

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 CRESPIY, 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

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

2 8:52 a.m.

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

10 Once again, Scott has done a
11 fantastic job of pulling together this program.

12 I helped a little and so did some of you, so
13 thank you very much.

14 But we do have a really good program
15 and you will see during the course of the day.

16 And we will try and keep as much as we can on
17 schedule, but we do have some special guests
18 joining us this morning, as you will see from
19 the agenda.

20 The first thing I would like to do
21 is to go around and introduce ourselves. We
22 have some of you who may be here for the first

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1 time, if you are substituting for someone else.

2 So let's introduce ourselves.

3 I'm Debra Berlyn, Chair of the CAC,

4 and representing the National Consumers League.

5 And let's go around to Barry.

6 MR. UMANSKY: Good morning. I'm

7 Barry Umansky of the Digital Policy Institute

8 at Ball State University. And my colleague,

9 Robert Yadon, is here as well.

10 MR. POCIASK: And I'm Steve

11 Pociask. I'm with the American Consumer

12 Institute.

13 MR. BARTHOLME: I'm Ed Bartholme

14 with Call For Action.

15 MS. WALT: Good morning, everyone.

16 I'm Dorothy Walt. I'm a Regional

17 Representative for the Helen Keller National

18 Center, the Northwest Region. I'm happy to see

19 everyone this morning.

20 MR. LAGUARDA: Good morning. My

21 name is Fernando Laguarda and I'm representing

22 Time-Warner Cable.

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

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

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

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

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

21 MS. LADEW: Hello. I'm Rebecca
22 Ladew and representing the Speech

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1 Communications Assistance by Telephone, Inc.
2 I would also like to add a happy Father's Day
3 for all of you who are fathers.

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

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

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

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

16 MS. CRESPI: Good morning. I'm
17 Mary Crespy with Verizon.

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

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

22 MR. McELDOWNY: I didn't because

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1 I didn't have a name tag. I'm Ken McEldowney
2 from Consumer Action.

3 CHAIR BERLYN: And?

4 MR. MARSHALL: And I'm Scott
5 Marshall.

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

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

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

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

16 CHAIR BERLYN: Okay. And anyone
17 else? Okay.

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

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

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

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

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

20 So hopefully you all will be able
21 to stay. I know Ken has a flight towards the
22 end of the day, but other than that, I hope that

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1 you all will be able to stay for the full program.

2 It is important that we have your full
3 participation for the discussions on the
4 recommendations. We have some very interesting
5 ones today and those are really important.

6 Does anyone have any questions?
7 Yes, Lise?

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

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

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

22 So we are looking at a Friday in

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1 October for the next meeting.

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

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

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

17 I see Kris is here. Perfect timing.

18 We are ready for you. So thank you very much
19 and, Kris Monteith, Acting Bureau Chief. Thank
20 you for joining us.

21 MS. MONTEITH: Yes, absolutely.

22 Good morning, everyone. It's great to see you

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1 here. And we certainly appreciate your coming
2 today and helping the Commission to advance its
3 Consumer Protection and Empowerment agenda.

4 Since we last met in February, the
5 Bureau has had a busy time. Lots of things going
6 on and I will just mention a couple of the things
7 that we have been working on at a high level.

8 And I did the smart thing and brought the
9 experts with me who can address them in more
10 depth.

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

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

22 We released our Consumer Complaint

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1 Quarterly Report numbers of the first quarter
2 of 2012 and the second quarter will follow
3 shortly.

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

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

17 These are just a few of the things
18 we have been working on. It has been a very
19 busy few months, a very interesting few months
20 for me personally and professionally and, of
21 course, there are lots of things going on at
22 the Commission outside of CGB, which will be

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1 a part of your agenda and discussion, we'll touch
2 on a couple of those.

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

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

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

20 I hope you will share with the
21 Commission your thoughts and recommendations
22 on how we can address these types of barriers

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1 faced by many communities across the nation.

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

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

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

22 Later this morning, you will be

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1 hearing from folks in CGB that are working on
2 our consumer complaint process. We are hoping
3 to make changes that will make the process more
4 transparent and consumer-friendly, which will
5 allow us to better utilize the information we
6 receive from consumers in our rulemakings.

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

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

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

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

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

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

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

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

22 First, the Commission required

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1 landline telephone companies to notify
2 subscribers at the point of sale on each bill
3 and on their websites of the options to block
4 third-party charges from their landline
5 telephone bills, if the carrier offers that
6 option.

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

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

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

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1 consumers of these services.

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

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

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

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

22 The NPRM initiated a proceeding to

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1 establish a registry that allows PSAPs to
2 register telephone numbers on a PSAP-specific
3 Do-Not-Call List and prohibit the use of
4 automatic dialing equipment to contact those
5 registry numbers.

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

13 The NPRM seeks comment on the
14 structure and operation of the proposed registry
15 setting forth several proposals. The NPRM asks
16 about the most efficient means of establishing
17 a registry, the process for accessing the
18 registry by operators of that equipment,
19 safeguards to protect numbers in the registry
20 from unauthorized disclosure or dissemination,
21 rules to prohibit the use of automatic dialing
22 equipment to contact numbers on the registry

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1 and enforcement provisions contained in the Tax
2 Relief Act.

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

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

20 In closing, I want to thank all of
21 you for your hard work on these key consumer
22 issues. It really does make a difference both

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1 to CGB and the rest of the Commission. Thanks
2 again.

3 MS. PELTZ STRAUSS: Hi. I'm Karen
4 Strauss. It's great to see all of you again.

5 I'm going to give you an update on all that
6 we have been doing on the disability issues.

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

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

19 And that particular set of rules
20 cover pre-recorded programming that is not
21 edited for Internet distribution. Once those
22 programs are shown on TV with captions, when

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1 they are shown for Internet distribution, they
2 will have to be captioned as of September 30th.

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

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

15 That's the first item in CVA. The
16 21st Century Communications and Video
17 Accessibility Act that I wanted to mention.

18 The second item is video
19 description. As you probably know, many of you
20 are already familiar with a lot of this. Our
21 rules on video description are going to go into
22 effect this July. It's very exciting for the

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1 blind and visually impaired community.

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

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

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

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

10 They have to meet the Federal
11 Poverty Guideline level that we are using as
12 400 percent of the poverty guideline level will
13 qualify them. They also need to meet a
14 definition set by the statute or actually set
15 by the National Helen Keller Statute.

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

21 There will be one program in every
22 state or locality that will be responsible for

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1 conducting this distribution. We are on the
2 cusp of announcing the certified entities. We
3 had issued a public notice a few months back
4 seeking applications and did a thorough review
5 of those applications to make sure that each
6 entity would be qualified to comply with all
7 of our rules under this program.

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

17 In all, there will be 53 entities
18 that are certified. We also just recently
19 announced the National Outreach Coordinator.
20 It's the Perkins School for the Blind in
21 conjunction with the Helen Keller National
22 Center and FableVision. They have been awarded

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1 \$500,000 per each year of the pilot program to
2 conduct national outreach.

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

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

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

19 The group produced or the committee
20 produced a survey covering and analyzing,
21 approximately, 3,000 -- well, 10,000 people
22 responded to the survey. 3,000 completed

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1 surveys by people with disabilities reporting
2 on how they access emergency services.

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

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

18 Just really quickly, I want to
19 mention that in October we also have to submit
20 to Congress a report on how we have been doing
21 with respect to achieving accessibility of
22 advanced communication services and

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1 telecommunication services. We are also
2 continuing to work on our clearinghouse, our
3 accessibility clearinghouse that provides
4 products and services, information about
5 accessible products and services to the
6 community.

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

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

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1 issuing rules on that.

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

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

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

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

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1 had at the booth had been busy nonstop.

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

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

21 We have people that come to us and
22 they go, you know, I go into McDonalds and I

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1 see this little sign, what does that mean? And
2 we say well, that means they have wireless.
3 And they go really? Or they wonder about the
4 QR Code. What does that mean? I say well, you
5 can take your Smartphone and you can get to a
6 website. And they go really?

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

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

21 And we try to, because we are a small
22 band of people, concentrate on certain areas.

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1 People with disabilities, people in rural
2 areas, minorities, African-Americans, Asians,
3 non-English-speaking people, Hispanics, very,
4 very important, seniors.

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

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

22 And what we try to do also is I think

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1 we do a decent job, but we could do a heck of
2 a lot better job. You know, we work on
3 distracted driving. I don't know about you,
4 but I don't think we have done enough on that.

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

12 So what we would like to do, you
13 know, like I said, we are the face of the FCC.

14 We go and people ask us questions. FCC like
15 every other Federal Agency has budget cuts.
16 So we try to do the best we can. We are
17 experimenting with technology, ways we can do
18 things from here, but it does help when we are
19 out there and people come to us and they have
20 their questions.

21 So if you can help us come up with
22 ideas how can we impact? How can we reach

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1 people? How can we translate? How can we get
2 the word out to people all over the country?

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

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

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

21 Any ideas you have for how we can
22 outreach better, how we can partner better, how

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1 we can reach a lot of the under-served
2 communities that really need us or need to know
3 a lot of the programs that are available, the
4 Lifeline programs, the eRate programs. There
5 are so many good things the FCC does and we really
6 need your assistance.

7 So thank you very much.

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

11 MR. CAROWITZ: Hi. I just --

12 CHAIR BERLYN: You need the mike.

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

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

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1 CHAIR BERLYN: Okay. Questions?

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

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

16 And it's just it can -- it has sort
17 of been refrained that I and other people on
18 this Council have been saying for years and years
19 and years. And I have just not seen a serious
20 commitment in that area, whether it is on
21 Lifeline or anything else. There has to be
22 printed materials. There has to be money for

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1 distribution of them. There has to be money
2 for training. And we are not talking -- you
3 know, I would be happy just to see a few \$100,000
4 dollars in terms of commitment by the Commission
5 to actually reach the people that you purport
6 to help.

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

14 You now, Consumer Action does it
15 with a very small budget, smaller than yours.

16 And I think other organizations around the
17 table do as well, as do many of the companies.

18 I think the models are out there.

19 I just think that the FCC really has to get
20 serious and step up to the table.

21 MS. MONTEITH: I'm happy to hear you
22 say that, Ken, honestly, because I think one

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1 of the issues as Roger was saying that we really
2 face is in an era of shrinking budgets, is the
3 consumer outreach function -- how is the
4 consumer outreach function viewed?

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

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

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1 our materials in the community.

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

8 But our 7,000 agencies put over a
9 million pieces of literature a year in the hands
10 of consumers, because they are on the ground.

11 And I think that's something that the
12 Commission has to do is to work with the groups
13 more closely throughout the country. They are
14 actually working with consumers on a day-to-day
15 basis.

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

22 CHAIR BERLYN: If I could, we have

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

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

13 MS. LEECH: He came up first.

14 CHAIR BERLYN: Okay.

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

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

20 MS. HERRERA: Yes.

21 CHAIR BERLYN: Thank you.

22 MS. HERRERA: Mitsi Herrera, Cable

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1 and Broadband Administrator from Montgomery
2 County Maryland.

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

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

17 CHAIR BERLYN: Great. Thank you.

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

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

22 MS. HERRERA: I did. But Mitsi

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1 Herrera, the Cable and Broadband Administrator
2 from Montgomery County Maryland.

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

5 MS. WALT: Thank you.

6 CHAIR BERLYN: Great. Thank you.

7 MS. MONTEITH: Thank you.

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

16 MS. MONTEITH: Thank you so much.

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

19 (Applause)

20 CHAIR BERLYN: Thank you. It is my
21 pleasure to call Commissioner Rosenworcel to
22 the table. Right here we have a spot. For

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1 those of you who don't know our new Commissioner
2 here, I don't know is there anyone in the room
3 who does not know our new Commissioner?

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

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

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

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

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

20 To also, obviously, the 21st Century
21 Communications and Video Accessibility Act,
22 which is about making sure that everyone in this

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1 country, no matter who they are, has access to
2 the great services available in the digital age.

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

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

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

22 CHAIR BERLYN: Thank you. Yes,

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1 does anyone -- I don't know if anyone has any
2 questions for the Commissioner? This is the
3 honeymoon phase. Julie?

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

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

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

20 COMMISSIONER ROSENWORCEL: Okay.

21 CHAIR BERLYN: And I will add to
22 that, it's a pleasure to -- you know, I should

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1 have mentioned that you have such an outstanding
2 history on all the issues, but particularly with
3 representing consumers on all these issues.

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

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

12 CHAIR BERLYN: Thank you.

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

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

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

20 CHAIR BERLYN: Yes, you're on.

21 MR. SCHROEDER: Paul Schroeder,
22 American Foundation for the Blind.

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1 Commissioner, good to work with you here as well
2 as having worked with you on the Hill. I do
3 hope that one of the things we always encourage
4 Commissioners to do and some of them do it well,
5 some of them don't, is to remember that it's
6 important to talk about people with disabilities
7 as consumers in communications, not just here
8 and in front of consumer committees, but more
9 important when you are out talking with
10 industry, in particular, because I do think
11 sometimes those issues tend to get forgotten.

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

18 So I do hope you will -- I appreciate
19 your shout out to the CVAA. We have worked hard
20 with your office on it at the time and I do hope
21 you will remember to talk about the importance
22 of involving people with disabilities and not

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1 just in sort of a throw away way, but really
2 in a meaningful way of talking about how
3 communication services that are accessible are
4 better for everyone and, of course, more useful
5 for all consumers.

6 COMMISSIONER ROSENWORCEL: Thank
7 you. Good points.

8 CHAIR BERLYN: All right.

9 COMMISSIONER ROSENWORCEL:
10 Appreciate it.

11 CHAIR BERLYN: Thank you so much.

12 COMMISSIONER ROSENWORCEL: Thank
13 you.

14 (Applause)

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

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

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

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

17 MS. DICKERSON: Thank you so very
18 much.

19 CHAIR BERLYN: Welcome.

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

22 CHAIR BERLYN: Here let me get --

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1 I'm sorry, let me give you the mike.

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

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

7 MS. DICKERSON: Yes.

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

10 MS. DICKERSON: Okay.

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

13 MS. DICKERSON: Okay.

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

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

20 CHAIR BERLYN: And?

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

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

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

6 CHAIR BERLYN: Okay.

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

15 Just to give you a little bit of the
16 background on the IAC, the IAC Advisory
17 Committee was a federal communications
18 appointee, which back in 1997 it was first
19 established the IAC predecessors, which was
20 Local and State Government Advisory Committee.
21 And in July it was changed from its name to
22 the advisory committee to be called the Body

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1 of the IAC to reflect a greater balance between
2 state, local and tribal governments and so that
3 we would have a better representation across
4 the board.

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

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

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

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1 have this opportunity to serve.

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

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

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

21 And so with that said, I'm just so
22 excited to be here this morning. And we are

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1 privileged to have the opportunity to come, that
2 you give us this opportunity to come and visit
3 with you this morning, because we feel that the
4 issues that we are addressing are so very
5 important and vital to the community, to our
6 citizens and to those that we serve on a
7 day-to-day basis.

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

17 I'm like don't you -- they have my
18 number on speed dial. And but I think it is
19 a very good thing, because when you have a
20 presence, in my opinion, in your community
21 working with your constituents on a daily basis,
22 having an open ear, I think that's a good thing

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1 when they know that you have an open door policy
2 that they can always come to and to me that is
3 an asset.

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

8 REPRESENTATIVE SLOAN: Marlin just
9 got here.

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

18 Our committee has five
19 subcommittees of which Ken chairs one, my Vice
20 Chair Marlin is here, he is Vice Chair and chairs
21 our Broadband Adoption. So out of those five
22 subcommittees, we are trying to reach across

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1 the board to make sure that we address those
2 issues that we can bring to the FCC and making
3 sure that the advice we give and the comments
4 that we make will reflect the committee and make
5 sure that those things are very, very important
6 to the unserved and the under-served.

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

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

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

20 CHAIR BERLYN: Use the mike.

21 MR. BLIZINSKY: Is this better?
22 Yes. I'm from King County, Washington, which

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1 is the county that includes Seattle and Redmond.

2 And I want to thank you for meeting with us.

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

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

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

17 REPRESENTATIVE SLOAN: Thank you,
18 Madam Chairman, Madam Chairman. My only
19 comments are that as our Chairwoman indicated,
20 we are comprised of state legislators, local
21 government officials and I would encourage the
22 Members of the other Council and the general

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1 public not only to look at how we can interact
2 with the FCC, but also how we interact in our
3 home constituencies, and particularly the three
4 state legislators that are on the IAC.

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

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

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

22 MR. FELLMAN: No. I appreciate the

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1 opportunity to be here. Thank you, Madam Chair
2 and Chairwoman Berlyn. I served on the original
3 Government Advisory Committee, the Local and
4 State Government Advisory Committee, so this
5 is my second tour of duty and I'm very pleased
6 with how things are going so far with our
7 relationship with the staff and the
8 Commissioners.

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

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

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

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

20 CHAIR BERLYN: You need to come to
21 the microphone.

22 MS. KARMARKAR: Sorry.

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

3 MS. KARMARKAR: Hi, I'm Radhika
4 Karmarkar. I'm with New York City and I work
5 on franchising and consumer issues related to
6 franchising and regulatory issues in the city.

7 And I'm very happy to be here. I actually
8 worked with the FCC for a decade before I came
9 to New York, so it is really great for me.

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

14 CHAIR BERLYN: Great. Thank you
15 all.

16 MS. DICKERSON: Okay.

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

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

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

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

22 CHAIR BERLYN: Thank you.

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1 MS. DICKERSON: Thank you.

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

10 Are you all set?

11 MS. BRODERSON: Yes, absolutely.

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

18 And if everybody is getting a little
19 antsy, we will have a break after this session,
20 but also just to let both of you know, that some
21 time during this session, we will be joined by
22 Commissioner Pai, so we will take a break at

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1 some point. He is going to be joining us some
2 time between 10:00 and 10:20, so I'll be on the
3 lookout and we will take a, you know, short five
4 minute break during this session and then we
5 will get back to it.

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

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

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

21 So we have some, if not direct asks,
22 then some pre-asks for you that will come at

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1 the end of the presentation. So something to
2 look forward to. Let me see if I can click.
3 Yes.

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

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

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

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

22 They can file on-line on Form 2000

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1 Complaint or 1088. We also have the Slamming
2 Complaint Form and the Indecency Form. They
3 can send it via our website. They could send
4 it in, what we refer to these days, as snail
5 mail or they can fax it in or, in fact, they
6 can phone it in and we can take a complaint over
7 the phone for them.

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

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

22 MS. BRODERSON: And at times even

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1 initiate proceedings. I mean, that's one of
2 the exciting things about working with the
3 Consumer Complaints is that it's this direct
4 hotline, literally sometimes, from consumers
5 to tell us what is going on and sometimes we
6 end up spotting trends much -- even more quickly
7 than we could hear about them from lobbyists
8 or consumer advocates, because the consumers
9 are the ones who are directly affected.

10 Oops, click. So Sharon mentioned
11 our Quarterly Complaint Report. I put up some
12 statistics from the most recent report, which
13 was the first quarter, January through March.

14 So we break out report down into inquiries and
15 complaints.

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

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

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1 help me?

2 So we had almost 18,000 inquiries
3 in the first quarter and almost 90,000
4 complaints in the first quarter from consumers.

5 So that's a lot. You can see our numbers are
6 up 29 percent in inquiries, 32 percent for
7 complaints. So either something really bad is
8 happening out there or we are getting the word
9 out to consumers and we like to think that it's
10 just we are getting word out to consumers and
11 they know that they can come complain to us.
12 Although that, again, is something that we hope
13 to work on as well.

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

20 So if you compared it to the first
21 quarter of 2010, how would they compare to first
22 quarter -- I'm sorry, 2011 compared to 2012?

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1 Because I remember looking at complaints over
2 a year long and they tend to go up and down.
3 So I'm just wondering how do they track over
4 a year long period of time?

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

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

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

18 Right now, it's too broad and that's
19 why we want to work on our Complaint Reform and
20 work directly with the bureaus on the subject
21 codes that we use. And we also are going to
22 talk a little bit about this as well,

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1 specializing our team to deal with specific
2 subject matter, so if we did see a spike in a
3 complaint type, we would be able to identify
4 it immediately.

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

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

20 Again, cable, satellite,
21 broadcasting, programming and then unwanted
22 calls. It's not surprising that those are the

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1 issues that consumers are concerned about.

2 CHAIR BERLYN: Yes, please.

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

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

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

17 And the second is I did want to ask
18 you specifically in the past when people had
19 called about cable service complaints, the
20 Commission had referred them to the local
21 jurisdictions, the local franchising
22 authorities. So are you representing now that

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1 you handle those complaints?

2 MS. BOWERS: It's a difficult area.

3 Most of the complaints that we get are from
4 consumers who either have reception type issues
5 through the DTV transition or perhaps they have
6 lost channels.

7 And so what we try to do is refer
8 the consumer to the local franchising authority.

9 Now, we have had consumers complain that the
10 local franchising authority hasn't been
11 helpful. They haven't been able to get in
12 contact with them. So we do what we can to
13 advocate on behalf of the consumer.

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

19 MS. HERRERA: So one is in your
20 reporting, are you tracking or reporting the--
21 or maybe -- you are probably not, but it would
22 be helpful is that if you -- I'm not sure where

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1 they fall within complaints or inquiries where
2 the resolution is largely a referral to another
3 jurisdiction, tracking that would be useful so
4 you could understand the impact on resources.

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

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

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

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1 CHAIR BERLYN: Okay. Very good.

2 MS. BRODERSON: Well, and that's
3 something I sat in on the Consumer Complaint
4 Section of the IAC meeting yesterday and that
5 was one of the suggestions that was raised, one
6 of the comments that was made was that
7 strengthening the feedback between the
8 Commission and states would be really helpful.

9 So I think that's something that definitely
10 is on our radar.

11 CHAIR BERLYN: So we are going to
12 take a quick break from our presentation. Am
13 I on? Okay. Because we are so fortunate to
14 have Commissioner Clyburn with us this morning.

15 And I will get right back or we will get right
16 back to your great presentation. So sorry.
17 Thank you for being so flexible here.

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

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

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

20 Speaking of friends, I am pleased
21 to count Karen Peltz Strauss as one of them.
22 Her voice is invaluable here at the FCC and those

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1 long hours and hard work on the implementation
2 or CVAA have been a major win for the disability
3 community and for us all. So thank you so very
4 much.

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

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

22 This technology can be described as

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1 a sort of narration that will accompany the
2 pre-recorded dialogue and it will illustrate
3 on-screen action for popular comedies, dramas
4 and children's programming.

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

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

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

20 Both Perkins and the Helen Keller
21 National Center are doing a great job to serve
22 the needs of millions of Americans who live with

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1 disabilities and will get the information about
2 this program out to consumers and service
3 providers.

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

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

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

19 So the Universal Service Fund needed
20 to be updated to reflect these current
21 realities. The reforms we adopted this past
22 October will promote significant broadband

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1 deployment to millions of unserved consumers
2 over the next six years.

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

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

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

20 At all times, we have had an open
21 door policy and we have worked diligently
22 towards resolutions that benefits consumers and

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1 help us achieve our Universal Service goals.

2 I wish to mention one final thing.

3 This April, the Commission adopted rules to
4 protect Americans from telephone Cramming.
5 Many consumers fail to realize when there are
6 unauthorized charges on their bills, so these
7 charges often go undetected for months or even
8 years.

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

15 If there are any additional ways to
16 empower consumers to prevent Cramming, we want
17 to hear about them. So the comment period in
18 this proceeding will remain open until June 25th.

19 And I encourage you and all others interested
20 to participate.

21 So, Debbie and the Committee, thank
22 you once again for your unselfish commitment

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1 to public service. And I am grateful to be a
2 partner and remaining engaged with you as we
3 make this communications and media marketplace
4 more inclusive.

5 Thank you so very much.

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

9 COMMISSIONER CLYBURN: Hello.
10 Good morning.

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

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

22 Don't we -- cannot benefit from

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1 interpreting services. Many of the senior
2 citizens and many other people who are deaf/
3 blind, who are low vision and deaf or hard of
4 hearing, put large captions when you talk about
5 TV programs being captioned, where they will
6 be able to have the capability of making them
7 large print, so that people can read them.

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

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

22 So I think you will see over the

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

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

10 COMMISSIONER CLYBURN: Thank you.
11 I appreciate it.

12 CHAIR BERLYN: Okay. Thank you for
13 coming.

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

18 CHAIR BERLYN: Thank you very much.

19 COMMISSIONER CLYBURN: Thank you.

20 (Applause)

21 CHAIR BERLYN: Okay. Thank you.

22 Deborah and Sharon, so back to your

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1 presentation.

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

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

18 MS. BOWERS: As we start our process
19 of reviewing the Complaint and Inquiry Reform,
20 some of the objectives that we are trying to
21 overcome is we want to improve our Consumer Web
22 Interface. And if you are familiar with our

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1 website, you can click on the tool bar in front
2 and you can comment or you can complain.

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

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

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

18 So we want to look at how we intake
19 the data. We also want to ensure consistency.

20 We have -- I have a group of staff in Gettysburg,
21 Pennsylvania, 30 CAMS, Consumer Advocacy and
22 Mediation Specialist, and then I have a group

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1 here in D.C.

2 And one of the challenges that we
3 have is a lot of the complaints are subjective.

4 And Deborah and I could code a complaint. She
5 could code it one way and I could code it another.

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

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

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

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

7 And, you know, that's something that we are
8 working on.

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

19 And also, we know that we tend --
20 we can use jargons. Sometimes the terminology
21 doesn't make any sense. I mean, wire-line makes
22 sense to us. I don't know how much sense it

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1 makes to a lot of consumers. So that's a
2 struggle.

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

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

13 And it would be useful to get a feel
14 of when those issues come into -- I noticed that
15 the category was sort of broadband/VoIP, but
16 what is the question? Is it a billing question?

17 Are they confused about what plan they signed
18 up for? Is it a service question? The Internet
19 is going out too frequently or it is not at the
20 -- I mean, I know there are separate things being
21 done at the FCC on speeds and so on, but just
22 that type.

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

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

6 CHAIR BERLYN: Scott has a
7 question.

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

13 CHAIR BERLYN: Identify yourself.

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

21 And, you know, one of the things I
22 noticed is that when you put up the top

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1 complaints, the one for wireless was TCPA. And
2 so that's always very much of interest to our
3 industry, because, interestingly enough, those
4 complaints are really about unwanted calls and
5 tax from third-party marketers as opposed to
6 from wireless providers.

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

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

18 MS. BRODERSON: Well, and I think
19 there are different models for transparency in
20 our consumer reports, our quarterly reports.
21 And I think just the kind of data analysis that
22 we are hoping to increase, it sounds like would

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1 be of help to almost everyone in the room and
2 I think to the Commission as well, so that's
3 definitely something that we would love to work
4 towards.

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

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

17 So to review those category codes:

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

22 Ensure that our CAMS, Consumer

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1 Advocacy and Mediation Specialist, have the
2 latest consumer guides that will coordinate with
3 the codes and the rest of what the FCC is doing,
4 so we are all speaking from one page.

5 And increasing the analysis of the
6 data.

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

14 MS. BRODERSON: And one of the
15 challenges that we didn't mention, but again
16 that I think would be pretty obvious in this
17 room, is that consumers just don't always know
18 what their problem is, so, you know, Consumer
19 Complaint Reform only makes sense if you are
20 also reforming consumer education and that's
21 why we want to coordinate every time a new
22 consumer facing item come out of the Commission,

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1 we want to make sure that we have a consumer
2 guide ready to go, that we have the CAMS educated
3 to take calls, that we have our website updated,
4 so it's all part of the same process.

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

9 CHAIR BERLYN: Ken has a question.

10 MS. BRODERSON: Oh, please.

11 MR. McELDOWNNEY: Hi. Before we got
12 --

13 CHAIR BERLYN: No, identify
14 yourself first.

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

19 One is that do you track the
20 complaints by language?

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

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1 MR. McELDOWNEY: Okay. That's--

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

4 MR. McELDOWNEY: Yes.

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

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

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

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

22 So, for example, we had a very major

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1 cell phone scam that was being pushed in the
2 San Francisco/Chinatown and also in the
3 Vietnamese in San Jose. You know, you can't
4 get that information unless not only do you
5 handle information in those languages, but also
6 track them by a language.

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

10 MS. BRODERSON: Yes, it is.

11 MR. McELDOWNEY: Okay. Good.

12 MS. BOWERS: Those are good
13 suggestions.

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

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

3 All right. So we were at the fun
4 stuff. I think we will be working with your
5 Chairperson on the sort of specifics of this.

6 We wanted to highlight the things that we think
7 the CAC would be really helpful for. And we
8 also have sort of general suggestions to throw
9 out to the IAC as well, so for those of you in
10 the room.

11 So we mentioned our Complaint Codes.

12 We have codes when consumers call in, the CAMS
13 categorize the complaints and the inquiries.
14 A lot of them are so specific, so technical that
15 the chance that a consumer is going to call up
16 and complain about this is very slim.

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

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

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

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

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

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

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1 MS. BOWERS: Yes. The IVR is the
2 voice that you hear when you call 888-CALL-FCC.

3 You might hear my voice. You might hear a CAMS
4 that works for me, their voice. You might hear
5 Deborah's voice. We are not really sure whose
6 voice is all through the IVR, that's our point.

7 We need help with the content on the IVR and
8 the quality of the IVR.

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

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

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1 with someone, you just need an address.

2 But we would like to know how easy
3 is it to get to a person? We would also like
4 to know if the options make sense on our IVR?

5 Are they clear? Are you pushing the right
6 button and getting to where you think you need
7 to be to get the question answered?

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

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

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

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

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

17 MS. BRODERSON: And I know we are
18 almost out of time. For the IAC, for those of
19 you in the room, I think sitting in your consumer
20 complaint session yesterday, what struck me was
21 that the -- we could definitely improve the path
22 for communication between the Commission and

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1 the states, local governments, local entities,
2 especially the referral process which came up
3 again today.

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

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

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

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

6 MS. CRESPI: Hi. I'm Mary Crespi
7 with Verizon. It's good to see you, Sharon.

8 MS. BOWERS: Good to see you.

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

14 And as a consumer I get,
15 unfortunately, text spam and I know what to do.

16 So I went to the FCC's website to complain.
17 It is not easy to -- it is not an easy category.

18 You think it would be, but it's not.

19 If you go into the Telemarketing
20 Complaint Section, it says that is where you
21 put in text spam, but once you go in there, there
22 is no place for text spam. It's all about calls

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1 to your landline. And then if you go into the
2 Wireless Section, there is complaints for calls
3 and for emails and other things, but no text
4 spam.

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

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

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

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1 On complaints, I want to -- this
2 question started to be asked, but I want to try
3 to understand it better. A couple of things.

4 One is there is, as our person from New York
5 pointed out, a load of things that come under,
6 I'm sure broadcast programming, cable satellite
7 programming as major complaint items, VoIP
8 bundling.

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

19 And then I guess the third thing and
20 it kind of gets back to using the data, what
21 can be done? 90,000 complaints in a quarter
22 seems like a lot. And if a high percentage of

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1 those are actionable, what can be done to push
2 policies that potentially regulatory action of
3 the Commission that might actually lead to fewer
4 complaints needing to be lodged. Is that
5 something that you are looking at?

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

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

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

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1 And for the most part, I think we
2 are able to handle the individual complaint to
3 the degree that the consumer leaves somewhat
4 satisfied or at least knowing, you know, here
5 are your options to try to resolve the issue.

6 Did you want to take the question on future?

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

17 I mean, you asked what percentage
18 were remediable, you know. I don't know. We
19 don't have statistics on that necessarily,
20 because, you know, I mean, some of that it's
21 kind of subjective, but we certainly do our best
22 to address -- either address each issue with

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1 a consumer or refer it to an entity, the FTC
2 or a state PUC who can.

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

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

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

21 COMMISSIONER PAI: Well, thank you.
22 Thank you very much, Chairperson Berlyn. I

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1 appreciate the introduction. And thanks to all
2 of you as well for taking time out of your meeting
3 to accommodate me.

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

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

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

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

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

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

19 And so to the extent that I can play
20 any role in, you know, helping consumers have
21 a better experience, that's something that is
22 certainly a priority for me. And I don't have

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1 anything beyond that other than to say, you know,
2 it's good to be here and if you have any
3 questions, comments, I would be happy to field
4 them.

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

10 Mitsi has a question.

11 MS. HERRERA: Mitsi Herrera, Cable
12 and Broadband Administrator from Montgomery
13 County. Welcome. Thanks for coming to see us.

14 I was just curious, is there one particular
15 issue that is close to your heart or that you
16 are looking to focus on?

17 COMMISSIONER PAI: I feel like I'm
18 sort of a jack-of-all-trades. I love, you know,
19 the full pamphlet of issues within the
20 Commission's jurisdiction. Some of the more--
21 the bigger priorities, I guess, I would say is
22 a Spectrum policy writ-large. I mean,

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1 obviously, Congress has just given us incentive
2 option authority and that's going to consume
3 a lot of the Commission's time over the coming
4 months and years.

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

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

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

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

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

22 And so to the extent that our office

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1 can play a role in these issues, we would like
2 to bring a sense of, you know, vigor and dispatch
3 to the Agency's decision making in order to
4 benefit, you know, not just the industry, but
5 ultimately consumers.

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

11 COMMISSIONER PAI: Yes.

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

19 Your cable standards are still
20 analog, not digital.

21 COMMISSIONER PAI: Yes.

22 MS. HERRERA: We have a petition

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

7 COMMISSIONER PAI: Yes.

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

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

18 And my previous iteration of the
19 general counsel's office, I was always amazed
20 that there are some proceedings that had been
21 lingering for a couple of decades, in some cases
22 without action. So if I have anything to say

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1 about it, that won't continue to be the case.

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

5 COMMISSIONER PAI: Thanks.

6 CHAIR BERLYN: So thank you very
7 much.

8 COMMISSIONER PAI: Thanks for
9 having me. Appreciate it.

10 (Applause)

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

19 We also need to take a break and we
20 have a panel coming up. I'm wondering, Scott,
21 if when we -- we probably do have time in the
22 afternoon to -- we will be talking about this

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1 process. And I'm wondering if Deborah and
2 Sharon might be willing to come back when we
3 are talking about our process, if there is some
4 time, when we might be able to continue this
5 discussion with questions.

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

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

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

17 CHAIR BERLYN: So just to let you
18 all know, what we are going to do with our
19 schedule is that I've got Sharon and Deborah
20 are going to come back at 11:50. And we are
21 going to carve a little bit of time out of the
22 Spectrum session at 11:50 and start our Spectrum

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1 session after -- we will have about 15 minutes
2 for questions with Sharon and Deborah.

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

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

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

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

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

5 CHAIR BERLYN: Okay.

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

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

14 MR. ACQUARD: Charlie Acquard,
15 National Association --

16 CHAIR BERLYN: It's still not up.

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

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

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

3 MS. LEECH: Irene Leech.

4 CHAIR BERLYN: Got you.

5 MS. LEECH: With the Consumer
6 Federation of America.

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

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

12 CHAIR BERLYN: I really didn't
13 intend that.

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

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

20 Okay. So now, we are really
21 fortunate. This is a topic, of course as you
22 all know, that is so important, the Broadband

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1 Adoption issue. And our Broadband Working
2 Group, Mark and Kris, our Working Group Chairs,
3 could also pipe in on this, but we have three
4 folks here: Cecilia who is a Member of our CAC,
5 of course, and two others who are joining us
6 to talk about Broadband Adoption.

7 I will very quickly introduce them.

8 Sitting right next to me, Elizabeth Crocker,
9 who is with the Foundation for Rural Services,
10 which is NTCA, National Telephone -- Telecom
11 Cooperative. It's no longer telephone. It
12 used to be telephone. Now, it's -- now,
13 everything is telecom. Telecommunications
14 Cooperative Association.

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

18 And our three panelists today are
19 going to give us some updates on Broadband
20 Adoption from various different perspectives.

21 And so we are really pleased to have them here
22 today. We didn't discuss an order for this,

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1 but I think it might be helpful to have Tom to
2 have you start us off, because I know you have
3 some stats and things like that for us.

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

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

17 MR. KOUTSKY: Sure. I will do my
18 best and I will -- but to put a word of warning
19 on that, I have a bunch of slides that I have
20 pulled from different presentations that have
21 a lot of just adoption numbers. I don't intend
22 to speak to them all. I really just kind of

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1 wanted to illustrate. I'll do my best to
2 describe what I'm trying to -- the points I'm
3 trying to illustrate.

4 CHAIR BERLYN: Yes.

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

7 CHAIR BERLYN: Yes.

8 MR. KOUTSKY: Just, you know, I
9 would like to -- I'm really thankful and
10 appreciative of the invitation from Debbie and
11 the FCC to speak here today. You know, I used
12 to work at this -- actually, as we looked at
13 the former Commissioners or the new
14 Commissioners, I used to work at this Agency
15 as well. I have had two stints at the FCC. Most
16 recently on the National Broadband Plant Team.

17 And so these are issues that I care very deeply
18 about.

19 And it is -- what is interesting
20 about my current job is that I'm able to kind
21 of go and study questions and issues related
22 to Broadband Adoption and the utilization that

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1 are facing America's communities.

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

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

17 But when we have an important
18 infrastructure that, you know, is absolutely
19 critical to economic growth and social
20 development and we have a third of the nation
21 not adopting it or using it, you know,
22 sufficiently, that's a significant economic

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1 drag upon our country's economic future and
2 social development.

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

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

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

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

16 We have seen in recent years with
17 the economic difficulties in this country, a
18 definite flattening in the Broadband Adoption
19 curve. And this is -- you know, if there is
20 like one or two points you take away from one
21 another about the -- what to talk about, you
22 know, look at this graph on the right which

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1 really shows an adoption of broadband to
2 undertaking an S-curve pattern, where it starts
3 off very low and then it escalates beginning
4 in 2001/2002 rather sharply up to until it runs
5 across about 60 percent of the United States
6 households and then it flattens off.

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

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

19 On the Broadband Plant Team, we have
20 built a lot of the design assumption. This is
21 actually called a Gompertz curve. There is a
22 phrase for this S-curve adoption and you see

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1 it for every technology, consumer technology
2 that has been put in place from color TVs to
3 VCRs to, you know, computers. They all follow
4 this S-curve type adoption. They all flatten
5 out in some way.

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

17 There was an interesting set of
18 studies on how expensive it is to be poor in
19 this country. It is actually very expensive
20 to be poor, because if you are limited and if
21 you don't have a car and you're limited to the
22 neighborhood grocery store, you pay for more

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1 milk. And if you have to take half a day to
2 get your Social Security check processed and
3 wait in line, because you don't have on-line
4 access to do the same function, that costs you
5 money. That is time you had to put your kids,
6 you know, in child care or that you had to take
7 off of work.

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

17 So I have, you know, indulged her
18 with some statistics about, you know, difference
19 in adoption and ages. And I think the important
20 thing to see here from this slide are not the
21 numbers themselves, but to understand that there
22 are different reasons why people don't adopt

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1 broadband service. And they do vary by age and
2 demographic group.

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

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

14
15 So for younger Americans age 18 to
16 54, you know, the predominant reason they don't
17 subscribe is cost. It's about 33 percent of
18 them cite that as a reason.

19 For older Americans, age 70 and
20 older, the predominant reason they don't
21 subscribe is relevance. I mean, it was stated,
22 you know, there is a lot of ways that they can

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1 state relevance. We kind of grouped them up
2 into relevance.

3 And then kind of in the middle is
4 digital literacy or a lack of digital skills.

5 You know, also it does vary by age. I think
6 this is important, because what it does -- you
7 know, this is a little bit more about senior
8 technology adoption to show that even within
9 the senior community, there are a fair -- there
10 is a wide range of demographic differences.

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

20 And I think that's rather striking.

21 Again, this is one of the neat things about
22 my job is I get to tell the survey guys what

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1 to survey. And so --

2 MR. McELDOWNEY: Did you control
3 for cost?

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

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

15 This is barriers. This is a slide
16 that really kind of articulates some significant
17 barriers among the different demographic group,
18 which is low-income households with children.

19 And again, I think the reason this type of
20 research is important is because it tells us
21 what we need to do in terms of solutions.

22 We cannot have a one-size-fits-all.

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1 I'm going to skip ahead in the interest of time.

2 We need to have solutions that are targeted
3 towards bridging the specific gap that we are
4 trying to address. A solution that is aimed
5 at lowering the cost of Broadband Adoption is
6 going to work in some communities or in some
7 demographic groups potentially, such as
8 low-income households with kids, where,
9 frankly, those families don't need to be told
10 about the importance and relevance of broadband
11 to the future of their children.

12 I mean, families understand that.

13 So these are the families that are piling into
14 libraries, you know, constantly now, so students
15 can do their homework. So for them, cost is
16 the main barrier.

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

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

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

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

22 I think, you know, as a group or as

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

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

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

20 The FCC launched a genuine -- we
21 heard a bit about this this morning, they
22 launched a genuine -- a general revamping of

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1 that program earlier in the year and have opened
2 the door to transforming that program into a
3 broadband support program.

4 These are pilots. This is a pilot
5 process that is basically going to take the next
6 year. The FCC has solicited applications from
7 service providers who are the recipients of
8 these funds. Those applications are due on July
9 2nd.

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

20 So there are some problematic
21 aspects to the way the FCC has established the
22 pilot, but without getting into those details,

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1 that is something else for this group, I think,
2 would be interested in monitoring and
3 understanding where -- you know, what the
4 Commission does with the results of these
5 pilots.

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

11 There has been a lot of talk about
12 doing things. There has been a lot of ideas
13 floated around. There has been a lot of
14 discussion about adoption being an issue that
15 the Commission intends to really grab hold of.

16 They do deserve credit for the Lifeline Pilot
17 Program and for proposing digital literacy
18 training as part as USF.

19 But this coming year will be the year
20 where we will find out whether or not those
21 proposals will come to fruition and in what shape
22 and manner they form. You know, will we see

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1 the targeted -- you know, will we see the pilot
2 programs go to areas that need it? I skipped
3 over a couple slides, but one important fact
4 that came out recently was that the Territory
5 of Puerto Rico has a Broadband Adoption rate
6 of 31 percent.

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

17 That's the situation in Puerto Rico
18 right now. 31 percent. That has a cascading
19 effect on the island. And so, you know, we will
20 see if there is -- you know, I'm hopeful that
21 some of these initiatives that have been
22 announced and that some of the programs that

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1 have been proposed will go to places like Puerto
2 Rico in a very targeted fashion.

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

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

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

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1 in them.

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

4 CHAIR BERLYN: Thank you. So,
5 Elizabeth?

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

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

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

9 I'm laughing as he is talking, I was
10 here two weeks ago with 100 teenagers from all
11 over rural America sitting in this room
12 listening to four of our Commissioners speak.

13 And one of the questions one of the
14 Commissioners asked was how many of you, we had
15 16, 17 year-olds, have helped your parents and
16 your grandparents learn how to get on the
17 Internet and pretty much every kid in the room
18 raised their hand.

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

21 The interesting thing about the
22 foundation, we do a lot of different things.

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1 We do build stuffers and mailers for our
2 telephone companies to educate the rural
3 customers, so we are working on Internet safety,
4 on-line safety. We just did one on
5 cyber-bullying.

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

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

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1 communities.

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

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

19 Well, no, they just hire teenagers
20 to come in after school and sit in the lobby,
21 because they find that so many people come in
22 to pay their bills, which I know and I have said

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1 this before, it's unimaginable for us in
2 Washington that people actually go in to the
3 company and pay their bill in person, we don't
4 do that here.

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

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

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

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1 Members do amazingly well.

2 Our customers have -- excuse me, our
3 telecommunications companies have amazing
4 customer service, phenomenal customer service.

5 They have Geek Squads, they have folks that
6 are going into people's homes and helping them.

7 And the real difference for them is if somebody
8 has a problem with their broadband, with their
9 connection, with anything going on in their
10 home, they see those folks in the grocery store.

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

18 One of the other ones I love talking
19 about and somebody had mentioned it last time
20 or asked me about a mobile computer lab and if
21 anyone had done anything with that. We had just
22 given a grant in 2011 to Lake Pearl Economic

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1 Development Authority in Minnesota for a mobile
2 computer lab and our money kind of finished off
3 their project and allowed them to move forward
4 with this.

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

15 They sent me a picture of it last
16 night. I was calling and asking them some
17 questions about the program and how it was going
18 and it's just -- it's really, really cool to
19 see that in action. They are actually serving
20 30 people a week right now, which may not seem
21 like a lot to us here in Washington, but for
22 a small rural community, that's a lot of folks

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1 that they are reaching through that program.

2 One other thing that we are doing
3 at the foundation is we are doing foundations
4 of computing and basic digital literacy classes.

5 And this one is kind of surprising, I think,
6 but when we go to one of NTCA's meetings with
7 3,000 telecom association folks, we have a lot
8 of people who are on the board of directors of
9 these companies. And many of them have been
10 on that board for 20, 30, 40 years.

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

19 And it is interesting, you know, the
20 first thing a lot of them ask is well, how do
21 I Skype with my grandkids? So that's -- but
22 it's always a great inlet and it's a great way

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1 to get people interested and engaged in it.
2 I have a wonderful slide, I wish I had it with
3 me today, of one of my friends children at 6
4 months-old. She has her baby in a Bumbo seat
5 Skyping with her grandmother across the country
6 in a rural community.

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

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

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

22 But on the foundation side, we are

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1 really about investing in our rural communities
2 and making sure they have tools they need.

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

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

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

20 MS. GARCIA: Thank you, Debra. I
21 would like to thank Debra and the Broadband
22 Working Group for giving me an opportunity to

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1 talk about a very interesting gathering that
2 the Benton Foundation and Connected Living
3 co-hosted. And some of you were actually there.

4 Debra was in the audience and Mitsi was in the
5 audience, Chris Baker helped me out on one of
6 the panels.

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

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

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1 under-served communities of low-income elderly.

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

22 Unfortunately, I think, very few

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1 projects really had the same kind of attention
2 to strong third-party evaluations that
3 Connected Living had. We looked at that as a
4 real asset for that project.

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

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

19 And again, you have seen this
20 through every new iteration of technology. It
21 doesn't matter if it is -- it goes from the radio
22 to -- all the way through broadband access.

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1 As we get older, there is a fear that if you
2 touch something new, you might break it. If
3 you touch the computer, you're going to break
4 it.

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

14 Then there are others who argued
15 equally passionately that no, what is more
16 important is where does that person learn best?

17 Is it maybe in a senior housing project, if
18 there is a computer lab on-site? Instead of
19 having a computer in that person's living space,
20 if they are in a common area where there is access
21 to trainers and access to other people and access
22 to, you know, the kind of support that they need

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1 right then, it may be better for them in that
2 learning.

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

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

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

20 And so we have to pay attention to
21 this, because low-income seniors are not part
22 of the digital economy. And we need to make

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1 sure that we do whatever we can learn, whatever
2 we can from this major federal investment. We
3 can't let it go to waste.

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

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

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

19 Well, at least anecdotally, the
20 Digital Inclusion Initiative that was done by
21 Senior Service America in collaboration with
22 Generations On-Line is finding just the

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1 opposite. That as people get more engaged with
2 family communications, with seeing the world
3 outside of their living quarters, that's
4 actually helping to fight isolation.

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

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

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

22 CHAIR BERLYN: Thank you all. That

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1 was great. We got so much information there.

2 Fantastic. So let's do -- Chris, is your card
3 up for a question? Excellent. Okay. Raise
4 your hand and identify yourself.

5 MR. BAKER: Chris Baker.

6 CHAIR BERLYN: Actually, you
7 weren't on.

8 MR. BAKER: Chris Baker. Chris
9 Baker?

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

12 MR. BAKER: Mark DeFalco?

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

15 MR. BAKER: That worked?

16 CHAIR BERLYN: I think that worked.

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

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1 of broadband.

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

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

11 So that's point one.

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

16 But, you know, it's also important
17 to look at the technology as well, you know,
18 digital literacy is about trying to get people
19 to adapt to the technology. I think it's also
20 important to have technology that works for
21 people. And making these devices easier to use
22 and more intuitive, I think, will get rid of

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1 a lot of the anxiety that older adults have.

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

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

7 MR. BAKER: Sure.

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

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

22 One of the interesting things in

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

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

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

18 MR. BAKER: Thanks.

19 MR. KOUTSKY: Yes, and I
20 self-edited in my slides, so I would be happy
21 to get with you afterwards, because we do have
22 -- you know, part of our surveys do include

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1 quality and technology measurements, too. I
2 just didn't throw them up there. But I'm happy
3 to share those with you.

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

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

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

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

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

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

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1 most of our -- most of the last generation.

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

8 CHAIR BERLYN: I think Mitsi, Lise,
9 Mark.

10 MS. HERRERA: Mitsi Herrera.

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

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

16 I guess what I am interested in is
17 your outcome data and how that is driving you
18 to change things? In Montgomery County,
19 Comcast as part of the NBC Universal merger had
20 to launch the Internet Essentials Program or
21 at least market it, which is a \$10 a month service
22 eligible to families who have a child at the

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1 time it was eligible for free meals and now they
2 have expanded it to free and reduced meals.

3 They have had a year of experience
4 with that program. In Montgomery County, and
5 so I'm saying this because I -- well, let me
6 just say it. In Montgomery County, there are
7 47,000 children in public schools who are
8 enrolled in free and reduced meals. They
9 thought that that might translate out into 9,700
10 eligible households.

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

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

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

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

19 And there is lot of different moving
20 parts, but getting back to that, I point this
21 out not because I want to disparage what Comcast
22 is doing, but to say that it's hard and we have

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1 to think differently and figure out how to
2 partner with people who have contacts.

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

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

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

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

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

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

19 MS. HERRERA: Yes, and the --

20 MR. KOUTSKY: But I'm not defending
21 the program, because I think, you know, myself,
22 I would be not as focused on in making sure we

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1 only sell this to people that we truly know are
2 low-income. Right? And I think that you can
3 get yourself caught up in that verification and
4 validation and paperwork game to your -- I think
5 that becomes a problem, because it makes the
6 entire program more cumbersome.

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

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

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

20 MR. KOUTSKY: Oh, yes.

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

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1 MR. KOUTSKY: We do.

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

5 MR. KOUTSKY: Yes.

6 MS. HERRERA: And do you have that
7 data?

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

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

22 Those numbers have become very

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1 positive. But, you know, part of our evaluation
2 now is to kind of go back and ask those people
3 again, are you still a broadband subscriber or
4 did you ever actually buy that computer you said
5 you were going to buy?

6 We also, by focusing on training,
7 tend to end up with more motivated people.
8 People walk into a training class for a reason.

9 They want to do it because they tried to apply
10 for a job a couple of weeks ago and they couldn't
11 figure out how to do it.

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

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

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

22 The interesting thing about them,

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1 it will be this summer, they are going to go
2 back to the residents of the senior housing in
3 their target area who did not partake of
4 anything. And they are going to find -- they
5 want to find out why and see what learnings can
6 come from that.

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

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

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

19 I noted that you saw -- you tracked
20 how many people with disabilities were there.

21 But from my perspective, people with hearing
22 loss, and I suspect this is true with other

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1 people with disabilities, when they are --
2 especially seniors with disabilities have an
3 inability to get access.

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

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

13 MR. KOUTSKY: Yes.

14 CHAIR BERLYN: Thank you, Lise.

15 MS. HAMLIN: Yes.

16 CHAIR BERLYN: Ken, a quick
17 question?

18 MR. McELDOWNEY: A quick question.

19 Ken McEldowney, Consumer Action. I did not
20 hear much talked about in terms of dicing and
21 slicing in terms of people, color and folks for
22 whom English is not the primary language.

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

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

7 CHAIR BERLYN: Oh, sorry.

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

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

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

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1 non-native, you know, types, you know.

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

6 MR. KOUTSKY: Yes.

7 MS. GARCIA: Can I just say?

8 MR. KOUTSKY: Yes.

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

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

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1 MR. McELDOWNEY: Great. Okay.

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

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

9 CHAIR BERLYN: Short?

10 PARTICIPANT: The microphone.

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

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

15 MS. WALT: Yes, thank you, Debra.

16 CHAIR BERLYN: Sure.

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

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

7 CHAIR BERLYN: Thank you.

8 MS. WALT: Thank you.

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

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

15 MR. KOUTSKY: Yes.

16 CHAIR BERLYN: And also at your
17 website?

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

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

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1 MS. GARCIA: Thank you.

2 MR. KOUTSKY: Thank you.

3 (Applause)

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

10 So we have a little bit of time to
11 get back to some questions. We have got about
12 10 minutes, but I do want to get back to some
13 questions, if you can put your mindset back on
14 our previous topic about the Consumer Complaints
15 process.

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

19 MR. BARTHOLME: I'm Ed Bartholme
20 with Call for Action. We actually partner with
21 media outlets around the country to set up
22 consumer help hotlines. So we do have

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1 experience in the intake processes related to
2 consumer complaints and tracking and kind of
3 keeping an eye on that data.

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

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

16 If your goal is consistency and to
17 actually have useful data, consumer
18 self-selection can make that harder to achieve.

19 You know, they are clouded with -- they are
20 upset about what has happened to them. They
21 are angry possibly about this. And it could
22 be that they pick the completely wrong category

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1 as to what you guys would have as a definition
2 and where that would go and that can lead to
3 some pretty heavily skewed statistical
4 outcomes.

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

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

21 So our system allows for a category
22 search and a key word. So you can do, for

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1 instance, you know, wireless and then billing
2 as the key word to pick up all the
3 billing-related or, you know, you could use a
4 different key word if you chose to.

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

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

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

20 I'm talking about the actions. In
21 many cases, you provide information, referrals.

22 Do you account for that? Do you track that

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1 in cases you have intervention? Because to me,
2 that's kind of interesting. It's one thing,
3 we have a big accounting for the output, but
4 what about the outcomes?

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

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

14 There is times that we can't come
15 to a resolution that the consumer is satisfied.

16 But we at least document in the case what the
17 Commission -- what we have done, what the CAMS
18 have done to try to assist that person.

19 We are one-on-one. The CAMS are on
20 the front line dealing with the consumer's
21 individual problems. Now, how that sort of
22 shakes out to larger numbers that we produce,

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1 we keep track of disputed amounts, how much money
2 we have actually gotten back for the consumer
3 in their complaint. But we really don't report
4 anything beyond that individual complaint that
5 is more internal to us, if that answers your
6 question?

7 CHAIR BERLYN: Great. Yes.

8 MS. MARTINEZ: Mia Martinez with
9 the National Asian American Coalition. I just
10 wanted to follow-up on Ken's comments regarding
11 capturing complaint data by race or ethnicity.

12 This would be extremely helpful in developing
13 a more effective targeted outreach to the
14 minority communities.

15 And secondly, I checked the App
16 Store a couple of minutes ago and I saw that
17 there is an FCC App and Mobile Broadband test.

18 Perhaps the Bureau can explore possibilities
19 of having an app or developing an app for
20 submitting complaints.

21 I also wanted to note that this is
22 one platform that the Federal Trade Commission

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1 is also looking into at this moment for
2 submission of complaints and fraud. So perhaps
3 the Bureau could explore this option as well.

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

6 MS. HAMLIN: Lise, hello? Lise
7 Hamlin.

8 CHAIR BERLYN: Not quite.

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

11 CHAIR BERLYN: Okay.

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

21 And one of the suggestions that I
22 would have is making different levels not

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1 everything should be -- I know there is formal
2 complaints and informal complaints, but there
3 may even be a less formal using social media,
4 Facebook, even tweeting.

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

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

18 Somebody also mentioned about -- I
19 mean, they were talking about different ways
20 of how you get consumers complaining at all,
21 because we know our community doesn't complain
22 a lot. And I think part of our problem also

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1 is that they -- our community doesn't know that
2 they can complain or who to go to or go to the
3 FCC.

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

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

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

21 MS. LANCETTI: Yes, I do.

22 CHAIR BERLYN: Sorry, I just saw

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1 your card.

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

11 So I think the FCC itself recognizes
12 and I think it's also important as we begin to
13 look at trends and collect data and numbers,
14 etcetera, that we realize in some cases these
15 are not complaints or actionable in that sense.

16 And so it is very powerful, but it's also
17 important that it be looked at with great kind
18 of sophistication and care because of the
19 powerfulness of the information that is being
20 both collected, analyzed and acted on.

21 CHAIR BERLYN: Great. Very good,
22 excellent. Oh, great. Thank you. We are

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1 going to have to move on. You will have to get
2 your question later, Mitsi.

3 MS. HERRERA: That's fine.

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

8 So thank you both again.

9 MS. BRODERSON: Thank you.

10 MS. BOWERS: Thank you.

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

13 MS. BOWERS: Thank you.

14 CHAIR BERLYN: Thank you.

15 (Applause)

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

20 MR. ALDERFER: Rob, yes.

21 CHAIR BERLYN: Rob?

22 MR. ALDERFER: Rob, yes.

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1 CHAIR BERLYN: Rob.

2 MR. ALDERFER: Rob is good, yes.

3 CHAIR BERLYN: Rob is good. Okay.

4 Rob Alderfer. This is a very important topic.

5 As Commissioner Pai mentioned, Spectrum is real
6 important to consumers. And we are very
7 fortunate to have Rob here with us today with
8 the Incentive Options Team in the Wireless
9 Telecom Bureau. So thank you so much for
10 joining us.

11 MR. ALDERFER: Absolutely. Thanks
12 for having me.

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

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

20 As Debra mentioned, I'm Rob
21 Alderfer. I'm the Chief Data Officer in the
22 Wireless Bureau here at the FCC. I'm also a

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1 member of the Incentive Auctions Task Force,
2 which consists of staff from across the Agency
3 working on this initiative.

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

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

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

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

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

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

21 The National Broadband Plan
22 outlined a number of strategies to meet consumer

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1 needs in the area of Spectrum really in three
2 broad categories. One is greater efficiency,
3 essentially squeezing more service out of the
4 Spectrum that we have. Sharing Spectrum, so
5 making sure that we really have services that
6 are compatible with each other doing what they
7 can to share Spectrum. And also reallocation
8 of Spectrum from legacy uses to new flexible
9 uses to allow the market to really meet consumer
10 needs.

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

19 And one of those was the broadcast
20 television band and that's where Incentive
21 Auctions comes in. So the Broadband Plan
22 recommended that the FCC, essentially, use a

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1 market-based process, known as Incentive
2 Auctions, to, essentially, enable part of the
3 Spectrum to be used for new wireless services.

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

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

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

21 So the key mechanism in the
22 Incentive Auction process is the Commission's

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1 ability to share financial incentives with
2 incumbent license holders, Spectrum license
3 holders in return for relinquishing some or all
4 of their Spectrum rights back to the Commission
5 for repurposing to new services. So that's
6 something new. That's something that the
7 Commission hasn't done before.

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

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

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

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

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

21 So one way, as you might expect, is
22 to return a license for a full 6 megahertz

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1 channel, but that's not the only way. Stations
2 might also elect to move from, what's called,
3 the UHF band to the VHF band, so the high channels
4 to the low channels. The high channels being
5 a little more useful for wireless broadband.
6 That's another option that is available to --
7 that we expect will be available to broadcasters
8 when we get to implementation of Incentive
9 Auctions.

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

21 So in that regard, we really think
22 there are win-win opportunities here that will

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1 result not just in repurposing Spectrum for
2 wireless services, but also strengthening the
3 broadcast sector and providing new business
4 options to broadcasters.

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

12 So a couple of other things that '
13 6403 did in addition to providing these options
14 for broadcasters, it, essentially, made clear
15 that stations won't be forced to relinquish
16 their rights. So this is a voluntary process.

17 Stations will have the discretion to decide
18 which options works best for them and set the
19 price at which they want to accept those options.

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

22 Now, we do expect that there will

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1 be a realignment of the band as part of this
2 process as we move a portion of the Broadcast
3 Television Spectrum to wireless services. The
4 band will need to be realigned to make the
5 Spectrum useful for wireless services.

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

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

18 So consumers have set-top boxes and
19 it's -- we don't expect that all stations will
20 be affected by the repacking process, so it's
21 going to be more limited in scope, we think.
22 And it will be a simple matter, we think, of

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1 probably rescanning boxes for over-the-air
2 viewers that may be affected by the repacking.

3 And we don't expect that to be the full
4 population of over-the-air viewers.

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

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

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

21 And we have also -- to help us in
22 this endeavor, retained a number of economic

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1 experts that specialize in auction design.
2 Because this is a new novel program, a lot of
3 different facets to it, we want to make sure
4 we are getting the best advice from the best
5 people out there.

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

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

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1 framework for it.

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

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

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

20 And as I said, we view outreach as
21 a key component of this. And so it's certainly
22 a timely discussion for the Consumer Advisory

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1 Committee and we certainly look forward to your
2 input.

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

6 But just a few things to keep in mind
7 that I would like to really kind of reiterate.

8 First, the amount of Spectrum that is
9 repurposed out of the television bands for new
10 services will be a function of the voluntary
11 participation of broadcasters.

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

19 As I said, there are several options
20 for broadcasters to relinquish Spectrum.
21 Returning the full 6 megahertz channel sharing
22 and moving from a UHF channel to a VHF channel.

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1 These will all be teed up for the Commission
2 to consider in the rulemaking later this year.

3 But that's what the statute envisioned.

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

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

18 And I can leave it there.

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

22 MS. BOBECK: Hi, I'm Ann Bobeck from

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1 the National Association of Broadcasters. I
2 just wanted to say thank you, Rob. Thank you
3 to Chairman Genachowski and his team. I know
4 that this has been a tremendous undertaking and
5 the number of staff involved to ensure that the
6 Incentive Auctions run smoothly.

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

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

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1 viewers of television.

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

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

8 CHAIR BERLYN: Does anyone else
9 have a question?

10 MR. UMANSKY: Just very, very
11 brief.

12 CHAIR BERLYN: Barry?

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

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1 Thank you.

2 MR. ALDERFER: Great. Thank you.

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

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

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

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

20 So we are looking forward to working
21 with you all as well, too, and it is a very
22 technical exercise that the FCC is about to go

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1 through. So sort of what the Consumer Advisory
2 Committee had on, we appreciate your focus on
3 how consumers stand to benefit from going
4 through this process. So thanks for that, Rob.

5 MR. ALDERFER: Okay. Thanks,
6 Scott.

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

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

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

22 That will layout some of the staff's

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1 thinking and the Commission's thinking on this
2 process. And from there, it becomes a function
3 that really kicks off the public engagement
4 process.

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

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

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

18 MR. ALDERFER: Okay. Thanks.

19 CHAIR BERLYN: Thank you.

20 MR. ALDERFER: Thank you.

21 (Applause)

22 CHAIR BERLYN: Lunch is served and

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1 we will reconvene at about 1:00. We did it.
2 We are back on schedule.

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

We have a topic on your agenda, as you see,
to have a discussion about the FCC's website.

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

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.

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

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

11 MR. BARTHOLME: So I --

12 CHAIR BERLYN: And there we go.

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

22 And we know that our time is short,

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1 so to speak, because we have one meeting left.

2 So we were hoping to get together a list of
3 advance questions to get that over to someone
4 in the Commission who could then address us on
5 those topics.

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

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

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1 new website.

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

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

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

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

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1 MR. BARTHOLME: Okay.

2 CHAIR BERLYN: Ann?

3 MR. BARTHOLME: Ann, you had --

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

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

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

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1 they do.

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

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

8 MS. BOBECK: Yes.

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

11 MS. BOBECK: Yes, for consumers,
12 yes.

13 MR. BARTHOLME: Yes.

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

18 MR. BARTHOLME: Sure.

19 MS. BOBECK: For the average bear.

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

22 MS. HAMLIN: Yes.

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1 CHAIR BERLYN: Lise Hamlin?

2 MS. HAMLIN: Am I coming through?

3 CHAIR BERLYN: Not quite yet.

4 MS. HAMLIN: Hello?

5 CHAIR BERLYN: There you go.

6 MS. HAMLIN: There I am. Okay.

7 One of the things that -- recently, I was putting
8 together a PowerPoint for a presentation, so
9 I wasn't specifically looking for proceedings.

10 I was looking like somebody who might be
11 searching for information.

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

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

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

8 CHAIR BERLYN: Stephanie?

9 MR. BARTHOLME: Stephanie?

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

18 MR. BARTHOLME: Dorothy, did you--

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

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1 to it.

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

8 Thank you.

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

16 MR. BARTHOLME: Okay.

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

22 PARTICIPANT: No.

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1 CHAIR BERLYN: Okay.

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

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

14 Now, it's a couple steps. But more
15 importantly, I don't know who is handling what.

16 And I say even for practitioners that's true,
17 because there is a lot of change-over, people
18 who used to be there, so who is the new person
19 who handles that?

20 The other thing overall I would say
21 is that it's very difficult to find any of the
22 reports, which I find ironic, because I feel

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1 like the FCC spends a lot of time issuing
2 reports.

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

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

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

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1 captioning.

2 MR. BARTHOLME: Ann?

3 MS. BOBECK: Ann Bobeck, NAB again.

4 Mitsi, if you would go to the transition, the
5 old FCC website, you go to the Media Bureau,
6 you can still see the subject matter expert list.

7 So there is the --

8 MS. HAMLIN: I can't hear you.

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

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

16 MS. BOBECK: Right.

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

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

21 MS. BOBECK: Right.

22 CHAIR BERLYN: Is how long that

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1 transition button will still be there.

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

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

15 I think that that would be helpful.

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

22 But that could be helpful beyond one

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1 bureau.

2 MR. BARTHOLME: Barry?

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

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

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

20 MR. BARTHOLME: Okay.

21 MR. UMANSKY: End of comment.

22 MR. BARTHOLME: So a couple other

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

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

16 Up here in the top right corner, it
17 has got display options in dark blue on black.

18 And for somebody who actually would like to
19 change the appearance, I don't think they are
20 ever going to stumble upon the display options.

21 CHAIR BERLYN: Hum.

22 MR. BARTHOLME: One of the things

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1 that came up in our call was also the
2 accessibility of the site in different
3 languages. You know, the FCC issues the ability
4 to broadcast in other languages in our country.

5 And, obviously, consumers in our country
6 interact with the FCC sometimes in other
7 languages.

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

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

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

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

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

16 MR. McELDOWNNEY: But I mean, so that
17 --

18 MR. BARTHOLME: But that --

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

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1 a break.

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

6 CHAIR BERLYN: Right, right.

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

11 CHAIR BERLYN: Yes.

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

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

18 CHAIR BERLYN: Right.

19 MR. BARTHOLME: Julie?

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

22 MS. KEARNEY: It's Julie Kearney

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1 from CEA. With all due respect, I think we are
2 really nit-picking here. And I think in terms
3 of translation, which I think there can be some
4 value, so for those of us practitioners, many
5 of us in the room, we really -- a translation
6 of regulations could be potentially perilous,
7 I think, to a lot of people.

8 So I think we need to just be careful
9 getting as far down into the weeds. I think
10 the FCC has done a fabulous job with the site.

11 I will admit I do find the site difficult to
12 navigate, but, you know, I have my personal
13 preferences. And actually, I try not to go back
14 to the old site. I try to like, you know, hang
15 in there, so I can get used to the new site.

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

18 MR. BARTHOLME: If I could just
19 respond to that, Julie. I don't think that our
20 intent or our goal is to, obviously, be
21 excessively nit-picky. I think that part of
22 what we were presented with when the discussion

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1 about the new website first came about was, this
2 is a tool for outreach.

3 MS. KEARNEY: Right.

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

6 MS. KEARNEY: Right.

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

9 MS. KEARNEY: Um-hum.

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

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

21 MS. KEARNEY: Yes.

22 MR. BARTHOLME: -- as a landing page

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1 where it is instructing you with how to interact
2 with the FCC or how to file your complaint with
3 the FCC.

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

7 MS. KEARNEY: Okay.

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

12 MS. KEARNEY: Yes.

13 MR. BARTHOLME: Mitsi?

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

21 But there is, obviously, some scheme
22 they picked and it's just not really apparent.

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1 And if you knew that, then maybe it would make
2 it easier to navigate.

3 It's also -- you know, like I looked
4 and you click on -- there used to be -- when
5 we first had our first meeting, there was some
6 portion of this site in which people could vote
7 on things they liked or things they wanted to
8 see and that just sort of has disappeared. So
9 I don't know if -- what happened there.

10 And then it also seems like there
11 is a lot of stuff that is not organized by subject
12 or topic. It's just kind of thrown out there.

13 So it's either just chronologically what we
14 had, the most current thing and it relies on
15 a lot of searching. And I'm concerned that if
16 you don't know the right search term, it won't
17 come up.

18 So if you just made it -- if you made
19 it a little easier like if it is an encyclopedia
20 and I open up on this topic, here is a list of
21 the six things in that topic, as well as a search
22 feature.

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1 MR. BARTHOLME: Yes. Yes, and I am
2 kind of jumping off from that point. I think
3 that we can all agree, at least I would hope
4 we all agree, that visually it's a much more
5 interesting website to visit.

6 The question is how do we get the
7 usability and the consumer interaction to the
8 point where it still has the same accessibility
9 of information and organization and those sorts
10 of things? Does anybody else have any comments,
11 questions?

12 CHAIR BERLYN: And I think we
13 certainly can continue to take questions and
14 thoughts that you have. The idea here is to
15 develop some questions and ideas that we can
16 pass on to the website folks here and continue
17 the dialogue.

18 So this has been really helpful.
19 Thank you all. This is great. So thanks and
20 thanks, Ed, for walking us through some of this
21 on the screen.

22 Very good. Okay. So we just need

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1 two minutes for setup and then we will start
2 our next presentation.

3 So our next topic is one that I
4 believe either at our last meeting or in a
5 working group, was one that CAC Members wanted
6 to have addressed at our next meeting. And so
7 we -- Scott was able to have James Bird, Senior
8 Attorney, join us with the Office of General
9 Counsel, Head of Transactions Team, to share
10 with us the "After the Merger," that's the topic
11 here of our discussion, to talk about sort of
12 what happens after a merger.

13 But in this case, so you're going
14 to talk about some specific site, I believe,
15 of a particular merger. And what happens to
16 some of the conditions and that's, I know, of
17 interest to many folks around the room.

18 So thank you very much for coming
19 today and joining us. Thank you.

20 MR. BIRD: Yes, thank you.
21 Actually, I'm planning to give a more general
22 -- I will raise examples from particular

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1 mergers.

2 CHAIR BERLYN: Okay. Good.

3 MR. BIRD: But I think it is -- as
4 an overall view, it's important to understand.

5 First, thank you very much for inviting me and
6 giving me an opportunity to share with you some
7 ideas about how we approach what happens after
8 a merger has been approved by the FCC.

9 What I would like to do in broad
10 outline, first, as a disclaimer, I'm speaking
11 here -- these are my personal views. These have
12 not been approved by the Commission. But I do
13 have about 12 years experience working on merger
14 reviews and their aftermath at the Agency.

15 What I would like to cover is, first,
16 a brief explanation of the FCC's role in
17 reviewing merger applications here and, in
18 particular, the standard that we apply and the
19 role of conditions that come out of that review.

20 And then look at some of the different types
21 of merger conditions, because that affects how
22 they can be enforced and monitored.

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1 And then look at the ways the
2 conditions are enforced. And then also look
3 at the way the compliance with conditions as
4 monitored and also the effectiveness of the
5 conditions as monitored. And finally end up
6 with the question of how do you modify existing
7 merger conditions?

8 So first, the FCC's authority to
9 review applications for -- that relate to
10 mergers -- you want that a little closer?

11 Okay. The FCC's authority in most
12 -- the one we rely on primarily is our authority
13 to review transfers of licenses, transfers and
14 assignments of licenses or authorizations that
15 are granted by the Agency.

16 And the standard of review that we
17 apply is is it in the public interest? This
18 is under ' 214 in Title 2 of the Act, and ' 310(d)
19 in Title 3.

20 The public interest standard has a
21 couple components. A very important one is does
22 it comply with the Act itself and the rules that

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1 are issued under the Act?

2 And if it passes that hurdle, then
3 the second thing we look at is what are the
4 potential benefits that could arise from this
5 combination, this transfer? And then we look
6 at what are the potential harms that might arise
7 and we balance the two. And if the benefits
8 outweigh the harms, then we approve the
9 transfer.

10 There are three possible outcomes
11 generally. One, we can approve it. Two, we
12 can approve it with conditions. And three, if
13 we can't do either of those, then we designate
14 it for an administrative hearing before an
15 Administrative Law Judge where all the facts
16 will be subject to courtroom trial-type
17 procedures.

18 So the role of merger conditions in
19 this process is generally twofold. One is a
20 merger condition will help mitigate potential
21 harms. And the other is it can substantiate
22 claimed benefits.

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1 So that if we get past the first
2 stage, it complies with the statute and rules.

3 We are in the second stage. We are balancing
4 harms and benefits. The merger condition can
5 affect that balance. You know, we say if we--
6 without this condition, we might not approve
7 it, but if we can mitigate the harms with
8 conditions or substantiate benefits, then it
9 will be allowed. So those are the roles that
10 the conditions play. It's fairly important in
11 the Commission's consideration.

12 There are two general types of
13 merger conditions. One are structural
14 conditions. That's like these are often
15 applied in a horizontal merger where you will
16 have two companies that are coming together and
17 decreasing, potentially decreasing, the level
18 of competition in a market.

19 One of the things that can be done
20 is you can look over all the markets these
21 companies are involved with. What we took as
22 an example, when Verizon purchased AllTel,

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1 Verizon Wireless purchased AllTel, that was two
2 big wireless companies and in some parts of the
3 country that was fine. There was not much
4 overlap. In other parts there was a lot of
5 overlap.

6 And so a structural change is nice
7 in many ways. A one time change. You say
8 divest one or the other where you overlap. So
9 we preserve the existing level of competition.

10 The other kind of a condition is a
11 behavioral or conduct condition where the
12 applicants are told to do something. This
13 creates an obligation on them that they did not
14 have before that will either mitigate a harm
15 or affirm a benefit.

16 And here, there is a much greater
17 variety. It's not just divesting. It can be
18 we would like you to do the following things.

19 We would like you to provide the following
20 services to confirm that you are going to do
21 a benefit.

22 For instance, when Comcast and NBCU

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1 came before us, that was not a horizontal merger
2 so much as a vertical one. And so divestiture
3 in vertical mergers where you are -- where
4 someone up the supply chain is merging with
5 someone below, the divestiture doesn't work so
6 well. And so you rely more on the conduct
7 conditions.

8 And in that one, they said well, this
9 will result in many benefits. We will have --
10 we will be able to consolidate local programming
11 and have better local programming. We said
12 well, that's nice, but in order to count as a
13 benefit in our merger review, it has to meet
14 certain criteria.

15 It has to be -- we have to be pretty
16 sure it's going to happen. It can't be just
17 an empty promise. And so one way that a merger
18 applicant can prove that it is going to happen
19 is to make an absolute commitment that it will
20 and we will put that in as a merger condition
21 and follow it.

22 So that's one type of condition or

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1 mitigating harm. If people fear, for instance,
2 that a vertical merger will result in prejudice
3 to competitors at one level or the other, we
4 can put on a condition that will mitigate that
5 harm by requiring the merged entity to act more
6 like they would have acted before the merger.

7 Now, there are different types of
8 merger conditions. And this is the structural
9 and conduct remedies. There are also different
10 ways that the condition can be presented in the
11 order.

12 The order might direct specific
13 conduct. Divestees provide this service. It
14 can also direct specific consequences. In the
15 mergers of the RBOC when they combined, like
16 Bell Atlantic, NYNEX, SBC, Ameritech, there were
17 specific consequences in the merger order that
18 said you should do this to maintain competition
19 or to increase your competition with the
20 remaining companies. And if you don't, then
21 you will pay this fine. And that was specified
22 in the order.

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1 The order might establish -- many
2 orders don't establish such specific
3 consequences. The order can alternatively
4 establish a framework for private dispute
5 resolution.

6 When we had the merger between the
7 Hughes Company, which owned DirecTV, and when
8 DirecTV was purchased by News Corporation, that
9 was a vertical merger. And there were some
10 concerns about whether or not there would be
11 discrimination against other programmers and/or
12 the provision of programming to other providers.

13 And the Commission in that case, I
14 think for the first time, established an
15 arbitration remedy, so that the private parties
16 could resolve disputes about that. We said what
17 the standard was and we created a baseball
18 arbitration which is a kind of final offer
19 arbitration which gives a great incentive for
20 the parties to settle, to come closer to each
21 other and then to settle the dispute. So that's
22 another type of condition.

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1 The order may also include specific
2 reporting obligations to make sure that the
3 applicants are complying with the conditions.

4 And it may provide for termination and it often
5 does.

6 I mean, the conditions generally
7 will last for a fixed period of time. They don't
8 generally go on forever. Sometimes they
9 provide for a re-evaluation at a certain point
10 in time to determine whether it ought to be
11 continued.

12 Okay. The enforcement of merger
13 conditions depends in part on the type of
14 conditions and the provisions in the FCC order
15 that I just described. Some conditions are more
16 or less self-enforcing. The -- for instance,
17 the RBOC merger conditions, if they didn't do
18 such and such, then they would pay a fine. But
19 it was pretty much out there.

20 Another self-enforcing condition
21 can be -- and this is very infrequent and I can
22 only think of one or two examples, which mimic

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1 a little bit are the provisions in other
2 regulations which say here is the requirement
3 that you must meet. And if you don't meet it,
4 the license goes away. That's Capital
5 Punishment. It's a very extreme condition.
6 That's not usually used.

7 But there are the -- the arbitration
8 remedy is also a kind of self-enforcing
9 condition, because the parties outside will
10 enforce it.

11 Another way that conditions can be
12 enforced is by if someone is not meeting the
13 condition, you can have a complaint to the Bureau
14 or to the Enforcement Bureau. And I understand
15 there is a complaint portal. CGB has a
16 complaint portal where people go on the website
17 and, just as a side comment, it's interesting
18 to follow the presentation on the website,
19 because it has been an issue of a lot of
20 discussion around here as well as outside.

21 But there is an enforcement portal,
22 which I think is fcc.gov/complaint. Not an

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1 enforcement portal, but a complaint portal that
2 will lead citizens, if they have a complaint
3 about a merger, to the process of how they can
4 register that with the Commission.

5 For monitoring compliance with
6 conditions, some conditions in the merger order
7 itself will provide for monitoring and regular
8 reports, periodic reports by the applicants as
9 to their compliance with the conditions. There
10 were a number of these, for instance, in the
11 Comcast/NBCU order.

12 Another way that things are
13 monitored is by complaints and petitions from
14 interested parties. Some of the conditions are
15 designed so that -- our hope is that there won't
16 be complaints, that people will be complying
17 and then we won't hear about it.

18 But we do have the complaints will
19 come in and that's another way of monitoring.

20 The bureaus, the different bureaus that
21 regulate the various industries keep an eye on
22 things. They are constantly in communication

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1 with the participants. They get input from
2 citizens who have complaints, so they are
3 constantly monitoring that.

4 And also, the Enforcement Bureau as
5 well has an opportunity to monitor as they look
6 at the complaints that come in.

7 Monitoring the effectiveness of the
8 conditions. This occurs through several
9 mechanisms. One is the relevant industry
10 Bureaus have just their general experience and
11 their oversight as they watch what is happening
12 out there in the industry.

13 They are well-aware of what was
14 stated would ge a potential harm or benefit from
15 a merger transaction. And as they observe going
16 forward, they see is the condition working?
17 Isn't it working?

18 A good measure is the complaints
19 that are received. If they get a lot of
20 complaints, that indicates there is a problem
21 with the condition. Now, the complaints may
22 be you put all these conditions on and it's still

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1 having a problem, so they can get that kind of
2 feedback.

3 Another way we monitor
4 effectiveness is through other proceedings.
5 There are several competition reports that are
6 required by our statute on an annual basis or
7 other periodic bases and those -- as they look
8 at the quality of competition in the industry,
9 one of the things that they will take into
10 account is how well are things working,
11 including are the merger conditions that were
12 put on as concentration increased doing what
13 they were intended to do?

14 Perhaps one of the most effective
15 ways of looking back and measuring effectiveness
16 is the next merger comes along, a similar issue
17 is presented. And we will get -- first of all,
18 the Agency itself is very concerned about what
19 -- how to address these new problems, so we will
20 look back at our own experience and judge it,
21 but also the filings that come in.

22 If the condition has been

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1 successful, the filings will say, please, put
2 something like that on this one, too. If it
3 has been unsuccessful, they will say well, that
4 didn't work, they something else or make these
5 modifications in light of the experience you
6 have had.

7 And we have done this, I know with
8 the arbitration remedy. We have tinkered with
9 that to try to address some of the concerns that
10 have come up.

11 Finally, modifying merger
12 conditions. Conditions are placed on at the
13 time of the merger. The market place in all
14 of the markets we regulate is changing
15 constantly with technology and other things.
16 So it is sometimes necessary to monitor them.

17 There are changed conditions that make what
18 was once an appropriate condition, no longer
19 appropriate.

20 There are also disputes that arise
21 over the ambiguities in the language of a
22 condition. And people can come in at any time

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1 and petition the Commission to modify a
2 condition on a merger. We don't -- this doesn't
3 happy that frequently. We do get with some
4 frequency requests to clarify.

5 You know, because often these
6 conditions are put on at a time when no one really
7 knows what is going to happen when these
8 companies combine, when there is that change
9 in the marketplace. And so the conditions are
10 written on the basis of what is potential, what
11 is going to happen. And when actual experience
12 starts happening, often it will -- things will
13 come up that were not anticipated at the time
14 the condition was written.

15 So there might be an ambiguity or
16 a need to revise a condition in some way. And
17 that is done through the modification.

18 So that's the kind of very quick run
19 through of the general structure and I'll be
20 glad to answer any questions.

21 CHAIR BERLYN: Thank you. That was
22 very informative. Paul and then Claude.

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1 MR. SCHROEDER: Thanks. Paul
2 Schroeder with the American Foundation for the
3 Blind.

4 I know that the Disability Work
5 Group had raised this issue partly out of concern
6 that disability issues were not, in our view,
7 being considered as part of merger conditions.

8 And that may be because we haven't been pushing
9 them hard enough. But I wonder if you could
10 speak to how -- well, first of all, have there
11 been, to your knowledge, conditions that related
12 to accessibility?

13 I believe I have read somewhere that
14 there are things like deployment of advance
15 services, ensuring the diversity of information
16 sources and services to the public, those kinds
17 of things are considered generally in the
18 mergers as well as advancing technology, quality
19 of communication services.

20 So there is plenty of ways in which
21 accessibility ought to be considered. And I
22 know we did -- several of us did put in letters

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1 for a recent telecom merger where one company
2 clearly had a superior record of accessibility.

3 To a second though, you know, both
4 could certainly use improvement. And that
5 would have been a good opportunity for the FCC
6 to make a very clear statement of disability
7 access as part of the condition.

8 So (A) has that ever been done, to
9 your knowledge? And (B) how can we best
10 intervene to make that happen? And I guess (C)
11 is there something that CAC ought to do about
12 that?

13 MR. BIRD: Thank you. Good
14 question. I am struggling to remember where
15 I have actually seen a condition addressing
16 disabilities. You are correct that that is part
17 of the general public interest mandate put upon
18 us by Congress. So it's certainly an
19 appropriate question to raise.

20 One of the questions that comes up
21 frequently is, with respect to conditions, are
22 they specific to the merger? In other words,

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1 is the merger creating a problem that this
2 condition is necessary to fix?

3 And the example that you raised is
4 a good one, I think, where you say these two
5 companies are merging. One of them has a better
6 record. If it is the company that is the
7 purchasing company, that would be a good thing.

8 But I know that in some companies, I think,
9 when -- I'm thinking CenturyLink, Embarq or the
10 one that preceded that was CenturyTel, Embarq
11 or CenturyLink when there were two records and
12 companies with respect to issues of consumer
13 service and performance.

14 The Commission did put some
15 conditions on that, so that would have -- I think
16 it's an appropriate issue to raise. And I would
17 encourage you to do it. It is important to raise
18 it in the context of the proceeding. But I think
19 there is a basis for that.

20 CHAIR BERLYN: Clause?

21 MR. STOUT: Hi, this is Claude. I
22 would like to build on what Mark just mentioned

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1 or excuse me, Paul just mentioned. First of
2 all, the FCC did address disability issues
3 historically. We remember when AOL combined
4 with Time-Warner and the Time-Warner/ AOL, I'm
5 not sure who was the purchasing company and who
6 was the purchased company there.

7 But the FCC made it clear to AOL that
8 they had to make their instant messenger
9 services interoperable with other services.
10 That was a big get for the disability community.

11 And I would hope that your office moving forward
12 when you are considering merger applications,
13 you can make that a regular item on your
14 checklist, because companies should be actively
15 pursuing hiring of disabled employees, making
16 sure that their products and services are
17 accessible to disabled consumers.

18 And that way, you are helping to
19 serve the public interest, because we are part
20 of the public. And the public interest is in
21 our interest. And I want to thank you for that.

22 MR. BIRD: Thank you. Yes, I

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1 remember AOL/Time-Warner.

2 CHAIR BERLYN: Okay. That's okay.

3 Yes, yes? Oh, I wasn't sure up or down. Ken?

4 MR. McELDOWNEY: Hi. I may be a
5 little bit off point here, but we work a lot
6 with banks when they are going through mergers.

7 And the regulatory agencies will suppose or,
8 you know, impose things and I guess the banks
9 will indicate what they will be doing in terms
10 of serving the public interest.

11 And part of that is in terms of what
12 foundation -- what they are going to be doing
13 in terms of the combined foundation, what they
14 will be doing maybe in terms of educational
15 programs with the community, commitments to
16 diversity and things like that.

17 Is this ever addressed in merger
18 proposals that come to the FCC?

19 MR. BIRD: Yes. In fact, if you
20 look at the conditions in the Comcast/NBCU
21 merger, there were a number of conditions that
22 addressed the public interest part of our

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1 standard that involves providing the paid
2 programming, it's public access, education and
3 government programming, children's television
4 was addressed and has been addressed in a couple
5 of the mergers.

6 But that is definitely one of the
7 services to the community, particularly in
8 broadcast mergers is a topic that is often
9 addressed in the merger.

10 MR. McELDOWNY: Yes. I have seen
11 it in broadcast, but has that been done when
12 telecom mergers have been approved?

13 MR. BIRD: I think the conditions
14 on telecom mergers primarily address the
15 provision of the service, getting the service
16 out and preserving competition in that
17 marketplace. USF, however, which is the public
18 interest part of getting this service out does
19 come up in merger conditions. And I think in
20 AllTel, Verizon/AllTel there was a specific
21 condition about that.

22 CHAIR BERLYN: Okay. Do you have

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1 a question, Mitsi?

2 MS. HERRERA: Mitsi Herrera.

3 CHAIR BERLYN: I think you are on.

4 MS. HERRERA: Montgomery County,
5 MD. Is it on? My question is can you talk about
6 the process for after you impose the merger
7 conditions, how you monitor compliance?
8 Earlier this morning, I talked about one of the
9 conditions of Comcast merger with NBC Universal.

10 Was it they offer certain things? They have
11 a three year cycle in which they have to do these
12 things. It has not gone well the first year.

13 So what happens both from that
14 perspective of just the overall compliance
15 picture?

16 And then it seems to me that some
17 times in these mergers, there are conditions
18 that are imposed, but there wasn't a lot of
19 research that went into the benchmarks that are
20 set.

21 So, for example, using school lunch
22 as a benchmark for income eligibility. It turns

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1 out that there are lots of problems engaged in
2 that. So does the Bureau do something so that
3 you kind of learn from those lessons if we have
4 a similar or another type of thing that we have
5 got a way that we don't keep making the same
6 difficult to monitor conditions as part of them?

7 MR. BIRD: Okay. Well, a couple of
8 answers. One is I'm not -- I'll have to look
9 at that specific Comcast condition, but I know
10 that in a number of the conditions like that
11 one in Comcast, there were quarterly reports
12 due from the applicant.

13 Now, if the quarterly report shows
14 they are not meeting the conditions, then that's
15 an action item for either the Bureau or the
16 Enforcement Bureau to take action to stimulate
17 them to comply with the condition. There are
18 those sanctions which can be applied if they
19 are not complying.

20 MS. HERRERA: So I'm sorry, do --
21 the sanctions are those things that have to be
22 put into the merger itself as an enforcement

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1 or is there sort of a standing set? Because
2 they have already gone and merged.

3 MR. BIRD: Right. No, the
4 enforcement -- once an order comes out, it's
5 an order of the Commission. If they are not
6 complying with the condition, they are violating
7 an order of the Commission and the Enforcement
8 Bureau has authority to enforce with the
9 sanctions that are available to them.

10 The second question about learning
11 from experience, that's a great question. And
12 we do learn from experience. It is very helpful
13 to us to have input from the public, because
14 you will see things that sometimes we don't see.

15 So if you would -- you know, if you say just
16 let us know if something is not working, if the
17 measure is wrong, just let us know about that,
18 because that's -- we do want to learn from that.

19 We want the conditions to be effective.

20 CHAIR BERLYN: Okay. Great.
21 Well, thank you very much. I appreciate your
22 coming here --

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1 MR. BIRD: Thank you.

2 CHAIR BERLYN: -- and giving us that
3 report. Thank you.

4 (Applause)

5 CHAIR BERLYN: We now have our
6 working groups and Scott is going to come and
7 tell us where we are going. Hold for
8 instructions. So we have until 3:00 for our
9 working groups, which includes a short break.
10 You can take it before your working group, after
11 your working group, but we will be meeting back
12 here promptly at 3:00.

13 So it is now 2:00. Paul, can you
14 give Scott your mike there?

15 MR. SCHROEDER: Yes.

16 CHAIR BERLYN: So he --

17 MR. SCHROEDER: Coming your way.

18 CHAIR BERLYN: Sorry, sorry there,
19 Scott.

20 MR. MARSHALL: Not to worry. Hang
21 on one second. This is Scott and I'll be right
22 with you.

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1 CHAIR BERLYN: Okay.

2 MR. LEWIS: This is Clayton. Would
3 it be possible for me to get patched into the
4 Disability Working Group?

5 MR. MARSHALL: Yes. If you call in
6 on the -- or hang on that number that you are
7 on now, yes, you can participate.

8 MR. LEWIS: Sounds good. Thanks.

9 MR. MARSHALL: It's like no
10 problem. All right. Let's see, I'm sorry.
11 Yes, we have breakouts. Right across the hall
12 here without going upstairs or anything of that
13 sort, that would be on your left hand side just
14 go past the intersecting hallway where the
15 restrooms are, keep going straight and that's
16 TWA-402 and 442, that's adjoining rooms.

17 And then going up the --

18 CHAIR BERLYN: Scott?

19 MR. MARSHALL: Yes?

20 CHAIR BERLYN: Which one are we
21 going to have in there?

22 MR. MARSHALL: Oh, okay. All

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1 right. Oh, I'm sorry. Picky, picky, a minor
2 detail, a minor detail.

3 CHAIR BERLYN: Well, first of all,
4 we are going to have disability stay --

5 MR. MARSHALL: Disability will stay
6 here.

7 CHAIR BERLYN: -- here. Okay.

8 MR. MARSHALL: Because of the
9 captioning availability and all that sort of
10 stuff.

11 CHAIR BERLYN: Okay.

12 MR. MARSHALL: Who else wants to
13 meet, first of all?

14 CHAIR BERLYN: Media. Media
15 Working Group is going to meet, so shall we put
16 them in the first --

17 MR. MARSHALL: Yes, one of those
18 rooms, yes.

19 CHAIR BERLYN: -- one then?

20 MR. MARSHALL: That would be fine.

21 CHAIR BERLYN: In 402?

22 MR. MARSHALL: 402.

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1 CHAIR BERLYN: Okay.

2 MR. MARSHALL: That would work.
3 Media 402. Broadband, do you want to meet?

4 MR. BARTHOLME: We'll stay here.

5 MR. MARSHALL: Okay. Well, you do
6 have a choice.

7 MR. BARTHOLME: We could take a long
8 break though.

9 MR. MARSHALL: You are pretty big,
10 so you should probably go up to 468, which is
11 up the stairway and to your right.

12 CHAIR BERLYN: Right.

13 MR. MARSHALL: Up the stairway and
14 then make a right and then it will be on your
15 right, that's TWC-468. Okay. And anybody else
16 want to meet? Universal Service? Okay.
17 Universal Service, why don't you do 442, which
18 is right next to 402.

19 CHAIR BERLYN: Right.

20 MR. MARSHALL: And then --

21 CHAIR BERLYN: Consumer wants to
22 meet.

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1 MR. MARSHALL: -- Consumer, you
2 have a choice. You can either stay here at the
3 other end of this room or the only other rooms
4 I have available are on the second floor and
5 that's not a problem, but you will need one of
6 us to guide you up there to get through the locked
7 doors and all that kind of stuff.

8 MR. BARTHOLME: We will happily
9 stay here.

10 MR. MARSHALL: You'll happily stay
11 here. All right. So I guess that takes care
12 of it. All right. Thanks, everybody. We will
13 see you around 3:00.

14 CHAIR BERLYN: Excellent. Okay.
15 That works.

16 (Whereupon, at 2:06 p.m. a recess
17 until 3:10 p.m.)

18 CHAIR BERLYN: We are going to jump
19 right into our working group reports and action.

20 I'm going to call on the Disability Working
21 Group first and, Lise, if you could report back
22 and share some information with us?

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1 MS. HAMLIN: Okay. Thank you.
2 This is Lise Hamlin from Hearing Loss
3 Association. We are going to give a quick
4 report of the whole committee and then Rebecca
5 Ladew had sent out, through Scott's email to
6 you, a report on speech-to-speech and she will
7 give a real -- we will both do real brief updates
8 on where we are here.

9 First, I wanted to give you a heads
10 up on right now we have not brought
11 recommendations, but we are planning to for our
12 last meeting in October. So we are going to
13 be catching up here. So we expect to have a
14 recommendation on speech-to-speech.

15 We will be also working on a new
16 issue which is accessible textbooks. There are
17 now textbooks coming out that have, the
18 eTextbooks that have video on audible content.

19 And we will put together a recommendation for
20 that as well that we can bring forward.

21 We are going to also take a look at
22 mobile health care, the same kind of problems,

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1 so that -- remote health care, so there are
2 problems with access to, so we are going to take
3 a look at that and see if there is a
4 recommendation that may or may not come out.
5 We are going to take a look at that.

6 And finally, we are also looking at
7 what is happening with mobile captioning and
8 new entries into the marketplace and how we can
9 recommend -- how the FCC can facilitate that.

10 There was also some discussion now
11 with -- we are not sure we are going to come
12 up a recommendation on this, but you should be
13 aware that now that video description is getting
14 on board and we are going forward with CVAA,
15 monitoring of compliance with the new rules is
16 going to be an issue.

17 So I think what will happen from the
18 Disability Working Group is we will take a look
19 at how that is happening, what -- how we can
20 see that people are actually fulfilling their
21 obligations. And if at some point in the future
22 we feel that we need a recommendation on that,

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1 we may come forward with that as well.

2 We also just landed -- Clayton is
3 moving to the Department of Ed.

4 CHAIR BERLYN: Oh really?

5 MS. HAMLIN: Yes. I hope that was
6 public, Clayton. Ken told our group. So we
7 are losing him from the group, but we wish him
8 well and we want to thank him for all his work
9 on the group. And so now, I'm going to turn
10 it over to Rebecca for her report on
11 speech-to-speech.

12 MS. LADEW: Hi. If the FCC wants
13 individuals with speech disabilities to enjoy
14 connectivity with others under the Broadband
15 Program, the Wide Area Network, then the FCC
16 should start thinking about installing the rules
17 and regulations for speech-to-speech that were
18 proposed under the 1998 Notice of Proposed
19 Rulemaking.

20 It is urgent that these rules and
21 regulations be installed or replaced to meet
22 the 21st Century technological advances.

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1 Also, updating the rules and
2 regulations will assist in adding a new service
3 that the speech disabled community would like
4 to have installed, video-assisted
5 speech-to-speech.

6 There is a video speech-to-speech
7 trial going on in Virginia that I will be
8 participating in. California recently had its
9 trial. Hopefully more states will follow suit.

10 Updating the rules and regulations
11 for speech-to-speech and the installation of
12 video speech-to-speech would greatly enhance
13 the Next Generation 911 services for the speech
14 disabled community.

15 It is hoped that the Disabilities
16 Working Group and the full CAC will give its
17 full support on this issue.

18 CHAIR BERLYN: Great. Thank you
19 very much, Lise and Rebecca. I appreciate that
20 and appreciate your report and the work that
21 your working group is doing. Thank you. I see
22 Ed is still working with his group back there.

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1 The working group is still working. Shall we
2 -- we are going to skip the Consumer Empowerment
3 Working Group for now.

4 And, Barry, are you ready to report?

5 I see you at your computer there.

6 MR. UMANSKY: What we have arrived
7 from this today, we have --

8 PARTICIPANT: The mike.

9 MR. UMANSKY: Hello? We have
10 decided to defer until October. A matter
11 dealing with political broadcast advertising
12 disclosure, it's clear this is not a good time
13 for -- to expect any resolution or changes by
14 the FCC nor the Congress. So stay tuned for
15 that in October.

16 Oh, you do have before you, and they
17 are both in your packet, two documents. One
18 has been edited and we are going to put it on
19 the screen in a few minutes. Okay. Any more
20 and I'll be eating it. I think this is not on.

21 Hello?

22 PARTICIPANT: The switch.

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1 CHAIR BERLYN: Maybe raise your
2 hand. No, I think it's working.

3 MR. UMANSKY: I've raised all seven
4 hands here.

5 CHAIR BERLYN: Okay. Yes.

6 MR. UMANSKY: Okay.

7 CHAIR BERLYN: You have a great
8 voice, but it's --

9 MR. UMANSKY: Are you there yet?

10 PARTICIPANT: Do you want to try
11 this one?

12 CHAIR BERLYN: No, I think it's
13 working.

14 PARTICIPANT: Okay.

15 MR. UMANSKY: Okay. I will just
16 spare you a repeat. What we have before you
17 now, two recommendations. One deals with
18 emergency messaging. And you might recall at
19 an earlier CAC meeting, we were talking about
20 the results of the First National Test of the
21 Emergency Alert System.

22 And in the original presentation,

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1 we talked about how people watching over
2 multi-channel video providers, some might have
3 some difficulty if they were hearing impaired.

4 During the course of the discussion,
5 there was a consensus developed that when it
6 comes to emergency alerting and emergency
7 communications, through EAS or other means, that
8 this group has an interest in everyone being
9 able to receive them, regardless of whether they
10 might be hearing-impaired, visually-impaired
11 or part of the deaf/blind community.

12 That was fine and that was our
13 recommendation from last year.

14 Now, we are looking at other changes
15 in the emergency alerting. Kicking in later
16 this month is the new requirement for what's
17 called Common Alerting Protocol. It's a
18 technology to be adopted now by broadcast
19 stations and multi-channel providers.

20 It seems clear that down the road
21 a technology like this will be applied to mobile
22 wireless services, perhaps even to social media,

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1 all with the goal of ensuring that members of
2 the public, when there is an alerting message
3 to be distributed, have a fighting chance of
4 hearing it, seeing it, sensing it.

5 So the recommendation we have for
6 you just looks to what is happening now with
7 the Common Alerting Protocol and looking to the
8 future of other technologies. I have talked
9 to many people here. I have talked to members
10 of our working group and other members of the
11 CAC, in general, and there seems to be a
12 consensus and support and we certainly accept
13 any discussion or recommendations on that one.

14 Is there a motion?

15 CHAIR BERLYN: Motion to --

16 MR. UMANSKY: Accept.

17 CHAIR BERLYN: -- accept the
18 recommendation from the floor? A motion?

19 MR. UMANSKY: Thank you. Is there
20 a second?

21 CHAIR BERLYN: Can people verbalize
22 this as well?

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1 MR. UMANSKY: It was Mitsi Herrera.

2 CHAIR BERLYN: Okay. So
3 discussion on the recommendation? Any
4 discussion? Lise?

5 MS. HAMLIN: Can I --

6 CHAIR BERLYN: Lise, raise your
7 hand.

8 MS. HAMLIN: Can I just ask where
9 this is in our -- is it in our packet?

10 MR. UMANSKY: Yes, it is.

11 CHAIR BERLYN: It is in the packet.

12 MS. HAMLIN: Which one is it? What
13 does it say on top?

14 MR. UMANSKY: Well, it says -- the
15 heading is "FCC Consumer Advisory Committee
16 Further Recommendation Regarding the Provision
17 of Emergency Messages to the Public." We sent
18 this draft to Scott many days ago and then many
19 days ago he --

20 CHAIR BERLYN: It's in there.

21 MR. UMANSKY: -- sent it
22 electronically and you have hard copies in your

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1 packet.

2 CHAIR BERLYN: It's in there. Do
3 you see it, Lise?

4 MR. UMANSKY: You got an email from
5 Scott about three or four days ago with this
6 document and it's also in hard copy in the
7 packet.

8 CHAIR BERLYN: The hard copy is in
9 the packet.

10 MR. UMANSKY: Okay. Thank you.

11 CHAIR BERLYN: Any -- oh, Mitsi?

12 MS. HERRERA: Mitsi Herrera,
13 Montgomery County. I don't have any -- I think
14 it's a good effort and I don't have any objection
15 to it. I would just say that if it's possible
16 for looking at, at some point, what the FCC
17 has done with our recommendations, it may be
18 useful that you recast this as the CAC recommends
19 one, two, three, four, because you have now got
20 four items in here, two are numbered.

21 MR. UMANSKY: Okay. The first
22 paragraph describes what we did before. I think

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1 what we should recommend though is that when
2 we get back together in October, that we have
3 representatives from the Commission's staff
4 talk about their assessment of the EAS National
5 Test, the effectiveness of the Common Alerting
6 Protocol and perhaps give us a glimpse of how,
7 in the future, there may be additional ways of
8 alerting the public to emergency information.

9 Okay. All right.

10 CHAIR BERLYN: Any further
11 discussion? Okay. I'll call the question.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIR BERLYN: Any opposed? I'm
15 sorry? Oh, okay. Any abstentions? Okay. No
16 abstentions, Scott. And no opposed.

17 MR. UMANSKY: Okay. For the next
18 presentation, if we could ask those in the booth
19 to put the -- there we go. Great. What I have
20 done is split this up, so that people can see
21 it in very large print.

22 What we have done is taken the second

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1 recommendation that the working group, our Media
2 Working Group, has advanced to you and we have
3 shortened it, tightened it and made it a little
4 more consumer-focused.

5 The opening paragraph is the same,
6 given the background of how the Commission is
7 responding to --

8 PARTICIPANT: Is this the Spectrum?

9 CHAIR BERLYN: Yes.

10 MR. UMANSKY: It certainly is.

11 CHAIR BERLYN: This is the --

12 MR. UMANSKY: That's the only one
13 left to talk about.

14 CHAIR BERLYN: Yes, would you just
15 read the header, that might -- just so people
16 can find it in their packet?

17 MR. UMANSKY: Yes, there you go.
18 "FCC Consumer Advisory Committee Recommendation
19 Regarding Spectrum Reallocation and
20 Reauthorization." Okay.

21 MR. MARSHALL: Barry, did I
22 understand you correctly, what you are

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1 presenting now is different than what was
2 distributed --

3 MR. UMANSKY: Right. What we have
4 done --

5 MR. MARSHALL: -- in the packet?
6 Okay. Go ahead.

7 MR. UMANSKY: -- we have had
8 meetings of --

9 CHAIR BERLYN: Yes, changes.

10 MR. MARSHALL: Yes.

11 MR. UMANSKY: -- our Media Working
12 Group.

13 MR. MARSHALL: Yes.

14 MR. UMANSKY: We have consulted
15 with others and we are offering for you,
16 basically, something that will take this screen,
17 another page and then one sentence. So we put
18 it in large print.

19 The first paragraph is what you have
20 seen verbatim from the original recommendation.

21 So we move to the next page, it says "Whereas,
22 the public has an interest in both the expansion

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1 of wireless broadband services and the continued
2 provision of valuable over-the-air television
3 broadcast services and local stations.
4 Therefore, be it resolved that the FCC's
5 Consumer Advisory Committee, CAC" --

6 PARTICIPANT: Slow down.

7 CHAIR BERLYN: Yes, slow down just
8 a bit.

9 PARTICIPANT: Our interpreter is
10 interpreting.

11 MR. UMANSKY: Oh, I'm sorry. CAC.

12 PARTICIPANT: Don't mumble and slow
13 down.

14 MR. UMANSKY: Although, it's on the
15 screen.

16 PARTICIPANT: Okay.

17 MR. UMANSKY: And even those at home
18 --

19 CHAIR BERLYN: Some may -- yes.

20 MR. UMANSKY: -- see it on the
21 screen.

22 CHAIR BERLYN: Some may not be able

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1 to do that.

2 MR. UMANSKY: Okay. Again,
3 nothing has changed up to the paragraph that
4 is on your screen. Let's start out, "urges that
5 consistent with the terms of the," and this is
6 the legislation discussed earlier by the FCC
7 staff, "Middle Class Tax Relief and Job Creation
8 Act of 2012. FCC regulatory proceedings to
9 reallocate and reauthorize portions of the
10 Spectrum heretofore used for over-the-air
11 television broadcasting, in short, one, that
12 the impact to television viewers is minimized,
13 while at the same time maximizing benefits to
14 wireless consumers.

15 And two, that terrestrial
16 television stations, terrestrial stations
17 retain the ability to offer and consumers retain
18 the ability to benefit from high definition,
19 multi-cast programming and innovative new
20 services, such as mobile DTV."

21 That is the recommendation offered
22 for you. It has been approved by the Media

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1 Working Group and of others with whom we have
2 spoken today.

3 CHAIR BERLYN: Do --

4 MR. UMANSKY: Put it back up.

5 CHAIR BERLYN: Yes, put it back on
6 the screen while we are talking about it. Do
7 I have a motion to move the recommendation?
8 I need a motion from the floor before discussion.

9 I have a motion to move it from Mary. Second?

10 MS. LEECH: Second.

11 CHAIR BERLYN: And I have a second
12 from Irene. Discussion? Scott, I saw your
13 card go up first. Scott, raise your hand and
14 pull the mike.

15 MR. BERGMANN: I forget every time.

16 CHAIR BERLYN: Raise your hand.

17 MR. BERGMANN: Sorry about that.

18 Scott Bergmann from CTIA. Can everybody hear
19 me okay now?

20 CHAIR BERLYN: I think so.

21 MR. BERGMANN: So I just have -- I'm
22 not on the Media Working Group, but I wanted

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1 to thank the members of the Media Working Group
2 for trying to refocus this recommendation a
3 little bit more towards consumers. So I
4 appreciate that.

5 And I guess, to that note, I wanted
6 to suggest that the second recommendation has
7 added the concept of consumers by consumers
8 retaining the ability to benefit da, da, da.
9 But I wanted to ask about that first part of
10 Recommendation No. 2, which talks about
11 terrestrial stations retaining the ability to
12 offer.

13 And it seems to me like that would
14 depend on which options a broadcast station
15 chose under the new Act, right? The Act
16 provides a variety of different things.

17 So I guess my recommendation -- and
18 some of them are inconsistent with that, right?

19 If someone chose to really push their Spectrum
20 or to channel share, they might not retain that
21 ability.

22 So I guess my recommendation would

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1 be to start No. 2 with a focus on consumers.
2 So, you know, as you guys have really nicely
3 captured with No. 1, I think you have recognized
4 there is a balance, right? There is going to
5 be upside to consumers and you also want to
6 minimize disruption to them as well, too.

7 And I guess I would encourage folks
8 to orient the second recommendation to consumers
9 as well, too. So just to flow No. 2 from
10 consumers retaining the ability to benefit from
11 those services that you guys listed there as
12 well, too.

13 So I guess that was thought one.
14 And thought two was just to make sure -- I think
15 the intent of this recommendation is to be
16 consistent with the Act that was passed and --
17 which reflects a balancing of different public
18 policy benefits one way or the other. And I
19 just wanted to make sure that that was the case.

20 And if it's not the case, to find out. So those
21 were my two comments.

22 Again, thank you guys for being

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1 willing to -- particularly given that this is
2 a Consumer Advisory Committee focused on the
3 consumer perspective on this recommendation.

4 MR. UMANSKY: Yes?

5 MS. KEARNEY: This is Julie Kearney
6 from CEA. And I think Mitsi and I are both a
7 little confused. What is our goal with this
8 recommendation? Because the statute, you know,
9 gives the Commission some very clear direction
10 on what --

11 MR. UMANSKY: It does.

12 MS. KEARNEY: -- they are to do.
13 So are we -- I would like just to understand
14 further, do we need to tell the Commission what
15 they need to do?

16 MR. UMANSKY: No. I think there is
17 a couple of very clear consumer elements of that,
18 you know, Middle Class Tax Cut Extension. And
19 this recommendation is keyed to and suggests
20 the Commission, of course, will follow the lead,
21 the mandate of Congress.

22 But to point out how there are

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1 consumer benefits here, isn't just an
2 industry-wide issue.

3 MS. KEARNEY: Do --

4 MR. UMANSKY: That --

5 MS. KEARNEY: Okay. I guess my
6 question is do we do this with every piece of
7 legislation that comes down? Did we do this
8 with CVAA, telling the Commission to follow what
9 Congress told them to do? I just wonder what
10 the -- you know, what do we want them to do?

11 MR. UMANSKY: The expression of the
12 desires of the Consumer Advisory Committee.
13 It need not replicate every element of every
14 statute, but it's simply an expression of their
15 interest in the matter.

16 CHAIR BERLYN: Mitsi?

17 MS. HERRERA: Okay. So beyond the
18 fact that it is -- I'm not really clear what
19 the value-added necessary consumer spin of it
20 is. But substantively, I am somewhat concerned
21 that impact on viewers is minimized is a somewhat
22 murky and nebulous term. And I don't

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1 necessarily -- I mean, I haven't been in the
2 Media Working Group.

3 MR. UMANSKY: Right.

4 MS. HERRERA: But to some extent,
5 over-the-air broadcast is the least efficient
6 use of Spectrum. And to -- and there is only,
7 what is it, under 10 percent of people who have
8 televisions use over-the-air --

9 MR. UMANSKY: Right.

10 MS. HERRERA: -- to receive those.
11 So I'm not necessarily sure that protecting
12 the right of those 10 percent of the population
13 to continue to get it over-the-air is something
14 that -- and the impact on them has to be minimized
15 in moving forward with wireless broadband.

16 MR. UMANSKY: Well, for better or
17 for worse, that's what the statute requires,
18 that there are people that their only choice
19 is over-the-air television. That quantum will
20 probably continue for quite a while.

21 MS. HERRERA: So --

22 MR. UMANSKY: There is nothing in

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1 this statement that is antithetical to what the
2 Congress has directed the FCC to do.

3 MS. HERRERA: Okay. So I have not
4 reviewed the statute in any -- I haven't reviewed
5 it at all. So can you point out in that -- in
6 the resolution what is the resolution stating
7 that goes beyond what the statute directs the
8 FCC to do?

9 MR. UMANSKY: Nothing.

10 CHAIR BERLYN: Can we put it back
11 up on the screen? Thank you.

12 MS. HERRERA: Then I'm not really
13 understanding --

14 MR. UMANSKY: It is --

15 MS. HERRERA: -- then why we are
16 submitting it. If it's -- I mean, most of the
17 things that we have had have sort of been
18 pointing out things that have fallen through
19 the cracks or raising the awareness of specific
20 things from, in a lot of ways, a consumer and
21 a user perspective that sometimes people at the
22 top don't look at.

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1 And I'm just trying to understand.

2 Is it that because we want to be engaged on
3 the issue with the FCC? Because one of the
4 things we talked about was looking to see how
5 the FCC dealt specifically with the
6 recommendations that we gave.

7 MR. UMANSKY: Right.

8 MS. HERRERA: So if we are sort of
9 just giving a recommendation that says we
10 resolve that you should follow the statute, I'm
11 -- it makes it difficult, I think, to look to
12 see the value that we have created and provided.

13 MR. UMANSKY: I have looked at the
14 last 11 or 12 years worth of recommendations
15 coming from this Advisory Committee. And in
16 many issues, the Advisory Committee simply
17 expresses its opinion, its views, which in some
18 cases are completely congruent with what
19 relevant statutes are and the thrust of FCC
20 proceedings.

21 But that has not barred this
22 Committee from expressing itself on issues it

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1 considers to be important to consumers. This
2 would not be breaking new ground in terms of
3 the role of the Consumer Advisory Committee at
4 all.

5 It would be an expression of a
6 viewpoint and a direction. And it is not
7 antithetical to the terms of the statute. Ann?

8 CHAIR BERLYN: I have Ann and then
9 Luisa.

10 MS. BOBECK: Hi, Ann Bobeck with the
11 National Association of Broadcasters. I just
12 want to point out it is entirely consistent with
13 the statute to promote advance wireless
14 broadband service in terms of availability of
15 Spectrum, but also crucial to the point to
16 preserve free over-the-air television --

17 MR. UMANSKY: Right.

18 MS. BOBECK: -- to the 46 million
19 television sets and the people that are reliant
20 on free over-the-air television. Remember who
21 those people are. It is the elderly, Hispanic.
22 It is often the low-income folks, persons with

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1 disabilities.

2 So to say that it is not efficient,
3 I honestly take disagreement that a one-to-many
4 service is not an efficient use of Spectrum.
5 We can have an off-line discussion that.

6 But, you know, the statute
7 recognized the value of both services and I would
8 think that if you took a poll around this table
9 and all the folks that went through the DTV
10 transition, then -- and the 95 out of the top
11 100 programs that are on broadcast television
12 as the most popular television programs, I think
13 a lot of consumers do value free over-the-air
14 television.

15 So I think it is important as the
16 Advisory Committee that should we want to value
17 a Spectrum reallocation, that it is important
18 that anything that remains post-reallocation
19 as we repack the broadcast Spectrum, that
20 consumers don't lose that access, particularly
21 those at-risk consumers.

22 I think that's the intent of the

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1 recommendation, to recognize there is value in
2 freeing up in a Spectrum Incentive Auction for
3 new services, but not disenfranchise consumers
4 in the process. I think that's an important
5 public policy goal for this Advisory Committee
6 to recognize.

7 CHAIR BERLYN: Luisa?

8 MS. LANCETTI: Luisa Lancetti.
9 Obviously, my company is --

10 CHAIR BERLYN: Just raise your hand
11 and identify yourself.

12 MS. LANCETTI: My company is very
13 keen, obviously, on Spectrum matters and was
14 involved in trying to fashion effective Spectrum
15 legislation that can now be the basis for these
16 important Commission proceedings.

17 With that said, I am worried that
18 there be unintended consequences here, because
19 I do hear on one hand the notion that this is
20 only meant to confirm what the statute is
21 requiring and, therefore, the Commission should
22 be guided by and implementing the legislation.

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1 But then other comments suggesting
2 that no, perhaps this should go beyond that in
3 terms of the consumer impacts and issues.

4 So with that said, and having not
5 been involved in the Media Group deliberations,
6 I'm a little concerned that, again, we not have
7 unintended consequences as a result of this
8 resolution.

9 CHAIR BERLYN: Paul and then Julie
10 again. Paul needs a mike. Can someone --

11 MR. SCHROEDER: Am I stealing from
12 you, Barry? Uh-oh. Well, now, Paul Schroeder,
13 American Foundation for the Blind.

14 I have got the old language here in
15 front of me, but can -- before I say anything
16 further, can you remind me what the new language
17 says in the section that referred, it was Item
18 No. 2, under the therefore, high definition,
19 multi-cast programming, innovative new
20 services, mobile DTV, etcetera?

21 MR. UMANSKY: Right. Okay.

22 CHAIR BERLYN: Barry?

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1 MR. UMANSKY: I would say that --

2 CHAIR BERLYN: Barry, pull the mike
3 up.

4 MR. UMANSKY: Again, according to
5 the legislation itself, that the proceedings
6 of the Commission to reallocate or reauthorize
7 portions of the Spectrum heretofore used for
8 over-the-air television broadcasting ensure:
9 (1) That the impact to television viewers is
10 minimized while at the same time maximizing
11 benefits for wireless consumers.

12 And (2), which I think is your focus,
13 that terrestrial stations retain the ability
14 to offer and consumers retain the ability to
15 benefit from high definition, multi-cast
16 programming and innovative new services, such
17 as mobile DTV.

18 MR. SCHROEDER: Right. Paul
19 Schroeder with AFB. Then this is exactly, I
20 think, where, I would say, the Consumer Advisory
21 Committee could step in and suggest that, in
22 fact, in this section we clarify that, since

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1 there has been such a challenge facing
2 broadcasters in terms of how to allocate
3 portions of Spectrum for description channel,
4 for example, compared to the Spectrum allocated
5 for Spanish, as a second audio channel.

6 That perhaps we add that language
7 in here to express that this is an opportunity
8 for the Commission to make clear that that is
9 a direction that would be helpful to see
10 broadcasters go with this public Spectrum.

11 MR. UMANSKY: Any other comments?

12 CHAIR BERLYN: Julie?

13 MS. KEARNEY: This is getting
14 interesting. I think just given the discussion
15 we are having here, and a lot of us including
16 Ann and Scott and Luisa and Mary, we are all
17 pretty familiar with the legislation.

18 There are a lot of consumer benefit
19 that aren't just limited to this. There was
20 First Responder language. There was -- you
21 know, there are different elements.

22 And I think I would be more

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1 comfortable taking the Act in its, you know,
2 sort of entirety and focusing on the different
3 consumer benefits, rather than just this
4 specific benefit or directing the Commission
5 to -- in their implementation, that they look
6 to benefits for consumers like broadcasting,
7 like advanced communication services, like
8 First Responders, you know, that we take a higher
9 level approach.

10 I'm just SCEA. I'm not comfortable
11 with a specific, you know, direction that this
12 is going in. So I would rather have a high level
13 approach, take some more time to look at the
14 Act and look at the benefits, the full benefits
15 for consumers.

16 CHAIR BERLYN: Scott, do you have
17 your card -- did you have your card up a second
18 time?

19 MR. BERGMANN: I see that now.

20 CHAIR BERLYN: You did or -- okay.

21 MR. BERGMANN: Scott Bergmann,
22 CTIA. I'll get it eventually. I think there

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1 is a lot of merit to what Julie suggests. And
2 this is one of the challenges about trying to
3 opine about a piece of legislation that affects
4 a variety of different piece parts.

5 Right? It reflects our national
6 goals in terms of over-the-air broadcasting,
7 in terms of mobile broadband, in terms of public
8 safety and having the chance to have the whole
9 Committee work on its interpretation probably
10 would be beneficial, right, to address
11 accessibility issues that Paul has raised as
12 well, too.

13 So I would certainly be more
14 comfortable with that approach as well, too.

15 CHAIR BERLYN: Lise and Mitsi.

16 MS. HAMLIN: Lise Hamlin here. Let
17 me just say that while some people here actually
18 are real familiar with this, I am not. I don't
19 know if I'm the only one here who is not real
20 familiar with this statute.

21 And, for me, I'm finding that I'm
22 not -- I'm listening to the back and forth, but

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1 I don't have enough background. So I'm
2 wondering, and I see other suggestions, if the
3 Committee would consider giving us more
4 background and more information between now and
5 maybe the next meeting or if you want to vote
6 in the interim. I don't know if there is a need
7 for a big rush for this to come out.

8 But I would feel personally more
9 comfortable if I had more information to work
10 with.

11 MR. UMANSKY: Yes. I don't believe
12 --

13 MS. HAMLIN: Would you raise your
14 hand, because I can't hear you?

15 MR. UMANSKY: Yes.

16 MS. HAMLIN: Every time you go off
17 mike.

18 MR. UMANSKY: Yes, if I can just--

19 CHAIR BERLYN: And get close to the
20 mike there, Barry.

21 MR. UMANSKY: -- respond here. Hi.
22 I'm not sure what the number of arrows we have

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1 on our quiver in terms of dealing with this
2 procedurally, but I would be amenable to a small
3 task group be set up to put together another
4 draft, one that could be distributed
5 electronically to the Members of this plenary
6 Advisory Committee. And if we can vote in the
7 interim, that's fine.

8 If not, this may have to wait until
9 the fall. But I see that there are a number
10 of people with some good ideas. And I think
11 that to that extent, we would have something
12 that would be -- reflect those sentiments to
13 the extent that they have support, that's fine.

14 CHAIR BERLYN: Scott?

15 MR. MARSHALL: I was just going to
16 point out --

17 CHAIR BERLYN: I'm sorry. Mitsi
18 had her card up before you. So can we get her
19 comment and then your's?

20 MR. MARSHALL: Sure.

21 MS. HERRERA: Mitsuko Herrera,
22 Montgomery County. I don't disagree with what

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1 Julie and Lise have said. I am sensitive to
2 the fact that I think it is significantly
3 expanding the scope of work. If the resolution
4 wants to be tailored just to address the impact
5 on over-the-air television, people who receive
6 television over-the-air, in the Act, does it
7 spell out any type of other things that the FCC
8 should be doing?

9 In my community, we have had lots
10 of complaints from people that when they had
11 digital television, they lose certain channels.

12 They have had certain issues related to their
13 ability to continue to receive those signals.

14 And so what I'm wondering is rather
15 than just saying that you want to minimize the
16 impact, should you actually be before you start
17 getting rid of more Spectrum, try to address
18 those issues related to the transition to ensure
19 that people who are relying on over-the-air
20 reception actually get good reception and that
21 the reception extends to the distances that it
22 needs to.

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1 MR. UMANSKY: Right. Part of the
2 Act and part of the provisions of FCC proceedings
3 deal with replicating service areas, deal with
4 ensuring that people that can receive
5 television, in particular, choices on the dial,
6 continue to receive those choices. That's one
7 of the challenges of repacking the Spectrum.

8 So, yes, you will find that those
9 issues are clearly in the statute and in the--
10 it will be part of the FCC's Rulemaking
11 Proceedings.

12 MS. HERRERA: So, I mean, if what
13 we are looking at doing is advocating on behalf
14 of consumers, so in this area, there are lots
15 of people who sort of sit in this no man's land
16 between Baltimore and Washington, D.C. And
17 they sort of complain about, you know, which
18 channels they got or which ones they didn't.

19 And I get the calls, so that's why
20 I'm mentioning it. But if what we are talking
21 about is that we want to promote and make sure
22 that the FCC looks after the consumer interest

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1 of those people who receive over-the-air
2 signals, then I would just feel that having that
3 spelled out a little bit more in the resolution
4 would be more helpful to the FCC.

5 MR. UMANSKY: Again, the statute
6 went beyond just talking about those people that
7 receive it over-the-air. We are talking about
8 a communication service and its ability to
9 provide that service continually to the public.

10 One can look to the litany of FCC
11 proceedings dealing with cable carrying and
12 nonduplication, the whole relationship of
13 over-the-air broadcasting other media.

14 And looking at the context now of
15 the Spectrum reallocation, there are larger
16 communications policy issues than just simply
17 people being able to view it over-the-air.

18 I think, again, I would be amenable
19 to having a small task group look at this one
20 more time. The hour is late.

21 CHAIR BERLYN: Yes, we --

22 MR. UMANSKY: And perhaps if that's

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1 one of our choices, Madam Chairperson, we would
2 appoint that group.

3 CHAIR BERLYN: Do we need a motion
4 for that, Scott?

5 MR. BERGMANN: Sure.

6 CHAIR BERLYN: Yes. So could we
7 have a motion on the floor to do that? And,
8 Scott, do you need to do anything? Do you have
9 a --

10 MR. BERGMANN: I would still point
11 out to folks who may not track the issue --

12 CHAIR BERLYN: Raise your hand.

13 MR. BERGMANN: Scott Bergmann,
14 again, with CTIA. I was going to point out for
15 folks who don't track --

16 CHAIR BERLYN: I don't think you are
17 on mike.

18 MR. BERGMANN: -- these issues,
19 that the FCC has not yet released its NPRM on
20 implementing the statute yet. So there is time.
21 The FCC has targeted the fall for at least an
22 NPRM, so --

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1 CHAIR BERLYN: Okay.

2 MR. BERGMANN: -- in contrast to
3 some of the other issues where we are weighing
4 in after the record is closed, here the FCC is
5 still in the process of putting together these
6 Notices of Proposed Rulemaking.

7 CHAIR BERLYN: Okay.

8 MR. BERGMANN: So there is the
9 advantage of having some time.

10 CHAIR BERLYN: Okay. So a
11 recommendation from the floor?

12 MS. LEECH: We've got a motion that
13 is alive?

14 MR. UMANSKY: Yes.

15 MS. LEECH: Do we adjust that --

16 MS. HAMLIN: Can't hear you, Irene.

17 PARTICIPANT: I can't hear her.

18 CHAIR BERLYN: Oh, yes, we have --
19 there is a recommendation to approve the --

20 MR. MARSHALL: I think a motion to
21 refer back will take precedent, would it not,
22 on a motion that has been made and seconded?

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1 MR. UMANSKY: Right.

2 MR. MARSHALL: And what -- I think
3 you are not only referring it back to the Media
4 Subcommittee, but you want some additional
5 volunteers to look at it.

6 CHAIR BERLYN: Which is no --

7 MR. MARSHALL: Which is no problem.

8 CHAIR BERLYN: We can always have
9 that for the working group.

10 MR. MARSHALL: Yes, yes.

11 MR. UMANSKY: So I think a
12 motion --

13 CHAIR BERLYN: So we have a motion
14 to --

15 MR. UMANSKY: To refer back --

16 CHAIR BERLYN: -- refer it --

17 MR. UMANSKY: -- for further work.

18 CHAIR BERLYN: -- for further work.

19 MR. UMANSKY: Should do it.

20 CHAIR BERLYN: Some -- okay. Ann
21 made that motion.

22 MR. UMANSKY: I think I'm correct

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1 on that.

2 CHAIR BERLYN: Second. Okay.
3 Voting on referring it back to the working group
4 --

5 MR. UMANSKY: Right. No
6 discussion.

7 CHAIR BERLYN: -- for further
8 consideration.

9 MS. HERRERA: Can we refer it back?
10 I mean, because it got raised about -- Mitsi
11 Herrera. Because it got raised about the NPRM.
12 Could the working group look at making
13 recommendations to the FCC of issues to include
14 in the NPRM to get comments on?

15 MR. UMANSKY: It's my understanding
16 these recommendations do actually wind up in
17 relevant docketed proceedings, do they not?

18 MR. MARSHALL: Yes.

19 CHAIR BERLYN: Yes, absolutely.

20 MR. UMANSKY: Yes, I think that's
21 already part of the process.

22 CHAIR BERLYN: Okay. All right.

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1 MR. MARSHALL: Part of the
2 relevance.

3 CHAIR BERLYN: Let's move forward.
4 This Committee can do whatever it --

5 MR. MARSHALL: Yes, that's already
6 part of the process.

7 CHAIR BERLYN: Okay. So all those
8 in favor, say aye.

9 ALL: Aye.

10 CHAIR BERLYN: Opposed?
11 Abstaining? Anyone abstaining? Nope, okay.
12 No nos, no abstaining. Thank you very much,
13 Barry --

14 MR. UMANSKY: All right.

15 MR. MARSHALL: Well done.

16 CHAIR BERLYN: -- for all your hard
17 work there.

18 MR. UMANSKY: All right.

19 CHAIR BERLYN: Okay. Next up,
20 Consumer Group, are you ready? Ed?

21 MR. BARTHOLME: This is Ed
22 Bartholme with Call for Action. I actually

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1 wanted to get some clarification on something
2 that was just brought up during that group, as
3 it might pertain to our group.

4 There was a question raised about
5 whether or not it would be possible if there
6 was further discussion on something to have a
7 vote on something in between this meeting and
8 the next meeting.

9 CHAIR BERLYN: It is possible. We
10 could call a special meeting by conference call,
11 so we have our next meeting in October, but we
12 could call a conference call if we have issues
13 to be considered before then. So absolutely.

14 MR. BARTHOLME: Okay.

15 MR. MARSHALL: This is Scott. All
16 the notice requirements in the Federal Register
17 would still apply though and we would have to
18 have an open meeting here at the headquarters
19 and hopefully local people would attend. Then
20 out of towners would call in on the conference
21 line, that's the way it would have to work.

22 MR. BARTHOLME: Okay.

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1 MR. MARSHALL: Okay.

2 MR. BARTHOLME: Seeing as how that
3 is a possibility for another group --

4 MR. MARSHALL: Yes.

5 MR. BARTHOLME: -- I think I would
6 like to jump on the bandwagon, so to speak.

7 CHAIR BERLYN: All right.

8 MR. BARTHOLME: Maybe I'm trying to
9 drive attendance for the special meeting by
10 having more than one topic to discuss.

11 No, we had put together a
12 recommendation that was in everybody's packet
13 today concerning interruption of wireless
14 services. There were some last minute
15 suggestions for adjustment. And, you know,
16 while everybody seems to be coming at it from
17 the same approach, I think that there is some
18 haggling on some finer points just to get
19 everybody exactly on the same page.

20 So I think we would like to take
21 advantage of a little bit more time on this,
22 especially given the fact that Art Neill from

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1 UCAN, who was the primary driving force behind
2 this, couldn't actually be here today. So
3 without his input, you know, I want to make sure
4 that we are staying true to his original intent
5 behind this recommendation.

6 So I would like to table what was
7 in your packet today, look forward to an updated
8 draft coming out and hopefully we can move on
9 that at an interim meeting.

10 CHAIR BERLYN: Okay. That's fine,
11 Ed. And so that will definitely drive us to
12 a special interim meeting.

13 MR. BARTHOLME: Okay.

14 CHAIR BERLYN: We now have two
15 recommendations to look forward to for that
16 meeting. So we will try and plan that as soon
17 as possible and you and Barry will give us a
18 heads up.

19 MR. BARTHOLME: Yes.

20 CHAIR BERLYN: We also have another
21 issue which I'll be discussing shortly after
22 all of our reports.

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1 So and you have nothing else?

2 MR. BARTHOLME: No, that's all for
3 today.

4 CHAIR BERLYN: Okay. Thank you,
5 Ed.

6 MR. BARTHOLME: Thank you.

7 CHAIR BERLYN: Mark and Chris,
8 Broadband Working Group? You're going to give
9 us a third issue?

10 MR. DeFALCO: Hi, Mark DeFalco.
11 There is danger in going after these first two
12 groups or these last two groups here, I think,
13 so, no. We have a recommendation to -- I don't
14 know. Does what we gave you, Scott, need to
15 be read in or not?

16 MR. MARSHALL: Well, somebody has
17 -- everyone has it in their packet, so it was
18 distributed in advance.

19 CHAIR BERLYN: Everyone has it.
20 Paul has it.

21 MR. MARSHALL: Unless somebody
22 really has a burning desire --

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1 MR. DeFALCO: Okay. It's the
2 document that is listed "Broadband."

3 CHAIR BERLYN: Yes. Just read the
4 headline there.

5 MR. DeFALCO: Yes, "Broadband -
6 GPI06-15-12." This has been circulated and I
7 don't think there is any controversy. So this
8 should be a real easy one to hopefully get
9 through.

10 And then just by way of a report on
11 what we discussed at our breakout session, we
12 believe we will have another recommendation for
13 you for the October meeting. Again, I don't
14 think it will be a controversial recommendation,
15 but we will have another recommendation coming
16 for the next meeting.

17 So with that, I think you are ready
18 to maybe vote this one in?

19 MR. MARSHALL: We have to move the
20 recommendation and second it.

21 MR. SCHROEDER: I would move
22 adoption of --

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1 MR. MARSHALL: Before we --

2 MR. SCHROEDER: -- the GPII motion.

3 CHAIR BERLYN: Thank you, Paul.

4 MR. DeFALCO: Paul moved.

5 CHAIR BERLYN: Anyone second?

6 MR. UMANSKY: Second.

7 CHAIR BERLYN: We have a second.

8 MR. DeFALCO: Who seconded it?

9 MR. SCHROEDER: And I may want to
10 make one comment on it as well.

11 CHAIR BERLYN: Okay, Paul.

12 MR. DeFALCO: Who seconded it,
13 first, please?

14 CHAIR BERLYN: Barry seconded.

15 MR. DeFALCO: Barry, okay, good.
16 All right. Discussion?

17 MR. SCHROEDER: Yes, Paul
18 Schroeder.

19 CHAIR BERLYN: Yes, Paul.

20 MR. SCHROEDER: American
21 Foundation for the Blind. I think the GPII is
22 terrific. I do want to suggest adding a

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1 sentence at the end that would go something like
2 this.

3 The GPII, though it may foster
4 access, does not, and I was debating between
5 mitigate or effect, the need for implementation
6 of accessibility policies.

7 The reason I raise that is GPII is
8 often talked about in these glowing almost
9 religious terms and I think it is great. I mean,
10 I don't want to minimize it, but I also don't
11 want people to get carried away to believe that
12 this is the solution that ends all need for the
13 hard work that has been done on accessibility
14 policies, because it doesn't.

15 It may work. It should compliment
16 and hopefully foster those, as I said. So I
17 would propose the addition of that sentence,
18 just to make clear that that's our view.

19 CHAIR BERLYN: And can you read it
20 again a little more slowly?

21 MR. SCHROEDER: The GPII, though it
22 may foster access, does not mitigate the need

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1 for implementation of accessibility policies.

2 CHAIR BERLYN: Does not mitigate
3 the --

4 MR. MARSHALL: Need to implement.

5 MR. SCHROEDER: The need to
6 implement, would be fine, accessibility
7 policies.

8 MR. MARSHALL: Accessibility
9 policies. Okay. Got it.

10 MR. SCHROEDER: I guess I would move
11 that as --

12 MR. MARSHALL: Move the amendment.

13 MR. SCHROEDER: I don't know if I
14 can move that as a friendly-amendment, since
15 I made the motion. I suppose I can.

16 CHAIR BERLYN: Chris and Mark, do
17 you accept that as a friendly-amendment?

18 MR. BAKER: Yes.

19 MR. SCHROEDER: Okay. If they do.

20 CHAIR BERLYN: It's accepted as a
21 friendly-amendment. Sounds good.

22 MR. SCHROEDER: All right. Then we

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1 can -- any other discussion?

2 CHAIR BERLYN: May foster, okay.
3 Further discussion? Mitsi?

4 MS. HERRERA: Can I offer a
5 friendly-amendment to the Paul? Could you move
6 that sentence to the second -- to become the
7 second sentence and then add the word, something
8 like nonetheless or nevertheless to start the
9 third sentence?

10 MR. SCHROEDER: Yes, I would have
11 no problem with that. Thank you. Good
12 suggestion.

13 CHAIR BERLYN: Chris? Chris?

14 MR. BAKER: Can you hear me?

15 CHAIR BERLYN: Yes. Now, I can.

16 MR. BAKER: Now you can. I don't
17 know. I mean, I think it's you need an
18 explanation of what it is before you start saying
19 what it does not do. That would be my only --
20 I mean, I'm fine with the change. I just wonder
21 if it makes more sense, it's more readable if
22 you talk about what it does than what it doesn't

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1 do?

2 MS. HERRERA: I mean, can we make
3 it, however, the GPII does not, whatever you
4 had, mitigate the need for? It just seems odd
5 it says though it may foster access in the middle
6 of it. But it's 3:50 and it's not bad, so if
7 people are fine with it, I'm happy to withdraw
8 my friendly --

9 CHAIR BERLYN: Yes, I think it works
10 either way. The way I'm looking at it, I don't
11 think it really -- it doesn't strike me as
12 difficult, because it's so short.

13 MR. BAKER: Right, right.

14 CHAIR BERLYN: So I think you get
15 the point either way, the way I look at it.

16 MS. HERRERA: Then to simplify
17 things, I'll just withdraw my --

18 CHAIR BERLYN: Your friendly --

19 MR. MARSHALL: Okay. That works.

20 MS. HERRERA: I'll withdraw it.

21 CHAIR BERLYN: Okay. All right.

22 So we have a friendly-amendment that has been

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1 accepted. We have a motion and a second.
2 Further discussion?

3 Seeing none -- oh, Chris?

4 MR. BAKER: I just wanted to thank
5 Clayton Lewis who sort of came up and brought
6 this idea to our attention for doing it. And
7 I didn't know he would be getting off the
8 Committee, but I want to thank him.

9 CHAIR BERLYN: Excellent. Yes.

10 PARTICIPANT: It would be a great
11 good-bye gift to Clayton.

12 CHAIR BERLYN: Yes.

13 PARTICIPANT: A very appropriate
14 one.

15 CHAIR BERLYN: The Clayton Lewis
16 recommendation. Okay. Thank you, Broadband
17 Working Group. Oh, call the question.

18 All those in favor of this
19 recommendation say aye.

20 ALL: Aye.

21 CHAIR BERLYN: Opposed?
22 Abstaining? Excellent.

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1 MR. MARSHALL: No abstentions?

2 CHAIR BERLYN: No abstentions.

3 This is a no abstentions day.

4 Okay. Universal Service Group?

5 MS. GARCIA: We really have nothing
6 to report.

7 CHAIR BERLYN: Nothing to report.

8 No recommendations this time. Thank you,
9 Cecilia.

10 Okay. That is it for our working
11 group reports.

12 Now, we have another important item
13 that came out of our morning, this morning.
14 Sorry, Rick, I know it's challenging to see each
15 other there.

16 We have another item from our
17 morning from our report for -- about the Consumer
18 Complaints process. As you heard this morning,
19 they are working on a reform of the Consumer
20 Complaints process and they are looking to the
21 Consumer Advisory Committee for some help and
22 they laid out a couple of areas where they would

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1 like some feedback.

2 So what we would like to do is to
3 setup a Task Force that would help with this
4 process over the next two months to give the
5 FCC some feedback. And hopefully it wouldn't
6 require too many meetings, because we don't want
7 to add to the meetings that are going to be
8 required for this.

9 But the way I see it, we probably
10 need a meeting at the beginning to sort of
11 organize ourselves, find out what exactly we
12 were going to look at and do. And then a meeting
13 after we take a look at what the FCC wants us
14 to do to get together and discuss it and provide
15 some feedback.

16 We also may, as a result of this,
17 want to write up a recommendation to the FCC
18 based on our findings.

19 And the perfect timing for that
20 would be our special meeting, so we would have
21 time. Perhaps the time would work out to do
22 that.

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1 So what we want to do is to setup
2 a Task Force. And one of the things that this
3 Task Force would do is to test this new -- test
4 the FCC's Consumer Complaint system. So we
5 would test it each individually, do that on our
6 own and provide feedback and perhaps they would
7 develop some sort of response form that we would
8 be able to use to give feedback on it and also
9 come up with some other ideas and feedback for
10 them.

11 So there is a couple of different
12 things that we would do for them and, generally,
13 help them get on the right path with this
14 Consumer Complaint Reform.

15 So what I would like to do with the
16 Task Force is have people volunteer, who are
17 willing to do this. I think it's a really good
18 opportunity for the CAC to provide direct input
19 into this process, but I want to do it just on
20 a volunteer process.

21 I don't think it will be all that
22 time-consuming. As I mentioned, two meetings.

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1 I don't know whether they will be maybe
2 in-person and on the phone. We will see how
3 that works. Two meetings, possibly three, but
4 hopefully no more than two. And then the time
5 that it would take you just to really try out
6 the Consumer Complaint process.

7 So Scott and I will send something
8 around in the next week or so asking for
9 volunteers to serve on this Task Force. And
10 we will try not to make it too huge, but, you
11 know, a good group who are willing to roll up
12 their sleeves and do this with us.

13 So I hope that you will participate.

14 Okay. Did I miss anything?

15 MR. MARSHALL: Comments from the
16 public?

17 CHAIR BERLYN: Yes. Now, we have
18 comments from the public. Did I miss anything
19 on the complaint?

20 MR. MARSHALL: No, no, I think you
21 got it.

22 CHAIR BERLYN: Okay. Very good.

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1 Finally, are there any members -- anyone from
2 the public who have any comments for the CAC?

3 I didn't get any emails, I don't think, Scott.

4 MR. MARSHALL: Okay. Then a motion
5 to adjourn.

6 CHAIR BERLYN: So again, we are
7 going to meet in October. We will get the exact
8 date out to you as soon as we confirm
9 availability of this meeting room and make sure
10 that we don't have any conflicts with dates.

11 And I think that's it. Any further
12 comments from anyone around the room?

13 MR. MARSHALL: Debbie, did you
14 raise any dates with the group at all?

15 CHAIR BERLYN: I didn't. Do you
16 want me -- did you check the availability for
17 that one date?

18 MR. MARSHALL: Well, let's -- could
19 we run by October 19th?

20 CHAIR BERLYN: Sure. One date that
21 we are --

22 MR. MARSHALL: And get a quick

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1 reaction.

2 CHAIR BERLYN: One day we are
3 looking at is October 19th, which is a Friday.

4 Okay. It doesn't --

5 MR. MARSHALL: Nobody is running
6 out the door screaming.

7 CHAIR BERLYN: Nobody is screaming.

8 MS. KEARNEY: It doesn't work for
9 me.

10 CHAIR BERLYN: People are checking.
11 It doesn't work for Julie.

12 MS. LEECH: That would be tight for
13 me.

14 CHAIR BERLYN: It would be tight for
15 Irene. It's not good for Lise. Okay. We have
16 two. It's not good for you, Ed? Not good for
17 Ed, oh. All right. Now we've got--

18 MR. MARSHALL: Three.

19 CHAIR BERLYN: -- three.

20 MR. MARSHALL: Okay.

21 CHAIR BERLYN: What happened with
22 the 26th?

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1 MR. MARSHALL: It's not available.
2 This room is not available.

3 CHAIR BERLYN: The room is not
4 available on the 26th. Well, we will get back
5 to you.

6 MR. MARSHALL: Right.

7 CHAIR BERLYN: It may have to stick
8 with the 19th, but I'll get back to you to see
9 if the date changes. But it will be -- we are
10 hoping to stick with the month of October, so
11 that it is not too far from now. But also look
12 for that special date between now and October
13 for our special meeting.

14 So do I have a motion to adjourn?

15 Oh, I don't know, I got a couple of hands on
16 that. Motion to adjourn. Do I hear a second?

17 PARTICIPANT: Second.

18 CHAIR BERLYN: And all those in
19 favor?

20 ALL: Aye.

21 CHAIR BERLYN: All right.

22 MR. MARSHALL: Thanks, everybody.

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1 CHAIR BERLYN: Thanks, everyone.

2 (Whereupon, the meeting was

3 concluded at 3:59 p.m.)

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