that's why we want to work on our Complaint Reform and work directly with the bureaus on the subject codes that we use. And we also are going to talk a little bit about this as well, specializing our team to deal with specific subject matter, so if we did see a spike in a complaint type, we would be able to identify it immediately.

MS. BRODERSON: Or a drop in a complaint type, which again could be good news and something that the Commission could share like hey, consumers are no longer complaining about this. Maybe it's something the Commission did or that the consumer advocates did that made things better sometimes.

Again, from the same report, I pulled out our top categories for inquiries and complaints. For cable billing and rates, broadcasting, programming, no surprise. Wireless, licensing information, wireless and wire-line, TCPA complaints, unwanted calls, unwanted faxes and then complaints -- we also separately tracked bundled VoIP complaints.

Again, cable, satellite, broadcasting, programming and then unwanted calls. It's not surprising that those are the issues that consumers are concerned about.

CHAIR BERLYN: Yes, please.

MS. HERRERA: Hi, Mitsi Herrera, Cable and Broadband Administrator from Montgomery County.

The last time when Joel was still heading, I think, the Bureau, if I recall right, we had talked to you about in your reports you report the top complaints for that quarter. And that made it difficult to track between quarters. And we had suggested that if you instead reported all categories, then you would have the data that you would be able to track.

So, one, I wanted to find out whether you had implemented that recommendation or are in the process of doing so?

And the second is I did want to ask you specifically in the past when people had called about cable service complaints, the Commission had referred them to the local jurisdictions, the local franchising authorities. So are you representing now that you handle those complaints?

MS. BOWERS: It's a difficult area. Most of the complaints that we get are from consumers who either have reception type issues through the DTV transition or perhaps they have lost channels.

And so what we try to do is refer the consumer to the local franchising authority. Now, we have had consumers complain that the local franchising authority hasn't been helpful. They haven't been able to get in contact with them. So we do what we can to advocate on behalf of the consumer.

To the degree that we can, we try to get the issue resolved, but we are not always successful in that regard. But our first point is to reach out to the local franchising authority to resolve the issue.

MS. HERRERA: So one is in your reporting, are you tracking or reporting the-- or maybe -- you are probably not, but it would be helpful is that if you -- I'm not sure where they fall within complaints or inquiries where the resolution is largely a referral to another jurisdiction, tracking that would be useful so you could understand the impact on resources.

The other issues is that there are a minority of states, but it's significant, about 17, who have moved to a state franchising model for cable. And one of the concerns has been that that gutted the resources at the local level to address those complaints.

It is very hard to move resources into addressing those if we are hiding the problem by not reporting back that in North Dakota we had 950 complaints that we referred back. And in California, we had 25,000 or whatever it may be.

So I'm just suggesting to you that doing that, and there are folks in this room from the Intergovernmental Relations Committee and they can sort of be a good liaison for that as well, but it is very difficult if you don't report the data out.

CHAIR BERLYN: Okay. Very good.

MS. BRODERSON: Well, and that's something I sat in on the Consumer Complaint Section of the IAC meeting yesterday and that was one of the suggestions that was raised, one of the comments that was made was that strengthening the feedback between the Commission and states would be really helpful. So I think that's something that definitely is on our radar.

CHAIR BERLYN: So we are going to take a quick break from our presentation. Am I on? Okay. Because we are so fortunate to have Commissioner Clyburn with us this morning. And I will get right back or we will get right back to your great presentation. So sorry. Thank you for being so flexible here.

Thank you, Commissioner Clyburn, for joining us this morning. You have been so kind to come and address us before and we are thrilled to have you here this morning. So thank you.

COMMISSIONER CLYBURN: Thank you so much for being kind to taking a pause. I know you are all very busy and I want to thank you for your willingness to serve and taking the time to be here. Once again, I always have to extend my heartfelt gratitude to Debbie Berlyn, who is one of my favorite people on the planet, but other than that, I want to thank her for her stewardship for this -- for chairing this critically important Committee.

I also wish to thank, and she may be in the room, but if not, please, allow -- tell her that I did, Kris Monteith that all of the superstars in the Consumer and Government Affairs Bureau who are on the front lines engaging with the public about what we are doing right and yes, what we are doing wrong. And where and if our industry friends may be falling short.

Speaking of friends, I am pleased to count Karen Peltz Strauss as one of them. Her voice is invaluable here at the FCC and those long hours and hard work on the implementation or CVAA have been a major win for the disability community and for us all. So thank you so very much.

The implementation of the Communications and video Accessibility Act is a high priority for both the Commission and my office. It is essential that more than 54 million Americans who are living with disabilities have the same level of access to advanced communication services as other Americans.

To that end, there are two initiatives that come into effect next month that I'm especially pleased to highlight this morning. Starting July 1st, as you know, the big four broadcast networks, ABC, CBS, FOX and NBC, as well as the top five rated cable networks will be required to provide audio descriptions of some of their popular programming for blind or sight-impaired viewers.

This technology can be described as a sort of narration that will accompany the pre-recorded dialogue and it will illustrate on-screen action for popular comedies, dramas and children's programming.

These regulations may escalate over time in terms of the number of required stations and hours.

Also set to launch next month is the National Deaf/Blind Equipment Distribution Program. This program provides up to $10 million per year for the local distribution of communications equipment to low-income individuals who are deaf/blind.

The first phase of this program national outreach will begin next month and will be conducted by the Perkins School for the Blind in partnership with the Helen Keller National Center for deaf/blind youths and adults and FableVision, Inc.

Both Perkins and the Helen Keller National Center are doing a great job to serve the needs of millions of Americans who live with disabilities and will get the information about this program out to consumers and service providers.

These are two solid ways that the Commission is working to address the communications needs of the community and I have no doubt that the Committee will come up with many more creative ways for the FCC to do more.

We have been busy in other areas as well. The Commission adopted reforms to the Universal Service Fund, you might have heard about that, updating the fund to meet modern-day realities and putting it on a more sustainable path going forward.

Mobile service uses has exploded and broadband access is a key gateway by which many Americans obtain critical information and services.

So the Universal Service Fund needed to be updated to reflect these current realities. The reforms we adopted this past October will promote significant broadband deployment to millions of unserved consumers over the next six years.

What is most important to me is that our reform carefully balances the need for certainty and predictability for carriers by avoiding flash cuts and providing transition so carriers may adjust to the changes.

It is no secret that I have a deep connection to rural America and I believe that these reforms will allow us to come even closer to achieving Congress' goal of providing all Americans access to affordable voice and advanced communication services.

I recognize, however, that current efforts to modernize the fund may not resolve all of the issues that were raised in the proceeding. So this Agency continues to work very hard to hear everyone's concerns and address them in a timely fashion.

At all times, we have had an open door policy and we have worked diligently towards resolutions that benefits consumers and help us achieve our Universal Service goals.

I wish to mention one final thing. This April, the Commission adopted rules to protect Americans from telephone Cramming. Many consumers fail to realize when there are unauthorized charges on their bills, so these charges often go undetected for months or even years.

Our new rules strengthen the Commission's disclosure requirements on telephone companies, so that consumers will have an easier time spotting Crammers. This is an ongoing process, however, and much more can be done to protect consumers.

If there are any additional ways to empower consumers to prevent Cramming, we want to hear about them. So the comment period in this proceeding will remain open until June 25th. And I encourage you and all others interested to participate.

So, Debbie and the Committee, thank you once again for your unselfish commitment to public service. And I am grateful to be a partner and remaining engaged with you as we make this communications and media marketplace more inclusive.

Thank you so very much.

CHAIR BERLYN: Thank you. Thank you very much. We have time for a question. Yes?

COMMISSIONER CLYBURN: Hello. Good morning.

MS. WALT: Dorothy Walt speaking from the Helen Keller National Center. I would like to applaud FCC for all of the efforts on behalf of people with disabilities.

I'm curious as many of the things are happening right now are doing work with some of the people with some specific kinds of disability, but I know that a lot of these things that are happening does not have anything available for people who are hard of hearing, deaf and very low vision.

Don't we -- cannot benefit from interpreting services. Many of the senior citizens and many other people who are deaf/ blind, who are low vision and deaf or hard of hearing, put large captions when you talk about TV programs being captioned, where they will be able to have the capability of making them large print, so that people can read them.

Those kinds of things have not been addressed, not that I know of. Maybe I missed it. I just wanted to bring this up for everyone's attention. Thank you very much.

COMMISSIONER CLYBURN: I appreciate you so much. Very nice to meet you, number one. I appreciate so much you affirming some of the challenges. And in terms of the communities in which their might be multiple challenges, I assure you that there is more enhanced attention. I think I mentioned it a few moments ago, again, to those challenges and we are constantly engaged and are being more affirmative in that end.

So I think you will see over the coming months and years that what you might -- what have been disconnects to that end, I think you will be increasingly pleased over the next few months that those issues with person with, again, more enhanced challenges will be addressed.

CHAIR BERLYN: Does anyone on the phone have a question? Okay. Thank you very much, Commissioner Clyburn.

COMMISSIONER CLYBURN: Thank you. I appreciate it.

CHAIR BERLYN: Okay. Thank you for coming.

COMMISSIONER CLYBURN: And I appreciate your engagement and your willingness to work with us and both challenge us on the issues we all care about.

CHAIR BERLYN: Thank you very much.

COMMISSIONER CLYBURN: Thank you.

(Applause)

CHAIR BERLYN: Okay. Thank you. Deborah and Sharon, so back to your presentation.

MS. BRODERSON: Thank you very much. Okay. I just wanted to follow-up. I don't think we answered both parts of the last question about the discussions that had happened about releasing all of the complaint categories.

I think that is discussions that had happened about releasing all of the complaint categories. I think that is something that might have left -- I think that's something that Joel was invested in. Joel left the Bureau and I think it might have dropped off our radar, so it's something that we will bring back and talk to Kris about, because I know it's not something that have been in discussions lately, so I appreciate you bringing that back up to our attention.

MS. BOWERS: As we start our process of reviewing the Complaint and Inquiry Reform, some of the objectives that we are trying to overcome is we want to improve our Consumer Web Interface. And if you are familiar with our website, you can click on the tool bar in front and you can comment or you can complain.

Once you click on complain, it takes you to two navigation screens that depending on how a consumer answers a specific question, it leads them to a series of forms.

Now, Deborah and I have been here a long time and we know how to complain about things, because we have been here a long time. But how does the average consumer complain?

I make it a personal note to check my wireless bill every month to make sure there is no Cramming on there, that they are not charging me the .99 cent data charge. And how do consumers complain? How do we educate them and how do we get that complaint data captured and going in the right direction?

So we want to look at how we intake the data. We also want to ensure consistency. We have -- I have a group of staff in Gettysburg, Pennsylvania, 30 CAMS, Consumer Advocacy and Mediation Specialist, and then I have a group here in D.C.

And one of the challenges that we have is a lot of the complaints are subjective. And Deborah and I could code a complaint. She could code it one way and I could code it another.

So a way that we have looked at this is to reach out to this group and ask you how consumers are complaining. What terms mean something to a consumer and then to specialize our staff into that specific subject matter, so that we can catch some of these spikes.

This will also help us improve the accuracy of our coding and of the data that is coming through and help us to better enhance the information that we provide to the bureaus for regulatory activities.

MS. BRODERSON: I think Sharon already mentioned some of the challenges that we face. And you can probably imagine some of them as well, if you have ever filed a complaint with us. Maybe you have some other challenges you would like to bring to our attention.

A complaint that we hear fairly often is that the Consumer Interface can be kind of complicated or maybe you know exactly what you want and you have a pretty sophisticated understanding of what you are complaining about, but that category isn't really on our website. And, you know, that's something that we are working on.

As anyone who works in telecom knows, the issues change overnight. New technologies develop. You can't always update our website in time to capture new issues. So that's something we are definitely working on ways to make the complaint categories general enough to capture everything, but specific enough that it helps us, because if everyone just files a complaint, then we have to read all of them manually.

And also, we know that we tend -- we can use jargons. Sometimes the terminology doesn't make any sense. I mean, wire-line makes sense to us. I don't know how much sense it makes to a lot of consumers. So that's a struggle.

MS. KARMARKAR: On the coding issue that you were just raising? Oh, sorry, Radhika Karmarkar from New York City. And I just was on the coding issue that Sharon was raising.

One thing that I know we are trying to figure out is that we do get complaints about sort of broadband or triple play and we are trying to figure out how much of those things are kind of falling through the cracks because of sort of uncertainty in that area.

And it would be useful to get a feel of when those issues come into -- I noticed that the category was sort of broadband/VoIP, but what is the question? Is it a billing question? Are they confused about what plan they signed up for? Is it a service question? The Internet is going out too frequently or it is not at the -- I mean, I know there are separate things being done at the FCC on speeds and so on, but just that type.

And then I would also reiterate with Mitsi that just the regional or the state-by-state or whatever area breakdowns.

MS. BOWERS: Great. Good points, good points.

CHAIR BERLYN: Scott has a question.

MR. BERGMANN: Actually, I wanted to thank you guys. We are really pleased that you all are taking a look at these issues and the coding questions as well, too. We are certainly --

CHAIR BERLYN: Identify yourself.

MR. BERGMANN: Oh, thanks, Deb. Scott Bergmann with CTIA. I just wanted to say thank you to you all for undertaking this review of how the complaints come in, how they are coded. We are very interested in that as well, too, because, you know, we are interested in feedback.

And, you know, one of the things I noticed is that when you put up the top complaints, the one for wireless was TCPA. And so that's always very much of interest to our industry, because, interestingly enough, those complaints are really about unwanted calls and tax from third-party marketers as opposed to from wireless providers.

So when you look at complaint in the mobile space, that is by far the greatest area of complaints. So having some additional visibility into, you know, where customers are actually having problems, I think, would probably help the Commission in its policy making efforts and in its enforcement efforts to sort of know where to focus its resources.

So thank you guys for that and we are happy to engage with you and help try to be partners in that effort.

MS. BRODERSON: Well, and I think there are different models for transparency in our consumer reports, our quarterly reports. And I think just the kind of data analysis that we are hoping to increase, it sounds like would be of help to almost everyone in the room and I think to the Commission as well, so that's definitely something that we would love to work towards.

MS. BOWERS: Some internal solutions that we have been looking at is to, first, start coordinating with the bureaus. I mean, we have our contacts with the bureaus, but a really in depth look at what are the bureaus needing to support their policy?

Review our category codes. As Deborah had said earlier, some of our codes are redundant. Some of them are legacy codes that have been around for quite some time. And, as we know, as wireless -- as the technology advances, we are behind the times a bit.

So to review those category codes:

Redrafting the codes to ensure that they are accurate, they are clear, clear to us and clear to the consumer when they go to file that complaint on-line.

Ensure that our CAMS, Consumer Advocacy and Mediation Specialist, have the latest consumer guides that will coordinate with the codes and the rest of what the FCC is doing, so we are all speaking from one page.

And increasing the analysis of the data.

And back to your question, we also have subcategories of codes. So we probably need to take a look at the subcats to make sure that they make sense for how the codes are captured to drill down to the billing or the service issues as it relates to broadband or, you know, other issues.

MS. BRODERSON: And one of the challenges that we didn't mention, but again that I think would be pretty obvious in this room, is that consumers just don't always know what their problem is, so, you know, Consumer Complaint Reform only makes sense if you are also reforming consumer education and that's why we want to coordinate every time a new consumer facing item come out of the Commission, we want to make sure that we have a consumer guide ready to go, that we have the CAMS educated to take calls, that we have our website updated, so it's all part of the same process.

So this is the part where -- yes, this is the part for you guys. And I think we will be talking and working more with your Chairperson on --

CHAIR BERLYN: Ken has a question.

MS. BRODERSON: Oh, please.

MR. McELDOWNEY: Hi. Before we got --

CHAIR BERLYN: No, identify yourself first.

MR. McELDOWNEY: Okay. Yes, sorry. Ken McEldowney, Consumer Action. Before we get to the codes and the fun stuff, I guess I had a couple of questions.

One is that do you track the complaints by language?

MS. BRODERSON: That's a good question. No.

MR. McELDOWNEY: Okay. That's--

MS. BRODERSON: You mean, by English, Spanish?

MR. McELDOWNEY: Yes.

MS. BRODERSON: Oh, what do we take -- we intake in English and Spanish. Is that right, Sharon?

MS. BOWERS: Yes, we do. We do intake English and Spanish and sign language.

MR. McELDOWNEY: No. I guess my question goes to -- what? Yes, my question goes beyond that.

Certainly, I -- you know, I'm with Consumer Action and we handle complaints in English, Spanish, Cantonese and Mandarin. But more importantly, I think we track the complaints by language. And I think if you are not tracking complaints by language, you are going to end up not knowing at all in terms of whether or not you are adequately reaching those populations.

So, for example, we had a very major cell phone scam that was being pushed in the San Francisco/Chinatown and also in the Vietnamese in San Jose. You know, you can't get that information unless not only do you handle information in those languages, but also track them by a language.

The second thing is the you -- on your website is the complaint form available in Spanish?

MS. BRODERSON: Yes, it is.

MR. McELDOWNEY: Okay. Good.

MS. BOWERS: Those are good suggestions.

MS. BRODERSON: And we do translate our consumer guides. They are all translated. They are all available in English and translated into Spanish. And some of the most consumer-specific guides, we translate into other languages. So we have for the Digital Television transition, we had I don't know how many languages, 10? I don't know. I had a big sheet of them, I know I remember.

So but I think that's an excellent point for the interim discussion.

All right. So we were at the fun stuff. I think we will be working with your Chairperson on the sort of specifics of this. We wanted to highlight the things that we think the CAC would be really helpful for. And we also have sort of general suggestions to throw out to the IAC as well, so for those of you in the room.

So we mentioned our Complaint Codes. We have codes when consumers call in, the CAMS categorize the complaints and the inquiries. A lot of them are so specific, so technical that the chance that a consumer is going to call up and complain about this is very slim.

So we would really like to think of -- to present brainstorms a key word. You are a consumer and you have this kind of problem, give you a description of the problem. How would you describe it? What kind of words would you use? That would be really helpful.

It seems like something we should be able to do, but we just haven't really done that well on that.

Also, testing our on-line complaint system. I know some of you have already mentioned this and I heard in the IAC yesterday about our on-line system. And I hear from friends, you know, my aunt wanted to file a complaint about something and she couldn't figure out how to do it on your website.

So practice filing a complaint up to the point where you actually file a complaint, ideally. You know, are our forms clear? Do you have extra information and there is nowhere to put it? Are you just not able to find the right category? Should we have a more generic category? Would that be helpful?

All of -- those are the kinds of sort of beta testing issues that we would love the CACs help with.

And the IVR, Sharon, do you want to talk about the IVR?

MS. BOWERS: Yes. The IVR is the voice that you hear when you call 888-CALL-FCC. You might hear my voice. You might hear a CAMS that works for me, their voice. You might hear Deborah's voice. We are not really sure whose voice is all through the IVR, that's our point. We need help with the content on the IVR and the quality of the IVR.

And we just recently moved our Gettysburg office to VoIP and we have some enhancements that we can make to the IVR, but we would like to know what makes sense to a consumer.

And we have all called IVRs. We have all had experiences good or bad. And we would like to know what suggestions you might have. And what we are looking at is, first of all, some times the IVR doesn't help. You really do need to speak to someone. And we are ready to speak to consumers who need our assistance, but then there is times that you-- we are all busy. You don't really need to speak with someone, you just need an address.

But we would like to know how easy is it to get to a person? We would also like to know if the options make sense on our IVR? Are they clear? Are you pushing the right button and getting to where you think you need to be to get the question answered?

We also have the Universal Licensing System, which handles all of our licensing questions. So many times folks who have a licensing question end up in our shop and our stuff ends up in their shop. And we would like to know how we can better communicate that to consumers.

Is the language plain? Again, no industry terms. Is it -- are we really advising folks properly on how to get to where they need to be to get their question answered. Of course, our voice recordings, a lot of the records are dubs. We really don't have a professional voice. I'm about as professional as it comes, so that's scary.

But, you know, it's dub overs and retakes and, you know, let us know where we need to make some real improvements there.

And then if we had money, I don't know, Kris, do we have money? If we had money to make some changes to our IVR, what one thing could we do that would really be meaningful to a consumer contacting -- calling through our IVR? Would it be a touch pad where they could check on the status of a complaint? Would it be an interactive voice where they actually talk through and it leads them through?

What technology could we put on the IVR that would really be meaningful and be helpful? So that's what we are looking at for IVR projects.

MS. BRODERSON: And I know we are almost out of time. For the IAC, for those of you in the room, I think sitting in your consumer complaint session yesterday, what struck me was that the -- we could definitely improve the path for communication between the Commission and the states, local governments, local entities, especially the referral process which came up again today.

So I think that working with us to determine best practices for that kind of improving that communication enhancing, reporting back to the states on complaints on a state-by-state basis, definitely is something that we would love to talk to the IAC.

And to the extent that the CAC has input in that as well, absolutely. So I think that's our presentation. I think we have had -- if we have time for questions, I would defer.

CHAIR BERLYN: Excellent. Yes, we will start with questions. We anticipate Commissioner Pai's arrival, but we have some time for questions. So if you could -- oh, i see numerous. Oh, everybody has been busy raising cards. And, Paul, put your card up. Don't just -- yes. So all right. I'll remember that you are putting your card up. I'll try and remember that.

I have no idea what order people did this in, so I'm just going to start on this side of the room. Mary, then Paul, because I just saw Paul's go up, so Mary, then Paul and then I'll continue down around the room. So Mary?

MS. CRESPY: Hi. I'm Mary Crespy with Verizon. It's good to see you, Sharon.

MS. BOWERS: Good to see you.

MS. CRESPY: Since you asked about the website, there is one issue, unfortunately, that is an increasing problem for our -- for customers of wireless services and that is text spam.

And as a consumer I get, unfortunately, text spam and I know what to do. So I went to the FCC's website to complain. It is not easy to -- it is not an easy category. You think it would be, but it's not.

If you go into the Telemarketing Complaint Section, it says that is where you put in text spam, but once you go in there, there is no place for text spam. It's all about calls to your landline. And then if you go into the Wireless Section, there is complaints for calls and for emails and other things, but no text spam.

And since it is an increasing problem, I think you might really want to zero in on that and make it very easy to complain, so you can really gather information on what a growing problem this has become.

CHAIR BERLYN: And just to let everybody know before we go into the Q&A session, we are going to be talking later about how we are going to participate in giving the FCC feedback. So we are going to have a process for this, so just to let you know that. Paul?

MR. SCHROEDER: Thank you. Paul Schroeder with the American Foundation for the Blind. A couple things. One is I think the disability community definitely wants to give you feedback on the website and we need to do it in a structured way, so, Deborah, thanks for your comment on that already.

On complaints, I want to -- this question started to be asked, but I want to try to understand it better. A couple of things. One is there is, as our person from New York pointed out, a load of things that come under, I'm sure broadcast programming, cable satellite programming as major complaint items, VoIP bundling.

Are most of the programming-related items, do they relate to missing channels, missing programs, indecency? You know, I'm just mad because why the heck did they put Dallas on again? I mean, it was a terrible show to start with. I don't know. I mean, what are -- I mean, and it kind of leads to my question, which is how -- to what percent of the complaints are actually remediable or actionable that you got that can actually be acted upon?

And then I guess the third thing and it kind of gets back to using the data, what can be done? 90,000 complaints in a quarter seems like a lot. And if a high percentage of those are actionable, what can be done to push policies that potentially regulatory action of the Commission that might actually lead to fewer complaints needing to be lodged. Is that something that you are looking at?

MS. BOWERS: Well, first of all, Paul, everything that you mentioned, Major League Baseball, I think, was -- is it on, because I'm not sure? Can you hear me? Oh, I'm not close enough. Okay.

Everything that you mentioned is the types of complaints that we see. I think you missed out Major League Baseball, they can't get their channel for that. And for the most part, what the CAMS try to do is advocate the issue. Try to resolve the issue.

And we are limited as to what we can do. That's -- I can't begin to tell you enough about the CAMS that sit on the front line to take the calls and deal with the complaints, because we are limited in how we can resolve some of these issues.

And for the most part, I think we are able to handle the individual complaint to the degree that the consumer leaves somewhat satisfied or at least knowing, you know, here are your options to try to resolve the issue. Did you want to take the question on future?

MS. BRODERSON: Well, I think the point you raised, I think your third point, about how we can address these issues, we have this high volume of complaints, that's exactly why we are trying to improve our data analysis to help inform the kind of regulatory action the Commission could take or not necessarily regulatory actions, just cooperation with industry to see what we can do to address these consumer concerns.

I mean, you asked what percentage were remediable, you know. I don't know. We don't have statistics on that necessarily, because, you know, I mean, some of that it's kind of subjective, but we certainly do our best to address -- either address each issue with a consumer or refer it to an entity, the FTC or a state PUC who can.

So, yes, we don't have any hard and fast stats on that part.

CHAIR BERLYN: So I'm going to -- if you don't mind, we have so many questions, we are going to get back to questions for just a bit, but I am going to ask if folks could hold and I'm going to ask Commissioner Pai to come to the table.

It is my pleasure to introduce Commissioner Pai, who is the other new arrival to the Commission. And it's a pleasure to have you here today. You are also not a real stranger to the FCC. You served as a staff member in the Office of the General Counsel for several years at the FCC. And I hope that you will be a frequent visitor to the Consumer Advisory Committee. It's a pleasure to have you here today and welcome.

COMMISSIONER PAI: Well, thank you. Thank you very much, Chairperson Berlyn. I appreciate the introduction. And thanks to all of you as well for taking time out of your meeting to accommodate me.

I just wanted to say hello and introduce myself. I am Ajit Pai. I have got all of four weeks of tenure now at the Commission, so I feel like a grizzled veteran, at this point, of the communications wars.

But no, seriously, it has been a fantastic reintroduction to the Commission. I love this Agency. I love the work that we do and I love this industry. And I think it is such a privilege to be able to serve in this capacity.

I also wanted to thank you for the work that you are doing on the Committee. I think a lot of the times people, when they think about the FCC, at least people within this building, they would think about products and services and devices and equipment, but none of that really means anything until the rubber meets the road and the road is the consumer.

And so, you know, the question is is the industry, is the Commission doing everything it can to make the communication services and products that we all enjoy work for the consumer?

And so to that extent, your input is extremely valuable. I think the Commission's decision making is just enriched by having a variety of perspectives on these issues. And I know that, from my own personal experiences as I was explaining yesterday to another committee, people have a lot of complaints about communications.

And I have now become a more frequent recipient of such complaints, even from my own family. So I know that, you know, there is a lot of interest in making the industry work better for consumers.

And so to the extent that I can play any role in, you know, helping consumers have a better experience, that's something that is certainly a priority for me. And I don't have anything beyond that other than to say, you know, it's good to be here and if you have any questions, comments, I would be happy to field them.

CHAIR BERLYN: Does anyone have a quick question for the Commissioner? I know you have your cards up for the other questions, but you could raise your hand for this one if you have a question.

Mitsi has a question.

MS. HERRERA: Mitsi Herrera, Cable and Broadband Administrator from Montgomery County. Welcome. Thanks for coming to see us. I was just curious, is there one particular issue that is close to your heart or that you are looking to focus on?

COMMISSIONER PAI: I feel like I'm sort of a jack-of-all-trades. I love, you know, the full pamphlet of issues within the Commission's jurisdiction. Some of the more-- the bigger priorities, I guess, I would say is a Spectrum policy writ-large. I mean, obviously, Congress has just given us incentive option authority and that's going to consume a lot of the Commission's time over the coming months and years.

But also to other Spectrum policies, you know, working with the Federal Government to relinquish or share Spectrum. Identifying other bands that can be either allocated more efficiently or can be used more efficiently, you know, on Tuesdays or Wednesday, I guess, it was that we voted on a 4.9 gigahertz item to improve the use of the band, which hasn't been used as much as we thought it would have back in 1999 and 2002.

So really trying to get more Spectrum out into the marketplace. And I think the reason is that the Spectrum shortage ultimately re-downs to the detriment of consumers. If there is not as much Spectrum, then carriers feel like they have to impose even more stringent policies in terms of voice and data use or increased prices.

And ultimately, like I was saying in my initial comments, where the rubber meets the road is the consumer is not going to have, you know, the same level or quality of service that he or she might have enjoyed previously.

So Spectrum policy, I think, is the biggest thing on our plate right now. I guess the only other -- there are a bunch of other areas within which the Commission is working on, but one of the other priorities, I guess, that our office has is trying to get to the Commission to be a little more nimble in terms of keeping pace with the marketplace and technological innovation.

I have been struggling the last several weeks by how many companies across a variety of different communications industries have said that, you know, they are waiting for Commission action on X or Y. And regardless of what the action is, it would just be nice to have some certainty there.

And so to the extent that our office can play a role in these issues, we would like to bring a sense of, you now, vigor and dispatch to the Agency's decision making in order to benefit, you know, not just the industry, but ultimately consumers.

MS. HERRERA: Okay. If I could just quickly say, that's great to hear. And I would just encourage you to look not only at that, but also within the FCC and your current roles.

COMMISSIONER PAI: Yes.

MS. HERRERA: You have customer service regulations that you have not updated since they were first enacted in '92 and where you are limited in what you can enforce, you yourself wrote the rules and your lack of updating them inhibits the services you can provide.

Your cable standards are still analog, not digital.

COMMISSIONER PAI: Yes.

MS. HERRERA: We have a petition that has been pending on the AT&T that has been sitting out there for three years, so we would be happy to let -- do that, but I would just sort of encourage you. There is a long list of stuff that you have got in-house that probably is in some work process.

COMMISSIONER PAI: Yes.

MS. HERRERA: And so giving it a kickstart may be what you need and you could probably knock them out pretty quick.

COMMISSIONER PAI: Absolutely. Please, do let us know. I mean, don't -- we have an open door policy in our office and we welcome, you know, if there are specific docket numbers or proceedings that you want us to take a look at, do let us know, because we have already taken action on a few things.

And my previous iteration of the general counsel's office, I was always amazed that there are some proceedings that had been lingering for a couple of decades, in some cases without action. So if I have anything to say about it, that won't continue to be the case.

CHAIR BERLYN: Well, thank you so much, Commissioner, for giving us your time. And we look forward to seeing you again.

COMMISSIONER PAI: Thanks.

CHAIR BERLYN: So thank you very much.

COMMISSIONER PAI: Thanks for having me. Appreciate it.

(Applause)

CHAIR BERLYN: Okay. So we are talking here. We have so many questions, so many questions, so little time. And that just seems to always happen. But I don't -- this is so important and we do want to figure out-- we have our own process where we are going to be helping you with this, so we need to be well-informed.

We also need to take a break and we have a panel coming up. I'm wondering, Scott, if when we -- we probably do have time in the afternoon to -- we will be talking about this process. And I'm wondering if Deborah and Sharon might be willing to come back when we are talking about our process, if there is some time, when we might be able to continue this discussion with questions.

And maybe during our -- why don't we take a five minute break now and we will figure this out, because I don't -- we don't want to lose your questions in this process, because this is so important.

So let's see if we can figure that out. Let's take a five or maybe -- let's be realistic. Let's take a 10 minute break, but, please, be back. Thank you.

(Whereupon, at 10:45 a.m. a recess until 11:03 a.m.)

CHAIR BERLYN: So just to let you all know, what we are going to do with our schedule is that I've got Sharon and Deborah are going to come back at 11:50. And we are going to carve a little bit of time out of the Spectrum session at 11:50 and start our Spectrum session after -- we will have about 15 minutes for questions with Sharon and Deborah.

Then we will start out Spectrum session and slide our lunch -- we will see how much time we need for the Spectrum session. We have probably a little bit more time on the Spectrum session than we might need. We will see. But then we will see if we get back on schedule or not, but we can slide a little into the lunch if we need to.

So we will have them back at 11:50, just to let you know.

So we have a panel here. Before I introduce our panel, I know a number of people came in a little late this morning, so now is an opportunity to point out who you are and have you introduce yourselves to the group very quickly. Just say your name and identify who you are with.

So let's go around the room. If you didn't get a chance to introduce yourselves this morning, please, do so now.

MR. SCHROEDER: Okay. Well, I'm one of them, Paul Schroeder, American Foundation for the Blind. I've been on time every other meeting though.

CHAIR BERLYN: Okay.

MR. ACQUARD: Charlie Acquard, National Association of State Utility Consumer Advocates.

CHAIR BERLYN: And make sure you raise your hand, because -- and give it a second, because the booth sometimes doesn't see you and then we don't have it recorded. So say it again, Charlie.

MR. ACQUARD: Charlie Acquard, National Association --

CHAIR BERLYN: It's still not up.

MR. ACQUARD: Charlie Acquard, National Association of State Utility Consumer Advocates.

CHAIR BERLYN: There we go. Anyone else on this side? Towards the back, anyone in the back? Oh, wait, there.

MR. BAKER: Chris Baker. Is it on? Chris Baker with AARP.

MS. LEECH: Irene Leech.

CHAIR BERLYN: Got you.

MS. LEECH: With the Consumer Federation of America.

MS. WEIN: Olivia Wein, National Consumer Law Center.

MS. KEARNEY: Julie Kearney, Consumer Electronics Association. And this is like the walk of shame.

CHAIR BERLYN: I really didn't intend that.

MS. HERRERA: Mitsi Herrera, Cable and Broadband Administrator from Montgomery County. And I am in fine company.

CHAIR BERLYN: Okay. Thank you all. I just wanted to make sure that you were recognized.

Okay. So now, we are really fortunate. This is a topic, of course as you all know, that is so important, the Broadband Adoption issue. And our Broadband Working Group, Mark and Kris, our Working Group Chairs, could also pipe in on this, but we have three folks here: Cecilia who is a Member of our CAC, of course, and two others who are joining us to talk about Broadband Adoption.

I will very quickly introduce them. Sitting right next to me, Elizabeth Crocker, who is with the Foundation for Rural Services, which is NTCA, National Telephone -- Telecom Cooperative. It's no longer telephone. It used to be telephone. Now, it's -- now, everything is telecom. Telecommunications Cooperative Association.

And sitting next to her is Thomas Koutsky, Chief Policy Counsel, with Connection Nation.

And our three panelists today are going to give us some updates on Broadband Adoption from various different perspectives. And so we are really pleased to have them here today. We didn't discuss an order for this, but I think it might be helpful to have Tom to have you start us off, because I know you have some stats and things like that for us.

MR. KOUTSKY: Okay. Sure, happy to. And if you could call up -- I have a slide presentation that is -- there we go. That was simple. It's like magic.

MR. SCHROEDER: Debra, just quickly, I apologize. I'm sorry, Paul Schroeder with AFB. Tom, I could not open your PowerPoint and it came late, in any event, so, please, be sure to speak up -- speak out any of the information that's on the screen that needs to be communicated, because it's not going to be accessible, at least to me and perhaps others.

MR. KOUTSKY: Sure. I will do my best and I will -- but to put a word of warning on that, I have a bunch of slides that I have pulled from different presentations that have a lot of just adoption numbers. I don't intend to speak to them all. I really just kind of wanted to illustrate. I'll do my best to describe what I'm trying to -- the points I'm trying to illustrate.

CHAIR BERLYN: Yes.

MR. KOUTSKY: And then get you another copy that you can open.

CHAIR BERLYN: Yes.

MR. KOUTSKY: Just, you know, I would like to -- I'm really thankful and appreciative of the invitation from Debbie and the FCC to speak here today. You know, I used to work at this -- actually, as we looked at the former Commissioners or the new Commissioners, I used to work at this Agency as well. I have had two stints at the FCC. Most recently on the National Broadband Plant Team. And so these are issues that I care very deeply about.

And it is -- what is interesting about my current job is that I'm able to kind of go and study questions and issues related to Broadband Adoption and the utilization that are facing America's communities.

And there was one really point about -- I've been like a telecommunications infrastructure guy, basically, for much of my career working with a lot of start-up telephone companies. And coming to the National Broadband Team here at the FCC really made an impression on me in terms of thinking about the adoption and use challenge that this nation has.

I mean, we can kind of debate and we spend -- oh, I don't even want to know how much money we spend here, it's over $4 billion a year on infrastructure subsidies to get broadband out to rural areas. And that's certainly needed in a lot of instances and in a lot of cases.

But when we have an important infrastructure that, you know, is absolutely critical to economic growth and social development and we have a third of the nation not adopting it or using it, you know, sufficiently, that's a significant economic drag upon our country's economic future and social development.

And, you know, there are even some instances, as I started in my current job, we have worked basically with, I'll just kind of fast-forward ahead in the slideshow, states and local governments to help them understand the broadband challenges that they face. We operate through the NTIA, State Broadband Initiative Grant Program. I have listed the states and areas here.

And to really let communities and states know about the challenges they face. And so this, I think, is really important that you are talking about Broadband Adoption from the consumer perspective and from the adoption perspective, because it's absolutely critical that our country face these problems and that this Agency face this problem in a realistic problem-solving way, not a headline grabbing way, but in terms of actually doing some tangible -- getting some tangible results.

This is -- again, these are some very basic facts. You all hear this. If you read enough speeches from FCC Commissioners, you get all of these points eventually, so I'm not going to dwell on them.

But the real important point is that as long as we have a third of the country that hasn't adopted broadband, two things happen. First of all, this has a direct impact on the case for future broadband investment and growth in terms of the network side. You know, it's very difficult to get constantly upgraded networks if there is -- you know, if they are not necessarily fully utilized, but also, the economic and social development.

We have seen in recent years with the economic difficulties in this country, a definite flattening in the Broadband Adoption curve. And this is -- you know, if there is like one or two points you take away from one another about the -- what to talk about, you know, look at this graph on the right which really shows an adoption of broadband to undertaking an S-curve pattern, where it starts off very low and then it escalates beginning in 2001/2002 rather sharply up to until it runs across about 60 percent of the United States households and then it flattens off.

It flattens off in 2009/2010 and even starts to dip. And, you know, the dip is actually really concerning, because it does indicate that there is some, you know as an economist would say, elasticity of demand for broadband service.

At certain prices, you know, people start to think twice about buying it and then in economic difficulties, they start to think twice, you know, they even start to think about disconnecting it. so that flattening is really, really important.

On the Broadband Plant Team, we have built a lot of the design assumption. This is actually called a Gompertz curve. There is a phrase for this S-curve adoption and you see it for every technology, consumer technology that has been put in place from color TVs to VCRs to, you know, computers. They all follow this S-curve type adoption. They all flatten out in some way.

Now, for color TV, I think you could probably argue that at around 95 percent of TVs, you know, it's not that big of a deal. But for broadband technology, if that S-curve flattens out at 65 percent, we have a significant social challenge and economic challenge in our country, because that is one- third, you know, of Americans that, you know, will not have the same opportunities for their kids, will face it more increasingly difficult to even do some things such as accessing basic Government services.

There was an interesting set of studies on how expensive it is to be poor in this country. It is actually very expensive to be poor, because if you are limited and if you don't have a car and you're limited to the neighborhood grocery store, you pay for more milk. And if you have to take half a day to get your Social Security check processed and wait in line, because you don't have on-line access to do the same function, that costs you money. That is time you had to put your kids, you know, in child care or that you had to take off of work.

Just a few slides and again, you know, we're happy to talk about, you know, certainly these numbers. Whenever I think about when Debbie invited me to do this, I almost instinctively, you know, moved towards thinking about the adoption gap among the elderly, because she is such a good advocate for the groups that she has worked with, that they do stick out.

So I have, you know, indulged her with some statistics about, you know, difference in adoption and ages. And I think the important thing to see here from this slide are not the numbers themselves, but to understand that there are different reasons why people don't adopt broadband service. And they do vary by age and demographic group.

What we see here is that for young Americans or younger households, ages 18 to 54, the largest barrier to entry is cost. These numbers were actually demonstrated by or were gathered through state surveys that Connected Nation has done in our, you know, eight states and we have kind of aggregated these up.

And we asked -- you know, these are scientific surveys, calling up people and asking them what's the main reason you don't buy broadband and really kind of rationalizing this.

So for younger Americans age 18 to 54, you know, the predominant reason they don't subscribe is cost. It's about 33 percent of them cite that as a reason.

For older Americans, age 70 and older, the predominant reason they don't subscribe is relevance. I mean, it was stated, you know, there is a lot of ways that they can state relevance. We kind of grouped them up into relevance.

And then kind of in the middle is digital literacy or a lack of digital skills. You know, also it does vary by age. I think this is important, because what it does -- you know, this is a little bit more about senior technology adoption to show that even within the senior community, there are a fair -- there is a wide range of demographic differences.

I mean, even -- I'll just point out one, which is if all seniors over age 70-- the Broadband Adoption rate is 30 percent. But of seniors over 70 that live alone, the adoption rate is 17 percent. These are the individuals that would stand to gain the most by being connected to the rest of the world and their adoption rate is, basically, as low as you see in just about any community.

And I think that's rather striking. Again, this is one of the neat things about my job is I get to tell the survey guys what to survey. And so --

MR. McELDOWNEY: Did you control for cost?

MR. KOUTSKY: We did. Well, not-- in terms of control for cost? These are -- this is not -- we do -- I do in another analysis, but not on these slides. I have a different analysis that tries to separate out using a regression analysis. This is really just more of a statement of adoption rates.

That is an interesting paper that we are going to be releasing in a couple of weeks, that's why I had to double check myself, because I might have stolen the wrong slide.

This is barriers. This is a slide that really kind of articulates some significant barriers among the different demographic group, which is low-income households with children. And again, I think the reason this type of research is important is because it tells us what we need to do in terms of solutions.

We cannot have a one-size-fits-all. I'm going to skip ahead in the interest of time. We need to have solutions that are targeted towards bridging the specific gap that we are trying to address. A solution that is aimed at lowering the cost of Broadband Adoption is going to work in some communities or in some demographic groups potentially, such as low-income households with kids, where, frankly, those families don't need to be told about the importance and relevance of broadband to the future of their children.

I mean, families understand that. So these are the families that are piling into libraries, you know, constantly now, so students can do their homework. So for them, cost is the main barrier.

For a group like senior citizens or, you know, other Americans, you know, a similarly situated American, such as those that live alone or other low-income families without children, lack of digital skills, lack of relevance are main barriers.

To overcome this challenge, we need to target the solutions based on the research results. Then you need to execute it and then you need to assess and analyze the success stories.

A couple really things I want to leave you with that are initiatives that are happening right now, the FCC has proposed to spend some portion of the Universal Service Fund on digital literacy funding. This is an open proceeding right now. You know, I filed comments. There are things about the proposal before the FCC that I would do differently than the way they have done it.

I'm happy to talk more in detail about it, but I do think this is an important opening that the Commission has signaled to say we think digital literacy or a lack of digital skills is a barrier to Broadband Adoption and we are proposing to use Universal Service Funds to help bridge that gap.

I think, you know, as a group or as individual, you know, entities with a consumer focus, I think that is something, a proceeding you may want to think about getting involved in, either as a CAC or as your individual groups, because the FCC really could stand to hear a lot of voices about the need for digital literacy and training in that proceeding.

You can't really see this because of the closed captioning, but another initiative the Commission has going on right now is a proposal to spend $25 million on a Broadband Pilot Project for their low-income fund, the Lifeline Fund.

Those of you that have been around the circle for a while know that the Lifeline Fund is a targeted Universal Service Fund of over $2 billion a year that is targeted towards low-income purchase -- low-income consumers who purchase VoIP service.

The FCC launched a genuine -- we heard a bit about this this morning, they launched a genuine -- a general revamping of that program earlier in the year and have opened the door to transforming that program into a broadband support program.

These are pilots. This is a pilot process that is basically going to take the next year. The FCC has solicited applications from service providers who are the recipients of these funds. Those applications are due on July 2nd.

The idea behind the pilot is to come up with measurable data as to what types of price points would persuade low-income Americans to buy broadband. There is a focus on price as a barrier in this proceeding, which I know I just said you wouldn't want to have a singular focus. They have tried to build-in digital literacy and other components into this program, but they haven't proposed or subsidized that in the context of a pilot.

So there are some problematic aspects to the way the FCC has established the pilot, but without getting into those details, that is something else for this group, I think, would be interested in monitoring and understanding where -- you know, what the Commission does with the results of these pilots.

I'm going to conclude really quickly here and just kind of note that, you know, honestly, this year is a critical year with regard to the FCC's adoption programs and initiatives.

There has been a lot of talk about doing things. There has been a lot of ideas floated around. There has been a lot of discussion about adoption being an issue that the Commission intends to really grab hold of. They do deserve credit for the Lifeline Pilot Program and for proposing digital literacy training as part as USF.

But this coming year will be the year where we will find out whether or not those proposals will come to fruition and in what shape and manner they form. You know, will we see the targeted -- you know, will we see the pilot programs go to areas that need it? I skipped over a couple slides, but one important fact that came out recently was that the Territory of Puerto Rico has a Broadband Adoption rate of 31 percent.

The Territory of Puerto Rico is larger than half of the states in the United States in terms of population. If the State of Delaware -- if we were looking and saw that the State of Delaware had a 31 percent adoption rate, while New Jersey had, you know, 85 percent and Pennsylvania had 75 percent, you know, honestly, the Chairman of the FCC would be driving over to Dover to give speeches about solving the Broadband Adoption gap in Delaware.

That's the situation in Puerto Rico right now. 31 percent. That has a cascading effect on the island. And so, you know, we will see if there is -- you know, I'm hopeful that some of these initiatives that have been announced and that some of the programs that have been proposed will go to places like Puerto Rico in a very targeted fashion.

Where, honestly, you know, in a way when you are at 31 percent, it might even, you know, be a little bit easier to show success because it is clearly a significant problem for the Territory and the Territory and the Government is really trying to press forward and come up with tangible solutions.

You know, and the other point is that -- I think Cecilia can talk about this, but a lot of the BTOP programs that were funded for Broadband Adoption are going to start to wind down next year. You know, some of the original programs that were given funding in 2009 were two or three year programs.

And, you know, what do we do with those success stories? We're going to have to figure out which ones were successful and, you know, in this next year we are going to need to decide whether we are going to wind those down or not or whether we are going to reinvest in them.

And with that, I will turn it over to the rest of the panel.

CHAIR BERLYN: Thank you. So, Elizabeth?

MS. CROCKER: All right. I'm Elizabeth Crocker, the Executive Director of the Foundation for Rural Service. And as Debra mentioned, we are the philanthropic arm of NTCA, which represents rural telecom carriers all across the country.

So we have about 600 rural telecom companies that we work with and about 400 associate members who provide services to those folks. And it has really been a very interesting couple of years for us as well. We really started the foundation as more education-based and working with youth primarily and that's definitely changed over the past few years and we have really had to branch out and now we are in a lot of different areas.

We have done a paper which I talked to Debra quite a bit about on Aging in Place and the role of broadband. We are working on a Smart Agriculture Paper with the role of broadband. We are just doing a lot of different things and part of the reason we are doing them is because our rural communities need so much more right now.

I'm laughing as he is talking, I was here two weeks ago with 100 teenagers from all over rural America sitting in this room listening to four of our Commissioners speak. And one of the questions one of the Commissioners asked was how many of you, we had 16, 17 year-olds, have helped your parents and your grandparents learn how to get on the Internet and pretty much every kid in the room raised their hand.

So it's kind of fun to see that statistic and then see it in reality as well.

The interesting thing about the foundation, we do a lot of different things. We do build stuffers and mailers for our telephone companies to educate the rural customers, so we are working on Internet safety, on-line safety. We just did one on cyber-bullying.

We are going to do a mailer on Aging in Place and they can get that information out to their customers. We do White Papers. And I brought our most recent one, because we have been talking about it a lot and I would be happy to give you a copy if you are interest on Aging in Place and the opportunities that are out there.

We are really trying to encourage our telephone companies and our telecommunication companies to see the potential in these opportunities, because if they can get out in their community and provide these services, the community is stronger, they have a larger customer base. There is a lot of win-wins and this is just -- it was a great sort of synergy for us in reaching out to new communities.

I want to talk about a couple of different things. The first one is our grant program, because we have had some really fun success stories with that. So I'm really the grassroots person. I'm the one who is out there. I'm talking to our members. I'm in the rural communities and I see some of the stuff in action.

And I had talked to them a few weeks ago about one of our telecom companies in Oregon, which I just love this story, but it's Clear Creek in Oregon. And I walked into their office and said well, why do you have all these laptops in the lobby and all these computers set up in the lobby? And they had some teenagers sitting there working on them and I thought well, that's interesting. Is this some kind of work program?

Well, no, they just hire teenagers to come in after school and sit in the lobby, because they find that so many people come in to pay their bills, which I know and I have said this before, it's unimaginable for us in Washington that people actually go in to the company and pay their bill in person, we don't do that here.

But it is in rural communities something that happens very regularly. And they have the teenagers there surfing the Internet and, you know, they have folks well, what are you doing and sit down next to them and talk to them. And, you know, the next thing you know, they are showing them things on the Internet.

It's a very, very basic grassroots level, but it's something that is kind of fun and that works.

In Toledo Telephone in Washington State, one of our board members actually at FRS was telling me that he had a jump from 40 percent to 70 percent through his BTOP Program. And part of it was really just the computer process they offered on-site at their telecom. And that is something that I think our Rural Telecom Members do amazingly well.

Our customers have -- excuse me, our telecommunications companies have amazing customer service, phenomenal customer service. They have Geek Squads, they have folks that are going into people's homes and helping them. And the real difference for them is if somebody has a problem with their broadband, with their connection, with anything going on in their home, they see those folks in the grocery store.

The general manager of that company sees them at church on Sunday, at the grocery store on Monday and those people are complaining to them directly. In a small town, there is nowhere to run. So they really and truly thrive on good customer service and it's very, very important to our members.

One of the other ones I love talking about and somebody had mentioned it last time or asked me about a mobile computer lab and if anyone had done anything with that. We had just given a grant in 2011 to Lake Pearl Economic Development Authority in Minnesota for a mobile computer lab and our money kind of finished off their project and allowed them to move forward with this.

So they have a sort of shuttle bus that goes to six different communities. It is handicap accessible. They have a Kindle, an iPad, a digital camera and seven computers on the bus and they actually drive around to different communities to senior centers. They really focus on seniors and sort of below-income levels and they really try to get out there and work on adoption on a very grassroots level again.

They sent me a picture of it last night. I was calling and asking them some questions about the program and how it was going and it's just -- it's really, really cool to see that in action. They are actually serving 30 people a week right now, which may not seem like a lot to us here in Washington, but for a small rural community, that's a lot of folks that they are reaching through that program.

One other thing that we are doing at the foundation is we are doing foundations of computing and basic digital literacy classes. And this one is kind of surprising, I think, but when we go to one of NTCA's meetings with 3,000 telecom association folks, we have a lot of people who are on the board of directors of these companies. And many of them have been on that board for 20, 30, 40 years.

They are not necessarily telecom people with a telecom background. Many of them are farmers. And so, you know, they come in and you would think they might have a stronger background, but they don't. So we actually offered a class at a recent meeting and just had an overwhelming popularity for a basic digital literacy class.

And it is interesting, you know, the first thing a lot of them ask is well, how do I Skype with my grandkids? So that's -- but it's always a great inlet and it's a great way to get people interested and engaged in it. I have a wonderful slide, I wish I had it with me today, of one of my friends children at 6 months-old. She has her baby in a Bumbo seat Skyping with her grandmother across the country in a rural community.

But I love that photo, because it really shows what opportunities are out there and what a great way to see and get people engaged and interested and maybe they can take that next step.

So, I mean, we have a lot of kinds of things going on at the foundation. I would be happy to talk to you all about them in more detail, but it's just a very exciting time for us.

I kind of let the folks at NTCA work on the policy side and the lobbying side, that's their gig. So when we start getting into infrastructure and costs, I defer those questions to them.

But on the foundation side, we are really about investing in our rural communities and making sure they have tools they need.

And I will tell you just on a side note as well, our 100 teenagers that were here last week, two weeks ago, they asked some pretty tough questions. I've got to say the Commissioners, I think, were a little taken back by some of the questions they asked. But it was kind of fun to see how engaged they were in this whole sort of issue talking about digital divide between rural and urban areas, in terms of adoption and that sort of thing.

And so I think we have a really great group of young people coming up that are asking some of these tough questions and hoping to push some of these adoption issues forward for their communities as well.

CHAIR BERLYN: Great. Thank you, Elizabeth. Cecilia?

MS. GARCIA: Thank you, Debra. I would like to thank Debra and the Broadband Working Group for giving me an opportunity to talk about a very interesting gathering that the Benton Foundation and Connected Living co-hosted. And some of you were actually there. Debra was in the audience and Mitsi was in the audience, Chris Baker helped me out on one of the panels.

We had decided some time ago, based on our involvement in Illinois with the Connected Living BTOP Program to look deeper into some of the policy solutions that might emerge from this major federal investment that has been made. And as Tom points out is coming to an end very soon in the BTOP Sustainable Broadband Adoption and Public Computer Center grants that had been made in 2009.

And so what we are -- what we wanted to do was take a look specifically at, what we consider, one of the most vulnerable populations and that's low-income elderly. And the NTIA had identified about 20 programs funded through the BTOP grants that addressed issues or actually provided services for unserved and under-served communities of low-income elderly.

So what we did on the 22nd was tried to take a very close look at one of those projects that had built-in evaluation from the very beginning of the process. And unfortunately, when BTOP started, there were a number of us, including Charles Benton, who sat on this CAC for several terms, who made a lot of meetings here at the FCC, but primarily at NTIA, at the time, asking what efforts are going to be made to evaluate this investment from the beginning, so that we know what approaches work in what communities, what solutions can be made mid-course, so that at the end of this investment, we come away with really strong data similar to what Tom was talking about about what approaches work and how then to use that to inform policy as we move forward in bringing the entire nation into good use of 21st Century telecommunications technology. We need to do that.

Unfortunately, I think, very few projects really had the same kind of attention to strong third-party evaluations that Connected Living had. We looked at that as a real asset for that project.

We found some very interesting findings, based on at least their initial evaluation. They will be doing their last round of surveys and final evaluation this summer. But some of the things that they are looking at are -- in addition to the barriers that Tom had pointed out, I think what emerged from the discussions on May 22nd were some additional barriers.

And one of the -- for this, the low-income elderly anxiety is one of those intangible barriers that, as a person increases in age, becomes even more apparent when it comes to technology.

And again, you have seen this through every new iteration of technology. It doesn't matter if it is -- it goes from the radio to -- all the way through broadband access. As we get older, there is a fear that if you touch something new, you might break it. If you touch the computer, you're going to break it.

So what implications does that have on how we do sustainable Broadband Adoption training? Do we do it in a person's home? And I think there is a tension that kind of emerged throughout the day on the 22nd. There were those who were saying we really have to have a computer in every elderly person's living space, so that they are always connected. They always have access.

Then there are others who argued equally passionately that no, what is more important is where does that person learn best? Is it maybe in a senior housing project, if there is a computer lab on-site? Instead of having a computer in that person's living space, if they are in a common area where there is access to trainers and access to other people and access to, you know, the kind of support that they need right then, it may be better for them in that learning.

So in other words, as Tom pointed out, there is no one-size-fits-all solution to bringing this most vulnerable population on-line.

We will have -- I don't want to talk about the whole day, because we spent eight hours at this. It was very interesting. We looked at -- we did -- Tony Wilhelm actually came in from NTIA and gave luncheon remarks.

And the interesting thing/point that he made is that by 2015, there will be more people in the United States over the age of 60 than under the age of 15. I thought that was very compelling. I guess, you know, my thinking was just the opposite. That, you know, the younger age cohorts were greater in number, but the fact is we are an aging population.

And so we have to pay attention to this, because low-income seniors are not part of the digital economy. And we need to make sure that we do whatever we can learn, whatever we can from this major federal investment. We can't let it go to waste.

We have to see what can we learn from BTOP. How can we adopt those to policies that bring everyone on-line in a comfortable way, in a way that protects their privacy, that helps with the anxiety.

There is another finding that we heard from a number of speakers who said that contrary to popular opinion, issues of isolation are actually mitigated when elderly begin to get engaged on-line.

There was this theory that has been floating around that the more we engage in computers and we're stuck to -- you know, instead of face-to-face communications with people, that we get more isolated.

Well, at least anecdotally, the Digital Inclusion Initiative that was done by Senior Service America in collaboration with Generations On-Line is finding just the opposite. That as people get more engaged with family communications, with seeing the world outside of their living quarters, that's actually helping to fight isolation.

The other thing that we learned that I think is very exciting and particularly pertinent to any efforts in terms of developing a digital literacy core, at least two of the projects that we talked to on May 22nd reported back that peer coaching, seniors who come through a training and then turn around and begin to train their peers, it's a very successful approach in at least two of the projects.

Intergenerational is also a very good approach and the New York OATS Project shows a lot of good synergy between young people and the elderly. But again, peer-to-peer also is very, very significant.

And I want to stop there, because I would like to hear questions from the audience around this.

CHAIR BERLYN: Thank you all. That was great. We got so much information there. Fantastic. So let's do -- Chris, is your card up for a question? Excellent. Okay. Raise your hand and identify yourself.

MR. BAKER: Chris Baker.

CHAIR BERLYN: Actually, you weren't on.

MR. BAKER: Chris Baker. Chris Baker?

CHAIR BERLYN: Hello, over there in the booth? Let's try it again.

MR. BAKER: Mark DeFalco?

CHAIR BERLYN: I think you are on now. I think you are on.

MR. BAKER: That worked?

CHAIR BERLYN: I think that worked.

MR. BAKER: Okay. Well, I just want to thank the panelists for coming. A lot of interesting information. Although, I do have to admit, I'm a little disappointed with the -- some of the statistics that they didn't include any mention of quality and the quality of broadband.

It's so important. I mean, you know, saying you have Broadband Adoption is sort of like saying well, you don't have to walk. You know, you can take a bike. You can take a car. You can fly in an airplane. It's not the same thing.

And it's important to recognize that the services that can help older adults in many ways require a little more quality and speed. So that's point one.

Point two, I think digital literacy is so important. And I agree with you, I'm -- I think the Benton Foundation's work on this is great.

But, you know, it's also important to look at the technology as well, you know, digital literacy is about trying to get people to adapt to the technology. I think it's also important to have technology that works for people. And making these devices easier to use and more intuitive, I think, will get rid of a lot of the anxiety that older adults have.

And there just doesn't seem to be as much focus on that in the policy circles. So --

MS. CROCKER: I would love to jump in on that one if you don't mind.

MR. BAKER: Sure.

MS. CROCKER: Because this paper that we just put out really addresses that. And one thing we are really encouraging our telecos to do, a few of them have taken a really strong lead on it and we are trying to show that as an example and say look at what all, you know, the other companies can do.

And they are really offering opportunities for folks to Age in Place with remote monitoring and video conferencing. In fact, one of our board members from Tennessee told me she just went to all five hospitals and have out this paper and started talking to them about video conferencing.

One of the interesting things in there was psychiatry, which is one of the easiest things to do. And really especially for people in rural communities who are so far from specialists, that have to drive so far to get some place, they might not actually do it, but they might go to their local hospital that doesn't necessarily have a specialist, but get on-line and do a video conference.

So we really are trying to provide some of those opportunities and encourage -- for us again, it's a win-win. The telecos have a broader business base. They are investing in their community making it stronger and we are really providing better services for the folks who live there.

So we really are trying to do that more and more in our membership.

MR. BAKER: Thanks.

MR. KOUTSKY: Yes, and I self-edited in my slides, so I would be happy to get with you afterwards, because we do have -- you know, part of our surveys do include quality and technology measurements, too. I just didn't throw them up there. But I'm happy to share those with you.

You know, actually, there is an interplay here between supply and demand that is important to understand. I actually think for a lot of particular applications of broadband technology would rely upon a ubiquity of service networks. Particularly of the wireless variety.

You know, a thing like a remote monitoring device, you know, to help and elderly diabetic patient, you know, remotely monitor, you know, their condition over time, does not necessarily require that person to be a subscriber to broadband service.

What that requires is for somebody to invent the device that utilizes an LTE wireless network much like buying a Kindle device doesn't require you to be a Sprint subscriber, even though it uses the Sprint Network to get you the book.

I think we will start to see a lot more of those types of devices as 4G service gets rolled out. I think we will see a lot more device-type uses of broadband that will benefit a lot of, particularly, elderly, but also educational tools.

But at the same time, that is a very useful thing to have, but also there is the dependence on the ubiquity of that. I mean, if that's only available to 85 percent of the United States, that's now 15 percent, that doesn't -- people won't be able to take advantage of that device.

But also, it doesn't necessarily engender the growth of technology skills that our country needs from its work force. We have an interesting job skills gap right now where there is a shortage of workers qualified to perform technology tools -- technology-related jobs. And yet, we have, you know, 8 percent unemployment and we have, you know, more people out of work now than we have had, you know, in most of our -- most of the last generation.

So, you know, there is a skills gap that also needs to be addressed, which, I think, things like digital literacy training and getting computers and devices into homes, so that, you know -- and into schools will help overcome that skills gap.

CHAIR BERLYN: I think Mitsi, Lise, Mark.

MS. HERRERA: Mitsi Herrera.

CHAIR BERLYN: I'm sorry, Ken. Ken is in there somewhere. Sorry. Mitsi?

MS. HERRERA: Sorry. Mitsi Herrera, Cable and Broadband Administrator from Montgomery County.

I guess what I am interested in is your outcome data and how that is driving you to change things? In Montgomery County, Comcast as part of the NBC Universal merger had to launch the Internet Essentials Program or at least market it, which is a $10 a month service eligible to families who have a child at the time it was eligible for free meals and now they have expanded it to free and reduced meals.

They have had a year of experience with that program. In Montgomery County, and so I'm saying this because I -- well, let me just say it. In Montgomery County, there are 47,000 children in public schools who are enrolled in free and reduced meals. They thought that that might translate out into 9,700 eligible households.

Of that, after a year, they had 353 families apply. They approved 202. And there were 165 that were activated. That is after a year of trying to promote this. They worked somewhat with schools. They had various messages that came out.

And I'm saying this because we are working with Comcast and we actually had a very good meeting. I think I copied several people here on an agenda in which we brought together people who are working with low-income clients to try to see how to expand that.

And the reason I point it out is because what we are doing is not working. And the reason that -- and the only reason we know that it is not working is because we are actually honest with ourselves about tracking the outcomes of our efforts. And that is spurring us to try to figure out new ways for those things.

In particular, with that program, we are trying to figure out we have people in phone banks who are willing to set-up in low-income houses, so that you can come down and fill it out. We are trying to figure out a plan of could you have them bring the letter in which they are eligible for the program and Comcast finds a way that they could fax the enrollment form right there, so that there is somebody available to help you fill out the forms.

And there is lot of different moving parts, but getting back to that, I point this out not because I want to disparage what Comcast is doing, but to say that it's hard and we have to think differently and figure out how to partner with people who have contacts.

So Tom, thank you very much for the slides. Those are great slides. But can you focus and talk about what other outcome data are you looking at that helps us figure out what we need to do differently?

MR. KOUTSKY: We look at the data for our programs. I didn't mention that we have two Broadband Adoption Projects that we are working on, one in Ohio that is focused on, almost exclusively, training. And another one that is working with the Boys and Girls Clubs in Tennessee that is focusing much more on kind of a mentorship and, you know, very targeted towards foster youth families.

But so, you know, we are starting our own program, so I can only speak about the data. I think Cecilia, you know, does make this great point that as these NTIA programs start to roll-up, we need to analyze that and we need to know facts like that about programs like this.

When you are kind of in an experimentation phase, I think you shouldn't-- we can be disappointed, you know, in things, but I think we shouldn't be too surprised if certain approaches fail.

Honestly, you know, I think that it's great that you are working with Comcast to work on that project. You know, frankly, you know, even though I said that cost was the main barrier to entry for families with -- low-income families with kids, it was still only the main barrier to entry for about 40 percent of those households.

The other barriers, such as literacy, awareness, relevance, were still there. So your universe of 9,000 households was immediately shrunk to 4,000. You know, if your -- if my numbers are right.

MS. HERRERA: Yes, and the --

MR. KOUTSKY: But I'm not defending the program, because I think, you know, myself, I would be not as focused on in making sure we only sell this to people that we truly know are low-income. Right? And I think that you can get yourself caught up in that verification and validation and paperwork game to your -- I think that becomes a problem, because it makes the entire program more cumbersome.

But I do think it is important that if you just have a program that is basically just focused on cost, right, you are saying that I don't care about 60 percent of the problem, basically. I'm going to look at only, you know, the 43 percent of those households.

So I think that there is part of that going on here, too. But understanding it and trying to devise different ways of reaching that audience, I think, is an important second step.

MS. HERRERA: Just wait. Are you tracking when they come into your programs, even the non-cost ones?

MR. KOUTSKY: Oh, yes.

MS. HERRERA: You track -- if you weren't --

MR. KOUTSKY: We do.

MS. HERRERA: -- using it before, at the end of the program, are you tracking? Do you now sign up and get it?

MR. KOUTSKY: Yes.

MS. HERRERA: And do you have that data?

MR. KOUTSKY: We do for our training programs that we have, which is a little bit easier, because we have in-person training, so we know who the person is and we give them an account. And we kind of, you know, figure out a way to try and reach them a year later.

We have -- that program has been in place for a year, so we are just now at that point of coming back to people and saying are you still on-line? Our initial -- we do surveys at the conclusion of training to say are you likely to buy broadband now? Are you more likely to buy broadband than you were at the beginning of the training, etcetera?

Those numbers have become very positive. But, you know, part of our evaluation now is to kind of go back and ask those people again, are you still a broadband subscriber or did you ever actually buy that computer you said you were going to buy?

We also, by focusing on training, tend to end up with more motivated people. People walk into a training class for a reason. They want to do it because they tried to apply for a job a couple of weeks ago and they couldn't figure out how to do it.

So there is a little bit of selection bias in that group, too, but it is reaching people at the point of need, which I think is important.

CHAIR BERLYN: Yes, Cecilia, real quick. Cecilia can probably answer that, too.

MS. GARCIA: Yes. I just wanted to say that the Connected Living evaluation process got the baseline information that you are talking about and then did intermediate surveys.

The interesting thing about them, it will be this summer, they are going to go back to the residents of the senior housing in their target area who did not partake of anything. And they are going to find -- they want to find out why and see what learnings can come from that.

They are also looking at price points. They are asking questions like at what level would you be willing to pay to continue this after the subsidy is over? So we are looking for some very interesting data from that this summer.

CHAIR BERLYN: Okay. We are going to move very quickly. Lise, a quick question?

MS. HAMLIN: This is Lise Hamlin from Hearing Loss Association. Yes, this is quick actually and you may have dealt with this, but it was not clear from what you presented.

I noted that you saw -- you tracked how many people with disabilities were there. But from my perspective, people with hearing loss, and I suspect this is true with other people with disabilities, when they are -- especially seniors with disabilities have an inability to get access.

In other words, you are trying to go to a training program and you think I can't hear what is going on. I can't get access to the information. And I think people with sentry disabilities and other disabilities have the same issue and I would just put that to you as, you know, have you tracked it?

Do you want -- if you haven't, it's something I think maybe you should track.

MR. KOUTSKY: Yes.

CHAIR BERLYN: Thank you, Lise.

MS. HAMLIN: Yes.

CHAIR BERLYN: Ken, a quick question?

MR. McELDOWNEY: A quick question. Ken McEldowney, Consumer Action. I did not hear much talked about in terms of dicing and slicing in terms of people, color and folks for whom English is not the primary language.

And I'm wondering what is being done both in the survey and also in terms of outreach to those populations?

MS. CROCKER: I'm just going to answer really quickly. We don't have a lot of time.

CHAIR BERLYN: Oh, sorry.

MS. CROCKER: Sorry. We don't have a lot of time. Rick Schadelbauer from NTCA did a really nice Broadband Adoption piece last year, and I would be happy to get a copy to Debra and she can distribute it to the group, that tackles some of those statistics and some of that information as well.

CHAIR BERLYN: And you have some information on that, so does the Joint Center for Policy and Economic Studies.

MR. KOUTSKY: Yes. We have a lot of cross-cuts on our website, which is connectednation.org/research, and you can actually track -- there is a little button where you can click for low-income minority, non-native, you know, types, you know.

MR. McELDOWNEY: Well, I guess the second point was what is being done, in terms of reaching out in language to those populations?

MR. KOUTSKY: Yes.

MS. GARCIA: Can I just say?

MR. KOUTSKY: Yes.

MS. GARCIA: Just real quickly, one of the projects that we looked at on May 22nd was a non-BTOP-funded project in Miami. And the area -- the Alliance for Aging, the Executive Director there decided on his own that he needed to find money to do his own experiment, mainly because low-income communities of color and also non-English speaking residents of senior housing had very strong issues with getting on-line.

So that project, I think, has a lot of learning from that as well. We will have a report based on our findings available on our website probably next week.

MR. McELDOWNEY: Great. Okay.

CHAIR BERLYN: I think we are going to have to -- I want to get back to Deborah and Sharon. Dorothy, if we could take your question in writing for our team, unless it's real -- is it real quick, Dorothy?

MS. WALT: Well, I just have a short comment or I can hold off, either one.

CHAIR BERLYN: Short?

PARTICIPANT: The microphone.

MS. WALT: I have a short comment or I can hold either way.

CHAIR BERLYN: Can we take a short comment? A short comment, Dorothy.

MS. WALT: Yes, thank you, Debra.

CHAIR BERLYN: Sure.

MS. WALT: Dorothy speaking, Dorothy Walt. The only comment I wanted to make related to seniors is to have an opportunity to receive training on using computers through the National Deaf/Blind Equipment Distribution Program, if they are qualified for that program.

They get free equipment and free training. And the trainer comes to their home and trains them. And they also go back for follow-up visits and stuff like that. It depends on each state's policy when they get it set up. I just wanted to make that comment.

CHAIR BERLYN: Thank you.

MS. WALT: Thank you.

CHAIR BERLYN: Great. Thank you, Dorothy. That's great information.

Okay. Thank you, panel, that was really great. Appreciate that. Great data points and I know there is more information on-line at Connected Nation.

MR. KOUTSKY: Yes.

CHAIR BERLYN: And also at your website?

MS. CROCKER: That's frs.org and we have paper and we can send you a PDF copy or if anybody wants more information.

CHAIR BERLYN: Excellent. Thank you so much. Appreciate it.

MS. GARCIA: Thank you.

MR. KOUTSKY: Thank you.

(Applause)

CHAIR BERLYN: Thank you, that was great. Appreciate it. Oh, yes, thank you. Elizabeth is going to leave some copies of this up here, so you can pick some of these Aging in Place and the Role of Broadband, if you want to pick one up.

So we have a little bit of time to get back to some questions. We have got about 10 minutes, but I do want to get back to some questions, if you can put your mindset back on our previous topic about the Consumer Complaints process.

So oh, Ed, quick, yes? You're up. Saw it first. Oh, and then Stephen, I'm sorry. I saw yours second. Ed? Give it a go.

MR. BARTHOLME: I'm Ed Bartholme with Call for Action. We actually partner with media outlets around the country to set up consumer help hotlines. So we do have experience in the intake processes related to consumer complaints and tracking and kind of keeping an eye on that data.

I had a couple of thoughts and suggestions. We do have a web form that we utilize for consumers to make use of. We tend to choose to classify and categorize the complaints that come in internally. We don't allow consumer self-selection for categories.

We take the information and our staff and our volunteers review each complaint and then assign it a category. I realized that there is a scaling issue and you guys probably do deal with significantly more than we do, but I think it's important.

If your goal is consistency and to actually have useful data, consumer self-selection can make that harder to achieve. You know, they are clouded with -- they are upset about what has happened to them. They are angry possibly about this. And it could be that they pick the completely wrong category as to what you guys would have as a definition and where that would go and that can lead to some pretty heavily skewed statistical outcomes.

Another thing that comes to mind is the FTC has a really good set up with the Sentinel Program, in that other organizations can feed into that, if they choose to. So that might be something to look at from a back end, is there a way for other organizations who take communications-related complaints to feed some of their data over to you guys, so that you can get a broader picture and cover a bigger swath necessarily of what comes in to you.

And just kind of a third tip, one of the things that -- we used to have categories and subcategories and we found it to be very cumbersome, so we did decide to go strictly with kind of broader categories and then a key word, as a second step.

So our system allows for a category search and a key word. So you can do, for instance, you know, wireless and then billing as the key word to pick up all the billing-related or, you know, you could use a different key word if you chose to.

CHAIR BERLYN: Awesome. Thanks. And hopefully Ed will do something to capture all of this in our follow-up as well. So Stephen. Then raise your hand, let's capture this quickly.

MR. POCIASK: Yes. I'm Steve Pociask with the American Consumer Institute. Those are good comments, Ed.

Okay. You talked a little bit about the tracking, the classification and, you know, sort of accounting for this output of complaints. My question is I really didn't hear and to what extent do you actually account for outcomes, rather than just the, you know, output?

I'm talking about the actions. In many cases, you provide information, referrals. Do you account for that? Do you track that in cases you have intervention? Because to me, that's kind of interesting. It's one thing, we have a big accounting for the output, but what about the outcomes?

MS. BOWERS: That's a very good question. Thank you. And I appreciate the comments from Consumer Action as well.

Our Consumer Advocacy Mediation Specialists deal with consumers one-on-one. And each case is assigned to a CAMS. And as the CAMS work through that process, they are constantly updating that record to show how the consumer is being helped.

There is times that we can't come to a resolution that the consumer is satisfied. But we at least document in the case what the Commission -- what we have done, what the CAMS have done to try to assist that person.

We are one-on-one. The CAMS are on the front line dealing with the consumer's individual problems. Now, how that sort of shakes out to larger numbers that we produce, we keep track of disputed amounts, how much money we have actually gotten back for the consumer in their complaint. But we really don't report anything beyond that individual complaint that is more internal to us, if that answers your question?

CHAIR BERLYN: Great. Yes.

MS. MARTINEZ: Mia Martinez with the National Asian American Coalition. I just wanted to follow-up on Ken's comments regarding capturing complaint data by race or ethnicity. This would be extremely helpful in developing a more effective targeted outreach to the minority communities.

And secondly, I checked the App Store a couple of minutes ago and I saw that there is an FCC App and Mobile Broadband test. Perhaps the Bureau can explore possibilities of having an app or developing an app for submitting complaints.

I also wanted to note that this is one platform that the Federal Trade Commission is also looking into at this moment for submission of complaints and fraud. So perhaps the Bureau could explore this option as well.

CHAIR BERLYN: Very good. And one more question from Lise.

MS. HAMLIN: Lise, hello? Lise Hamlin.

CHAIR BERLYN: Not quite.

MS. HAMLIN: Almost. Okay. We're there.

CHAIR BERLYN: Okay.

MS. HAMLIN: Lise Hamlin, Hearing Loss Association of America. And thank you for all you are doing and all this work. I will say when I mentioned to a group of different organizations working with people with hearing loss, I had a number of people get back to me and say yes, we hear all the time from consumers who have real difficulty dealing with the forms, so they just give up. They just won't do it.

And one of the suggestions that I would have is making different levels not everything should be -- I know there is formal complaints and informal complaints, but there may even be a less formal using social media, Facebook, even tweeting.

I'm sitting in front of my TV and my captions are off. I don't want to go to my computer and fill out a form that will take me half an hour to fill out and then I miss whatever I could get. Probably what I would have done is change the program, because I wouldn't want to have to sit through a program with no captions.

But at least it gives me an option. I have had a problem right now, here it is, I can't resolve it. What do I do? And then you get that information. And I think that that's an issue.

Somebody also mentioned about -- I mean, they were talking about different ways of how you get consumers complaining at all, because we know our community doesn't complain a lot. And I think part of our problem also is that they -- our community doesn't know that they can complain or who to go to or go to the FCC.

So even having a real clear bullet list that you can complain about. You know, I know people come to us or consumer organizations say I can't get a hearing aid compatible phone. But we never think to go to the FCC and say, you know, I'm having problems and these are my problems.

See even having a real clear and doing it without literature, doing it on your website or getting us printed material, doing various ways, I have heard several times today one-size does not fit-all. And I think that's a problem for you, but it's also part of the solution is going tat it through different avenues.

CHAIR BERLYN: Thanks. Luisa, do you have something real quick?

MS. LANCETTI: Yes, I do.

CHAIR BERLYN: Sorry, I just saw your card.

MS. LANCETTI: Luisa Lancetti, a very quick comment. And that is I think we all agree that the FCC's work in this area is important maybe even increasingly so and the complaint data and the recording of it is very powerful as well. So I think when Paul first spoke, he talked about how if you don't like Dallas, you know, maybe you can go to the FCC and complain about it.

So I think the FCC itself recognizes and I think it's also important as we begin to look at trends and collect data and numbers, etcetera, that we realize in some cases these are not complaints or actionable in that sense. And so it is very powerful, but it's also important that it be looked at with great kind of sophistication and care because of the powerfulness of the information that is being both collected, analyzed and acted on.

CHAIR BERLYN: Great. Very good, excellent. Oh, great. Thank you. We are going to have to move on. You will have to get your question later, Mitsi.

MS. HERRERA: That's fine.

CHAIR BERLYN: But thank you both for coming back, for hearing us. We will be discussing this again later when we talk about our process for responding to their questions.

So thank you both again.

MS. BRODERSON: Thank you.

MS. BOWERS: Thank you.

CHAIR BERLYN: And have a good trip back to Gettysburg.

MS. BOWERS: Thank you.

CHAIR BERLYN: Thank you.

(Applause)

CHAIR BERLYN: Okay. I know we are starting to get hungry, which means we have really good attention now. And can I call Robert up to the table?

MR. ALDERFER: Rob, yes.

CHAIR BERLYN: Rob?

MR. ALDERFER: Rob, yes.

CHAIR BERLYN: Rob.

MR. ALDERFER: Rob is good, yes.

CHAIR BERLYN: Rob is good. Okay. Rob Alderfer. This is a very important topic. As Commissioner Pai mentioned, Spectrum is real important to consumers. And we are very fortunate to have Rob here with us today with the Incentive Options Team in the Wireless Telecom Bureau. So thank you so much for joining us.

MR. ALDERFER: Absolutely. Thanks for having me.

CHAIR BERLYN: And I want to give you as much time as we need for this topic, even though our stomachs will be starting to rumble a bit. So thank you so much.

MR. ALDERFER: Sure. Thanks for having me, everyone, I really appreciate the opportunity to talk with you today.

As Debra mentioned, I'm Rob Alderfer. I'm the Chief Data Officer in the Wireless Bureau here at the FCC. I'm also a member of the Incentive Auctions Task Force, which consists of staff from across the Agency working on this initiative.

And since my agenda item is entitled "What Consumers Need to Know About Spectrum," I thought what I would do is just talk a little bit about the basics, why the FCC is focused on Spectrum and then dive into some specifics on Incentive Auctions, if that's useful for folks.

Okay. So what consumers need to know about Spectrum. Well, the first thing they need to know is that they use it frequently, whether it is for Wi-Fi in their home, their mobile phones, watching television with rabbit ears or listening to the radio in their cars, that's all Spectrum.

And Spectrum really serves a function for a number of wireless services and those services are things that consumers are using more and more. Wireless services are really proliferating in the economy.

And actually, according to CTIA, we have more wireless connections than there are people in the United States, which is a pretty astounding phenomenon. That gives you a sense of the magnitude of the trend.

And really one of the key growth areas in wireless services has been the growth of wireless broadband. In the last three years, mobile traffic, as a function of wireless broadband growth, has increased over seven times, according to CISCO. And the forecast for the future is that that growth will continue and even accelerate.

So if the Commission were to just stand pat and do nothing about this trend, it would really strain our Spectrum resources. And so what that would mean for consumers, I think, is higher prices, poorer service and lost opportunities, frankly. So that's why the Commission is so focused on Spectrum.

The National Broadband Plan outlined a number of strategies to meet consumer needs in the area of Spectrum really in three broad categories. One is greater efficiency, essentially squeezing more service out of the Spectrum that we have. Sharing Spectrum, so making sure that we really have services that are compatible with each other doing what they can to share Spectrum. And also reallocation of Spectrum from legacy uses to new flexible uses to allow the market to really meet consumer needs.

And I'm really going to be talking about that third category today, reallocation of Spectrum. The Broadband Plan outlined a number of potential bands that could be candidates for reallocation to meet consumer needs. They really stretch both from stuff that the FCC manages across to what the Commerce Department and NTIA manages.

And one of those was the broadcast television band and that's where Incentive Auctions comes in. So the Broadband Plan recommended that the FCC, essentially, use a market-based process, known as Incentive Auctions, to, essentially, enable part of the Spectrum to be used for new wireless services.

And so that's what I'm going to be focusing a little bit more on today.

And so it's helpful just to start with a little bit about what Incentive Auctions are. And at their core, they are really a market-based means of making Spectrum available for new services through a market-based process while capturing value for the public and for consumers.

And as I said, they were featured in the National Broadband Plan, but it's actually something that economists have been talking about for some time before that. And they were also featured and supported in the President's Executive Memorandum on Spectrum in November 2010 and were most recently authorized by Congress in February of this year.

So the key mechanism in the Incentive Auction process is the Commission's ability to share financial incentives with incumbent license holders, Spectrum license holders in return for relinquishing some or all of their Spectrum rights back to the Commission for repurposing to new services. So that's something new. That's something that the Commission hasn't done before.

And really what it does and why it's good is it really aligns the interests of all interested parties to the benefit of meeting consumer needs for Spectrum. So incumbent licensees, new licensees, consumers and the Government can all benefit through this process.

So I'll talk a little bit about what Congress directed us to do in February of this year. Actually, the Middle Class Tax Relief and Job Creation Act of 2012, Title 6 of that law, had a number of provisions on Spectrum, one of which was authorizing the Commission to conduct Incentive Auctions. That was in 6402, for those of you that are interested in looking up the bill.

And, essentially, the key provision in 6402 was that authority for the Commission to share auction proceeds with incumbent licensees in return for their relinquishing Spectrum back to the Commission. So that's general authority and that's something that was authorized for a number of years for the Commission to use at its discretion.

Then the following section, 6403, dealt specifically with the broadcast television band. It had several provisions for how the Commission should implement Incentive Auctions in the context of Broadcast Spectrum, including a number of protections for over-the-air television viewers and broadcasters.

One of the things that section did was outline a number of different ways that broadcast television stations could relinquish Spectrum back to the FCC.

So one way, as you might expect, is to return a license for a full 6 megahertz channel, but that's not the only way. Stations might also elect to move from, what's called, the UHF band to the VHF band, so the high channels to the low channels. The high channels being a little more useful for wireless broadband. That's another option that is available to -- that we expect will be available to broadcasters when we get to implementation of Incentive Auctions.

And also, the third option that was outlined in the statute was channel sharing. So as a function of digital broadcast technology, more than one broadcast station can actually use a 6 megahertz channel. So essentially what that means, especially those two latter options, they are available to broadcasters to continue their over-the-air broadcast operations while relinquishing some Spectrum back to the FCC in return for financial incentives.

So in that regard, we really think there are win-win opportunities here that will result not just in repurposing Spectrum for wireless services, but also strengthening the broadcast sector and providing new business options to broadcasters.

And in the same regard, if you think about relinquishing a full 6 megahertz channel, there are many station groups out there that may wish to sort of consolidate their operations and strengthen their business going forward. And this is another way to do that through the Incentive Auction.

So a couple of other things that 6403 did in addition to providing these options for broadcasters, it, essentially, made clear that stations won't be forced to relinquish their rights. So this is a voluntary process. Stations will have the discretion to decide which options works best for them and set the price at which they want to accept those options.

And if they don't want to participate, they don't have to.

Now, we do expect that there will be a realignment of the band as part of this process as we move a portion of the Broadcast Television Spectrum to wireless services. The band will need to be realigned to make the Spectrum useful for wireless services.

And so, essentially, what that will mean is a new channel plan for television stations. And there may be some costs involved in that for broadcast stations and under the law, those costs would be covered as part of the auction proceeds would be used to pay for that.

And one important thing to keep in mind here through this repacking process is that it's something that is a little bit different from the Digital Television Transition, in that consumers are already digital-ready.

So consumers have set-top boxes and it's -- we don't expect that all stations will be affected by the repacking process, so it's going to be more limited in scope, we think. And it will be a simple matter, we think, of probably rescanning boxes for over-the-air viewers that may be affected by the repacking. And we don't expect that to e the full population of over-the-air viewers.

And, of course, television viewers that subscribe to cable, satellite or watch TV over the Internet won't be affected at all.

So a little bit on what we have done to date at the staff level to implement Incentive Auctions. Perhaps one of the most fundamental things we have done is get the people in place to do the work, and that's the Incentive Auctions' Task Force.

You may know Gary Epstein, who is the Chair of the Task Force, he sends his regrets that he couldn't be here today, but he really does view this as a key consumer initiative for the Commission. And he has really compiled a team from across the Agency to work on this issue.

And we have also -- to help us in this endeavor, retained a number of economic experts that specialize in auction design. Because this is a new novel program, a lot of different facets to it, we want to make sure we are getting the best advice from the best people out there.

And so we have a team of economists, that I would be remiss if I didn't mention they are prize-winning economists, that are at Stanford and University of Maryland and they are advising the Commission on auction design and the economic aspects of this.

Another thing the Commission has done recently back in the April meeting, the Commission adopted an order that lays the regulatory framework, some of the groundwork for channel sharing. And, essentially, what it did was, you know, adopt some basic parameters for channel sharing that should compliment the Incentive Auction when we move to implement that. It doesn't really prejudge how channel sharing would work within the context of Incentive Auctions, but just sort of sets the framework for it.

Then there was actually a channel sharing workshop in May, last month, two months ago, at this point, in which we gathered the industry together to talk about some of the practical aspects of channel sharing. And we will have more workshops and development. We really do view public participation and outreach as a key piece of this initiative.

And as we move forward, we are really in the early stages right now. We are in what I would call sort of the technical stage, in which we are really focusing on the sort of economic aspects and the engineering aspects of this initiative and making sure that we have our experts thinking about the key issues.

And that will inform a lot of the policy that will be coming through the rulemaking process.

And as I said, we view outreach as a key component of this. And so it's certainly a timely discussion for the Consumer Advisory Committee and we certainly look forward to your input.

I can talk more about the different piece parts of Incentive Auctions, if folks are interested in hearing about that?

But just a few things to keep in mind that I would like to really kind of reiterate. First, the amount of Spectrum that is repurposed out of the television bands for new services will be a function of the voluntary participation of broadcasters.

And it really -- and it being a market-based process, we view it as being a fairly consumer-friendly way to repurpose Spectrum, inasmuch as it's, essentially, market actors making the decision on Spectrum repurposing and they should be certainly responsive to their customers.

As I said, there are several options for broadcasters to relinquish Spectrum. Returning the full 6 megahertz channel sharing and moving from a UHF channel to a VHF channel. These will all be teed up for the Commission to consider in the rulemaking later this year. But that's what the statute envisioned.

The statute also envisions that there is no involuntary relinquishment of Spectrum. And stations that don't participate and don't want to relinquish Spectrum will be compensated for any costs involved in the repacking and realignment process that will come as part of the Incentive Auctions.

And really, we think that this whole initiative is a win-win for consumers of both the wireless and broadcast sectors. And so, as I said, we are very early on in the process and we would like to get your input on what you think it would take to make this initiative a success.

And I can leave it there.

CHAIR BERLYN: Thank you so much, Rob. We do have time for some questions. I see Ann's card up. Go ahead, Ann.

MS. BOBECK: Hi, I'm Ann Bobeck from the National Association of Broadcasters. I just wanted to say thank you, Rob. Thank you to Chairman Genachowski and his team. I know that this has been a tremendous undertaking and the number of staff involved to ensure that the Incentive Auctions run smoothly.

And that we very much look forward to the upcoming June 25th Workshop on TV Broadcaster, the Fund Workshop. I know that my boss, Jane Mago, is looking forward to participating in that was well. And I think those are very helpful, you know, they are broadcast over the web for all of the -- for all of us and members of the CAC to participate in as viewers and as consumers as well.

So I encourage all of us to tune in to the upcoming workshops. I know that the Commission has a series of workshops throughout the summer and the fall and I think that would help us kind of guide and help inform from a consumer perspective the challenges associated with the Spectrum allocation as it affects viewers of television.

So thank you very much for inviting consumer participation and we look forward to a robust discussion, particularly in the fall as the rulemaking comes out.

MR. ALDERFER: Thanks for the plug on the workshops.

CHAIR BERLYN: Does anyone else have a question?

MR. UMANSKY: Just very, very brief.

CHAIR BERLYN: Barry?

MR. UMANSKY: Hi, I'm Barry Umansky with the Digital Policy Institute and I Chair the meet -- the working group. And certainly this is -- the issues you talked about a moment ago are certainly core interest of our immediate working group. We have addressed them in recommendations. And I think, listening to your discussion, we are pretty much all on the same page and we hope it's a very successful process and we will certainly be tuning in. Thank you.

MR. ALDERFER: Great. Thank you.

CHAIR BERLYN: Scott? Raise your hand, Scott, so they can see you back there.

MR. BERGMANN: Scott Bergmann with CTIA. I just wanted to add my thanks as well. We are really appreciative. Can you hear me yet?

CHAIR BERLYN: Yes, I can hear on that one.

MR. BERGMANN: Okay. Good. I just want to add my word of thanks as well to -- for all the work that the FCC has done to try to develop this process of an Incentive Auction, recognizing the need to meet rising consumer demand for wireless services. And there is a lot of, you know, good record that the FCC has helped develop about the consumer benefits of mobile broadband services.

So we are looking forward to working with you all as well, too, and it is a very technical exercise that the FCC is about to go through. So sort of what the Consumer Advisory Committee had on, we appreciate your focus on how consumers stand to benefit from going through this process. So thanks for that, Rob.

MR. ALDERFER: Okay. Thanks, Scott.

CHAIR BERLYN: Rob, I'm going to ask this question just so that everybody can get a feel for this. And that's the timing question.

So when does the FCC anticipate the actual completion of the repacking process, so that the auctions would actually take place on the other end?

MR. ALDERFER: So the short answer is we don't know. But I'll give you the longer answer, too. So what we are working toward now, what the Chairman has said, is that we would like to have a Notice of Proposed Rulemaking developed or a series of them in the fall of this year.

That will layout some of the staff's thinking and the Commission's thinking on this process. And from there, it becomes a function that really kicks off the public engagement process.

And so it's a little bit hard to predict and I certainly wouldn't want to prejudge what we would hear from people through that process. I will say that we do view the need for Spectrum as an urgent one and so we are keeping that in mind.

But in terms of how it is all going to come together, I think we are really going to need everyone's input through the rulemaking process to know that.

CHAIR BERLYN: Okay. All right. Well, thank you very much. We greatly appreciate your coming down here.

MR. ALDERFER: Okay. Thanks.

CHAIR BERLYN: Thank you.

MR. ALDERFER: Thank you.

(Applause)

CHAIR BERLYN: Lunch is served and we will reconvene at about 1:00. We did it. We are back on schedule.

(Whereupon, the meeting was recessed at 12:25 p.m. to reconvene at 1:11 p.m. this same day.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

1:11 p.m.

CHAIR BERLYN: So this next session is brought to you by Ed Bartholme and myself. We have a topic on your agenda, as you see, to have a discussion about the FCC's website. And we did want to get some FCC staff to talk with us about this topic and we still hope to do that.

The scheduling didn't work out for that, at this particular meeting, but hopefully in the future we will do that.

But we do know that it would be helpful for the FCC staff to perhaps have some questions in advance that we might have about the FCC website.

Now, just as some background, the Consumer Working Group did discuss the FCC's website a couple of times at various working group meetings and we decided that it would be a good topic to present to the full CAC for discussion.

So I'm going to turn it over to Ed and we are going to have the capability to show the website on the screen and go through it with all of you. And the idea here is to talk about the FCC's website as a useful instrument for general consuming public as well as for those of us who use the FCC website on a regular basis, but also as representatives of the consumer populations that we work with.

So, Ed, I'll turn it over to you.

MR. BARTHOLME: So I --

CHAIR BERLYN: And there we go.

MR. BARTHOLME: We talked about this a little bit at one of the previous meetings and there didn't seem to be a lack of interest from anyone in the room, as it pertains to the website, so we thought it would be a good idea to kind of all share some thoughts and insight on it. Like Debbie said, our goal was to have a speaker, but it didn't coincide for this meeting.

And we know that our time is short, so to speak, because we have one meeting left. So we were hoping to get together a list of advance questions to get that over to someone in the Commission who could then address us on those topics.

So if anybody wants to start by firing off some suggestions or things that you see or have thought about or have questions, I know one of the big things that we initially looked at is we all use the FCC's website in probably a somewhat different capacity than what we would imagine the typical consumer going to the FCC's website does.

We look specifically for Notices of Rulemaking and different dockets and different things like that. We have also heard anecdotally that most of the people in the room, and I won't make you raise your hand, go to the website and first click on where is the old website and how do I get there, because that's how I know how to get around things. And that has been left very prominently displayed on the new website.

So knowing all of that about ourselves, we were wondering how do we translate that to what your typical consumer is actually going here and looking to find and do they find it more beneficial than some of us who are used to the old familiar might find it?

So that's kind of the direction where the dialogue started. And then as we -- we had a call about this. As we started to kind of drill down, we highlighted some things. I want to open it up to you guys first and then we can -- I'll share some of the things that we saw as well to kind of prod along the conversation, if there is a lull.

So I turn it over to you. I'll take copious notes and make sure that everybody sees this and get a copy. Right, yes, also the reporter. The court reporter, yes.

CHAIR BERLYN: Can we flash the website back up on the screen? There. There we go.

MR. BARTHOLME: Okay.

CHAIR BERLYN: Ann?

MR. BARTHOLME: Ann, you had --

MS. BOBECK: Hi, it's Ann Bobeck from NAB. One of the things that I always thought would be the simplest button on the home page is if there was a consumer button for consumers or for the public, just in general.

I know that as a petitioner, we are fairly well-versed in both the old and slowly migrating to the new FCC's website. But if I were a consumer, even today coming to the new FCC's website, there is a lot of information, but it's hard, it's difficult to navigate.

And if there were just a consumer's click here button and then sort of had a consumer generated sort of home page, I think, you know, there is take action at the top, but that's kind of buried at the top. It's sort of, you know, difficult. There is a lot of quick links. There is bureaus. But as a consumer, I might not know who those bureaus are or really what they do.

But I think that that might just be a starting point.

MR. BARTHOLME: Okay. So kind of along the lines of the top navigation bar, stick one up there that just says consumer, so that that way --

MS. BOBECK: Yes.

MR. BARTHOLME: -- it's readily and exactly where it --

MS. BOBECK: Yes, for consumers, yes.

MR. BARTHOLME: Yes.

MS. BOBECK: I'm just trying to think if I were visiting the FCC for the first time, I would have no idea what all this information meant.

MR. BARTHOLME: Sure.

MS. BOBECK: For the average bear.

MR. BARTHOLME: Definitely. Anyone else have any opening shots or questions?

MS. HAMLIN: Yes.

CHAIR BERLYN: Lise Hamlin?

MS. HAMLIN: Am I coming through?

CHAIR BERLYN: Not quite yet.

MS. HAMLIN: Hello?

CHAIR BERLYN: There you go.

MS. HAMLIN: There I am. Okay. One of the things that -- recently, I was putting together a PowerPoint for a presentation, so I wasn't specifically looking for proceedings. I was looking like somebody who might be searching for information.

And what I found was if I went out of the site and Googled what I wanted, FCC and then whatever the topic was, it was much easier to find information than if I went into the site and went to the search engine on the site. I couldn't find it.

And you are right about the links, too. Okay, I'll get to a page, let's talk about captioning and then it will say okay, other things to talk about. They would never take me where I wanted to go.

So I'm not the tech person here, but it sounds like to me there is a search engine problem as well as -- two problems. Organizational problem and maybe the consumer page might be a way to get around that. But there is also how do I find this? It's really difficult to find what you are looking for.

CHAIR BERLYN: Stephanie?

MR. BARTHOLME: Stephanie?

MS. PODEY: Stephanie Podey from NCTA. It seems like they tried to organize it using this encyclopedia concept and I've just found that a lot of the information I'm looking for winds up being there, which I find through a Google search. And it's just if it's confusing for us, I'm sure it's terrible for consumers.

MR. BARTHOLME: Dorothy, did you--

MS. WALT: Dorothy speaking. It has been a long time since I looked at the webpage. I don't remember if this was on there or not. If it isn't, I would suggest you add to it.

Do you have a person assigning the information, rather than -- in other words, some deaf people whose first language is ASL and they would prefer to read information through an ASL interpreter. So I'm wondering if that's on the website? If not, you might want to add that. Thank you.

MS. HAMLIN: Lise Hamlin again. The other thing that I remember finding on this is that some pages were easily printable and other pages were not. And it would be -- most of the information you want to be able to download easily and print out. So I would suggest that that be consistent.

MR. BARTHOLME: Okay.

CHAIR BERLYN: Can I just pose a general question for anyone in the room? Does anyone in the room have any firsthand knowledge about any consumer use of the website? Does anyone know about consumers using this website?

PARTICIPANT: No.

CHAIR BERLYN: Okay.

MS. HERRERA: Mitsi Herrera, Montgomery County. I have a Consumer Advisory Commission and, by and large, the report has been that they really don't know where to find anything on the site.

And one thing that used to happen, the Media Bureau used to have a telephone directory that was issue-based. So if this was my issue, this is the person to call or who is in charge. So that's lacking on this one. It takes -- before it was one step to search people, if you knew who to search for.

Now, it's a couple steps. But more importantly, I don't know who is handling what. And I say even for practitioners that's true, because there is a lot of change-over, people who used to be there, so who is the new person who handles that?

The other thing overall I would say is that it's very difficult to find any of the reports, which I find ironic, because I feel like the FCC spends a lot of time issuing reports.

Before, they used to have a way in which the reports and the ones that they have annually were kind of listed and then it would list, you know, whatever the most current year was along with all the back ones. And that has just kind of disappeared into places. In a lot of the information that they -- I was just looking through while we were talking, so like, for example, the Media Bureau, if you go on one section and it asks for the open proceeding, it will list that there is an open proceeding about closed captioning.

But if I go to the subject and look at closed captioning, it provides some kind of evergreen information, but no link to the fact that there is any active proceeding in this area.

So if I'm a consumer, I can't go in by the subject, which is the thing I'm most likely to be familiar with, and look to find out what is the FCC doing right now on closed captioning.

MR. BARTHOLME: Ann?

MS. BOBECK: Ann Bobeck, NAB again. Mitsi, if you would go to the transition, the old FCC website, you go to the Media Bureau, you can still see the subject matter expert list. So there is the --

MS. HAMLIN: I can't hear you.

MS. BOBECK: The subject matter expert list for the Media Bureau still is in the FCC's website. It's just easier to access through the old -- the transition website.

MS. HAMLIN: Right. But my -- what my concern is I feel like at some point, they are going to stop supporting the old website.

MS. BOBECK: Right.

MS. HAMLIN: I mean, it depends how long we keep complaining, but --

CHAIR BERLYN: That's one of the questions we don't have the answer to.

MS. BOBECK: Right.

CHAIR BERLYN: Is how long that transition button will still be there.

MS. HERRERA: Right. What would be also beneficial, I think, that we make as a recommendation or request is that that would be certainly something that would be helpful in all the bureaus to have a subject matter expert list.

So if you had a question on CGB, who is the contact person that I would need to be to -- to go to if I have a complaint? Then I need to go to the Enforcement Bureau, who? Which question should I direct to what call centers? There could be some troubleshooting or experts that they could list.

I think that that would be helpful. Certainly, you know, the 8th Floor Advisors are fairly easy to find, because they are on the home page and the Commissioners. But I think that's something that they could expand. It's just the Media Bureau, I think, was the first and being the most established bureaus.

But that could be helpful beyond one bureau.

MR. BARTHOLME: Barry?

MR. UMANSKY: Yes, just three quick things. I want to agree with Ann. I think the Media Bureau is a good model for how to do this right to link experts with topics and so forth.

Also, I have been trying to use a variety of other agencies website, some federal some state, and by comparison, I think the FCC has done a pretty darn good job. I'll have to admit though that the instant after I go to fcc.gov, I do click the old one.

And the one beef I have with the old one, it's a new beef, when you looked at the old site, the upper left has a search engine, search the FCC. You fill in your key word hit it and it goes to another search the FCC and you've got to fill it in again. I'm sure that can be cured.

MR. BARTHOLME: Okay.

MR. UMANSKY: End of comment.

MR. BARTHOLME: So a couple other things that we had down to bring up and discuss were, you know, how long is the old site going to be there as a transition or is it going to somehow kind of be buried back into a permanent fixture that you just have to do a couple hoops to jump through to access it? You know, will it always say transition.fcc.gov?

Some other concerns that we had briefly discussed are kind of the usability aspect of the website, not just from a I'm looking for a specific piece of information and it's hard to find, but when I show up and it is dark blue on black text for different -- you know, like a really good one, I feel like if you could show the computer screen on the screen?

Up here in the top right corner, it has got display options in dark blue on black. And for somebody who actually would like to change the appearance, I don't think they are ever going to stumble upon the display options.

CHAIR BERLYN: Hum.

MR. BARTHOLME: One of the things that came up in our call was also the accessibility of the site in different languages. You know, the FCC issues the ability to broadcast in other languages in our country. And, obviously, consumers in our country interact with the FCC sometimes in other languages.

There is a little flag up in the top right corner. Most of us didn't even realize that there was any way to get the site into another language until Art Neill pointed out that there is, in fact, a flag in the corner and that if you do click on that flag-- maybe I'm not clicking correctly here.

Anyway, if you do click on the flag, it does give you the ability to bring it up in Spanish. As soon as you get it to come up in Spanish, it basically looks like the old website and it's not a translation of the existing website. It's more of a here is a list of all the Spanish resources that we have, so that you can make use of them.

And, obviously, we would like to see it be that you would actually translate the site, so that the Spanish-speaking user or people in another language had the same experience and the same interaction, not just a list of here is what we have in Spanish that you can make use of potentially. Ken?

MR. McELDOWNEY: Yes, I do not know of any website that uses a flag to indicate other languages. I mean, that is just -- I mean, much less something that is an 1/8 of an inch high, I'm not even sure what flag it is. I mean, do you have any idea what flag it is?

MR. BARTHOLME: It is the American Flag that is there.

MR. McELDOWNEY: But I mean, so that --

MR. BARTHOLME: But that --

MR. McELDOWNEY: Would anyone, would any consumer who is saying oh, I want something in Chinese, I'm going to click on the American Flag? I mean, it's just -- give me a break.

MR. BARTHOLME: No. I am guessing that it's actually a more common European model where you click on the Great Britain flag or the Spain flag to get the --

CHAIR BERLYN: Right, right.

MR. McELDOWNEY: Well, no. I mean, Microsoft does this and it is culturally insulting, because for Spanish, they put the flag of Spain.

CHAIR BERLYN: Yes.

MR. McELDOWNEY: Which really goes over big in Mexico I'm sure.

MR. BARTHOLME: No, no, and that's what I'm saying. That's where I think it comes from. I don't necessarily know that that translates the best for use in this environment.

CHAIR BERLYN: Right.

MR. BARTHOLME: Julie?

MR. McELDOWNEY: On the other hand, the flag was probably made in China. Sorry.

MS. KEARNEY: It's Julie Kearney from CEA. With all due respect, I think we are really nit-picking here. And I think in terms of translation, which I think there can be some value, so for those of us practitioners, many of us in the room, we really -- a translation of regulations could be potentially perilous, I think, to a lot of people.

So I think we need to just be careful getting as far down into the weeds. I think the FCC has done a fabulous job with the site. I will admit I do find the site difficult to navigate, but, you know, I have my personal preferences. And actually, I try not to go back to the old site. I try to like, you know, hang in there, so I can get used to the new site.

But, you know, I just warn against getting too nit-picky here.

MR. BARTHOLME: If I could just respond to that, Julie. I don't think that our intent or our goal is to, obviously, be excessively nit-picky. I think that part of what we were presented with when the discussion about the new website first came about was, this is a tool for outreach.

MS. KEARNEY: Right.

MR. BARTHOLME: This is a way for the Commission --

MS. KEARNEY: Right.

MR. BARTHOLME: -- to interact with the public.

MS. KEARNEY: Um-hum.

MR. BARTHOLME: And I think that the Commission has to realize that when it comes to having an interface in another language, it has to be the same or the people who communicate in that language are going to know that the same attention isn't being given to them as a constituent as someone who has English as their primary language.

So I realize that the sensibilities and the practicality of translating a rulemaking procedure are probably not there --

MS. KEARNEY: Yes.

MR. BARTHOLME: -- as a landing page where it is instructing you with how to interact with the FCC or how to file your complaint with the FCC.

Those things should be made accessible to everyone. And I think that is the perspective that we are discussing.

MS. KEARNEY: Okay.

MR. BARTHOLME: The language issue from, not necessarily, you know, can you do every single thing and make sure that it is coming across that way.

MS. KEARNEY: Yes.

MR. BARTHOLME: Mitsi?

MS. HERRERA: Mitsi Herrera. It may be helpful if somebody explained or put in writing what the logic is behind the site reorganization. So, you know, is the idea that we group things by topic? And so if you are looking for it, you search by topic and then you find something.

But there is, obviously, some scheme they picked and it's just not really apparent. And if you knew that, then maybe it would make it easier to navigate.

It's also -- you know, like I looked and you click on -- there used to be -- when we first had our first meeting, there was some portion of this site in which people could vote on things they liked or things they wanted to see and that just sort of has disappeared. So I don't know if -- what happened there.

And then it also seems like there is a lot of stuff that is not organized by subject or topic. It's just kind of thrown out there. So it's either just chronologically what we had, the most current thing and it relies on a lot of searching. And I'm concerned that if you don't know the right search term, it won't come up.

So if you just made it -- if you made it a little easier like if it is an encyclopedia and I open up on this topic, here is a list of the six things in that topic, as well as a search feature.

MR. BARTHOLME: Yes. Yes, and I am kind of jumping off from that point. I think that we can all agree, at least I would hope we all agree, that visually it's a much more interesting website to visit.

The question is how do we get the usability and the consumer interaction to the point where it still has the same accessibility of information and organization and those sorts of things? Does anybody else have any comments, questions?

CHAIR BERLYN: And I think we certainly can continue to take questions and thoughts that you have. The idea here is to develop some questions and ideas that we can pass on to the website folks here and continue the dialogue.

So this has been really helpful. Thank you all. This is great. So thanks and thanks, Ed, for walking us through some of this on the screen.

Very good. Okay. So we just need two minutes for setup and then we will start our next presentation.

So our next topic is one that I believe either at our last meeting or in a working group, was one that CAC Members wanted to have addressed at our next meeting. And so we -- Scott was able to have James Bird, Senior Attorney, join us with the Office of General Counsel, Head of Transactions Team, to share with us the "After the Merger," that's the topic here of our discussion, to talk about sort of what happens after a merger.

But in this case, so you're going to talk about some specific site, I believe, of a particular merger. And what happens to some of the conditions and that's, I know, of interest to many folks around the room.

So thank you very much for coming today and joining us. Thank you.

MR. BIRD: Yes, thank you. Actually, I'm planning to give a more general -- I will raise examples from particular mergers.

CHAIR BERLYN: Okay. Good.

MR. BIRD: But I think it is -- as an overall view, it's important to understand. First, thank you very much for inviting me and giving me an opportunity to share with you some ideas about how we approach what happens after a merger has been approved by the FCC.

What I would like to do in broad outline, first, as a disclaimer, I'm speaking here -- these are my personal views. These have not been approved by the Commission. But I do have about 12 years experience working on merger reviews and their aftermath at the Agency.

What I would like to cover is, first, a brief explanation of the FCC's role in reviewing merger applications here and, in particular, the standard that we apply and the role of conditions that come out of that review. And then look at some of the different types of merger conditions, because that affects how they can be enforced and monitored.

And then look at the ways the conditions are enforced. And then also look at the way the compliance with conditions as monitored and also the effectiveness of the conditions as monitored. And finally end up with the question of how do you modify existing merger conditions?

So first, the FCC's authority to review applications for -- that relate to mergers -- you want that a little closer?

Okay. The FCC's authority in most -- the one we rely on primarily is our authority to review transfers of licenses, transfers and assignments of licenses or authorizations that are granted by the Agency.

And the standard of review that we apply is is it in the public interest? This is under 214 in Title 2 of the Act, and 310(d) in Title 3.

The public interest standard has a couple components. A very important one is does it comply with the Act itself and the rules that are issued under the Act?

And if it passes that hurdle, then the second thing we look at is what are the potential benefits that could arise from this combination, this transfer? And then we look at what are the potential harms that might arise and we balance the two. And if the benefits outweigh the harms, then we approve the transfer.

There are three possible outcomes generally. One, we can approve it. Two, we can approve it with conditions. And three, if we can't do either of those, then we designate it for an administrative hearing before an Administrative Law Judge where all the facts will be subject to courtroom trial-type procedures.

So the role of merger conditions in this process is generally twofold. One is a merger condition will help mitigate potential harms. And the other is it can substantiate claimed benefits.

So that if we get past the first stage, it complies with the statute and rules. We are in the second stage. We are balancing harms and benefits. The merger condition can affect that balance. You know, we say if we-- without this condition, we might not approve it, but if we can mitigate the harms with conditions or substantiate benefits, then it will be allowed. So those are the roles that the conditions play. It's fairly important in the Commission's consideration.

There are two general types of merger conditions. One are structural conditions. That's like these are often applied in a horizontal merger where you will have two companies that are coming together and decreasing, potentially decreasing, the level of competition in a market.

One of the things that can be done is you can look over all the markets these companies are involved with. What we took as an example, when Verizon purchased AllTel, Verizon Wireless purchased AllTel, that was two big wireless companies and in some parts of the country that was fine. There was not much overlap. In other parts there was a lot of overlap.

And so a structural change is nice in many ways. A one time change. You say divest one or the other where you overlap. So we preserve the existing level of competition.

The other kind of a condition is a behavioral or conduct condition where the applicants are told to do something. This creates an obligation on them that they did not have before that will either mitigate a harm or affirm a benefit.

And here, there is a much greater variety. It's not just divesting. It can be we would like you to do the following things. We would like you to provide the following services to confirm that you are going to do a benefit.

For instance, when Comcast and NBCU came before us, that was not a horizontal merger so much as a vertical one. And so divestiture in vertical mergers where you are -- where someone up the supply chain is merging with someone below, the divestiture doesn't work so well. And so you rely more on the conduct conditions.

And in that one, they said well, this will result in many benefits. We will have -- we will be able to consolidate local programming and have better local programming. We said well, that's nice, but in order to count as a benefit in our merger review, it has to meet certain criteria.

It has to be -- we have to be pretty sure it's going to happen. It can't be just an empty promise. And so one way that a merger applicant can prove that it is going to happen is to make an absolute commitment that it will and we will put that in as a merger condition and follow it.

So that's one type of condition or mitigating harm. If people fear, for instance, that a vertical merger will result in prejudice to competitors at one level or the other, we can put on a condition that will mitigate that harm by requiring the merged entity to act more like they would have acted before the merger.

Now, there are different types of merger conditions. And this is the structural and conduct remedies. There are also different ways that the condition can be presented in the order.

The order might direct specific conduct. Divestees provide this service. It can also direct specific consequences. In the mergers of the RBOC when they combined, like Bell Atlantic, NYNEX, SBC, Ameritech, there were specific consequences in the merger order that said you should do this to maintain competition or to increase your competition with the remaining companies. And if you don't, then you will pay this fine. And that was specified in the order.

The order might establish -- many orders don't establish such specific consequences. The order can alternatively establish a framework for private dispute resolution.

When we had the merger between the Hughes Company, which owned DirecTV, and when DirecTV was purchased by News Corporation, that was a vertical merger. And there were some concerns about whether or not there would be discrimination against other programmers and/or the provision of programming to other providers.

And the Commission in that case, I think for the first time, established an arbitration remedy, so that the private parties could resolve disputes about that. We said what the standard was and we created a baseball arbitration which is a kind of final offer arbitration which gives a great incentive for the parties to settle, to come closer to each other and then to settle the dispute. So that's another type of condition.

The order may also include specific reporting obligations to make sure that the applicants are complying with the conditions. And it may provide for termination and it often does.

I mean, the conditions generally will last for a fixed period of time. They don't generally go on forever. Sometimes they provide for a re-evaluation at a certain point in time to determine whether it ought to be continued.

Okay. The enforcement of merger conditions depends in part on the type of conditions and the provisions in the FCC order that I just described. Some conditions are more or less self-enforcing. The -- for instance, the RBOC merger conditions, if they didn't do such and such, then they would pay a fine. But it was pretty much out there.

Another self-enforcing condition can be -- and this is very infrequent and I can only think of one or two examples, which mimic a little bit are the provisions in other regulations which say here is the requirement that you must meet. And if you don't meet it, the license goes away. That's Capital Punishment. It's a very extreme condition. That's not usually used.

But there are the -- the arbitration remedy is also a kind of self-enforcing condition, because the parties outside will enforce it.

Another way that conditions can be enforced is by if someone is not meeting the condition, you can have a complaint to the Bureau or to the Enforcement Bureau. And I understand there is a complaint portal. CGB has a complaint portal where people go on the website and, just as a side comment, it's interesting to follow the presentation on the website, because it has been an issue of a lot of discussion around here as well as outside.

But there is an enforcement portal, which I think is fcc.gov/complaint. Not an enforcement portal, but a complaint portal that will lead citizens, if they have a complaint about a merger, to the process of how they can register that with the Commission.

For monitoring compliance with conditions, some conditions in the merger order itself will provide for monitoring and regular reports, periodic reports by the applicants as to their compliance with the conditions. There were a number of these, for instance, in the Comcast/NBCU order.

Another way that things are monitored is by complaints and petitions from interested parties. Some of the conditions are designed so that -- our hope is that there won't be complaints, that people will be complying and then we won't hear about it.

But we do have the complaints will come in and that's another way of monitoring. The bureaus, the different bureaus that regulate the various industries keep an eye on things. They are constantly in communication with the participants. They get input from citizens who have complaints, so they are constantly monitoring that.

And also, the Enforcement Bureau as well has an opportunity to monitor as they look at the complaints that come in.

Monitoring the effectiveness of the conditions. This occurs through several mechanisms. One is the relevant industry Bureaus have just their general experience and their oversight as they watch what is happening out there in the industry.

They are well-aware of what was stated would ge a potential harm or benefit from a merger transaction. And as they observe going forward, they see is the condition working? Isn't it working?

A good measure is the complaints that are received. If they get a lot of complaints, that indicates there is a problem with the condition. Now, the complaints may be you put all these conditions on and it's still having a problem, so they can get that kind of feedback.

Another way we monitor effectiveness is through other proceedings. There are several competition reports that are required by our statute on an annual basis or other periodic bases and those -- as they look at the quality of competition in the industry, one of the things that they will take into account is how well are things working, including are the merger conditions that were put on as concentration increased doing what they were intended to do?

Perhaps one of the most effective ways of looking back and measuring effectiveness is the next merger comes along, a similar issue is presented. And we will get -- first of all, the Agency itself is very concerned about what -- how to address these new problems, so we will look back at our own experience and judge it, but also the filings that come in.

If the condition has been successful, the filings will say, please, put something like that on this one, too. If it has been unsuccessful, they will say well, that didn't work, they something else or make these modifications in light of the experience you have had.

And we have done this, I know with the arbitration remedy. We have tinkered with that to try to address some of the concerns that have come up.

Finally, modifying merger conditions. Conditions are placed on at the time of the merger. The market place in all of the markets we regulate is changing constantly with technology and other things. So it is sometimes necessary to monitor them. There are changed conditions that make what was once an appropriate condition, no longer appropriate.

There are also disputes that arise over the ambiguities in the language of a condition. And people can come in at any time and petition the Commission to modify a condition on a merger. We don't -- this doesn't happy that frequently. We do get with some frequency requests to clarify.

You know, because often these conditions are put on at a time when no one really knows what is going to happen when these companies combine, when there is that change in the marketplace. And so the conditions are written on the basis of what is potential, what is going to happen. And when actual experience starts happening, often it will -- things will come up that were not anticipated at the time the condition was written.

So there might be an ambiguity or a need to revise a condition in some way. And that is done through the modification.

So that's the kind of very quick run through of the general structure and I'll be glad to answer any questions.

CHAIR BERLYN: Thank you. That was very informative. Paul and then Claude.

MR. SCHROEDER: Thanks. Paul Schroeder with the American Foundation for the Blind.

I know that the Disability Work Group had raised this issue partly out of concern that disability issues were not, in our view, being considered as part of merger conditions. And that may be because we haven't been pushing them hard enough. But I wonder if you could speak to how -- well, first of all, have there been, to your knowledge, conditions that related to accessibility?

I believe I have read somewhere that there are things like deployment of advance services, ensuring the diversity of information sources and services to the public, those kinds of things are considered generally in the mergers as well as advancing technology, quality of communication services.

So there is plenty of ways in which accessibility ought to be considered. And I know we did -- several of us did put in letters for a recent telecom merger where one company clearly had a superior record of accessibility.

To a second though, you know, both could certainly use improvement. And that would have been a good opportunity for the FCC to make a very clear statement of disability access as part of the condition.

So (A) has that ever been done, to your knowledge? And (B) how can we best intervene to make that happen? And I guess (C) is there something that CAC ought to do about that?

MR. BIRD: Thank you. Good question. I am struggling to remember where I have actually seen a condition addressing disabilities. You are correct that that is part of the general public interest mandate put upon us by Congress. So it's certainly an appropriate question to raise.

One of the questions that comes up frequently is, with respect to conditions, are they specific to the merger? In other words, is the merger creating a problem that this condition is necessary to fix?

And the example that you raised is a good one, I think, where you say these two companies are merging. One of them has a better record. If it is the company that is the purchasing company, that would be a good thing. But I know that in some companies, I think, when -- I'm thinking CenturyLink, Embarq or the one that preceded that was CenturyTel, Embarq or CenturyLink when there were two records and companies with respect to issues of consumer service and performance.

The Commission did put some conditions on that, so that would have -- I think it's an appropriate issue to raise. And I would encourage you to do it. It is important to raise it in the context of the proceeding. But I think there is a basis for that.

CHAIR BERLYN: Clause?

MR. STOUT: Hi, this is Claude. I would like to build on what Mark just mentioned or excuse me, Paul just mentioned. First of all, the FCC did address disability issues historically. We remember when AOL combined with Time-Warner and the Time-Warner/ AOL, I'm not sure who was the purchasing company and who was the purchased company there.

But the FCC made it clear to AOL that they had to make their instant messenger services interoperable with other services. That was a big get for the disability community. And I would hope that your office moving forward when you are considering merger applications, you can make that a regular item on your checklist, because companies should be actively pursuing hiring of disabled employees, making sure that their products and services are accessible to disabled consumers.

And that way, you are helping to serve the public interest, because we are part of the public. And the public interest is in our interest. And I want to thank you for that.

MR. BIRD: Thank you. Yes, I remember AOL/Time-Warner.

CHAIR BERLYN: Okay. That's okay. Yes, yes? Oh, I wasn't sure up or down. Ken?

MR. McELDOWNEY: Hi. I may be a little bit off point here, but we work a lot with banks when they are going through mergers. And the regulatory agencies will suppose or, you know, impose things and I guess the banks will indicate what they will be doing in terms of serving the public interest.

And part of that is in terms of what foundation -- what they are going to be doing in terms of the combined foundation, what they will be doing maybe in terms of educational programs with the community, commitments to diversity and things like that.

Is this ever addressed in merger proposals that come to the FCC?

MR. BIRD: Yes. In fact, if you look at the conditions in the Comcast/NBCU merger, there were a number of conditions that addressed the public interest part of our standard that involves providing the paid programming, it's public access, education and government programming, children's television was addressed and has been addressed in a couple of the mergers.

But that is definitely one of the services to the community, particularly in broadcast mergers is a topic that is often addressed in the merger.

MR. McELDOWNEY: Yes. I have seen it in broadcast, but has that been done when telecom mergers have been approved?

MR. BIRD: I think the conditions on telecom mergers primarily address the provision of the service, getting the service out and preserving competition in that marketplace. USF, however, which is the public interest part of getting this service out does come up in merger conditions. And I think in AllTel, Verizon/AllTel there was a specific condition about that.

CHAIR BERLYN: Okay. Do you have a question, Mitsi?

MS. HERRERA: Mitsi Herrera.

CHAIR BERLYN: I think you are on.

MS. HERRERA: Montgomery County, MD. Is it on? My question is can you talk about the process for after you impose the merger conditions, how you monitor compliance? Earlier this morning, I talked about one of the conditions of Comcast merger with NBC Universal. Was it they offer certain things? They have a three year cycle in which they have to do these things. It has not gone well the first year.

So what happens both from that perspective of just the overall compliance picture?

And then it seems to me that some times in these mergers, there are conditions that are imposed, but there wasn't a lot of research that went into the benchmarks that are set.

So, for example, using school lunch as a benchmark for income eligibility. It turns out that there are lots of problems engaged in that. So does the Bureau do something so that you kind of learn from those lessons if we have a similar or another type of thing that we have got a way that we don't keep making the same difficult to monitor conditions as part of them?

MR. BIRD: Okay. Well, a couple of answers. One is I'm not -- I'll have to look at that specific Comcast condition, but I know that in a number of the conditions like that one in Comcast, there were quarterly reports due from the applicant.

Now, if the quarterly report shows they are not meeting the conditions, then that's an action item for either the Bureau or the Enforcement Bureau to take action to stimulate them to comply with the condition. There are those sanctions which can be applied if they are not complying.

MS. HERRERA: So I'm sorry, do -- the sanctions are those things that have to be put into the merger itself as an enforcement or is there sort of a standing set? Because they have already gone and merged.

MR. BIRD: Right. No, the enforcement -- once an order comes out, it's an order of the Commission. If they are not complying with the condition, they are violating an order of the Commission and the Enforcement Bureau has authority to enforce with the sanctions that are available to them.

The second question about learning from experience, that's a great question. And we do learn from experience. It is very helpful to us to have input from the public, because you will see things that sometimes we don't see. So if you would -- you know, if you say just let us know if something is not working, if the measure is wrong, just let us know about that, because that's -- we do want to learn from that. We want the conditions to be effective.

CHAIR BERLYN: Okay. Great. Well, thank you very much. I appreciate your coming here --

MR. BIRD: Thank you.

CHAIR BERLYN: -- and giving us that report. Thank you.

(Applause)

CHAIR BERLYN: We now have our working groups and Scott is going to come and tell us where we are going. Hold for instructions. So we have until 3:00 for our working groups, which includes a short break. You can take it before your working group, after your working group, but we will be meeting back here promptly at 3:00.

So it is now 2:00. Paul, can you give Scott your mike there?

MR. SCHROEDER: Yes.

CHAIR BERLYN: So he --

MR. SCHROEDER: Coming your way.

CHAIR BERLYN: Sorry, sorry there, Scott.

MR. MARSHALL: Not to worry. Hang on one second. This is Scott and I'll be right with you.

CHAIR BERLYN: Okay.

MR. LEWIS: This is Clayton. Would it be possible for me to get patched into the Disability Working Group?

MR. MARSHALL: Yes. If you call in on the -- or hang on that number that you are on now, yes, you can participate.

MR. LEWIS: Sounds good. Thanks.

MR. MARSHALL: It's like no problem. All right. Let's see, I'm sorry. Yes, we have breakouts. Right across the hall here without going upstairs or anything of that sort, that would be on your left hand side just go past the intersecting hallway where the restrooms are, keep going straight and that's TWA-402 and 442, that's adjoining rooms.

And then going up the --

CHAIR BERLYN: Scott?

MR. MARSHALL: Yes?

CHAIR BERLYN: Which one are we going to have in there?

MR. MARSHALL: Oh, okay. All right. Oh, I'm sorry. Picky, picky, a minor detail, a minor detail.

CHAIR BERLYN: Well, first of all, we are going to have disability stay --

MR. MARSHALL: Disability will stay here.

CHAIR BERLYN: -- here. Okay.

MR. MARSHALL: Because of the captioning availability and all that sort of stuff.

CHAIR BERLYN: Okay.

MR. MARSHALL: Who else wants to meet, first of all?

CHAIR BERLYN: Media. Media Working Group is going to meet, so shall we put them in the first --

MR. MARSHALL: Yes, one of those rooms, yes.

CHAIR BERLYN: -- one then?

MR. MARSHALL: That would be fine.

CHAIR BERLYN: In 402?

MR. MARSHALL: 402.

CHAIR BERLYN: Okay.

MR. MARSHALL: That would work. Media 402. Broadband, do you want to meet?

MR. BARTHOLME: We'll stay here.

MR. MARSHALL: Okay. Well, you do have a choice.

MR. BARTHOLME: We could take a long break though.

MR. MARSHALL: You are pretty big, so you should probably go up to 468, which is up the stairway and to your right.

CHAIR BERLYN: Right.

MR. MARSHALL: Up the stairway and then make a right and then it will be on your right, that's TWC-468. Okay. And anybody else want to meet? Universal Service? Okay. Universal Service, why don't you do 442, which is right next to 402.

CHAIR BERLYN: Right.

MR. MARSHALL: And then --

CHAIR BERLYN: Consumer wants to meet.

MR. MARSHALL: -- Consumer, you have a choice. You can either stay here at the other end of this room or the only other rooms I have available are on the second floor and that's not a problem, but you will need one of us to guide you up there to get through the locked doors and all that kind of stuff.

MR. BARTHOLME: We will happily stay here.

MR. MARSHALL: You'll happily stay here. All right. So I guess that takes care of it. All right. Thanks, everybody. We will see you around 3:00.

CHAIR BERLYN: Excellent. Okay. That works.

(Whereupon, at 2:06 p.m. a recess until 3:10 p.m.)

CHAIR BERLYN: We are going to jump right into our working group reports and action. I'm going to call on the Disability Working Group first and, Lise, if you could report back and share some information with us?

MS. HAMLIN: Okay. Thank you. This is Lise Hamlin from Hearing Loss Association. We are going to give a quick report of the whole committee and then Rebecca Ladew had sent out, through Scott's email to you, a report on speech-to-speech and she will give a real -- we will both do real brief updates on where we are here.

First, I wanted to give you a heads up on right now we have not brought recommendations, but we are planning to for our last meeting in October. So we are going to be catching up here. So we expect to have a recommendation on speech-to-speech.

We will be also working on a new issue which is accessible textbooks. There are now textbooks coming out that have, the eTextbooks that have video on audible content. And we will put together a recommendation for that as well that we can bring forward.

We are going to also take a look at mobile health care, the same kind of problems, so that -- remote health care, so there are problems with access to, so we are going to take a look at that and see if there is a recommendation that may or may not come out. We are going to take a look at that.

And finally, we are also looking at what is happening with mobile captioning and new entries into the marketplace and how we can recommend -- how the FCC can facilitate that.

There was also some discussion now with -- we are not sure we are going to come up a recommendation on this, but you should be aware that now that video description is getting on board and we are going forward with CVAA, monitoring of compliance with the new rules is going to be an issue.

So I think what will happen from the Disability Working Group is we will take a look at how that is happening, what -- how we can see that people are actually fulfilling their obligations. And if at some point in the future we feel that we need a recommendation on that, we may come forward with that as well.

We also just landed -- Clayton is moving to the Department of Ed.

CHAIR BERLYN: Oh really?

MS. HAMLIN: Yes. I hope that was public, Clayton. Ken told our group. So we are losing him from the group, but we wish him well and we want to thank him for all his work on the group. And so now, I'm going to turn it over to Rebecca for her report on speech-to-speech.

MS. LADEW: Hi. If the FCC wants individuals with speech disabilities to enjoy connectivity with others under the Broadband Program, the Wide Area Network, then the FCC should start thinking about installing the rules and regulations for speech-to-speech that were proposed under the 1998 Notice of Proposed Rulemaking.

It is urgent that these rules and regulations be installed or replaced to meet the 21st Century technological advances.

Also, updating the rules and regulations will assist in adding a new service that the speech disabled community would like to have installed, video-assisted speech-to-speech.

There is a video speech-to-speech trial going on in Virginia that I will be participating in. California recently had its trial. Hopefully more states will follow suit.

Updating the rules and regulations for speech-to-speech and the installation of video speech-to-speech would greatly enhance the Next Generation 911 services for the speech disabled community.

It is hoped that the Disabilities Working Group and the full CAC will give its full support on this issue.

CHAIR BERLYN: Great. Thank you very much, Lise and Rebecca. I appreciate that and appreciate your report and the work that your working group is doing. Thank you. I see Ed is still working with his group back there. The working group is still working. Shall we -- we are going to skip the Consumer Empowerment Working Group for now.

And, Barry, are you ready to report? I see you at your computer there.

MR. UMANSKY: What we have arrived from this today, we have --

PARTICIPANT: The mike.

MR. UMANSKY: Hello? We have decided to defer until October. A matter dealing with political broadcast advertising disclosure, it's clear this is not a good time for -- to expect any resolution or changes by the FCC nor the Congress. So stay tuned for that in October.

Oh, you do have before you, and they are both in your packet, two documents. One has been edited and we are going to put it on the screen in a few minutes. Okay. Any more and I'll be eating it. I think this is not on. Hello?

PARTICIPANT: The switch.

CHAIR BERLYN: Maybe raise your hand. No, I think it's working.

MR. UMANSKY: I've raised all seven hands here.

CHAIR BERLYN: Okay. Yes.

MR. UMANSKY: Okay.

CHAIR BERLYN: You have a great voice, but it's --

MR. UMANSKY: Are you there yet?

PARTICIPANT: Do you want to try this one?

CHAIR BERLYN: No, I think it's working.

PARTICIPANT: Okay.

MR. UMANSKY: Okay. I will just spare you a repeat. What we have before you now, two recommendations. One deals with emergency messaging. And you might recall at an earlier CAC meeting, we were talking about the results of the First National Test of the Emergency Alert System.

And in the original presentation, we talked about how people watching over multi-channel video providers, some might have some difficulty if they were hearing impaired.

During the course of the discussion, there was a consensus developed that when it comes to emergency alerting and emergency communications, through EAS or other means, that this group has an interest in everyone being able to receive them, regardless of whether they might be hearing-impaired, visually-impaired or part of the deaf/blind community.

That was fine and that was our recommendation from last year.

Now, we are looking at other changes in the emergency alerting. Kicking in later this month is the new requirement for what's called Common Alerting Protocol. It's a technology to be adopted now by broadcast stations and multi-channel providers.

It seems clear that down the road a technology like this will be applied to mobile wireless services, perhaps even to social media, all with the goal of ensuring that members of the public, when there is an alerting message to be distributed, have a fighting chance of hearing it, seeing it, sensing it.

So the recommendation we have for you just looks to what is happening now with the Common Alerting Protocol and looking to the future of other technologies. I have talked to many people here. I have talked to members of our working group and other members of the CAC, in general, and there seems to be a consensus and support and we certainly accept any discussion or recommendations on that one.

Is there a motion?

CHAIR BERLYN: Motion to --

MR. UMANSKY: Accept.

CHAIR BERLYN: -- accept the recommendation from the floor? A motion?

MR. UMANSKY: Thank you. Is there a second?

CHAIR BERLYN: Can people verbalize this as well?

MR. UMANSKY: It was Mitsi Herrera.

CHAIR BERLYN: Okay. So discussion on the recommendation? Any discussion? Lise?

MS. HAMLIN: Can I --

CHAIR BERLYN: Lise, raise your hand.

MS. HAMLIN: Can I just ask where this is in our -- is it in our packet?

MR. UMANSKY: Yes, it is.

CHAIR BERLYN: It is in the packet.

MS. HAMLIN: Which one is it? What does it say on top?

MR. UMANSKY: Well, it says -- the heading is "FCC Consumer Advisory Committee Further Recommendation Regarding the Provision of Emergency Messages to the Public." We sent this draft to Scott many days ago and then many days ago he --

CHAIR BERLYN: It's in there.

MR. UMANSKY: -- sent it electronically and you have hard copies in your packet.

CHAIR BERLYN: It's in there. Do you see it, Lise?

MR. UMANSKY: You got an email from Scott about three or four days ago with this document and it's also in hard copy in the packet.

CHAIR BERLYN: The hard copy is in the packet.

MR. UMANSKY: Okay. Thank you.

CHAIR BERLYN: Any -- oh, Mitsi?

MS. HERRERA: Mitsi Herrera, Montgomery County. I don't have any -- I think it's a good effort and I don't have any objection to it. I would just say that if it's possible for looking at, at some point, what the FCC has done with our recommendations, it may be useful that you recast this as the CAC recommends one, two, three, four, because you have now got four items in here, two are numbered.

MR. UMANSKY: Okay. The first paragraph describes what we did before. I think what we should recommend though is that when we get back together in October, that we have representatives from the Commission's staff talk about their assessment of the EAS National Test, the effectiveness of the Common Alerting Protocol and perhaps give us a glimpse of how, in the future, there may be additional ways of alerting the public to emergency information. Okay. All right.

CHAIR BERLYN: Any further discussion? Okay. I'll call the question.

All those in favor say aye.

ALL: Aye.

CHAIR BERLYN: Any opposed? I'm sorry? Oh, okay. Any abstentions? Okay. No abstentions, Scott. And no opposed.

MR. UMANSKY: Okay. For the next presentation, if we could ask those in the booth to put the -- there we go. Great. What I have done is split this up, so that people can see it in very large print.

What we have done is taken the second recommendation that the working group, our Media Working Group, has advanced to you and we have shortened it, tightened it and made it a little more consumer-focused.

The opening paragraph is the same, given the background of how the Commission is responding to --

PARTICIPANT: Is this the Spectrum?

CHAIR BERLYN: Yes.

MR. UMANSKY: It certainly is.

CHAIR BERLYN: This is the --

MR. UMANSKY: That's the only one left to talk about.

CHAIR BERLYN: Yes, would you just read the header, that might -- just so people can find it in their packet?

MR. UMANSKY: Yes, there you go. "FCC Consumer Advisory Committee Recommendation Regarding Spectrum Reallocation and Reauthorization." Okay.

MR. MARSHALL: Barry, did I understand you correctly, what you are presenting now is different than what was distributed --

MR. UMANSKY: Right. What we have done --

MR. MARSHALL: -- in the packet? Okay. Go ahead.

MR. UMANSKY: -- we have had meetings of --

CHAIR BERLYN: Yes, changes.

MR. MARSHALL: Yes.

MR. UMANSKY: -- our Media Working Group.

MR. MARSHALL: Yes.

MR. UMANSKY: We have consulted with others and we are offering for you, basically, something that will take this screen, another page and then one sentence. So we put it in large print.

The first paragraph is what you have seen verbatim from the original recommendation. So we move to the next page, it says "Whereas, the public has an interest in both the expansion of wireless broadband services and the continued provision of valuable over-the-air television broadcast services and local stations. Therefore, be it resolved that the FCC's Consumer Advisory Committee, CAC" --

PARTICIPANT: Slow down.

CHAIR BERLYN: Yes, slow down just a bit.

PARTICIPANT: Our interpreter is interpreting.

MR. UMANSKY: Oh, I'm sorry. CAC.

PARTICIPANT: Don't mumble and slow down.

MR. UMANSKY: Although, it's on the screen.

PARTICIPANT: Okay.

MR. UMANSKY: And even those at home --

CHAIR BERLYN: Some may -- yes.

MR. UMANSKY: -- see it on the screen.

CHAIR BERLYN: Some may not be able to do that.

MR. UMANSKY: Okay. Again, nothing has changed up to the paragraph that is on your screen. Let's start out, "urges that consistent with the terms of the," and this is the legislation discussed earlier by the FCC staff, "Middle Class Tax Relief and Job Creation Act of 2012. FCC regulatory proceedings to reallocate and reauthorize portions of the Spectrum heretofore used for over-the-air television broadcasting, in short, one, that the impact to television viewers is minimized, while at the same time maximizing benefits to wireless consumers.

And two, that terrestrial television stations, terrestrial stations retain the ability to offer and consumers retain the ability to benefit from high definition, multi-cast programming and innovative new services, such as mobile DTV."

That is the recommendation offered for you. It has been approved by the Media Working Group and of others with whom we have spoken today.

CHAIR BERLYN: Do --

MR. UMANSKY: Put it back up.

CHAIR BERLYN: Yes, put it back on the screen while we are talking about it. Do I have a motion to move the recommendation? I need a motion from the floor before discussion. I have a motion to move it from Mary. Second?

MS. LEECH: Second.

CHAIR BERLYN: And I have a second from Irene. Discussion? Scott, I saw your card go up first. Scott, raise your hand and pull the mike.

MR. BERGMANN: I forget every time.

CHAIR BERLYN: Raise your hand.

MR. BERGMANN: Sorry about that. Scott Bergmann from CTIA. Can everybody hear me okay now?

CHAIR BERLYN: I think so.

MR. BERGMANN: So I just have -- I'm not on the Media Working Group, but I wanted to thank the members of the Media Working Group for trying to refocus this recommendation a little bit more towards consumers. So I appreciate that.

And I guess, to that note, I wanted to suggest that the second recommendation has added the concept of consumers by consumers retaining the ability to benefit da, da, da. But I wanted to ask about that first part of Recommendation No. 2, which talks about terrestrial stations retaining the ability to offer.

And it seems to me like that would depend on which options a broadcast station chose under the new Act, right? The Act provides a variety of different things.

So I guess my recommendation -- and some of them are inconsistent with that, right? If someone chose to really push their Spectrum or to channel share, they might not retain that ability.

So I guess my recommendation would be to start No. 2 with a focus on consumers. So, you know, as you guys have really nicely captured with No. 1, I think you have recognized there is a balance, right? There is going to be upside to consumers and you also want to minimize disruption to them as well, too.

And I guess I would encourage folks to orient the second recommendation to consumers as well, too. So just to flow No. 2 from consumers retaining the ability to benefit from those services that you guys listed there as well, too.

So I guess that was thought one. And thought two was just to make sure -- I think the intent of this recommendation is to be consistent with the Act that was passed and -- which reflects a balancing of different public policy benefits one way or the other. And I just wanted to make sure that that was the case. And if it's not the case, to find out. So those were my two comments.

Again, thank you guys for being willing to -- particularly given that this is a Consumer Advisory Committee focused on the consumer perspective on this recommendation.

MR. UMANSKY: Yes?

MS. KEARNEY: This is Julie Kearney from CEA. And I think Mitsi and I are both a little confused. What is our goal with this recommendation? Because the statute, you know, gives the Commission some very clear direction on what --

MR. UMANSKY: It does.

MS. KEARNEY: -- they are to do. So are we -- I would like just to understand further, do we need to tell the Commission what they need to do?

MR. UMANSKY: No. I think there is a couple of very clear consumer elements of that, you know, Middle Class Tax Cut Extension. And this recommendation is keyed to and suggests the Commission, of course, will follow the lead, the mandate of Congress.

But to point out how there are consumer benefits here, isn't just an industry-wide issue.

MS. KEARNEY: Do --

MR. UMANSKY: That --

MS. KEARNEY: Okay. I guess my question is do we do this with every piece of legislation that comes down? Did we do this with CVAA, telling the Commission to follow what Congress told them to do? I just wonder what the -- you know, what do we want them to do?

MR. UMANSKY: The expression of the desires of the Consumer Advisory Committee. It need not replicate every element of every statute, but it's simply an expression of their interest in the matter.

CHAIR BERLYN: Mitsi?

MS. HERRERA: Okay. So beyond the fact that it is -- I'm not really clear what the value-added necessary consumer spin of it is. But substantively, I am somewhat concerned that impact on viewers is minimized is a somewhat murky and nebulous term. And I don't necessarily -- I mean, I haven't been in the Media Working Group.

MR. UMANSKY: Right.

MS. HERRERA: But to some extent, over-the-air broadcast is the least efficient use of Spectrum. And to -- and there is only, what is it, under 10 percent of people who have televisions use over-the-air --

MR. UMANSKY: Right.

MS. HERRERA: -- to receive those. So I'm not necessarily sure that protecting the right of those 10 percent of the population to continue to get it over-the-air is something that -- and the impact on them has to be minimized in moving forward with wireless broadband.

MR. UMANSKY: Well, for better or for worse, that's what the statute requires, that there are people that their only choice is over-the-air television. That quantum will probably continue for quite a while.

MS. HERRERA: So --

MR. UMANSKY: There is nothing in this statement that is antithetical to what the Congress has directed the FCC to do.

MS. HERRERA: Okay. So I have not reviewed the statute in any -- I haven't reviewed it at all. So can you point out in that -- in the resolution what is the resolution stating that goes beyond what the statute directs the FCC to do?

MR. UMANSKY: Nothing.

CHAIR BERLYN: Can we put it back up on the screen? Thank you.

MS. HERRERA: Then I'm not really understanding --

MR. UMANSKY: It is --

MS. HERRERA: -- then why we are submitting it. If it's -- I mean, most of the things that we have had have sort of been pointing out things that have fallen through the cracks or raising the awareness of specific things from, in a lot of ways, a consumer and a user perspective that sometimes people at the top don't look at.

And I'm just trying to understand. Is it that because we want to be engaged on the issue with the FCC? Because one of the things we talked about was looking to see how the FCC dealt specifically with the recommendations that we gave.

MR. UMANSKY: Right.

MS. HERRERA: So if we are sort of just giving a recommendation that says we resolve that you should follow the statute, I'm -- it makes it difficult, I think, to look to see the value that we have created and provided.

MR. UMANSKY: I have looked at the last 11 or 12 years worth of recommendations coming from this Advisory Committee. And in many issues, the Advisory Committee simply expresses its opinion, its views, which in some cases are completely congruent with what relevant statutes are and the thrust of FCC proceedings.

But that has not barred this Committee from expressing itself on issues it considers to be important to consumers. This would not be breaking new ground in terms of the role of the Consumer Advisory Committee at all.

It would be an expression of a viewpoint and a direction. And it is not antithetical to the terms of the statute. Ann?

CHAIR BERLYN: I have Ann and then Luisa.

MS. BOBECK: Hi, Ann Bobeck with the National Association of Broadcasters. I just want to point out it is entirely consistent with the statute to promote advance wireless broadband service in terms of availability of Spectrum, but also crucial to the point to preserve free over-the-air television --

MR. UMANSKY: Right.

MS. BOBECK: -- to the 46 million television sets and the people that are reliant on free over-the-air television. Remember who those people are. It is the elderly, Hispanic. It is often the low-income folks, persons with disabilities.

So to say that it is not efficient, I honestly take disagreement that a one-to-many service is not an efficient use of Spectrum. We can have an off-line discussion that.

But, you know, the statute recognized the value of both services and I would think that if you took a poll around this table and all the folks that went through the DTV transition, then -- and the 95 out of the top 100 programs that are on broadcast television as the most popular television programs, I think a lot of consumers do value free over-the-air television.

So I think it is important as the Advisory Committee that should we want to value a Spectrum reallocation, that it is important that anything that remains post-reallocation as we repack the broadcast Spectrum, that consumers don't lose that access, particularly those at-risk consumers.

I think that's the intent of the recommendation, to recognize there is value in freeing up in a Spectrum Incentive Auction for new services, but not disenfranchise consumers in the process. I think that's an important public policy goal for this Advisory Committee to recognize.

CHAIR BERLYN: Luisa?

MS. LANCETTI: Luisa Lancetti. Obviously, my company is --

CHAIR BERLYN: Just raise your hand and identify yourself.

MS. LANCETTI: My company is very keen, obviously, on Spectrum matters and was involved in trying to fashion effective Spectrum legislation that can now be the basis for these important Commission proceedings.

With that said, I am worried that there be unintended consequences here, because I do hear on one hand the notion that this is only meant to confirm what the statute is requiring and, therefore, the Commission should be guided by and implementing the legislation.

But then other comments suggesting that no, perhaps this should go beyond that in terms of the consumer impacts and issues.

So with that said, and having not been involved in the Media Group deliberations, I'm a little concerned that, again, we not have unintended consequences as a result of this resolution.

CHAIR BERLYN: Paul and then Julie again. Paul needs a mike. Can someone --

MR. SCHROEDER: Am I stealing from you, Barry? Uh-oh. Well, now, Paul Schroeder, American Foundation for the Blind.

I have got the old language here in front of me, but can -- before I say anything further, can you remind me what the new language says in the section that referred, it was Item No. 2, under the therefores, high definition, multi-cast programming, innovative new services, mobile DTV, etcetera?

MR. UMANSKY: Right. Okay.

CHAIR BERLYN: Barry?

MR. UMANSKY: I would say that --

CHAIR BERLYN: Barry, pull the mike up.

MR. UMANSKY: Again, according to the legislation itself, that the proceedings of the Commission to reallocate or reauthorize portions of the Spectrum heretofore used for over-the-air television broadcasting ensure: (1) That the impact to television viewers is minimized while at the same time maximizing benefits for wireless consumers.

And (2), which I think is your focus, that terrestrial stations retain the ability to offer and consumers retain the ability to benefit from high definition, multi-cast programming and innovative new services, such as mobile DTV.

MR. SCHROEDER: Right. Paul Schroeder with AFB. Then this is exactly, I think, where, I would say, the Consumer Advisory Committee could step in and suggest that, in fact, in this section we clarify that, since there has been such a challenge facing broadcasters in terms of how to allocate portions of Spectrum for description channel, for example, compared to the Spectrum allocated for Spanish, as a second audio channel.

That perhaps we add that language in here to express that this is an opportunity for the Commission to make clear that that is a direction that would be helpful to see broadcasters go with this public Spectrum.

MR. UMANSKY: Any other comments?

CHAIR BERLYN: Julie?

MS. KEARNEY: This is getting interesting. I think just given the discussion we are having here, and a lot of us including Ann and Scott and Luisa and Mary, we are all pretty familiar with the legislation.

There are a lot of consumer benefit that aren't just limited to this. There was First Responder language. There was -- you know, there are different elements.

And I think I would be more comfortable taking the Act in its, you know, sort of entirety and focusing on the different consumer benefits, rather than just this specific benefit or directing the Commission to -- in their implementation, that they look to benefits for consumers like broadcasting, like advanced communication services, like First Responders, you know, that we take a higher level approach.

I'm just SCEA. I'm not comfortable with a specific, you know, direction that this is going in. So I would rather have a high level approach, take some more time to look at the Act and look at the benefits, the full benefits for consumers.

CHAIR BERLYN: Scott, do you have your card -- did you have your card up a second time?

MR. BERGMANN: I see that now.

CHAIR BERLYN: You did or -- okay.

MR. BERGMANN: Scott Bergmann, CTIA. I'll get it eventually. I think there is a lot of merit to what Julie suggests. And this is one of the challenges about trying to opine about a piece of legislation that affects a variety of different piece parts.

Right? It reflects our national goals in terms of over-the-air broadcasting, in terms of mobile broadband, in terms of public safety and having the chance to have the whole Committee work on its interpretation probably would be beneficial, right, to address accessibility issues that Paul has raised as well, too.

So I would certainly be more comfortable with that approach as well, too.

CHAIR BERLYN: Lise and Mitsi.

MS. HAMLIN: Lise Hamlin here. Let me just say that while some people here actually are real familiar with this, I am not. I don't know if I'm the only one here who is not real familiar with this statute.

And, for me, I'm finding that I'm not -- I'm listening to the back and forth, but I don't have enough background. So I'm wondering, and I see other suggestions, if the Committee would consider giving us more background and more information between now and maybe the next meeting or if you want to vote in the interim. I don't know if there is a need for a big rush for this to come out.

But I would feel personally more comfortable if I had more information to work with.

MR. UMANSKY: Yes. I don't believe --

MS. HAMLIN: Would you raise your hand, because I can't hear you?

MR. UMANSKY: Yes.

MS. HAMLIN: Every time you go off mike.

MR. UMANSKY: Yes, if I can just--

CHAIR BERLYN: And get close to the mike there, Barry.

MR. UMANSKY: -- respond here. Hi. I'm not sure what the number of arrows we have on our quiver in terms of dealing with this procedurally, but I would be amenable to a small task group be set up to put together another draft, one that could be distributed electronically to the Members of this plenary Advisory Committee. And if we can vote in the interim, that's fine.

If not, this may have to wait until the fall. But I see that there are a number of people with some good ideas. And I think that to that extent, we would have something that would be -- reflect those sentiments to the extent that they have support, that's fine.

CHAIR BERLYN: Scott?

MR. MARSHALL: I was just going to point out --

CHAIR BERLYN: I'm sorry. Mitsi had her card up before you. So can we get her comment and then your's?

MR. MARSHALL: Sure.

MS. HERRERA: Mitsuko Herrera, Montgomery County. I don't disagree with what Julie and Lise have said. I am sensitive to the fact that I think it is significantly expanding the scope of work. If the resolution wants to be tailored just to address the impact on over-the-air television, people who receive television over-the-air, in the Act, does it spell out any type of other things that the FCC should be doing?

In my community, we have had lots of complaints from people that when they had digital television, they lose certain channels. They have had certain issues related to their ability to continue to receive those signals.

And so what I'm wondering is rather than just saying that you want to minimize the impact, should you actually be before you start getting rid of more Spectrum, try to address those issues related to the transition to ensure that people who are relying on over-the-air reception actually get good reception and that the reception extends to the distances that it needs to.

MR. UMANSKY: Right. Part of the Act and part of the provisions of FCC proceedings deal with replicating service areas, deal with ensuring that people that can receive television, in particular, choices on the dial, continue to receive those choices. That's one of the challenges of repacking the Spectrum.

So, yes, you will find that those issues are clearly in the statute and in the-- it will be part of the FCC's Rulemaking Proceedings.

MS. HERRERA: So, I mean, if what we are looking at doing is advocating on behalf of consumers, so in this area, there are lots of people who sort of sit in this no man's land between Baltimore and Washington, D.C. And they sort of complain about, you know, which channels they got or which ones they didn't.

And I get the calls, so that's why I'm mentioning it. But if what we are talking about is that we want to promote and make sure that the FCC looks after the consumer interest of those people who receive over-the-air signals, then I would just feel that having that spelled out a little bit more in the resolution would be more helpful to the FCC.

MR. UMANSKY: Again, the statute went beyond just talking about those people that receive it over-the-air. We are talking about a communication service and its ability to provide that service continually to the public.

One can look to the litany of FCC proceedings dealing with cable carrying and nonduplication, the whole relationship of over-the-air broadcasting other media.

And looking at the context now of the Spectrum reallocation, there are larger communications policy issues than just simply people being able to view it over-the-air.

I think, again, I would be amenable to having a small task group look at this one more time. The hour is late.

CHAIR BERLYN: Yes, we --

MR. UMANSKY: And perhaps if that's one of our choices, Madam Chairperson, we would appoint that group.

CHAIR BERLYN: Do we need a motion for that, Scott?

MR. BERGMANN: Sure.

CHAIR BERLYN: Yes. So could we have a motion on the floor to do that? And, Scott, do you need to do anything? Do you have a --

MR. BERGMANN: I would still point out to folks who may not track the issue --

CHAIR BERLYN: Raise your hand.

MR. BERGMANN: Scott Bergmann, again, with CTIA. I was going to point out for folks who don't track --

CHAIR BERLYN: I don't think you are on mike.

MR. BERGMANN: -- these issues, that the FCC has not yet released its NPRM on implementing the statute yet. So there is time. The FCC has targeted the fall for at least an NPRM, so --

CHAIR BERLYN: Okay.

MR. BERGMANN: -- in contrast to some of the other issues where we are weighing in after the record is closed, here the FCC is still in the process of putting together these Notices of Proposed Rulemaking.

CHAIR BERLYN: Okay.

MR. BERGMANN: So there is the advantage of having some time.

CHAIR BERLYN: Okay. So a recommendation from the floor?

MS. LEECH: We've got a motion that is alive?

MR. UMANSKY: Yes.

MS. LEECH: Do we adjust that --

MS. HAMLIN: Can't hear you, Irene.

PARTICIPANT: I can't hear her.

CHAIR BERLYN: Oh, yes, we have -- there is a recommendation to approve the --

MR. MARSHALL: I think a motion to refer back will take precedent, would it not, on a motion that has been made and seconded?

MR. UMANSKY: Right.

MR. MARSHALL: And what -- I think you are not only referring it back to the Media Subcommittee, but you want some additional volunteers to look at it.

CHAIR BERLYN: Which is no --

MR. MARSHALL: Which is no problem.

CHAIR BERLYN: We can always have that for the working group.

MR. MARSHALL: Yes, yes.

MR. UMANSKY: So I think a

motion --

CHAIR BERLYN: So we have a motion to --

MR. UMANSKY: To refer back --

CHAIR BERLYN: -- refer it --

MR. UMANSKY: -- for further work.

CHAIR BERLYN: -- for further work.

MR. UMANSKY: Should do it.

CHAIR BERLYN: Some -- okay. Ann made that motion.

MR. UMANSKY: I think I'm correct on that.

CHAIR BERLYN: Second. Okay. Voting on referring it back to the working group --

MR. UMANSKY: Right. No discussion.

CHAIR BERLYN: -- for further consideration.

MS. HERRERA: Can we refer it back? I mean, because it got raised about -- Mitsi Herrera. Because it got raised about the NPRM. Could the working group look at making recommendations to the FCC of issues to include in the NPRM to get comments on?

MR. UMANSKY: It's my understanding these recommendations do actually wind up in relevant docketed proceedings, do they not?

MR. MARSHALL: Yes.

CHAIR BERLYN: Yes, absolutely.

MR. UMANSKY: Yes, I think that's already part of the process.

CHAIR BERLYN: Okay. All right.

MR. MARSHALL: Part of the relevance.

CHAIR BERLYN: Let's move forward. This Committee can do whatever it --

MR. MARSHALL: Yes, that's already part of the process.

CHAIR BERLYN: Okay. So all those in favor, say aye.

ALL: Aye.

CHAIR BERLYN: Opposed? Abstaining? Anyone abstaining? Nope, okay. No nos, no abstaining. Thank you very much, Barry --

MR. UMANSKY: All right.

MR. MARSHALL: Well done.

CHAIR BERLYN: -- for all your hard work there.

MR. UMANSKY: All right.

CHAIR BERLYN: Okay. Next up, Consumer Group, are you ready? Ed?

MR. BARTHOLME: This is Ed Bartholme with Call for Action. I actually wanted to get some clarification on something that was just brought up during that group, as it might pertain to our group.

There was a question raised about whether or not it would be possible if there was further discussion on something to have a vote on something in between this meeting and the next meeting.

CHAIR BERLYN: It is possible. We could call a special meeting by conference call, so we have our next meeting in October, but we could call a conference call if we have issues to be considered before then. So absolutely.

MR. BARTHOLME: Okay.

MR. MARSHALL: This is Scott. All the notice requirements in the Federal Register would still apply though and we would have to have an open meeting here at the headquarters and hopefully local people would attend. Then out of towners would call in on the conference line, that's the way it would have to work.

MR. BARTHOLME: Okay.

MR. MARSHALL: Okay.

MR. BARTHOLME: Seeing as how that is a possibility for another group --

MR. MARSHALL: Yes.

MR. BARTHOLME: -- I think I would like to jump on the bandwagon, so to speak.

CHAIR BERLYN: All right.

MR. BARTHOLME: Maybe I'm trying to drive attendance for the special meeting by having more than one topic to discuss.

No, we had put together a recommendation that was in everybody's packet today concerning interruption of wireless services. There were some last minute suggestions for adjustment. And, you know, while everybody seems to be coming at it from the same approach, I think that there is some haggling on some finer points just to get everybody exactly on the same page.

So I think we would like to take advantage of a little bit more time on this, especially given the fact that Art Neill from UCAN, who was the primary driving force behind this, couldn't actually be here today. So without his input, you know, I want to make sure that we are staying true to his original intent behind this recommendation.

So I would like to table what was in your packet today, look forward to an updated draft coming out and hopefully we can move on that at an interim meeting.

CHAIR BERLYN: Okay. That's fine, Ed. And so that will definitely drive us to a special interim meeting.

MR. BARTHOLME: Okay.

CHAIR BERLYN: We now have two recommendations to look forward to for that meeting. So we will try and plan that as soon as possible and you and Barry will give us a heads up.

MR. BARTHOLME: Yes.

CHAIR BERLYN: We also have another issue which I'll be discussing shortly after all of our reports.

So and you have nothing else?

MR. BARTHOLME: No, that's all for today.

CHAIR BERLYN: Okay. Thank you, Ed.

MR. BARTHOLME: Thank you.

CHAIR BERLYN: Mark and Chris, Broadband Working Group? You're going to give us a third issue?

MR. DeFALCO: Hi, Mark DeFalco. There is danger in going after these first two groups or these last two groups here, I think, so, no. We have a recommendation to -- I don't know. Does what we gave you, Scott, need to be read in or not?

MR. MARSHALL: Well, somebody has -- everyone has it in their packet, so it was distributed in advance.

CHAIR BERLYN: Everyone has it. Paul has it.

MR. MARSHALL: Unless somebody really has a burning desire --

MR. DeFALCO: Okay. It's the document that is listed "Broadband."

CHAIR BERLYN: Yes. Just read the headline there.

MR. DeFALCO: Yes, "Broadband - GPI06-15-12." This has been circulated and I don't think there is any controversy. So this should be a real easy one to hopefully get through.

And then just by way of a report on what we discussed at our breakout session, we believe we will have another recommendation for you for the October meeting. Again, I don't think it will be a controversial recommendation, but we will have another recommendation coming for the next meeting.

So with that, I think you are ready to maybe vote this one in?

MR. MARSHALL: We have to move the recommendation and second it.

MR. SCHROEDER: I would move adoption of --

MR. MARSHALL: Before we --

MR. SCHROEDER: -- the GPII motion.

CHAIR BERLYN: Thank you, Paul.

MR. DeFALCO: Paul moved.

CHAIR BERLYN: Anyone second?

MR. UMANSKY: Second.

CHAIR BERLYN: We have a second.

MR. DeFALCO: Who seconded it?

MR. SCHROEDER: And I may want to make one comment on it as well.

CHAIR BERLYN: Okay, Paul.

MR. DeFALCO: Who seconded it, first, please?

CHAIR BERLYN: Barry seconded.

MR. DeFALCO: Barry, okay, good. All right. Discussion?

MR. SCHROEDER: Yes, Paul Schroeder.

CHAIR BERLYN: Yes, Paul.

MR. SCHROEDER: American Foundation for the Blind. I think the GPII is terrific. I do want to suggest adding a sentence at the end that would go something like this.

The GPII, though it may foster access, does not, and I was debating between mitigate or effect, the need for implementation of accessibility policies.

The reason I raise that is GPII is often talked about in these glowing almost religious terms and I think it is great. I mean, I don't want to minimize it, but I also don't want people to get carried away to believe that this is the solution that ends all need for the hard work that has been done on accessibility policies, because it doesn't.

It may work. It should compliment and hopefully foster those, as I said. So I would propose the addition of that sentence, just to make clear that that's our view.

CHAIR BERLYN: And can you read it again a little more slowly?

MR. SCHROEDER: The GPII, though it may foster access, does not mitigate the need for implementation of accessibility policies.

CHAIR BERLYN: Does not mitigate the --

MR. MARSHALL: Need to implement.

MR. SCHROEDER: The need to implement, would be fine, accessibility policies.

MR. MARSHALL: Accessibility policies. Okay. Got it.

MR. SCHROEDER: I guess I would move that as --

MR. MARSHALL: Move the amendment.

MR. SCHROEDER: I don't know if I can move that as a friendly-amendment, since I made the motion. I suppose I can.

CHAIR BERLYN: Chris and Mark, do you accept that as a friendly-amendment?

MR. BAKER: Yes.

MR. SCHROEDER: Okay. If they do.

CHAIR BERLYN: It's accepted as a friendly-amendment. Sounds good.

MR. SCHROEDER: All right. Then we can -- any other discussion?

CHAIR BERLYN: May foster, okay. Further discussion? Mitsi?

MS. HERRERA: Can I offer a friendly-amendment to the Paul? Could you move that sentence to the second -- to become the second sentence and then add the word, something like nonetheless or nevertheless to start the third sentence?

MR. SCHROEDER: Yes, I would have no problem with that. Thank you. Good suggestion.

CHAIR BERLYN: Chris? Chris?

MR. BAKER: Can you hear me?

CHAIR BERLYN: Yes. Now, I can.

MR. BAKER: Now you can. I don't know. I mean, I think it's you need an explanation of what it is before you start saying what it does not do. That would be my only -- I mean, I'm fine with the change. I just wonder if it makes more sense, it's more readable if you talk about what it does than what it doesn't do?

MS. HERRERA: I mean, can we make it, however, the GPII does not, whatever you had, mitigate the need for? It just seems odd it says though it may foster access in the middle of it. But it's 3:50 and it's not bad, so if people are fine with it, I'm happy to withdraw my friendly --

CHAIR BERLYN: Yes, I think it works either way. The way I'm looking at it, I don't think it really -- it doesn't strike me as difficult, because it's so short.

MR. BAKER: Right, right.

CHAIR BERLYN: So I think you get the point either way, the way I look at it.

MS. HERRERA: Then to simplify things, I'll just withdraw my --

CHAIR BERLYN: Your friendly --

MR. MARSHALL: Okay. That works.

MS. HERRERA: I'll withdraw it.

CHAIR BERLYN: Okay. All right. So we have a friendly-amendment that has been accepted. We have a motion and a second. Further discussion?

Seeing none -- oh, Chris?

MR. BAKER: I just wanted to thank Clayton Lewis who sort of came up and brought this idea to our attention for doing it. And I didn't know he would be getting off the Committee, but I want to thank him.

CHAIR BERLYN: Excellent. Yes.

PARTICIPANT: It would be a great good-bye gift to Clayton.

CHAIR BERLYN: Yes.

PARTICIPANT: A very appropriate one.

CHAIR BERLYN: The Clayton Lewis recommendation. Okay. Thank you, Broadband Working Group. Oh, call the question.

All those in favor of this recommendation say aye.

ALL: Aye.

CHAIR BERLYN: Opposed? Abstaining? Excellent.

MR. MARSHALL: No abstentions?

CHAIR BERLYN: No abstentions. This is a no abstentions day.

Okay. Universal Service Group?

MS. GARCIA: We really have nothing to report.

CHAIR BERLYN: Nothing to report. No recommendations this time. Thank you, Cecilia.

Okay. That is it for our working group reports.

Now, we have another important item that came out of our morning, this morning. Sorry, Rick, I know it's challenging to see each other there.

We have another item from our morning from our report for -- about the Consumer Complaints process. As you heard this morning, they are working on a reform of the Consumer Complaints process and they are looking to the Consumer Advisory Committee for some help and they laid out a couple of areas where they would like some feedback.

So what we would like to do is to setup a Task Force that would help with this process over the next two months to give the FCC some feedback. And hopefully it wouldn't require too many meetings, because we don't want to add to the meetings that are going to be required for this.

But the way I see it, we probably need a meeting at the beginning to sort of organize ourselves, find out what exactly we were going to look at and do. And then a meeting after we take a look at what the FCC wants us to do to get together and discuss it and provide some feedback.

We also may, as a result of this, want to write up a recommendation to the FCC based on our findings.

And the perfect timing for that would be our special meeting, so we would have time. Perhaps the time would work out to do that.

So what we want to do is to setup a Task Force. And one of the things that this Task Force would do is to test this new -- test the FCC's Consumer Complaint system. So we would test it each individually, do that on our own and provide feedback and perhaps they would develop some sort of response form that we would be able to use to give feedback on it and also come up with some other ideas and feedback for them.

So there is a couple of different things that we would do for them and, generally, help them get on the right path with this Consumer Complaint Reform.

So what I would like to do with the Task Force is have people volunteer, who are willing to do this. I think it's a really good opportunity for the CAC to provide direct input into this process, but I want to do it just on a volunteer process.

I don't think it will be all that time-consuming. As I mentioned, two meetings. I don't know whether they will be maybe in-person and on the phone. We will see how that works. Two meetings, possibly three, but hopefully no more than two. And then the time that it would take you just to really try out the Consumer Complaint process.

So Scott and I will send something around in the next week or so asking for volunteers to serve on this Task Force. And we will try not to make it too huge, but, you know, a good group who are willing to roll up their sleeves and do this with us.

So I hope that you will participate. Okay. Did I miss anything?

MR. MARSHALL: Comments from the public?

CHAIR BERLYN: Yes. Now, we have comments from the public. Did I miss anything on the complaint?

MR. MARSHALL: No, no, I think you got it.

CHAIR BERLYN: Okay. Very good. Finally, are there any members -- anyone from the public who have any comments for the CAC? I didn't get any emails, I don't think, Scott.

MR. MARSHALL: Okay. Then a motion to adjourn.

CHAIR BERLYN: So again, we are going to meet in October. We will get the exact date out to you as soon as we confirm availability of this meeting room and make sure that we don't have any conflicts with dates.

And I think that's it. Any further comments from anyone around the room?

MR. MARSHALL: Debbie, did you raise any dates with the group at all?

CHAIR BERLYN: I didn't. Do you want me -- did you check the availability for that one date?

MR. MARSHALL: Well, let's -- could we run by October 19th?

CHAIR BERLYN: Sure. One date that we are --

MR. MARSHALL: And get a quick reaction.

CHAIR BERLYN: One day we are looking at is October 19th, which is a Friday. Okay. It doesn't --

MR. MARSHALL: Nobody is running out the door screaming.

CHAIR BERLYN: Nobody is screaming.

MS. KEARNEY: It doesn't work for me.

CHAIR BERLYN: People are checking. It doesn't work for Julie.

MS. LEECH: That would be tight for me.

CHAIR BERLYN: It would be tight for Irene. It's not good for Lise. Okay. We have two. It's not good for you, Ed? Not good for Ed, oh. All right. Now we've got--

MR. MARSHALL: Three.

CHAIR BERLYN: -- three.

MR. MARSHALL: Okay.

CHAIR BERLYN: What happened with the 26th?

MR. MARSHALL: It's not available. This room is not available.

CHAIR BERLYN: The room is not available on the 26th. Well, we will get back to you.

MR. MARSHALL: Right.

CHAIR BERLYN: It may have to stick with the 19th, but I'll get back to you to see if the date changes. But it will be -- we are hoping to stick with the month of October, so that it is not too far from now. But also look for that special date between now and October for our special meeting.

So do I have a motion to adjourn? Oh, I don't know, I got a couple of hands on that. Motion to adjourn. Do I hear a second?

PARTICIPANT: Second.

CHAIR BERLYN: And all those in favor?

ALL: Aye.

CHAIR BERLYN: All right.

MR. MARSHALL: Thanks, everybody.

CHAIR BERLYN: Thanks, everyone.

(Whereupon, the meeting was concluded at 3:59 p.m.)