UNITED STATES OF AMERICA

 FEDERAL COMMUNICATIONS COMMISSION

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 CONSUMER ADVISORY COMMITTEE

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 MEETING

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 FRIDAY

 OCTOBER 14, 2016

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The Advisory Committee met in the Commission Meeting Room, 445 12th Street, S.W., Washington, D.C., at 9:10 a.m., Debra Berlyn, Chairman, presiding.

COMMISSIONERS PRESENT:

TOM WHEELER, Chairman

MIGNON CLYBURN, Commissioner

COMMITTEE MEMBERS PRESENT:

DEBRA BERLYN, Committee Chairperson

TALIB ABDUL-SHAHID, National Association of State

Utility Consumer Advocates

EDUARD BARTHOLME, Call for Action

ANN BERKOWITZ, Verizon Communications, Inc.

CHRIS CALABRESE, Center for Democracy and

Technology

JOSLYN DAY, Massachusetts Department of

Telecommunications and Cable

AMINA FAZLULLAH, Benton Foundation

CATHERINE FEERICK, Appalachian Regional

Commission

CHRISTINA GAGNIER, TRAIL\*

DEBBIE GOLDMAN, Communication Workers of America

CORALETTE HANNON, AARP\*

MITSUKO HERRERA, National Association of

Telecommunications Officers and

Administrators

DAWIT KAHSAI, AARP\*

JULIE KEARNEY, Consumer Technology Association

LUISA LANCETTI, T-Mobile

IRENE LEECH, Consumer Federation of America

ANDY LOMELI, National Hispanic Media Coalition

KATIE MCAULIFFE, Americans for Tax Reform

KEN MCELDOWNEY, Consumer Action\*

SARAH MORRIS, New America Foundation, Open

Technology Institute

TODD O'BOYLE, Common Cause

VICTORIA PHILLIPS, Program on Information Justice

and Intellectual Property, Washington

College of Law, American University\*

STEPHEN POCIASK, American Consumer Institute

STEPHANIE PODEY, National Cable and

Telecommunications Association

PAUL SCHROEDER, American Foundation for the Blind

KRISTIAN STOUT, International Center for Law and

Economics

BARRY UMANSKY, Digital Policy Institute\*

LARRY WALKE, National Association of

Broadcasters\*

OLIVIA WEIN, National Consumer Law Center

COMMISSION STAFF:

SCOTT MARSHALL, Designated Federal Official

GREGORY COOKE

BEAU FINLEY

DAVID FURTH

BRITTANY GOMES

GARNET HANLY

KAREN PELTZ STRAUSS

PAUL POWELL

PETER SAHARKO

MARK STONE

\*Present by teleconference

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(9:13 a.m.)

CHAIR BERLYN: Okay, good morning, everybody, and welcome. So I think in about five minutes we will be joined by the Chairman. So we want to be ready, seated and ready to go for the Chairman's remarks.

But I wanted to welcome everyone to the last meeting of this CAC term. I hope that you all have enjoyed this term and I know I have greatly appreciated everybody's participation.

We'll talk more later about everybody's participation. We'll dispense with all of that for now because the Chairman will be walking in shortly.

But this is the CAC's eighth term, right, Scott, that some of you have served for many of those eight terms. Some of you are new to the CAC. But please know that your participation is greatly appreciated.

We have done an amazing work in this particular term. We'll talk more about that as well later on. So we have a full agenda, as always, for the day and we will get to that shortly.

I will talk about some of the logistics as we move along. One thing I do want to highlight is that at noon today the task force that has been working on what we call the No Surprises Recommendation will be meeting over lunch just to finalize and discuss some of the details in that recommendation.

So of course if anyone wants to join that you are welcome to do that. We'll mention the room number right before we break and that recommendation will be coming up after lunch. We have a couple of sessions before that.

A couple of other things to note in our agenda today, we have the Chairman coming shortly and then Commissioner Clyburn is joining us this morning at 1:00, I'm sorry this afternoon at 1:20. So those are two things to bear in mind.

The other thing I do want to mention is that we need a quorum for the recommendation this afternoon. So please make sure that you stick around for the full day and join us for that vote. We need to make sure we have a quorum for the recommendation vote on that task force recommendation.

We have a number of people on the phone. So, five, right. Shall we go around and quickly introduce ourselves now. I think we won't, we'll dispense with that when the Chairman comes so we don't take up too much of his time.

So I will start. Debbie Berlyn, representing the National Consumers League. And the Chairman just joined us so we'll dispense with that.

CHAIRMAN WHEELER: Well first I'm going to start by walking around the table and shaking everybody's hands.

CHAIR BERLYN: All right.

CHAIRMAN WHEELER: It doesn't mean that I'm running for office.

CHAIR BERLYN: Well, Chairman, you could do that, you could. You could do that.

CHAIRMAN WHEELER: But it does mean that --

(Simultaneous speaking.)

CHAIRMAN WHEELER: So I'm doing this because this is the last meeting of the year.

CHAIR BERLYN: That's right.

CHAIRMAN WHEELER: Shake everybody's hand and say thank you for what you've done. Thank you. You guys, see I could have gone this way.

FEMALE PARTICIPANT: Always go left.

CHAIRMAN WHEELER: That's kind of my excuse. So good morning, everybody.

CHAIR BERLYN: Good morning.

CHAIRMAN WHEELER: Thank you for --

CHAIR BERLYN: Thank you, hi. Thank you and welcome.

CHAIRMAN WHEELER: Thank you for once again dedicating a day in your life to come help us. And I, you know, I was serious in I want to thank each of you and particularly you.

Nine years this lady has been sharing this body, you know. I mean with --

(Applause.)

Without any time off for good behavior. And, but I do want to thank all of you for what you've done.

I mean we've made some significant, you all have had some significant accomplishments when you stop and think about what got done insofar as the labeling activity that, I mean I've got to tell you that when we first, when this was included in the open internet item and, you know, we would turn to you all for your thoughts on this the fact that we could end up with nutritional labeling for broadband as clear and concise as it is and how it can become a model for thinking about things, was terrific.

You know, what you did to help us with your recommendations on robocalls not only was key to our rulemaking on robocalls, but also led to this Strike Force that's now underway and we'll be getting the report from them next week, yes, the 26th next week which, you know, getting the industry to come together at that kind of level to address underlying technical issues is a big deal.

And, but it started with you all keeping us focused on robocalls. What you're doing, the kind of things you're going to be dealing with today and 5G transition and NG911 and No Surprises, I mean thanks for your help on No Surprises which kind of was a logical follow on to what we were all just talking about a minute ago with labeling.

So I just want to say thank you. What, you know, let me be clear. We will reconstitute the CAC. You know, it runs for a couple of years and then you've got to re-up it and this sort of stuff under the way the system works.

We've had lots of folks raising their hands with interest on being on the CAC including folks that are around this table. And we're, you know, pouring through those to try and figure out how we can get a group that's, you know, as effective as you all have been.

And at the same time, frankly, just to be clear, it makes sense to get some new blood in on an occasional basis because sometimes, you know, it's, I mean like I keep thinking about, about Debbie I mean nine years is a long time to be working this issue, a long time.

But we'll be getting that. I want to be making those decisions shortly so we can keep things rolling on. But, you know, the only reason, not the only reason but the principle reason why I wanted to come today was to say to each of you thank you.

And that's why I wanted to go around the room and shake each of your hands because, you know, you've got two choices in a committee like this. You can sit around and talk about things or you can produce actionable kinds of recommendations.

And you all have followed the latter and I think we are all the better for it. And so, Debbie, thank you to you for your leadership and to all of you for everything that you have done.

And I interrupted your meeting. And so I will get out of your way so you can get back to work. But thank you, everybody.

(Applause.)

CHAIR BERLYN: Well thank you, Chairman. We appreciate your coming to see us so often as you have done and offering your thoughts on so many of the issues that we work on and care about for consumers.

And we know that you care a great deal about consumers and the issues that we're working on. We appreciate the support that you've given us over our term.

And I know so many folks looks forward to continuing to work on those issues, including me. So thank you. And with that said --

CHAIRMAN WHEELER: Yes.

MR. MARSHALL: Do you have time for a picture with us?

CHAIRMAN WHEELER: Sure, sure with the group.

MR. MARSHALL: We should have a photographer here.

CHAIRMAN WHEELER: This will ruin everybody's reputation here.

MR. MARSHALL: There he is. There we go right out of jail. Hey, I planned it that way.

CHAIRMAN WHEELER: So well done, well done.

CHAIR BERLYN: Are we going to step up to the --

CHAIRMAN WHEELER: So where do you want us?

CHAIR BERLYN: Where is the best place?

CHAIRMAN WHEELER: So come over here and we'll all stand next to the big sign.

CHAIR BERLYN: So let's see. We have not introduced ourselves. So if, Mark, do you mind if we introduce ourselves? We didn't get a chance to do that when the chairman came.

MR. STONE: Sure.

CHAIR BERLYN: And you need, so we're going to go around and introduce ourselves and the folks on the phone don't know who is here. Maybe we'll just do that, right. Let's just, yes, I think that's good.

Of course the people on the phone. We could shove them into the phone line.

MR. STONE: We need to go around for attendance too at some point.

CHAIR BERLYN: Do we have that sign in sheet? I don't have it. All right. So we're going to move forward with our agenda. That was very nice.

Okay, so let's see. We still don't have Larry here from NAB. But while we have a moment I'll do it again when he gets here, Scott. But I do want to thank NAB for sponsoring today's meeting and supplying our breakfast and lunch as always.

So thanks to NAB. I'll mention again when he gets here. Let's see what else can we do here before we start? I do want to make mention of a couple of other things.

You know, it's one of those bittersweet moments for several reasons. We have a couple of folks who are making significant changes today.

I don't know if you've heard any of this. Paul Schroeder, Paul is leaving American Foundation for the Blind. Is it today? Is today your last day?

MEMBER SCHROEDER: Yes, it is. Today is it.

CHAIR BERLYN: My goodness, Paul. So we want to wish you the best. He's been there for 22 years, correct?

MEMBER SCHROEDER: Yes.

CHAIR BERLYN: So congratulations on that and best wishes going forward. Ann Berkowitz you may have, some of you have gotten her email, is leaving Verizon. And, Ann, you want to tell us about your new gig?

MEMBER BERKOWITZ: Sure. I'm going to work for Somos. They're a registry company. They're responsible for the toll free administration. And I'm going to be their senior vice president and chief administrative officer of administration and strategic policy.

CHAIR BERLYN: So congratulations, Ann. And you've been at Verizon for 20 --

MEMBER BERKOWITZ: Four.

CHAIR BERLYN: Twenty-four years, so longevity here is the thing today apparently. And Claude Stout, all of you know Claude, is no longer going to be representing the Deaf and Hard of Hearing Consumer Advocacy Network on the CAC.

And unfortunately he couldn't make it here today. So we won't be seeing Claude. He'll have another representative on the CAC. So, you know, some long time folks.

And I think Claude was an original member on the CAC, wasn't he?

MR. MARSHALL: Absolutely.

CHAIR BERLYN: As was Verizon.

MR. MARSHALL: That's right, from day one.

CHAIR BERLYN: Lots of moving on here. Moving on but not, how do we say gone but not forgotten. Gone but not forgotten. Oh goodness, all right anyway.

So we do have a number of folks on the phone today and I'm so sorry we didn't get a chance to have you introduce yourselves. And we're going to do introductions in a unique way today.

But I do want to have the folks on the phone introduce yourselves. So if you could, people on the phone, just tell us who you are so we know who is there. Can you just do that right now?

MEMBER WALKE: This is Larry Walke from the National Association of Broadcasters.

CHAIR BERLYN: Larry, there you are, okay. Well we're looking at your tag across the way. But thank you again for your sponsorship today.

MEMBER UMANSKY: Debbie, this is Barry Umansky. I'm with the Digital Policy Institute in the wilds of Indiana. I'll be Photoshopping myself into the group picture later on.

CHAIR BERLYN: Okay. All right, Barry, welcome.

MEMBER PHILLIPS: I am Vicky Phillips from the Program on Information Justice at AU.

CHAIR BERLYN: Okay. Welcome, Vicky.

MEMBER KAHSAI: Dawit Kahsai with AARP.

MEMBER GAGNIER: Christina Gagnier with TRAIL.

CHAIR BERLYN: I'm sorry. I just missed the last one.

MEMBER GAGNIER: Christina Gagnier with TRAIL.

CHAIR BERLYN: Hi, Christina. Anyone else? Great, all right, very good. All right. So thank you, Mark, and welcome. And so we're going to do our introductions in a unique way.

Do you want to do that now or do you want to hold after you do a, your discussion about the Bureau?

MR. STONE: I can save my Bureau discussion until after that.

CHAIR BERLYN: Okay. So I'm now going to have Mark Stone from the CGB move to his presentations.

MR. STONE: Sure. So I guess the unique way that we're saying hi, is by me presenting the, our certificates of appreciation for all of the terrific work that you all have done.

Let me apologize in advance for the many mispronunciations of your name that are about to come. I will try to minimize that, but I apologize in advance. So first off, Ann Berkowitz, at least for one day at Verizon Communications.

Luisa Lancetti, T-Mobile. Did I get that one right? Thank you. Sarah Morris from New America. Andy Lomeli, National Hispanic Media. Debbie Berlyn, National Consumers League.

CHAIR BERLYN: Thank you.

MR. STONE: Olivia Wein, National Consumer Law Center. Stephanie Podey, NCTA. Mitsy Herrera, National Association of Telecommunications Officers and Administrators. Kenneth Mallory, NASUCA.

CHAIR BERLYN: No, he's not here. He's not here.

MR. STONE: Okay. Larry Walke, NAB who is also not here.

CHAIR BERLYN: On the phone.

MR. STONE: Joslyn Day, Massachusetts DT.

CHAIR BERLYN: He's not here.

MR. STONE: Okay. Geoffrey Manne, International Center for Law and Economics who is not here.

MR. MARSHALL: He should be here.

MR. STONE: Sorry. Not a pronunciation problem, but a presence problem. Irene Leech, Consumer Federation of America. Julie Kearney, Consumer Technology Association. Debbie Goldman, Communication Workers of America.

Todd O'Boyle, Common Cause. Chris Calabrese, Center for Democracy and Technology. Ed Bartholme, Call for Action, Amina Fazlullah, Benton Foundation. Mark Defalco, Appalachian Regional Commission.

(Off microphone comments.)

MR. STONE: Thank you. Katie McAuliffe, Americans for Tax Reform.

CHAIR BERLYN: She's not here.

MR. STONE: Thanks. Paul Schroeder, American Foundation for the Blind.

CHAIR BERLYN: Paul is here.

MR. STONE: Thank you, Paul. Steve Pociask, American Consumer Institute.

CHAIR BERLYN: You got that.

MR. STONE: Did I?

CHAIR BERLYN: Yes.

MR. STONE: Nice. And Coralette Hannon, AARP.

CHAIR BERLYN: She's not here.

MR. STONE: Thank you all very, very much.

(Applause.)

MR. STONE: So one final thing, Debbie. In recognition of your tremendous work following on the Chairman's comments just a quick tally of your time here serving as chair of the CAC.

Nine years and by our count you've represented three organizations as chair, AARP, The Digital Television Coalition and of course National Consumers League. By our count, you've served under five Chairs which is tremendous.

And we tried to tally the number of recommendations and pieces of input the CAC has had under your leadership but I couldn't count that high. So sort of as a token of our appreciation at the Commission the CAC and on behalf of American Consumers we wanted to give this to you.

CHAIR BERLYN: Thank you very much.

MR. STONE: Thank you so much for your service.

CHAIR BERLYN: That's very kind. Thank you.

(Applause.)

CHAIR BERLYN: My goodness.

MR. MARSHALL: Sorry we couldn't find wrapping paper in Arlington last night.

CHAIR BERLYN: Oh my gosh, that's really nice. I have find some place to put this into service, a gavel. It says Debra R. Berlyn, Chairperson, FCC Consumer Advisory Committee 2007 to 2016.

Thank you very, very much. That's very, very thoughtful.

MR. STONE: Can you bang the gavel a couple of times?

CHAIR BERLYN: Well I never had to do that with that group.

MR. STONE: You never had to do it, okay.

CHAIR BERLYN: But --

MR. MARSHALL: You can use it the rest of the day.

CHAIR BERLYN: Should I serve on the CAC again I think I will probably bring this with me and have a lot of fun with that.

MR. STONE: Let's hope you never have to use it any capacity.

CHAIR BERLYN: I promise to be a disruptive member of the CAC. Well thank you very much. I was planning on making some remarks later.

But it has been a true honor to serve with all of the Chairs of the Commission over these past nine years, very unique leadership styles and approaches to consumer issues. But all through it this particular body of an Advisory Committee has been strong in its purpose to represent consumers.

And for that reason it has always been an honor and a pleasure to serve in this capacity. And that's because of all of you and your devotion to these issues.

And we have had a marvelous two years, I think and just what we have done has been incredible, I think. As the Chairman mentioned, the disclosure label was a great effort and I think hopefully will be of great service to consumers.

And the Task Force that we're working on now has been also another great effort. So it has been a true honor. And, you know, I couldn't have done it not only without all of you but with the tremendous staff at the FCC.

And everybody has, works with a team. But there is no greater team than the one person that I have always worked with. So, you know, there's Batman and Robin. There's the Lone Ranger and Tonto. And there's Debbie and Scott Marshall.

And this is my team member who I think any of you who have ever talked to Scott Marshall or worked with Scott know how tremendous he is. And we could not do what we do without Scott. So, Scott, thank you for everything that you do.

(Applause.)

MR. MARSHALL: If I could say the same thing about my cohort Mr. Beau Finley over there too.

CHAIR BERLYN: Absolutely. And thank you, Beau, too.

(Applause.)

MR. MARSHALL: He's been with us for a few meetings now. He's been great. He makes it only better.

CHAIR BERLYN: Yes, so thank you all. All right. So here we go. Now talk to us, Mark, about what's going on in the Bureau.

MR. STONE: I will, I will. And let me reiterate our thanks to the FCC for the work that Scott and Beau do. The amount of work that goes into preparing for these meetings, putting together a good, solid presentation for you all is tremendous.

It starts after one CAC ends, one CAC meeting ends. So thank you so much, Scott and Beau, for all of your work. So Karen Peltz Strauss will join me soon to talk about the disabilities issues.

But I wanted to give you a brief overview on what's going on in my part of the Bureau, the policy work. First of all, again congratulations to all of you as we wind down this CAC.

You've been productive, very productive. Did a great benefit of consumers. So in my area there have been a number of robocalls developments since you've last met.

I wanted to mention two of the FCC's actions since then. First, in July the Commission clarified the parameters of prior expressed consent which robocallers must generally obtain before contacting a consumer.

The Commission clarified that when a consumer merely gives their telephone number to an entity that can satisfy the TCPA's prior expressed consent requirements under certain circumstances. Now the TCPA is the Telephone Consumer Protection Act which lays out the robocalls restrictions.

When the consumer has not given instructions to the contrary, the Commission ruled, it can be okay to robocall them as long as the purpose of the robocall is reasonably related to the purpose for which the consumer provided their phone number.

The FCC's case, we call it Edison Blackboard, addressed the scenarios where a parent provided only their telephone number and no other specifics to their child's school. The other scenario, the second scenario was when a utility customer gave only their phone number to the utility provider.

In both cases the Commission found that merely providing that phone number amounts to consent to robocalls under the TCPA for things like parent-teacher conference reminders and notifications about utility maintenance in that customer's neighborhood. But the Commission did caution that the best way for robocallers to get consent is to be as explicit as possible.

Next and building on your recommendation, the Commission implemented a new TCPA section. One passed as part of the Budget Act of 2015 related to federal debt collection.

Congress directed the FCC to exempt from the TCPA's consent requirements calls to collect federal debt, things like student loans and mortgages. At the same time, the Commission gave, the Congress gave the Commission authority to limit the number of those robocalls and their duration.

Congress passed that law back in November 2015 and gave the Commission nine months to adopt implementing rules and I'm proud to say we met the mark in large part thanks to your efforts. Congress directed us to consult with our colleagues at the Department of Treasury as well as we develop the rules.

So again, the Commission delivered those new rules by the early August deadline working not only with Treasury but with other interested federal agencies including the Department of Education and the Consumer Financial Protection Bureau.

The new rules allow debt collection and debt servicing calls without consent but add some important limits. For example, those calls must be solely to collect or service the debt, no marketing.

Calls can only be to the debtor or someone who is also liable for the debt. So no calls to friends and family unless they are also liable for the debt.

No more than three calls per month per service or collector. And consumers have the right to stop debt collection calls at any point in time and robocallers must notify consumers of that right.

So finally, apart from these two FCC actions I wanted to mention the FCC's work on robocall blocking. The Chairman mentioned earlier the industry-led Strike Force.

So the Commission has made a concerted effort to encourage other ways for consumers to stop the calls they don't want to receive. In our efforts to stop unwanted robocalls, the TCPA and liability around that only gets us so far.

It's a good deterrent for robocallers who are responsible, those who want to follow the law and ensure consumers only get the calls they need. But others aren't deterred by the TCPA, those that intend to harass or defraud consumers.

So a complement to our TCPA work is robocall blocking and filtering. The Commission held a robocalls workshop last fall that convened providers, third-party developers and other regulators to talk about the current state of blocking and how it can be improved.

Everyone agreed that caller ID spoofing is a key issue that undermines the effectiveness of robocall blocking solutions. Since then the Commission has called on standards bodies to develop call authentication standards which really are the key antidote to caller ID spoofing to accelerate their work on authentication.

And as the Chairman mentioned, industry has convened a robocall, Robocall Strike Force not to be confused by the Task Force. We always try to keep those straight, that's led by AT&T which is developing a plan to be delivered later this month to accelerate better robocall blocking solutions.

So we're looking forward to that. And with that, that's my update.

CHAIR BERLYN: Okay, great. Thank you, Mark. Let's take questions now if folks have them for Mark on what he's mentioned or anything else you might want to ask. Amina. Yes, raise your hand and then we'll recognize you there.

MEMBER FAZLULLAH: So I have, Amina Fazlullah with the Benton Foundation and I had a quick question about the additional inclusion plan. I don't know if it's part of your bailiwick.

But I know that the CGB will be working on that and preparing to finish it by December so --

MR. STONE: Which plan?

CHAIR BERLYN: Digital inclusion.

MR. STONE: Yes, so essentially Lauren Wilson in our Bureau, I know she's working along with folks in other Bureaus feverishly on the plan. And I think things are going well on that front. But I can give you more specifics later.

MEMBER FAZLULLAH: Okay, thank you.

MR. STONE: Sure.

MEMBER BARTHOLME: I had a question about the TCPA changes and the sort of reasonable expectation parameters that were set up. Did those calls still have to include some way for the consumer to opt out, so to speak or to, you know, like hit one if this isn't actually you or something like that as part of those sort of school board type phone calls or things like that?

MR. STONE: Sure, sure. So the calls related to Edison Blackboard which generally relate to school calls and then as well utility calls, they along with TCPA calls generally allow the consumer to reasonably revoke consent, which is basically the same as opt out.

The Commission generally has not prescribed a method for that. It has not said that a robocaller in all cases has to allow a consumer to just hit one to opt out.

In certain specific cases though it has. For telemarketing robocalls the Commission has said there needs to be an interactive opt out means. So writ large TCPA there's no requirement for that sort of automated process.

It's just the consumer enjoys the right to reasonably revoke consent. But for certain subsets of TCPA calls including telemarketing it has to be that easy.

CHAIR BERLYN: Mitsy.

MEMBER HERRERA: Hi, Mitsuko Herrera from Montgomery County and the National Association of Telecommunications Officers and Advisors. I know we have a presentation this afternoon about cell phones, 4G, 5G. There has been a lot of Commission discussion about how to expand the siting of those towers.

And so what I would just like to ask is if the Consumer Advisory Group would look at its consumer notification page there, and also on the tower siting page there is very little information that is designed for members of the general public, the non-attorneys, non-industry crowd to help them understand both the benefits of this technology, what the federal law requires.

Similarly, I think that we looked at when we talked at the technology transition and having people be more aware that this is coming even in advance of actually getting notice if the Commission could just make a concerted effort to create those simple to read one and two page fact sheets that really help the public it would, I think really be a benefit for the consumer, for consumers generally.

And I just strongly encourage, I think that there's a wealth of information that the FCC puts out on the web page. But I feel like a lot of it is directed for people who are sort of inside baseball.

And just adding a little bit more for the general public I think would be very helpful, particularly as the Commission is trying to help navigate change in these areas.

MR. STONE: Thank you. We're always looking for feedback on those sort of publications and I will definitely take that back to our folks.

MEMBER LEECH: I'll just second that and tell you that as someone who has been dealing with things from another Agency the standard language that appears doesn't, if you're not in the midst of things it often doesn't really explain what's going on and it doesn't make it so that you as an affected person can participate and feel that, you know, you're being respected and so forth.

And so I think she's 100 percent right that's something that you all could do that would really make a difference.

MR. STONE: Thank you.

CHAIR BERLYN: Anyone else? I don't see Karen.

MR. STONE: I don't either. I'll go get her.

CHAIR BERLYN: No, we're not early. Okay, Mark, is going to go get Karen so we can continue. Thank you, Mark, thank you very much.

MR. STONE: My pleasure.

CHAIR BERLYN: So one other thing I did want to make note of in the commendations section of this meeting is that many of you may have remembered someone who was a real help to the CAC over the years, Betty Lewis who worked with Scott.

And went, I'm trying to remember when was it that Betty left the Commission?

MR. MARSHALL: Just prior to the June meeting, left in May.

CHAIR BERLYN: Was it, left in May. And we didn't, unfortunately didn't have a chance to say goodbye to Betty. It was between our meetings and we really would have like to have done that and properly thanked Betty for all of her years of working with the CAC.

She supported these meetings and communicated directly with all of us, helped Scott tremendously. So we, I'm going to send something out to Betty.

But just wanted to share our thanks to her with all of you and say thank you publicly to Betty Lewis for all the help that she gave the Committee. So on behalf of the CAC, our thanks to Betty Lewis for all she did for the CAC.

(Applause.)

Scott, anything else that you want to mention while we have a few minutes waiting for Karen, logistics?

MR. MARSHALL: Let's see.

CHAIR BERLYN: We're going to take a break after Karen. So we don't want to break right now.

MR. MARSHALL: No, we don't want to break right now. Just to reiterate we really hope you can stay with us for the duration today because we do need to have a quorum for our recommendation this afternoon.

And I think that consideration is at 1:50. But beyond that I think we'll wait a few minutes for Karen.

CHAIR BERLYN: Yes, anybody have any announcements?

MR. MARSHALL: Any other thoughts, questions?

CHAIR BERLYN: Time fillers.

MR. MARSHALL: Time fillers, let's see.

CHAIR BERLYN: Mitsy.

MEMBER HERRERA: Is there, the Chairman mentioned about the new terms. Do you have a general sense of the time line of when they would make the new announcements? And also we mentioned, I don't know if we're going to talk about this more but since we're filling time --

MR. MARSHALL: Sure.

MEMBER HERRERA: -- we had mentioned that it would be useful in future CAC's that particularly for new members to have a little bit more of an orientation so people sort of understand the recommendation, the conference calls.

In addition, last time around we sort of picked groups and then we determined what groups would work on. And as a suggestion it may be more useful to maybe put up what issues folks are interested as a whole in working on and then split those issues up into groups because there was a lot, I think, early on of issues that crossed different groups and it wasn't clear.

And some folks wanted to participate. So I just think at the organizational end as you're sort of looking to that getting a sense of what folks are interested in and then assigning those by groups may be a better process.

CHAIR BERLYN: Yes, that's a really good idea, Mitsy. And I think we did have a real logistical problem at the beginning of this CAC. We had an abundance of members, as I recall, who all wanted to be in the same group.

And we had to renegotiate because we couldn't have too many individuals in one group. And we had to redo the whole process. So I think there's, it's a very good idea to figure that out.

We also had to start the Disclosure Task Force before the CAC even met. We may be under the same, I won't want to talk about it right now, but we may be under the same time commitments this term as well because of, you know, some things that may be written into some orders.

But, you know, you make a very good point. And there is always a bit of shuffling that needs to go on and what issues are going to be most important.

We'll have an interesting year because there will be some new faces at the Commission and that will happen after the CAC gets going. There will be some new priorities.

So, you know, all of those things will pay into it. But very good point about those early months of organization.

MR. MARSHALL: We always want to do it better. And I think increasingly too, we're getting specific requests from the Commission or the Bureau to address topics.

And that has been a factor as well. Excuse me. And so I remember when I first started this committee back in 2001 pretty much the agenda was wide open. We didn't get requests from the Commission.

CHAIR BERLYN: Floundered a bit.

MR. MARSHALL: It's very good that we now do because we now know that your recommendations are definitely something that they're interested in pursuing and need that level of input.

CHAIR BERLYN: Right.

MR. MARSHALL: Any thoughts?

CHAIR BERLYN: And we have another question that's come up. Do you want to add anything though? Okay. Yes. I do want to raise your hand and pull the mic. Make sure you're on there.

MEMBER FEERICK: Yes. This is just a very quick update. Mark had asked me to let you all know that the Appalachian Regional Commission did finish its Broadband Planning Primer Toolkit in collaboration with the North Carolina Broadband Infrastructure Office.

So it's available on the ARC website. But it's a good toolkit for communities that are considering launching these types of projects. And I will leave a copy with the Commission.

CHAIR BERLYN: That's great. Thank you. That's really helpful and important.

MEMBER FEERICK: Sure. It's ARC.gov. I'm not exactly sure where it would be. But it should still be in our new releases section so you should see a link to it somewhere on our front page.

CHAIR BERLYN: Great, thank you. Well while we're in the announcements stage, I'll to a little paid commercial announcement myself. On October 25, I think some of you know that I have a project that focuses on getting older adults online.

And I'm having a program on October 25th in the morning that's going to focus on programs that are getting broadband to low cost, I'm sorry, low income consumers, older adults. And Commissioner Pai is going to be speaking.

Deputy Secretary of HUD is invited to speak. And then I have a panel. AARP is on there and some companies as well talking about the programs that they have for low income consumers.

So it's at the National Press Club at 9 o'clock. And I hope that if you haven't already received an invitation, which went out yesterday, I would be happy to share that with you if you get in touch with me and I would love to have you join us.

It's free. So hope you can join us.

MR. MARSHALL: Could we pause and see if anyone on the phone has a question or comment?

CHAIR BERLYN: Okay. Anybody on the phone?

MR. MARSHALL: I promised them, that's why I wanted to pause to make sure that if they had a comment they had an opportunity to raise it. Not a problem.

CHAIR BERLYN: Okay, so, yes, Mitsy.

MEMBER HERRERA: I just, because you had mentioned it I just wanted to pass on a special shout out of thanks to all the people who volunteered their summer on the billing disclosure. I think that was probably one of the biggest projects that we took on.

And there are many of us who kind of followed at the sidelines and weighed in occasionally. But there were many people who met every two weeks in this building.

And I want to just give them special recognition. I would also like to, I know for the committee chairs that I worked with in particular with the work that Ed Bartholme, that Steve Pociask did, Amina and that Olivia have worked on, I think they did a lot of yeoman's work of herding cats and bringing diverse viewpoints together.

And as always, to Debbie Berlyn I think that you have been a voice of calm in the storm of many different competing interests. And so I just wanted to actually just pass out special thank you's to those folks.

CHAIR BERLYN: Thank you, Mitsy. So speaking of calm we just heard that Karen can't make it. So we have a little bit of extra time here. I think we probably can take a short break and then we'll see if our next, Julie. Not yet. Put your hand up again.

MR. MARSHALL: Raise your hand up, yes.

MEMBER KEARNEY: Hello, okay, great. In addition to the overwhelming thanks to Debbie and to Scott for leading us so fearlessly, thank you, will there be a discussion of items that the CAC should work on in the next term as well?

And, gosh, we've changed, in your nine years we were with DTV and how that's just a reality that we're all living in now. But will there be suggestions that the Chairman will take or Chairwoman in the next administration or future CAC or will there be some debrief with you and Scott because I can think of a million things you will want to work on.

I have not put my name in for the next --

MR. MARSHALL: I understand that and I'm sure that will be something that the new CAC will want to address. And we don't know quite yet what the asks will be from the Commission on what topics they particularly will be addressing and wanting us to have input and wanting you to have input on.

So I think that the short answer to your question, I think we just have to wait and see how it works out.

MEMBER KEARNEY: Thank you.

MR. MARSHALL: Sure.

CHAIR BERLYN: Amina.

MEMBER FAZLULLAH: I just, was just wondering if for the next CAC one suggestion I had was considering it's a new administration as some have already pointed out, it might be worthwhile to, depending on if there are staff changes as well at the Bureaus to do maybe some introductory, you know, have some introductory speakers come in, in those first few meetings to sort of ease us into the new administration and their new agenda.

It may not be perfectly timed with our first meeting but --

MR. MARSHALL: Yes. Good thought.

MEMBER FAZLULLAH: -- it might be something to sort of pick off over each of the meetings depending on how staffing occurs.

CHAIR BERLYN: Yes. So all good points. And for those of you who've lived with changes after an election and I know there are many of you around the table who have lived through that, it takes a bit of time before things settle down.

And we don't know when there will be, you know, significant changes. So I think you're correct in saying the CAC will probably meet before there are --

MR. MARSHALL: Before it's all cleared up, I'm sure.

CHAIR BERLYN: Yes, before there are changes of any significance and before there are new priorities, before there are, you know, clear directions. So it may take a while before all of that is more clear.

And, yes, so it should be an interesting time. It should be an interesting time for so many reasons. But we will, you know, I think the CAC will figure some of that out over the course of the next four to six months is what I would think right, Scott.

And we should have some issues that will carry on. And, you know, that's what makes this, thank you, Beau. Change of plans. Karen is coming down. Okay, this is great.

And I think, you know, that's what makes this meeting sort of difficult as well because we don't have, you know, we're not doing breakouts with our, with our working groups. We can't do that obviously.

So, you know, we don't know exactly what issues to put forward for the next CAC right now for example. But, you know, there are some issues which Scott and I tried to determine would be topical for going forward to look at, some issues which we know are ongoing.

But, you know, all being, for the most part there's a lot that's not quite clear. And it may take a little while for things to become clear. Anything else? Any other, Mitsy.

MEMBER HERRERA: So I would, just if we're looking at new suggestions two things. One, is that the, when we have the presentations I know we have a limited number, a limited amount of meetings that we have and we try to pack as much in.

But I think that oftentimes, particularly on some issues there was more back and forth that the members wanted and it was sort of a short time window. So where you have some of those issues it might be better to allot a little more time or to have a pre-meeting, if you will, where members of one specific working group could hear the presentation and field those questions so that in the presentation to the larger group there could be more of some of that information provided in there.

I think there were several times where we asked questions and there were things of folks to get back to us. I think it just, in the matter of work sometimes it happens and sometimes it doesn't.

But one of the things is that as a group we're trying to bring the interests of consumers to the Commission. And so it's useful to have time allotted in there to actually get feedback from those consumer groups and to not structure the time as much so that it's intended to be a one way presentation of information from the FCC to the groups.

And I know that's tight because of the different time and you're trying to fit a lot in there. But I just wanted to pass on that suggestion as well.

CHAIR BERLYN: Thank you, Mitsy. Okay.

MR. MARSHALL: You want to take a five minute break?

CHAIR BERLYN: Let's take a break in place. I don't want to leave the room because if Karen does, she is on her way down. So we don't want to leave the room because that will set our schedule all off.

So let's just, you know, take a checking your phone break and in your seats. People are leaving. Coffee break. Get hot coffee.

(Whereupon, the above-entitled matter went off the record at 10:09 a.m. and resumed at 10:19 a.m.)

CHAIR BERLYN: All right, everyone. We're going to reconvene. Karen is here. Thank you so much, Karen.

MS. PELTZ STRAUSS: Sure. Hi, everyone. It's great to see you again. It seems like yesterday. These meetings, it's funny because every time we have these meetings I have to scramble and figure out what we did since the last time we saw you.

And it really does feel like I just saw you. And then I look at all the things that we did and I am very proud to say that we've done a lot. I always think well I don't really have any new things to talk about.

But actually I have quite a lot. So I'm going to get to it. And I want to start off with something that we're very, very proud of and that's our cognitive disabilities project. Some of you may have seen that we released a White Paper earlier this month, October 6th it was released.

And the Chairman gave a presentation at the Coleman Institute in Colorado to announce its release. The paper goes into depth on the needs, identifies the needs of people with cognitive disabilities, specifically the communication needs as well as discusses a lot of features that actually already exist in a lot of devices and equipment that is for sale to consumers that address these needs, needs such as difficulty with attention, difficulty with processing, the need for alerts.

There are just a lot of different components on devices that provide, you know, things like reminders or you can reduce the complexity of devices to make it a little bit easier to use them.

It's very worth reading because one of the things that we enjoyed in this project is that we learned a lot as well. And I think that industry learned a lot as well.

They learned about products that each, other competitors have and consumers learned as well. And so this is just really the beginning of our effort for this particular community.

We're going to be following through. One thing that we did learn was even though a lot of these features exist a lot of people don't know about them and a lot more can be done.

Accompanying the White Paper was a set of best practices that industry and consumer stakeholders put together on how to address the needs of people with cognitive disabilities in designing and developing communications products. And that was approved by the, your sister advisory committee, the Disability Advisory Committee here at the Agency on September 22nd.

And the DAC as it's known, has approximately 40 members. We are also accepting additional sign-on's to that document and more to come on that. But we're open to having any entity that would like to sign onto those best practices to do so.

Maybe I can send Debbie and Scott the link and they can share it with you because we would really like to have a lot more entities sign on. There is also a Coleman Institute pledge that the Chairman signed onto, a very similar type of pledge that talks about the importance of considering the needs of people with cognitive disabilities and the design and the development of ICT or information communication technologies.

So that's, that was front and center in our most recent activity. The other very recent thing that we did was we sent to Congress our biennial report on the CVAA, the 21st Century Communications and Video Accessibility Act.

Every two years we have to tell Congress how well the Act is performing, how well people in the community are getting the accessible equipment that they need. And we had a very good story to tell this year.

We had a good story to tell two years ago. But it gets even better every year. The industry has done a good amount of work to make their products and services accessible in compliance with the CVAA and we really appreciate that and thank industry for its diligence and concerted efforts in making this happen.

The report did notice that there is still a grouping of devices mostly that, largely that fall under Section 255 rather than the newer section 716 of the CVAA, that are mostly used for feature phones. Basically the, well let me rephrase it.

It applies mostly to the lack of accessibility in those very traditional feature phones, not the smartphones. We kind of jumped over those phones and a lot of people use smartphones.

But there are still people that need those feature phones, those very basic phones and they're still lacking in accessibility. At least that's what the report says based on feedback.

As you know, the report is the product of comments that come in. We have two rounds of comments. One generally to get input and the second one is comment on our tentative findings.

Also office phones. Again, largely falling under Section 255 these office phones tend to still have a lot of accessibility barriers. So we still have some work to do.

There's also some cautionary language in the report about needing to keep on top of these issues. You know, we don't want to fall behind as new technologies are developed.

You already know about our real-time text proceeding. That's moving along. We received comments on that and we're reviewing the comments and meeting with various stakeholders, including stakeholders that have an interest in ensuring that real-time test works for 911 are of considerable concern to us and how real-time text weaves in with our text-to-911 rules and what PSAPs have to do.

So we're working very closely with organizations like NENA and APCO and the various emergency call handling transmission companies that facilitate the routing of these calls to make sure that there's a smooth transition to make sure that the burdens are minimized and ultimately everyone can get the access that they need.

In August we adopted our National Deaf-Blind Equipment Distribution permanent rules. As many of you know, for about five years we've run this program to distribute equipment, communications equipment to low income people who are both deaf and blind and we now made this program permanent.

It was operated as a pilot program before. It has provided equipment to well over 4,000 people across the country who send very impassioned thanks to us and express their gratitude for being able to do things like go back to school, get college degrees, rekindle contacts with relatives, get jobs, et cetera.

So it has been a, we think it's been a very successful program in integrating this population into the mainstream of society. And this program that we made permanent does a couple of different things than the other one, the pilot program.

I won't go into all the details. But one major thing that it does is it extends to program to a couple of US territories that weren't covered before and that's Guam, Northern Marianas and American Samoa.

It also, we have a parallel or as part of this program we've been paying a national outreach coordinator to fund a national outreach program, to implement a national outreach program which has been extraordinarily successful. I mean they've done a tremendous job in getting the word out.

So good that we cut their funding because we think that the program is now on a good track. So we have their funding, they were okay about it.

But what we did was we took that money and are saying that states can use its state certified programs under the program, under the umbrella program can use that money to train trainers. That was the one gap in our prior program that we found that there weren't enough people to, there weren't enough trainers of, that could train people who are deaf and blind how to use the equipment.

A lot of these people have never used this equipment before. But we didn't have enough trainers because there weren't enough people that were trained to be able to teach people how to use this equipment.

So we're actually taking that $250,000 that we pulled from national outreach and putting, and allowing states to use it for training the trainer programs. I think that most of the other changes are more ministerial.

There's several additional enforcement mechanisms put into place for end requirement for program performance goals. We are also creating a centralized database for improved reporting requirements, reporting implementation and enforcement and filing of claims.

Also in August the FCC adopted a hearing and compatibility order as a result of a joint consensus proposal. And what was so great about this is that, and the cognitive disabilities project is it is, it represents everything that you are about which is coordination and cooperation and collaboration across the industry and consumers.

So this document that, this consensus document was, as I said a collaborative effort, the result of a collaborative effort between industry and consumer stakeholders and will, and proposed, and this is what we adopted to increase the number of telephone, wireless telephone handsets that have to be hearing aid compatible within two years to 66 percent and then to 85 percent within five years and then also establishes a commitment to 100 percent compatibility if it's achievable by 2024.

And the way that we're going to determine whether it's achievable is that this consensus group is forming its own task force. We're not creating it. They're creating it on their own, that's going to look at this and see whether it is feasible given newer technologies, new interfaces.

And they are going to report to us on a regular basis on what they're doing, what's going on, the extent to which this 100 percent benchmark can be achieved. And for many people who use hearing aids or cochlear implants it has been difficult for them to always find phones that meet their needs.

And the thinking is that 100 percent requirement would take those unknowns out of the equation. They would be able to go into any store at any time and know that the phones that they are trying out are in compliance with hearing aid compatibility rules.

Just as an aside, we already have a 100 percent requirement for wireline and cordless phones. And the reason we don't have one for wireless is that there were some technologies in the past that made it difficult to achieve hearing aid compatibility, most notably GSM phones.

And as newer technologies are coming in, especially IP-based technologies making these phones hearing aid compatible seems to be a little bit easier. So that's the reason for the shift.

On September 22nd I mentioned that the Disability Advisory Committee approved the best practices for cognitive disabilities. They also sent us recommendations on a number of other things including amplified phones in the tech transition making sure that there's no problems there, 911 access for VRS users, establishing rules for, asking us to establish rules and standards for quality of service.

Actually, I'm sorry. That's different. For 911 training for video relay service communication assistants who handle calls to 911. There is another proposal for establishing rules and standards for IP CTS quality service.

That's captioned telephone service. It's a kind of relay service where, that very often people who have some hearing loss but they're voice used and they can call directly to another person and that other person, when that other person speaks what they speak is repeated by the communication assistant into a speech recognition program.

And then the person who is hard of hearing can actually read and use residual hearing to hear whatever they can. And there are some, there were concerns about the quality of service. So they've asked us to look at that.

And I think I've already told you that in June, I may have, they also had a recommendation on HD voice asking the Commission to consider the benefits that high definition voice could have for people with disabilities and to explore use of this method in the tech transitions.

I think that's, I think I've reached the end of our most recent accomplishments. We have a very busy fall ahead of us. And I hope to have more things to report the next time I come.

CHAIR BERLYN: Thank you, Karen. I see Paul has a hand up and then we'll check the phone for other comments. Paul.

MEMBER SCHROEDER: Thank you very much. Paul Schroeder with AFB. I just want to take a second to say as we wrap up this CAC and of course I wrap up my time at AFB that it was 20 years ago that we passed the Communications Act Section 255 and the captioning requirements.

And what an extraordinary run. But it's been, for me personally it's been great to be on the CAC to be able to complement Karen and the team at DRO and CGB term after term or time after time for the rules and the work that you guys have done.

And I keep thinking well they're done now. I mean Karen should be able to relax and chill. But, you know, you keep finding new ways to move accessibility forward.

And I will say that especially, although it's not particularly relevant precisely to my community, I'm especially pleased to see the cognitive White Paper. I've said for years that I, there's so much more that we can do in that space and the groups needed to step forward and set the standards and best practices and guidelines for that.

And the FCC and Coleman and others have done that working together. And what an extraordinary accomplishment. I agree with you. I hope everyone does take a look not only because it's important to people with cognitive and intellectual disabilities, but frankly I think there's a number of good practices that are just flat out good practices for technology use.

And so I want to commend you for that and mostly just want to say thank you to you and the team. Karen, you and I worked on 255 and captioning and all these things these many years ago even before I was at AFB.

And I don't know which hat you had on at the time because you've had about ten in the time I've known you. But it's been a great run and it's been great to see the way not only you helped craft the language but stuck yourself with all the requirements that you had to implement and then made it happen through a dint of extraordinary work.

So I just wanted to say thank you on behalf of the disability community for, once again for all of that effort.

MS. PELTZ STRAUSS: Well thank you, Paul. Right back at you is all I could say. And as Paul mentioned we've worked together for about 20 years. It's hard to believe how time flies.

But as I mentioned before, these things don't happen in isolation. They're teamwork. Not only teamwork by all of the people at the Agency, again this has been a most extraordinary experience for me working in this Agency, working under Chairman Wheeler and prior to him Chairman Genachowski who both have exercised such commitment to these issues and enabled us to adopt the rules and orders to expand accessibility, but also because of the extraordinary assistance that we get from the community and especially you, Paul, for all these years.

When we put out requests for comment, when we create committees, when we go to you and say we've never created a deaf blind program, we don't know what we're doing. You've got to help us. I mean, you know, there's always people there to help us.

I mean that's just an example of something that we started, you know, five, six years ago. We had never done it before. There are so many things we had never done before.

You know, the evolving technologies are continuing to present challenges. Yes, I like to think that one day I will be able to say we're all done. But I have come to the conclusion that's not going to happen.

The goal, as long as technology is here there's always going to be challenges. And I can only hope that there's a lot more people that continue to take interest in these areas.

But thank you for all of your service, Paul, as well. It's tremendously appreciated.

CHAIR BERLYN: So I just want to add my thanks to Karen for everything that you have done for this community. And the recognitions have been coming for Karen and I just want to mention if you were not at the National Consumer League dinner just a few weeks ago, was it, just a couple of weeks ago the National Consumers League honored Karen with an award, much deserved award.

So and long deserved award. So I just wanted to mention that, that we honored her and we appreciate the work that you have done.

MS. PELTZ STRAUSS: Thank you. I appreciate it and again I share that with so many, so many people. I've never seen as many people at the Commission work on issues related to people with disabilities as I have in recent years.

So thank you. It was much appreciated. Any other questions?

CHAIR BERLYN: Did anyone on the phone have a question?

MS. PELTZ STRAUSS: And thank you, I just wanted to thank you all for your service. I understand that this is your last meeting. So it's a pleasure to have gotten to speak to you.

And my door and office and telephone line is open to any of you if you have any questions about people with disabilities or access issues that come up. Thank you.

CHAIR BERLYN: Thank you, Karen.

(Applause.)

CHAIR BERLYN: Okay. We are going to take a short break now and then we will welcome our next presentation shortly. So it is 10:38. So let's try and be back at 10:45 to keep us on schedule. Thank you all.

(Whereupon, the above-entitled matter went off the record at 10:38 a.m. and resumed at 10:50 a.m.)

CHAIR BERLYN: Okay. I think we'll get back started here. So we have our presentation on Lifeline, get an update on what's going on. Thank you, Garnet Hanly from the Wireline Competition Bureau to fill us in on what's going on. Thank you, Garnet.

MS. HANLY: Sure. Is this on? Yes, it is, okay, great. Good morning. So I am here to talk about Lifeline and the Commission's recent order it adopted earlier this year in modernizing the program and its recent reforms.

So I'll kind of run through some of that and focus a lot on what we are doing here at the Wireline Competition Bureau in implementing the order. Let's see, okay.

As I think most of you know, Lifeline historically has gone towards providing discounted service for fixed and wireless. And the 2016 order has taken great efforts in modernizing the program to provide support for broadband.

That's one of the main focuses of our reforms. In addition, we recognize that there's an ongoing obligation to minimize and reduce any waste, fraud and abuse in the program. And so we have implemented significant reforms to take the eligibility process out of the company's hands and create a national verifier. And I can talk a little bit about that as well.

So here's a time line of what we're working off of. As you know, we adopted the order in March of this year. And we actually have already received PRA approval. So Office of Management and Budget has approved our new rules which means we have an effective date of December 2nd for almost all of the rules.

So what that means is individuals could begin receiving support for broadband on December 2nd. There's some other reforms here in regards to some recertification requirements which will happen, new requirements that will happen in calendar year 2017, as well as some work that we're doing to implement what we refer to as the National Verifier.

And what that means is again that we are working towards taking the eligibility process away from the companies and putting them through a national process that will be administered by USAC, our administrator. And it's quite an undertaking.

So, but, you know, we're working through the process and we're so far meeting our kind of threshold benchmarks and I'll talk a little bit about that through the presentation. So as I said, historically Lifeline provided support for voice service. We are now going to be providing support for broadband. So a consumer can get standalone voice, broadband and/or bundled services. And the support amount could go towards all three of those.

There will be, for high costs I can talk a little bit about this but I imagine, you know, it's a very kind of weedy issue, but just so you know eligible telecommunications carriers will have the option of providing the broadband. But high-cost recipients, high-cost ETCs in those geographic areas where they receive high-cost support will have an obligation to offer the Lifeline supported broadband.

So, you know, we're putting out some materials to talk about, you know, the types of high cost funding and so forth and where that obligation will apply. And then, you know, throughout the country Lifeline only ETCs will have the option of providing the broadband.

So another major reform that we implemented is minimum service standards. So and this is, you know, this is a significant change in the program for us.

Come December 2nd there will be minimum standards for voice for wireless service. It will be 500 minutes. And as you see from the chart each year thereafter it increases.

And you'll also notice for the data component that the amount also increases. So in order for a company to receive the subsidy amount which will continue to be 9.25, they need to meet these minimum standards.

You'll notice for the voice side of it, it does phase down. But we're several years away from that. And of course there is an exception for the voice side where if they're the only ETC offering voice service.

And if anyone has any questions as I go through this, you know, I welcome any questions to make sure everyone understands or if there's nuances you're not sure about in regards to some of the reforms. So another component that we're going to require within the program is that the, going forward come December 2nd that any new devices that will be given through the program will need to be WiFi capable.

There's also a hotspot requirement in that the new devices, at least one of them come December 2nd will need to be hotspot capability. So again, these reforms will be kind of implemented, you know, higher thresholds each year as you can see from the chart.

But the WiFi capability will come into effect December 2nd for new devices, for new enrollees in the program. So the Lifeline providers. So as I had said, eligible telecommunications carriers will or in order to receive the support for providing voice and broadband a company needs to continue to be an eligible telecommunications carrier.

So we have through this, through our recent reforms created what we refer to as a Lifeline Broadband Provider designation process. It is new to the program. And again, it will be effective December 2nd.

What that means is that the FCC will be taking Lifeline Broadband Provider designation requests. It has already received some. We started evaluating them come October 3rd. So it's, you know, we just received some applications.

I believe we have about 12 or 13 right now. And what the rules contemplate is that if a company meets certain threshold requirements such as already providing at least 1,000 non-Lifeline or they're already offering service to at least 1,000 non-Lifeline subscribers, there's some public safety requirements.

There's a few others. But if they meet these standards and there's no enforcement issues and so forth that, they can be subject to a 60 day streamline period. And so if let's say they filed on October 3rd and there's no problems in regards to their application it's automatically granted 60 days after that.

And then there, and then in terms of process they would submit the designation to USAC. USAC would assign a SAC which is a study area code and they could then begin offering service within the jurisdictions where they were designated.

And then, you know, they would go through the same procedures as other ETCs have in the past in terms of submitting monthly forms for reimbursement and so forth. So as I had indicated, we currently have about 12 to 15 of these right now.

And they're specifically for offering broadband support, Lifeline supported Broadband. We're evaluating them. We're planning to put on our website a list of these applications so that all interested parties are aware of what we've received.

Although, I make note that companies are required to file these in ECFS under Docket 09197. But, you know, we recognize some parties might have trouble maneuvering around our comment filing system.

So we're trying to make it as easy as possible. And so we're, you know, trying to create this web page. We want to encourage interested parties, states and so forth to file comments whether it's in support of or, you know, to raise some concerns regarding a particular entity that has a pending Lifeline Broadband Provider designation request.

So we do recognize the importance of doing this. So we're trying to put this web page up. It will have the date that the company filed, whether or not they asked for the streamlined period of 60 days and the jurisdictions. We'll try and provide some clarity around that.

We're still working through some of the details. But, and we're trying to get it up as quickly as possible because again, we recognize that it's important to hear from interested parties regarding pending applications.

So, and again, once these are granted the company goes through the administrative process with USAC and then can begin offering Lifeline supported broadband in the markets where they are designated. So one other thing I'll note and it's kind of a detail.

But we recently issued a Lifeline Broadband Provider guidance public notice that provided details of what we believe was necessary to include in those designations because we want to provide guidance to the companies out there. We recognize through this new process there are many companies that previously never considered participating in Lifeline and now, you know, are interested in doing so for various reasons coordinating with public housing units, you know, there's a lot of ISPs there that have, you know, specialize in, you know, addressing concerns for children, you know, that addressing the homework gap.

So we realize there's a lot of companies out there that are now going to be interested in Lifeline. So we're trying to create enough tools to help them through this process.

So there, one other thing I'll explain real quick and I'm not sure if everyone understands, so there's this Lifeline Broadband Provider designation process which the Commission implemented or adopted earlier this year. And again, this is for Lifeline only broadband support.

Companies that are currently ETCs in the market can utilize their existing ETC designation to also offer broadband. They do not have to go through this Lifeline Broadband Provider designation or they can do both.

They can go through the Lifeline Broadband Provider designation or they can utilize their existing designation to offer broadband. So there are many companies out there today who have existing designations through the states and/or whether the Commission designated them.

And come December 2nd they can immediately start offering broadband. So I wanted to make that clear as well that the, you know, the Lifeline broadband provider designation process I just described is not the sole process of a company, you know, kind of going through, a company starting to offer broadband. They can utilize their existing designations.

So, you know, I kind of hit upon this a little bit earlier. These are some ETC obligations. The Lifeline only ETCs offering voice and broadband.

If you're a Lifeline Broadband Provider you do not offer voice that designation permits you to offer Lifeline supported broadband. If you want to offer voice service and get support through the program, you have to go through the traditional ETC process.

I had, the next one I had talked about high cost recipients obligations to offer broadband. Again, I make clear that the obligation to offer Lifeline supported broadband for high cost recipients is triggered in those geographic areas where they're getting the high cost support and they're already commercially offering the broadband at the minimum service levels.

And for fixed, which is probably the one that's most relevant here it's 10-1, 10 megs down, one up. And if they don't have 10 megs down one up it would be at 4-1 or anything between 4-1, 10-1, the highest amount.

If they do not offer 4 megs down one up they do not get support, Lifeline support under the program. It's, it was something very specifically spelled out within the Commission order.

Are there any questions regarding that? Yes.

MEMBER FAZLULLAH: Is this similar or does this sort of interact with the concept of providing areas, maybe rural areas a little bit of breathing room because there may not be providers that can meet that minimum standard? Is it sort of how the rule will likely --

MS. HANLY: Right, no, we recognize that and actually just recently some of the trade associations representing the rural providers have raised some of these concerns. And we'll certainly take them back.

But it is within the Commission order. It says if you're not offering 4-1 or above that you're not going to get the support, the broadband support.

MEMBER FAZLULLAH: So what triggers, so if 10-1 is sort of the fixed minimum standard what triggers the ability to kind of go below?

MS. HANLY: To go below?

MEMBER FAZLULLAH: Yes.

MS. HANLY: If you don't have 10-1. Right. So, but if the highest available if 6-1 then that's the standard that you would offer.

MEMBER FAZLULLAH: So it's based on the highest --

MS. HANLY: But it goes as low as 4- 1 but nothing lower than 4-1.

MEMBER FAZLULLAH: I see.

MS. HANLY: Yes.

CHAIR BERLYN: Mitsy.

MEMBER HERRERA: Mitsy Herrera, Montgomery County Government and NATOA. Do you have a sense of, and it's not super clear on the eligible telecommunications providers there are many local governments who provide communication services over their broadband networks.

They are primarily to government, school, library, public housing. They typically do not charge. Some they will if they're looking for E-Rate.

But because of the way that the government functions the money that you send to the schools, it becomes an administrative thing. I send money to the schools. The school sends money back to the government.

So in those cases, and we've had this issue come up in the past with the Era grant and the poles. Has the FCC looked at where they are certifying telecommunications providers.

If you want to offer the service, particularly for low income housing residents but not charge for the service can you, is there a way, has the Commission considered making those eligible telecommunications carriers because the cost of providing the service and doing that it would greatly expand the ability of local governments in those public housing situations to be able to offer those services if they could be eligible for $10 a month per subscriber which would help the operating costs, the customer service, all those other things that are costs behind a free service?

MS. HANLY: Sure. So I think your question is a good one and it raises, it raises some, another thing that we're working with. And I guess we refer to it as aggregators.

And what that means is we're trying to coordinate with various groups whether it's the City of New York, whether it's HUD and so forth because we recognize there are similar interests to what you talked about, to facilitate a process so that within let's say a housing unit or something recognizing that there are many qualifying individuals within that housing unit that currently do not subscribe to broadband or, you know, would want to receive this type of service and how would they be able to participate in this program.

And we totally understand that. And we are trying to work with the various groups to come up with some plans of action, I guess you could say. As an example, we're working with, New York City has come in and talked with us about some plans that they have.

And I think we're very optimistic. I think one of the key factors in doing this is that first it's a condition in the program that the money actually has to go to an eligible telecommunications carrier.

So whether that's a non-profit organization we're willing to kind of work with any entities, any entities that have traditionally not participated in the program we're totally willing to work with them. But a key factor is that the money that gets disbursed actually has to go to an eligible telecommunications carrier.

So maybe there's a way where, you know, like your organization can work with some companies to do this whether they're ISPs, whether they're cable or fixed providers in some way and/or they could be resellers, you know. They could be, they could resell. They could be buying in bulk from the cable provider and then reselling it in some way.

So but the key factor in that is that the money has to actually go to an entity that's an eligible telecommunications carrier which in this case could be as I described the Lifeline Broadband Provider that we had designated. So that's one factor.

The other factor and I think it's important and we've explained this and I think it's still, it, we can still work with it is that any individual that is receiving this service has to sign basically a certification form that says they're eligible for the program, that they are only getting one subsidy per household, that, you know, it's some of our key factors in our rules that they certify under pains and penalty that they are eligible, that they're one per household, that, you know, that they will comply with our rules which is, you know, it's pretty much the general requirements of any participant in the program that we have to have a certification form for every individual that's getting the service.

And then there's a subsidy associated with that individual which is the $9.25 per month. So whether it's the aggregator that signs up the individuals with the forms and then makes it available to the ETC because the ETC will ultimately get audited for this to make sure they have certification forms for every individual that's signing up for the service and, you know, the subsidy associated with that individual.

And I think, you know, at that point they, you know, the aggregator which could be the, you know, the state agency or so forth could work with the eligible telecommunications carrier to kind of facilitate this process because maybe it's the housing unit that wants to sign up the individuals. And it's almost like they're an agent and then they have to make available to the ETC the forms.

So and you know what, there's a lot of kind of nuances in this and some details. So we can certainly talk offline about how this might work in Maryland. And we're definitely excited about doing these sorts of projects.

So I encourage you to reach out to me and we will definitely kind of brainstorm in how it could work within your jurisdiction because I think, the way we've set this up I think it certainly will facilitate these type of arrangements. So is that helpful?

MEMBER MCELDOWNEY: Hi. This is Ken McEldowney from Consumer Action. I had a question, so a two part question. I guess in terms of how is the FCC going to educate consumers about the program.

I sort of spent some time during the last few minutes on the FCC website trying to find sort of very consumer friendly information about federal Lifeline and just totally failed as opposed to the California Lifeline program that has basically, you know, a page that you land on that provides all information about the program, the application.

It's in a bunch of different languages and things like that. I don't see that on the FCC website. And then also, what are you doing beyond the website in terms of reaching, potentially, reaching potential consumers who may not be reached by the carriers themselves, particularly about the new broadband offer?

MS. HANLY: Sure. No, I can appreciate your concern with this. So USAC is creating some materials to help provide some education on these points. You know, we're implementing some new rules regarding port freeze and so forth.

So the USAC website is a good resource for a lot of this information right now. And we are continuing always to update our own website. And then, you know, Lifeline Awareness Week will be happening in December this year and I know there will be a lot of materials that will be made available for consumers to provide more details about the program.

MEMBER MCELDOWNEY: I guess my concern is if you do a search for FCC Lifeline Program or FCC Lifeline application USAC doesn't come up at all and the only thing that comes up is a very sort of general FCC page that even though you sort of click through and click through and click through you still don't get any basic information on it. I mean it's just, it's appalling.

MS. HANLY: Okay. Well I will certainly take that back. Historically we've used Lifelinesupport.org and then www.fcclifeline.gov. But I will certainly take back your comments to the team and I think it's an important point that you've raised.

MEMBER MCELDOWNEY: Thank you.

CHAIR BERLYN: And, Ken, this is Debbie. It does sound like something that the CAC should be working on going forward with --

MEMBER MCELDOWNEY: Yes, I agree completely.

CHAIR BERLYN: -- folks is this education and outreach part of this.

MS. HANLY: Yes.

MEMBER O'BOYLE: Going back to aggregation for a moment.

MS. HANLY: Sure.

MEMBER O'BOYLE: I hear you saying that there are some what I might characterize as ad hoc, you know, folks coming to you and saying we're thinking about doing this, our city is looking at that, our housing authority is looking at x or y.

Is the Commission planning on publishing some guidelines in the future about like a fact sheet about what, you know, what aggregation would work, what aggregation would be kosher or not kosher and that would be more available and that would not require say, you know, initiative from a housing authority coming to you first?

MS. HANLY: I mean I think it's a good point and I can certainly take it back. Currently on the website there's a lot of detail about, you know, what's required of an ETC.

So, but you kind of take it a step further in terms of how like a housing authority, let's say, could work with an ETC. So I think it's a really good point and I can certainly take that back.

MEMBER O'BOYLE: Thank you.

MS. HANLY: Yes.

CHAIR BERLYN: Olivia.

MS. HANLY: Hi, how are you?

MEMBER WEIN: Good. Thanks for coming and giving the update. In fairness to sort of the materials currently available I'd like to offer a little bit of a defense that we've got, you know, a program in transition.

So, you know, to the extent that you invest the capital in describing the program as it is now or as it will be, if you put it out as it will be too soon people will be a little bit confused. So I urge a little bit of sensitivity especially with the December 2nd, you know, date for, the program will look a little different, a lot different --

MS. HANLY: Right.

MEMBER WEIN: -- after September 2nd. So if you put that out too soon people may say how come I don't have that now. So just a little sensitivity with the time lines.

The other thing I just sort of wanted to rope in, in terms of USAC and some thoughtfulness here is as this program evolves and we will be seeing broadband products into the marketplace what would be helpful. And this could be a conversation maybe that CAC could have with some folks from the USAC like the data folks working on like mapping possibilities like how, they sit on a lot of information about what should be outward facing that could be helpful.

And I see this as one example where, for example, somebody in the field like in the State of Maryland wants to know in my county who is offering what. You know, to be able to pull that down like, you know, go to the map maybe go to a zip code and pull up who is offering what in fairly real time like so these are fresh offerings and they're accurate would be a really helpful tool I think.

And to get to that point maybe could involve some discussion with members of the CAC as to how that information could be displayed or accessible in a helpful manner.

MS. HANLY: I think, Olivia, that's a really good point and I've made that point as well to others.

MEMBER WEIN: Thank you.

MS. HANLY: Because, as I have mentioned, when the Lifeline Broadband Provider designation applications come in we have specifically indicated to the companies they need to define the geographic areas where they're going to offer the broadband which is by zip code, census block that we don't want them to just do the State of Oklahoma.

Like they actually have to provide the zip codes and so forth. With that USAC has been spending quite a bit of resources with upgrading its GIS technologies and so forth.

And I have specifically asked especially because we're starting new here in terms of these Lifeline Broadband Provider designations that we, you know, that we create some type of mapping tool for those out that are looking to get some broadband service within certain geographic areas. So we are definitely thinking along those very same lines.

It's just, you know, when it involves technology it take a little bit longer than people sometimes expect. But I totally agree with you and I've already been there and had those discussions.

Yes, thank you. I'll make a point too that you raised that and that will further confirm like we really need to do this.

CHAIR BERLYN: We have time for one more question which Amina has her card up.

MEMBER FAZLULLAH: Yes. I would also like to second that it's a great idea to hear that, I'd like to second that it's a great idea. I'm glad to hear that it's already kind of percolating internally.

I did have a question that goes a few slides back. It's about the updating mechanism to the minimum standard. If you can sort of provide any details as to what to expect in terms of how that process will work.

MS. HANLY: You're talking about each year thereafter after the first year?

MEMBER FAZLULLAH: Right, yes.

MS. HANLY: So it hasn't, like I don't have a lot of details to share with you yet. I think, to tell you the truth, our focus right now is just, you know, making sure we get everything implemented by the end of this year, early next year and, you know, getting all the tools out there whether it's consumer oriented, whether it's for the companies in terms of the requirements.

So unfortunately I can't give you those details. But if you come back to me in a couple of months maybe I will have some more. Again, right now the team is very small and we're very focused right now on getting these tools out to both the consumers and the companies.

There are significant changes going on in the program. And some of them are somewhat complex. We realize it. So we're utilizing USAC's resources as well. They're conducting webinars frequently.

Their web page is getting updated with all these different scenarios to help the companies understand how they can get in compliance. So that's really the focus right now.

But I will certainly take it back and recognize that once we kind of hit the first quarter of 2017 we need to start thinking about the mechanisms for the new minimum service standards that will come the following year.

CHAIR BERLYN: Okay. Garnet, thank you very much for providing this excellent information and update.

MS. HANLY: I didn't finish the presentation. But I figured the aggregator issue is very important so I figured and the consumer.

CHAIR BERLYN: Well we look forward to more updates and more information and we'll have you back and get more information on this program.

MS. HANLY: Sounds good.

CHAIR BERLYN: But thank you very much. We appreciate it.

(Applause.)

CHAIR BERLYN: Okay, great. So we have our next speaker. I want to welcome Peter Saharko who is assistant chief competition police division for the Wireline Competition Bureau. Sorry we're running a little behind.

MR. SAHARKO: No problem.

CHAIR BERLYN: You're going to give us an update on the technology transition order. We appreciate that, an important issue for us all to hear about. So thank you very much for joining us.

MR. SAHARKO: Absolutely. I will try to be relatively brief. I know we're coming up on lunch. I will leave copies of my card here if anyone wants to ask follow up questions.

And I'll just give you a very high level overview of the order that we put out in July of 2016 and then we'll be happy to answer any questions that you have. The theme of our July 2016 order it's, the first five words of it is Technology, Transitions, Demand, Regulatory Transitions.

So we had three pieces to the July 2016 order. One was a declaratory ruling that dealt with dominant versus non-dominant status. And another was an order on reconsideration that dealt with kind of gap in our Copper Retirement rules.

But the real action and what I'll give you the overview of today was that we basically set up a framework to allow for carriers to receive streamlined treatment of Section 214 discontinuance applications involving a voice, a legacy voice service that involves technology transition.

So technology transition we define as a service change from, you know, anything from TDM to IP or certainly anything from wireline to wireless would involve a technology transition. The order was limited to legacy voice services.

Other services such as data are still covered under our traditional 214 framework. And just to give you a brief overview on that the presumption under the traditional framework is that an application will be eligible for streamline treatment unless either staff or the public during the comment period raises objections that we think should lead to it being pulled off of streamline treatment.

For technology transition discontinuance applications the exact opposite is true. The presumption is that it will go through a more rigorous, timely process unless the applicant can comply with what we're calling the adequate replacement test.

And that is what we, that is the heart of the July 2016 order. A three part test that puts in place kind of an objective identifiable framework where carriers can provide empirical data that shows that they're, from the criteria that we've established that the replacement service that they have identified will perform adequately as a replacement for the legacy service.

The three prongs are the test are that the replacement service needs to provide substantially similar levels of network infrastructure and service quality. That it needs to demonstrate compliance with existing federal and industry standards to ensure that critical applications remain available.

And third, that it allows for interoperability and/or compatibility with certain key applications and functionalities. Just to give a very brief drill down on each of those three network infrastructure and service quality.

There are three criteria that need to be established in order to satisfy that prong. You need to demonstrate substantially similar network performance both in latency, we've established a standard of 100 milliseconds and in data loss popularly known as packet loss but to be more inclusive it's called data loss in our order of less than one percent.

There is also a second criteria requiring substantially similar service availability. And we've established what many of you who have worked in the voice world know.

As a 5-9 standard we've established a 4-9 standard applying kind of a similar division kind of test that you, that the carriers use to establish 5-9s in the past with customer trouble reports, time for waiting and those sorts of things.

And I could go into it. But it's all in the order. And finally, the, has to cover the entire geographic area that the legacy service covered so no customers get left behind in any way.

The second prong also has three criteria. And this one is pretty simple and straightforward. You need to comply with all of our 911 and public safety rules. That is straightforward.

Second, you need to apply or you need to comply with all of the rules that apply to making sure that applications and services benefit persons, individuals with disabilities. So those are, that's just a checklist requirement.

And finally, this is more of an industry standards requirement. But we established a communications security requirement in the order. And there are three paths to demonstrate that.

This is probably the area that received the most discussion in the order. But I think it's a pretty flexible framework to demonstrate that the replacement service is offering the same level of security as the legacy service.

And the third prong is compatibility with key applications. In the order we established some low speed modem devices that we say at least through 2025 a replacement service needs to demonstrate it's compatible with, fax machines, home security alarms, medical monitoring devices, point of sale terminals.

We also established a procedure once the rules become effective that will require OET and WCB to send out a public notice asking for input from the public on other applications and functionalities that should potentially be covered on this list. And we've established some criteria that we think are significant in evaluating that as well.

So that's the three prong test at a very high level and I'm happy to drill down on it. But a few other points that might be of interest to the folks in the room, we do have a, it's not part of the three part test but we established in the order that affordability of the service will be a consideration in determining whether an application is eligible for streamline treatment.

So that is in there and that's important. And we also established a very detailed consumer education requirement. There are requirements that certain materials be provided to consumers, a customer service hotline providing those materials in the languages that you advertise to your customers and several other pieces to that.

And finally, we've expanded the notice requirements to include tribal governments and also to allow customers who request to receive all of their notices by email that they can receive this notice by email as well. One last point in this high level overview before I get to your questions.

The current status of the rules, it was just on Wednesday that was the deadline for interested parties to file petitions for reconsideration of the order. We received two and we'll be considering those in due course.

But we are also still even with those before us proceeding with the rules becoming final and we anticipate as we kind of wind through the post release process that hopefully sometime early in 2017 these rules will become effective. So that's my, I mean that's my very high overview.

I'm very happy to go into more detail on anything you're interested in. But otherwise I've left my cards here and also happy to talk to you offline.

CHAIR BERLYN: Thank you for that quick overview.

MR. SAHARKO: Yes.

CHAIR BERLYN: One second, around the table first. Olivia.

MEMBER WEIN: Hi.

MR. SAHARKO: Hi.

MEMBER WEIN: Thank you. Would it be possible just to drill down a little bit about like what's, what we can expect regarding the affordability and the battery backup issue?

MR. SAHARKO: Sure. So I'm not an expert on the battery backup issue. What I can tell you from my portion of the order is that whatever requirements are in place for battery backup power are kind of built into this test.

So what the, the way the Commission has spoken in the past on emergency backup power and the rules they've put in place it's required for a replacement service to comply with those rules in order to be deemed an adequate replacement. The actual, the battery backup that's, our Public Safety Bureau is a much better experts on that.

But I can tell you that what they've put in place, which we think are strong rules, are required as part of this application process as well. You have to demonstrate that level. And you asked another piece to that, I think.

It was on the affordability, sure. I don't know how I forgot that in 30 seconds. Your mind does weird things. So the way it works basically is when applicants submit a Section 214 discontinuance application they're required to submit information about the price of their item.

So they have to include the price of the replacement service compared to the legacy service. And I'm just quoting from the item here to make sure I'm precise because I think the language is very carefully written.

The Bureau will not place an application on streamline processing if there is a material increase in the price for the replacement service compared to the service to be discontinued. We do not define material price and to answer your next question that, so that's where stands, yes.

CHAIR BERLYN: Amina.

MEMBER FAZLULLAH: Just a quick question. So would the cost of a battery presumably include it in the concept of what price would be or is it just for the service? I mean if the battery is, you know, something --

MR. SAHARKO: Yes, it's a great question and it's one that I don't think the order contemplates in detail. So it seems like it's one of those things that it could be.

I don't see why it couldn't be captured in the language that I just described. But again, I don't think we opined on it specifically so it's probably something that would be, you know, decided through adjudication process I would imagine, yes. That is a great question.

CHAIR BERLYN: Well thank you very much, appreciate it.

MR. SAHARKO: Yes, absolutely.

CHAIR BERLYN: I'm sorry, Mitsy.

MEMBER HERRERA: I just wanted to ask you have you in the course of this released, put together any public, you know, sort of one page, two page things for the public about this?

MR. SAHARKO: We, our wonderful colleagues in CGB have put together some materials that are consumer guides. And they've had us review them. We're very happy with them.

And I think we could, someone could give you the links. I think they're already live probably and if not they are certainly ones that we can get to your attention. But they've been prepared and I think they're quite excellent, quite good, yes.

CHAIR BERLYN: Okay. We're going to have to close the questions because we are running a little behind. But you did a great job in almost getting us back on schedule.

MR. SAHARKO: I'm here to, aim to please, yes.

CHAIR BERLYN: So thank you very much, Peter, appreciate that and we have your cards here.

(Applause.)

MR. SAHARKO: Yes, I'll leave a few less. I don't think you probably --

CHAIR BERLYN: Yes, we probably don't need that many and folks will know how to --

MR. SAHARKO: Thank you all.

CHAIR BERLYN: Thank you very much. And we have our next presenter coming right up. And are you doing, do you have, PowerPoint is over here, yes. PowerPoint over there. That's the hot seat.

And we have his card. Thank you so much, Beau. So moving quickly along working toward our lunch time here while he's setting up I want to welcome David Furth, Deputy Bureau Chief, Public Safety and Homeland Security Bureau. And he's going to be talking to us --

MR. FURTH: I did something wrong.

CHAIR BERLYN: -- about the Task Force on Optimal Public Safety Answering Point Architecture and the transition to NG911.

MR. FURTH: How do I actually get the slides to show on the screen? I see resume slide show but that put me on the wrong slide show.

MR. MARSHALL: Maybe Jeff could help. Jeff, is he back there? I need one of our tech guys.

MR. FURTH: But I want to get the full screen.

CHAIR BERLYN: He wants the full screen not the, yes, yes.

MR. FURTH: Yes, exactly. Yes, I'm looking for it here. Okay. That's it.

CHAIR BERLYN: There you go. You got it.

MR. FURTH: Okay. And then will page down work, yes, okay, great. Okay.

CHAIR BERLYN: You should be able to do that remotely too. Okay, excellent. Well thank you very much, David, for joining us.

MR. FURTH: Good morning and thank you. I'm David Furth. I'm Deputy Chief of the Public Safety Bureau. And first of all let me apologize my voice is a little bit shot this morning.

I spent last night in a futile effort screaming myself hoarse trying to will the Nationals to victory. That was not successful as I'm sure you all know. I'm still wondering why they sent Jason Werth for home. I can't figure that one out. But we'll leave that aside.

So I'm here to talk about Next Generation 911 at the request of the CAC. I'm delighted to be here. I'm going to go real quickly through some information that is in the slides.

I'm just going to touch on some highlights since I know that the focus that we were asked to present was Next Generation 911 and the challenges that it poses for public safety and particularly for our 911 call centers, our public safety answering points or PSAPS.

And I'm going to talk about PSAPS a lot. So just, if that's not an acronym you're already familiar with you can, you'll get familiar with it very quickly.

Just to give you a little bit of level setting about the 911 system, there are approximately 240 million 911 calls that are sent by the public to 911 call centers, to PSAPs every year. Our best statistics at this point indicate that probably about 75 percent of those come from wireless phones and the rest come from either land line or from VoIP.

The percentage of calls that come from wireless is increasing and in some states it's higher than 75 percent. We've got some states that tell us that they are getting 80, 85, even 90 percent of their 911 calls from wireless. So that's a major trend.

There are over 6,000 PSAPs in the nation. 911 is a local service. Those PSAPs are primarily configured at the county or city level and so here in DC there's a PSAP that serves the District of Columbia, the various counties in the national capital region each have a PSAP.

And when you go across the entire country we're looking at what is essentially a decentralized system because the calls are answered locally in every state and every jurisdiction. Let me go down to just a very quick overview of some terminology and the FCC's role in 911.

And some of this again, you may be familiar with. So our regulatory authority with respect to 911 is over the service providers, the commercial service providers that the public uses to call 911, the wireless carriers, the wireline carriers, the VoIP providers that deliver the 911 traffic to the PSAPs.

The PSAPs are not within the FCC's regulatory authority. They are state and local government entities and they're funded locally and I will talk a little bit about the funding and then try to orient the conversation about Next Generation 911 around how it looks from the PSAP side.

A couple of other terms, there's often a lot of discussion about exactly what Next Generation 911 is and how it is distinguished from the existing legacy system. Our shorthand way of defining it is it's really how the tech transition is going to apply to 911.

911 was started as a, originally a wireline circuit switch system that was, that channeled 911 traffic through your local central office that the LAC would then use a specialized router to route traffic to the PSAP. That still is an infrastructure that is in place in most of the country.

But what we are transitioning to is IP based technology that will route the traffic and locate the callers and handle the traffic differently from that legacy system. It will have more capabilities than the legacy system.

It will include the ability to handle text and video and photos which the legacy system cannot. Some of you may be familiar with text-to-911 and in fact text-to-911 is being rolled out.

Text-to-911 is not the same as Next Generation 911. It can be included as part of Next Generation 911 or it can be done on a transitional basis before a state or locality has fully implemented Next Generation 911.

And at this point in the country we estimate about 20 percent of US counties are supporting text-to-911. There are, I think, by last counts six states that are doing it statewide.

The State of Hawaii announced that they were going live with text-to-911 yesterday. So we're seeing major developments there. I've also put geographic information systems, GIS on here because when we talk about Next Generation 911 people don't always connect these.

But they are very important to connect at the technical level. GIS will be essential to Next Generation 911 both for routing calls and for locating callers.

And so when state and local government is looking at how do we implement Next Generation 911 it's important to have GIS as part of that analysis and to make sure that the folks in the government that are working on 911 and the folks in the government that are working on GIS are talking to one another and coordinating with one another and leveraging resources that may already be there to help lower the cost of implementation because often GIS is in a different department.

It's in the, you know, it's in the systems office and not necessarily, the CIO's office and not necessarily in the Emergency Management Office. So these are important things to bring together.

Let me talk briefly about convergence because the tech transition is changing the way we have to think about 911 in a couple of ways. And in particular, we have to get away from the kind of traditional stovepipe approach to public safety technology.

We are increasingly in a converged world and I like to use the next slide, this our kind of complicated slide with lots of different clouds with different acronyms and technical terms. And this is the landscape that we're looking at.

I'm not going to explain technically what all of these things are. But what's important to understand about this is that when we think about 911 we cannot think about it in isolation from other technologies that are used to support public safety whether it's the radio systems that first responders use or it's systems that are used to, for public alerts and warnings and of course the entire commercial network infrastructure that the public uses to get to the 911 system in the first place.

So convergence is what we are seeing. And that means that the challenges that local government faces and state government faces in implementing 911 and Next Generation 911 have to take these other elements into account.

Again, just a little bit of a high level description of Next Generation 911 both in terms of the differences from the legacy system and the advantages that it offers. And it does offer huge advantages.

There are costs associated with making this transition. The benefit on the far side of that transition is that in fact Next Generation 911 can be both more capable and more cost effective than the legacy system.

And that is one of the challenges that we and our state and local government partners and our industry partners are really facing and trying to wrestle with. And that's why planning and coordination is particularly important.

So another bit of data that I just put out there for consideration. So how is 911 funded? Most of the funding on the PSAP side, on the state and local government side comes from 911 fees that are on all of our wireline, wireless phone bills, the charge, the monthly charge that you will see on your bill for 911.

That is typically set by the state that you live in. The states have different fee structures from one another. Collectively based on the report that we issue annually and the data we collect from states about $2.5 billion in 911 fees are collected by states and then distributed either at the state level or down to the local level to fund PSAPs.

That's not the only source of funding. There are general revenues that can also support PSAPs. But this is kind of an indicator of what the operating cost is of keeping the 911 system running, keeping the lights on, making sure the calls get answered without necessarily taking into account what the transition costs are for Next Generation 911.

Now we do ask and in the report we've gotten some data on to what degree are state and local governments taking some of that fee revenue that they collect and using it for 911, Next Generation 911 programs. And the numbers that we got from the 2014 data out of that $2.5 billion it was about ten percent, nine to ten percent of that money was being devoted to Next Generation, what were identified as Next Generation 911 expenditures.

We're also obviously very concerned and one of the reasons we do the report is to identify whether you have states that are diverting 911 fees to non-911 purposes. That's actually one of the purposes for which Congress directed us to do this report.

We've now been doing this report for seven years and one of the things that we report on is which states are taking those fees and using them not for 911 but for other purposes. In some cases it may be public safety purposes.

In some cases it may be money going to the general fund. We report on that. We shine a spotlight on it. We can't enforce, Congress has not given us the authority to enforce against fee diversion.

It's still essentially a state law decision. But I think by shining the spotlight we have seen a reduction in the number of states that are actually doing it. But there are still states that are doing it.

So let me talk a little bit about the Task Force on Optimal PSAP Architecture, what we call TFOPA. So this is another advisory committee like the CAC. And it was convened in 2014 and the specific purpose of this task force was to look at the challenges that face PSAPs in making the transition to Next Generation 911.

So we assembled a really incredible group of 911 experts from federal government, state and local government, industry. We have consumer groups and we did a rough calculation at the first meeting and, of how much 911 experience there was around the table and we came to, I think, about 700 years' worth of hands on 911 experience from the people at the table.

So these are really knowledgeable and dedicated people. They all have day jobs. They did this and really put together a terrific product. So I'm going to leave you with some information about what TFOPA has done and also what it will be doing in the next couple of months.

There were three working groups that were created under TFOPA. One on cybersecurity specifically looking at how will PSAPs as they move into the Next Gen world deal with the challenges of cybersecurity because any transition of technology to IP you have to be thinking about cybersecurity from day one.

And so the TFOPA, that task force was looking at how do we do that? A task force working group that looked at network architecture. What are the different ways in which, what are the different architectural models that states and localities can use to develop the optimal architecture for a Next Generation 911 system and associated issues that go with that.

Not just what does the technology look like but what does the governance model look like? What does education and workforce training look like?

And then finally, a working group that looked at resource allocation which is really funding. How do state and local government develop sustainable funding models that will support the transition and the ultimate implementation of Next Generation 911?

One of the concerns is that the fee structure that's currently in place in most states relies heavily on customers of legacy services, legacy wireline, legacy wireless. And Next Generation 911 is going to be transitioning 911 to all IP which means that there could be people who are using non-traditional means to access 911.

They could be using broadband. They could be using apps. There will be many more kinds of communications into the 911 system and not all of them will come from traditional wireline and wireless customers.

And in fact, that share of the 911 traffic may shrink. So how do you develop a sustainable funding model that can handle that transition and be sustainable into the future?

And the working group in TFOPA looked at a number of options. And again, these are going to be policy decisions that states in particular are going to have to make. So what TFOPA did was to put options on the table.

I had a copy of their comprehensive report. It's right here. It's about 200 pages and it's kind of dense reading. But in fact, it's a very good blueprint for any state or local authority that's looking at how do we do this transition.

And we in fact sent it, when this report came out last January we sent it to every state governor. We've shared it with public safety organizations, with NENA, NASNA, APCO and others and we're happy to share it with all of you here.

What we're going to be doing with TFOPA with this report and this is the tasks that the task force is now looking at in the second year of its charter, is really trying to take some of the recommendations in this very detailed report and translate them into more user-friendly materials that can help state and local authorities and industry and others to manage this transition.

So the Cybersecurity Working Group is going to be doing a more in depth review of the concept that we call EC3 which was the model that they recommended for how to deal with cybersecurity. And without going into a lot of technical detail, the real message there is we have 6,000 PSAPs. We cannot have 6,000 cybersecurity strategies.

Number one, no one can afford it. Number two, it won't work. If you decentralize your approach to cybersecurity at that level it will be a patchwork and it will have seams and it will have vulnerabilities.

So the EC3 concept is about how do state and local authorities pool their resources, get together and come up with a more scalable approach, a collective approach to cybersecurity and also how could they leverage existing federal resources that are already out there for, in other areas not in 911 to deal with cybersecurity issues.

How can we link those things up? Similarly the Network Architecture Working Group is going to be coming up with a framework and what we call an NG911 ready scorecard.

How do we know and how will local decision makers know and this is the state legislatures, city councils, county councils, how will they know what they need to do to get to NG911 and is there a scorecard that enables them to see, yes, we've taken the following steps and these are the steps that we still need to take?

So really trying to turn the architectural recommendations into practical advice and recommendations that are, can be used by the decision makers that are going to have to make these decisions.

And then finally, the Resource Allocation Group is going to be looking more practically at some of the funding sustainment options that were presented in the report and again, how to give authorities a menu of possible options for how to deal with the funding challenges.

The last thing I'm going to mention is because underlying all of this is the big question. How much is all of this going to cost? And that's a big question.

And a lot of the answers depend on how it is that the 911 community organizes to meet this challenge. Again, this is not something that can be done on a stovepipe basis, PSAP by PSAP.

So there will be more efficiencies that are gained where you have states and regions that are working on NG911 strategies to cover all of the PSAPs in their jurisdictions and there will even be some challenges that we think are best met at the national level. There are a number of states around the country that are either already actively deploying or in the active planning stages for Next Generation 911.

You know, Massachusetts is one. Vermont is another. Indiana is another. The national capital region here is engaged in a planning exercise as are the States of Maryland and Virginia.

So there's a great deal of work going on. While this is going on our colleagues over at the 911, national 911 program at the National Highway Traffic and Safety Administration are working pursuant to a directive from Congress on a cost study that's going to look comprehensively at the implementation costs of Next Generation 911.

That's underway now. We are working with them on that and we anticipate that cost study will be out probably end of next summer, September of 2017. So, but in the meantime we are working as hard as we can on trying to come up with practical guidance for those that have to make the decisions that are really going to move this transition forward.

What we want to avoid is the transition being a patchwork where we have haves and have nots. We want to get everybody to Next Generation 911. It's a big challenge as with any transformative change to the 911 system.

But we've been working day and night with our colleagues at all levels to try to advance that. With that I've gone, covered a lot. It may be that your only question at this point is, is it time for lunch yet, but I'm happy to take questions.

CHAIR BERLYN: Thank you very much. That was very comprehensive. Olivia.

MEMBER MCELDOWNEY: Hi, this Ken McEldowney again.

CHAIR BERLYN: Sorry.

MEMBER MCELDOWNEY: What's the time line it likes to stretch it for this to be completed it's going to stretch this way into the 2020s? Is there any way of speeding it up?

MR. FURTH: That's precisely what we are trying to figure out. The time line if we let nature take its course is going to be too long.

And it's going to stretch out, yes, it could easily stretch out for 10, 15 years and it wouldn't be done well in the process because again it would be patchwork. So a big part of what we are trying to do is help the states to come up with a more organized approach.

There is some federal funding in the pipeline. There is a $115 million grant program that Congress provided for back in 2012 to be funded by FCC auctions. That money has now been made available.

And so in the coming year there will be a small amount of federal money. But I don't think anybody believes that $115 million in federal funds is going to be enough to get us there.

So there may be, the Chairman has urged Congress to go further. But we're certainly going to do our best to work with NHTSA and NTIA who are managing that grant program to make those dollars stretch as far as possible.

There is an industry group that has coalesced around Next Generation 911 with NENA and some other public safety partners and their goal is to try to complete the transition or at least lay the foundation for the transition by the end of 2020.

That's a very ambitious goal. But I think it's the kind of target that we need to shoot at because that is ultimately going to get us there quicker.

And the quicker we get there the more we can save on these transition costs. It's, the longer you're in a transition mode you have to support both the legacy system and the new system and a bunch of transitional bridges between the two in order to keep the 911 system running.

That's very expensive and very inefficient. So what you want to do is minimize that time. And what we're trying to do with the tools that we've put together, the task force has put together is a blueprint for how we can get there faster.

CHAIR BERLYN: So I have two questions on the floor, Olivia and Steve.

MEMBER WEIN: Thank you. This is a very narrow question and it sort of relates something that we heard earlier at the beginning about the robocall call authentication work with the Strike Force.

Is it and in your 911 with this Next Gen and I'm thinking about like the fake 911 calls, the swatting. So who is really sort of taking the lead?

Do we look, would I be looking at the stuff that's coming out of the task force here? Is it the same people working on the robocalls call authentication work or are these two different tracks?

MR. FURTH: They're overlapping tracks. The Robocall Strike Force is looking at a broad array of issues relating to robocalling. I think one of the things that we're interested in from the 911 perspective is whether perhaps some of the solutions that are developed there could have applicability in the 911 space.

If there's any way to leverage a more broadly available solution that attacks that problem then we certainly want to take advantage of that. At the same time within the planning for NG911, within the I3 standard that was developed by NENA and within the recommendations that are made by the task force on cybersecurity, this is obviously one of the key issues that we're concerned about is threats to the 911 system that could be injected over IP-based networks.

So that's a huge concern. It's a big focus of the activity that we have undertaken with the task force.

But we don't, again, we don't want to be, we want to be careful about not developing a stovepipe solution that's cost prohibitive so it's not really practical to implement which is why we will also definitely work side by side with the folks that are looking at the robocall issues because it may be that there are solutions there that we can leverage.

CHAIR BERLYN: Steve.

MEMBER POCIASK: Yes, first I just wanted to thank Debra and Scott for getting both the, it's very responsive in getting both the tech transition update on the agenda and the Next Generation 911. So thank you very much for doing that.

David, thank you for reviewing this. You had mentioned the fee diversion report. And isn't that coming out soon? Do you know when?

MR. FURTH: We generally publish that at the end of the year, well actually we deliver it to Congress at the of the year and it's usually publicly released shortly after. So you should be looking for it in early January.

MEMBER POCIASK: Okay, thank you.

CHAIR BERLYN: One other quick question, Catherine.

MEMBER FEERICK: Hi. This is actually a pretty quick question. With the technological, I guess updates and also with the new funding mechanism, do you foresee this having an impact of individual emergency services personnel having more independence or less as we move forward?

MR. FURTH: That's a great question. I'll try to tackle it at least from my perspective. I think it's both. The world inside the PSAP and the world that the call takers have to deal with is going to be changed by technology.

And in fact one of the issues when we go out and visit PSAPs, talk to 911 managers the, both the training requirements that are going to be, have to be changed to deal with this new environment, the kind of stresses that it puts on 911 call takers and how we manage this increased flow of information, these are major issues.

It's not going, a lot of this is being really dealt with by the agencies themselves in terms of how they do that because on the one hand I think we do see that what's happening in a fully Next Generation 911 enabled PSAP, call takers are doing a lot more than just taking calls.

They're bringing in more information. And increasingly what we're seeing and we're actually encouraging emergency responders and public safety authorities to think about is how to link up these different functions.

So a simple example is the nexus between 911 and emergency alerting. 911 is the public is sending you information asking for help.

Emergency alerting is when you're putting out alerts and warnings and telling people either you're in danger you need to take cover if it's a tornado, something like that or you're providing information in some kind of an emergency situation.

And if you think about those two things they have been historically been siloed. They have historically been different, in different agencies, they've been different technologies. They've been separate from one another.

What we're seeing in the Next Generation world is that those things are coming together. And in fact it's possible for local 911 authorities to become alert originators under the IPAW system that FEMA has set up which is the system that is used to send out wireless emergency alerts.

And often the 911 center is the place where you get the first information about something that's happening, whether you're talking about a shooting, a disaster, a storm. That's when you're, it's almost like you're crowd sourcing the information of what is going on.

That information can be really important if you can act on it to send an alert, to send a warning. The technology is there to do it. It's a governance issue for local authorities to make the decision that they want to integrate those functions.

But they can and many PSAPs are doing that so that increasingly what we're seeing is that as opposed to just being centers that receive phone calls PSAPs are becoming more like emergency command centers. Maybe the routine traffic is still kind of a traditional you take the call and you dispatch an ambulance and fire truck.

But in major emergencies that role is changing. And what that means is the individual call taker may have more responsibility and more autonomy. But is also means that the operational framework in which they are working may also need to take these additional tasks into account.

And so that's one of the challenges. As we think about the technology one of the challenges is how does it actually work on the ground when the emergency happens. And I think that the PSAPs themselves are the ones that are teaching us all as they confront these challenges, kind of what those, how those roles are going to change.

CHAIR BERLYN: Thank you. Well thank you very much for the great information --

MR. FURTH: Thank you.

CHAIR BERLYN: -- and presentation. Great information and presentation and good questions.

MR. FURTH: And I kept you only a little bit past noon.

CHAIR BERLYN: Well you had a late start. So thank you very much. Appreciate it. Okay, great.

(Applause.)

CHAIR BERLYN: Okay. We're going to give you some logistical information about our lunch break. Before everybody leaves I want to make one quick note.

I was remiss, I did not mention someone that I really want to mention who has also been at my side and that's John Breyault from the National Consumers League. I want to thank John so much for everything he has done with the CAC.

He's participated in so many of the working groups and task force and he and his great team at National Consumers League. So thank you, John, for everything you've done as well. So thank you.

(Applause.)

CHAIR BERLYN: Okay, Scott, take it away. Lunch, what are we doing at lunch, Scott?

MR. MARSHALL: Okay, great, thanks. Great. Lunch has arrived as you can well tell. Those that are meeting for the No Surprise Task Force please pick up your lunch and beverage.

You'll be meeting in Room 442 which is straight down the corridor here past the intersecting corridor that goes to the lobby and it will be on your left. And we'll be calling into a phone bridge so that those that are on the phone if they wish to listen in they can do that too.

CHAIR BERLYN: And we're going to --

MR. MARSHALL: And we're back here at 1 o'clock.

CHAIR BERLYN: -- be back here at 1 o'clock.

MR. MARSHALL: For a presentation at 1:00.

CHAIR BERLYN: So we'll have to move quickly with our task force. Okay.

MR. MARSHALL: Yes, thanks.

(Whereupon, the above-entitled matter went off the record at 12:08 p.m. and resumed at 1:06 p.m.)

CHAIR BERLYN: All right, everyone. We are now going to, we have Gregory Cooke here who is associate division chief, Policy Division Public Safety and Homeland Security Bureau. Thank you for coming. You're going to talk about the emergency assistance services national test update. So thank you.

MR. COOKE: Yes, thank you. And thank you all very much. It's, I'm very happy to be here. I think this is a great time to be talking about the test to this audience because we really, in light of the initial EAS test that we had in 2011, really made some significant advances and efforts to make sure that the test would be fully accessible to all whether the hard of hearing, the blind or those for whom English is not their primary language.

So in any event, on September 28th FEMA initiated a nationwide test of the EAS, the Emergency Alert System over the facilities that carry the EAS. So this would be television, radio and cable.

This was not a test of wireless emergency alerts. So it was not carried over mobile phones. The alert featured both an audio message and a text of that message which unlike the test in 2011 were identical.

So what you saw in the crawl you also heard over the air. So the text was the same and unlike 2011 it also very clearly articulated and displayed that the test was in fact a test.

The test was provided in both English and Spanish. And prior to the test the Public Service, the Public Safety and Homeland Security Bureau performed outreach to a number of organizations to give their members a chance to let us know how accessible or how comprehensible or how understandable the test was for their members.

So for example, we met with the City of Los Angeles Department on Disability, North Carolina Department of Health and Human Services, National Association for the Deaf, Telecommunications for the Deaf and Hard of Hearing, Gallaudet Technology Access Program, Hearing Loss Association of America, DeafBlind Citizens in Action, American Foundation for the Blind, American Council for the Blind and the National Federation for the Blind.

And those are just the disability rights organizations. We also met with a number of Hispanic organizations. And in all of these cases what we told them was that although the test was primarily a technical test for the participants, the broadcasters and the cable providers, to make sure that they had access to internet based alerts as well as over the air alerts, there wasn't, it was still going to be seen by the public.

And while we weren't doing a major public outreach and it was not a civil defense exercise we really wanted to get input on how accessible the test was. So we in both cases said what we were going to do was put up templates on our public safety service center which is an online access facility that we maintain on the Commission's website, to let people fill out templates to let us know how the test looked to them and how accessible that it was to them.

And so then on the 28th we had the test. Between TV, radio and cable that is over 24,000 EAS participants around the country. And overall the test was a success.

The National Periodic Test Code and the National Location Code, which were the two big technical things we were trying to, we were testing that they worked exactly as intended. And over 95 percent of the reporting EAS participants successfully received the test and almost that number successfully retransmitted the test so that we know that it got out to the public.

And early reports indicate that problems with receiving or rebroadcasting the alert are fairly isolated and are limited to one particular area which I'll mention because it does go to accessibility. EAS works in two ways.

It works in the classic way that we've all been familiar with for many, many years is that it's an over the air delivery system. And if you can hear it you'll always hear that funny, those funny honks in the beginning of the EAS.

Well that's a data burst. That's information that is broadcast over the air. So when a major radio station broadcasts the alert other radio stations and TV stations and cable providers hear that sound and equipment in those facilities responds to that sound by then displaying the alert.

It's like a trickle down hierarchy. It's almost like flipping dominos where you flip one and it flips two and on and on and on. In that case the kind of data that is available is quite limited.

The kind of text that is available is based on codes and the equipment. And it really, it can be quite cryptic. And so in that case the audio which is the regular audio and the text won't match.

And one of the things that we've done since 2011 is augmented this legacy distribution system with one based on the internet where all of the EAS participants, TV, cable, et cetera log and poll an internet website on a regular basis, every 30 seconds or every 20 seconds, whatever. And when they pull down that information it's much richer, it's much more robust.

It has a complete text field so that you would then have audio and text that completely mirror each other. So we wanted to see the interplay of how these two systems would work and where one would be received as opposed to where the other would be received.

That's the function of the system that we were testing. The biggest single issue that came up during the test was the fact that many stations, many EAS participants picked the, probably at least 40 percent picked up the alert over the air as opposed to through the internet.

And so therefore, there was a little discontinuance, little discontinuity between the, what you heard and what you could read. In both cases it clearly indicated it was a test and so in all of that regard it was the same.

But you might not have gotten quite the exact same text. So that is probably one of our, that's probably our biggest single issue that we're going to be facing going forward.

It's one of the things we want to face in the system. But we also, as I mentioned, solicited consumer feedback through the Public Safety Support Center. And so we also received feedback from individuals on whether consumers experienced problems with quality of the audio, legibility of the text crawl or the language.

And we received approximately 60 responses. And even, you know, when you solicit response there's kind of a self-selection bias favoring folks who experience problems. You know, and so even with that a third of those responses indicated that no problems were observed.

So we're thinking this is working fairly well. That being said though, we had some consumers who reported not receiving the text. Others reported receiving the audio but not a text crawl or vice versa.

And in some cases EAS participants ran the text crawl too quickly or did not supply sufficient contrast so that the text crawl could be read easily. And this is a problem we've been aware of for quite a while.

It's one that is not built into the architecture. This is how individual TV and radio stations set up their system. So we've set up rules and we are working on developing best practices for these stations so that they can ensure that they don't run the crawl too fast, that the crawl which is not closed captioned is set up in a way that it will be set up with proper contrast.

So that's going to be an ongoing issue. And we also made a little bit of an error unfortunately when we set up the PSSC. One of the things that Suzy Singleton pointed out to us was that we forgot to turn off the CAPTCHA or the guys who set it up didn't turn off the CAPTCHA so it made it fairly difficult for some people to access the sheet.

And we apologize for that. We had absolutely told them to turn off the CAPTCHA. It didn't occur. So that is an issue that was certainly not intended. We thought we had taken measures to avoid that occurring and we will take twice the measures next time to ensure that it doesn't occur.

So that's basically it. I'm happy to take any questions on the test. I can tell you we'll probably have another one but there isn't one currently scheduled now and we'll have a lot more data towards the end of November, beginning of December once all of the EAS participants file their final reports with us.

CHAIR BERLYN: Anyone have any questions?

MEMBER MCELDOWNEY: I have a question.

CHAIR BERLYN: Ken, you want to --

MEMBER MCELDOWNEY: Have you worked at all with the Asian language radio and TV stations to put, you know, such test in the line which is used by that station on the air or on the radio?

MR. COOKE: We, the content of the, the short answer to it is, yes, but not for this test. The content of the test is determined by FEMA.

And so in this case given the technical, you know, given the technical capabilities of the system they initiated doing this in Spanish. And I don't want to get into the weeds too deeply.

But the way the test works over the internet is that it uses an HTML program called the Common Alerting Protocol that separates test elements into various files. And so the way the system works is that we're able to, in this case have an English file and a Spanish file for the audio and the text.

And there's particular issues with end user equipment capturing all of the special characters and whatnot. So while we are in, I know FEMA is in discussion with Asian language groups, we certainly are seeking comment on the issue in an upcoming rulemaking.

But we realize that there are a, significant technical issues to be addressed if we want to begin to add other languages, in particular ideographic languages. And also it becomes an issue of where you make the determination of what language to use.

Do you use census data cutoffs? Where do you make that determination? And so we're at a very early stage of doing that because at this point the facilities are such that our ability to do it is limited.

But, yes, it's a big issue and it's one that we are pursuing.

MEMBER MCELDOWNEY: Yes, we've been using Chinese, Korean and Vietnamese for probably 15 years both in our printed publications and our website. And I think those would be a good first three languages to start with.

MR. COOKE: It makes sense I think. Have you been in touch with the folks at the, at FEMA, their program office for the Integrated Public Alert and Warning System?

MEMBER MCELDOWNEY: No, maybe some, maybe, Scott, you could send me that information after the meeting.

CHAIR BERLYN: And, Ken, can you just identify yourself?

MEMBER MCELDOWNEY: I'm sorry, Deb. It must have been cut off. It's Ken McEldowney from Consumer Action.

MR. COOKE: Okay, yes, if you can, they know how to reach me here. If you can reach out to me I'll make sure that you can be put together with the folks at FEMA and maybe we could set up some of the technical protocols for doing this at least on a pilot basis.

MEMBER MCELDOWNEY: Sounds good, thanks.

MR. COOKE: Sure.

CHAIR BERLYN: Ed.

MEMBER BARTHOLME: Over the summer we had one of the first television tests of the ATSC 3.0.

MR. COOKE: Sure.

MEMBER BARTHOLME: How is that sort of factoring into this or is that sort of future integration? Where is that linked in?

MR. COOKE: We're looking, there's a limited amount that I can comment on that because as you know there's a notice of proposed rulemaking pending before the Commission on adoption of the physical layer of that standard.

That being said, it offers tremendous opportunity. It offers tremendous opportunity and I think that if you follow what's happening in the ATSC 3.0 space and you take a look at some of the filings by AWARN and you take a look at some of what NAB is doing you can see that the capabilities for highly geographically targeted alerts, highly language targeted alerts really are more because, it's, you know, a lot of data over the internet.

So you've got all the benefits of broadcast plus a return path. So really there's a tremendous amount of potential there. We are seeking comment on it.

I think we're waiting for the shoe to drop to see the notice of proposed rulemaking move forward before we can really comment any further, but, yes.

CHAIR BERLYN: Any other questions? Okay, thank you very much.

MR. COOKE: Thank you all very much.

CHAIR BERLYN: Good data. Thank you.

(Applause.)

CHAIR BERLYN: Thanks. Bye.

MR. MARSHALL: Thanks. Bye.

CHAIR BERLYN: So we are waiting for Commissioner Clyburn to come down and talk to us. She is due at 1:20. So that is momentarily. That is momentarily.

I don't know if we should just, should we just stay in place?

MR. MARSHALL: Yes, I think so.

CHAIR BERLYN: Okay. We're just going to stay in place, not even move around the room if you could really because, yes, and she's here. Okay. Commissioner Clyburn is in the room. She is here. Come on over here.

We've got your, have we got her card? All right. This is someone who needs no introduction. Am I right? Am I right? She is, I'm with her. I've been dying to say that. But I truly am, you know.

Yes, we are so privileged to have Commissioner Clyburn here to talk to us.

COMMISSIONER CLYBURN: Thank you.

CHAIR BERLYN: And I just, take it away. Thank you so much for joining us. I know you always do if you are here in town. So thank you so much for giving us your time.

COMMISSIONER CLYBURN: Absolutely. Well good afternoon. Again, everyone it's good to see so many familiar faces and it's good to be with a group who I can say without any qualifications or any type of hesitation I'm absolutely in sync with.

So thank you very much and thank you, Debra, for always keeping me straight. Yesterday like many of you in recent weeks I assume, I decided to do a quick online search for a car to rent for an unexpected trip that I apparently am going to take back to South Carolina.

And though this guy has been married to my sister for well over 20 years I had no idea that this coming weekend or I should say next weekend will mark a significant birthday milestone for my oldest brother-in-law. So I'm guilty as charged on that one.

But before being asked on the car rental website for a credit card number, driver's license or other personal information that I know we are accustomed to sharing, I was given a quoted price that included all taxes and fees.

Now while I can remember the day when this was not always the case, as of late for me and ideally for you not only that, was it clear of what government imposed fees and taxes I would have to remit, but all of that company's mandatory fees, airport fees and all of those things that, if applicable, it was very clear that before I hit okay that this is what the final dollar amount would be.

Now all of this sounds relatively painless except on certain weekends, you know, peak times when it's really painful expense-wise. All of this sounds relatively painless and transparent.

And I have to admit that again, yes, it sure was. But unfortunately the same cannot be said for many consumers when they sign up for a phone or phone service, internet or paid TV service.

We tested this process out among all of us in the office earlier this week by visiting various websites of major wireless providers. Now after entering our zip codes, selecting a device and a monthly service plan we landed on this page that quoted the total monthly plan charge as in this case $59.

Now an asterisk next to that quoted price indicated that this did not include any taxes, fees or surcharges. Now you know with that little asterisk I had to squint because I'm over 50 to see that size print.

But as I, as we proceeded to check out we were prompted to provide date of birth, social security number and credit card information, as you know. Now this experience for me and I know for any of you who have made any types of changes when it comes to these services, demonstrates what many customers are still going through as they sign up with service contracts because at what they consider the end of the economic, you know, exchange their exact true cost of service is still not clear.

So over the course of a two year contract these mandatory and "below the line" fees can easily add up to several hundred dollars. And for low income Americans and others of us who are on a budget, these additional unexpected charges per month can have a major impact.

Now in July you may have seen that Congressman Mike Doyle and I penned an op-ed which articulated what we consider a simple principle. Consumers should know exactly what they will pay before they get that first month's bill.

And in fact, this should be known and clear before being asked to provide sensitive personal information. Now we in that editorial, in that op-ed called on the nation's communications providers to lead by way of voluntarily improving transparency and disclosure of these below the line fees so that when consumers sign up for service with them either online or inside of the store that they will not have to wait for their first bill to learn what their service will truly cost.

So I am extremely pleased that as we sit here three months later that this Consumer Advisory Committee has established a No Surprises Task Force and that they've come up with a series of recommendations that will address these very concerns. Implementing these recommendations will be a huge win for consumers and an opportunity for providers to show just how committed they are to putting consumers first.

So once again, I thank the task force, the Consumer Advisory Committee and the staff of the FCC's Consumer and Governmental Affairs Bureau for your tireless efforts on such an important consumer issue and as always I am incredibly grateful for you because you are indeed the voice of those who are too seldom heard.

So again, Debra, thank you very much. And I don't know if we have time for any questions. But if we don't because I know you're on a tight schedule, you know exactly where to find me. I'm a few floors up and I don't plan to leave until close to 6 o'clock today.

So I'm not going to run away from you. So again, Debra and Committee, thank you very much.

CHAIR BERLYN: Thank you, Commissioner. And we always have time for questions. If you have time to take them we have time to give them. So --

COMMISSIONER CLYBURN: Or comments. I don't want to limit them to questions.

CHAIR BERLYN: Sure. Well so I want to kick it off because I know next week you have an exciting event coming up. You've been traveling around a bit and talking and listening with this Connecting Communities Tour.

And I wondered if you could just give us a quick little --

COMMISSIONER CLYBURN: Plug.

CHAIR BERLYN: -- highlight, plug the event most definitely. And maybe just, you know, a quick comment about, you know, maybe something that you learned and a quick little preview of that event.

COMMISSIONER CLYBURN: So I do things and I must be fixated on age because I was about to say the older I get the things happen more closely to the day I remember clearly. And so I a day or two ago took a train up to Essex County up in New Jersey and visited an inmate facility.

My first visit and I don't plan to be anyway I won't say that. I'm going to do the best that I can to stay on this side for more than one reason.

But one of the things that I discovered in that and this is going to scare my advisor and just saying that this is going to scare my advisor just scares my advisor and I love it. I don't get many, you know, pleasures.

So, you know, that's one of them, is that when we talk about affordability and people being able to be in touch with their loved ones no matter where they find themselves at this stage New Jersey, I have to admit, has done a pretty good job.

They've, at least in this particular county they have, they've got pretty good rates. I think it's about five cents a minute. And so people, inmates can affordably speak to their attorneys and their families and that's a good thing.

But a couple of things that they pointed out that we have to as policy makers always be mindful of. And so if you know in this particular case, in this, I will condense this story because I'm starting to get a little long so I'm sorry.

Is that one of the persons came, said to me that I understand there's from a security standpoint. But what is happening now is when I make a call I can't make a call to a cell phone.

And you go like okay. So I'm going like I know that's one of the rules. But he said who has a land line in my family? So you sit back and you go like, my goodness. You're thinking you're solving, I'm euphoric because they've got five cents a minute, you know.

We're working with the facilities and others because we, you know, again, we're thinking about what they have to do to ensure that, you know, nothing, no one on the outside is being contacted that shouldn't be. And you have seen the stats like I have.

Close to 60 of low income people have cut the cord. So now in solving one problem we have doubled down on another. And I say this to, as a sort of segue to what we're going to do on October 19th at Georgetown Law Center.

We're having what we call a Solutions 2020 conference or a workshop where for about four hours we're going to divide things in silos and talk about different, you know, from healthcare to, you know, adoption to almost everything in a sort of compacted way that we and you have talked about for, since your inception about what we can do better.

It's not going to be your typical stand around, you know, sit down and here is a, you know, a workshop and a panel. We're asking everybody in rapid fire fashion for two minutes you come up with your solution inside of this portfolio and from your vantage point because I don't know, I think you heard me say this last time.

I am growing a little fatigued about hearing us rehash what we know are the challenges. What are the solutions going forward that as policy makers, as people in private industry that we can, you know, have a, develop a template to work together because I just mentioned that other one that's, it shouldn't have been new to me.

It should have been quite intuitive that, you know, I'm looking at the stats and people cutting the cord and knowing that, you know, most of the people who are, you know, are low income are the ones recycling in and out of the criminal justice system, why was it not intuitive to me that the cell phone, so what I'm saying is with the best of intentions we don't always get it right.

And that's why it was important for me to go outside of the Beltway with these Connecting Community Tours. I think we were at about 11 or 12 states in a number of communities and hearing and seeing and learning more we have the capacity to implement better.

So I'm hoping that if you cannot attend on the 19th of October at Georgetown, I believe it starts at 1 o'clock. Where is my advisor? Thank you. It starts at 1 o'clock.

If you cannot be there we're going to have it live streamed is my understanding and we definitely are going to have a product that will be birthed from it. And this is to further irritate my advisor.

We're going to have something that will be tangible that will come out of that because I am more optimistic the longer I am on this planet about some of the chronic issues and challenges that we have in this country that there are solutions.

A lot of solutions are technology driven and that we have the capacity to do better and doggone it, we should. So thank you very much, you know, for this opportunity.

Again, I don't know if you have any questions. My story ended up being a few minutes longer. I hope you forgive me for that. But I thought it just drove home the example that sometimes with the best of intentions we don't get 100 percent there.

MEMBER MCELDOWNEY: Yes. This is Ken McEldowney, Consumer Action. Just one recommendation. I was on the No Surprises Task Force and the recommendations will be adopted today.

I would really urge the Commission to not just sort of view these and issue them as best practices, but also requirements. I think one of the reasons, the only reason why these car rental companies are disclosing all the fees up front is they are required to.

I think that's the only way to protect consumers in terms of bill shock as well.

COMMISSIONER CLYBURN: Thank you.

CHAIR BERLYN: Anyone have anything else for the Commissioner? Mitsy.

MEMBER HERRERA: Commissioner Clyburn, first I want to thank you very much for all the work that you've done in looking at the prison reform. As we approach having a new administration I want to commend you as well for being very active in your role as Chairman, Chairwoman of the FCC.

COMMISSIONER CLYBURN: Thank you.

MEMBER HERRERA: I do hope soon that we will have another, the first woman chair of the FCC.

CHAIR BERLYN: Second woman chair.

MEMBER HERRERA: Second woman. The thing I wanted to ask you about is particularly on the independent programming NPRM we thank you for your efforts on that.

We were interested in understanding why the public, educations, government access programmers who provide a lot of community media, there was more mention of them in the NOI. But in NPRM there's not a lot of explicit reference.

Is the Commission still interested in the support for that? Is it that we should sort of be reading into it? Are you looking for more comments on that area? I just wondered if you could expand on that a little bit.

COMMISSIONER CLYBURN: So if I got this right, I understand, no and yes. So, you know, often when you pen these you might, may or may not depending on the comments capture as many things as you would like.

So whatever, I always when you have these notices no matter if there is an IOA or NPRM, you know, I always say if our contours were not as complete as what you think you have the capacity to weigh in and that will be a part of the record regardless of what we put forth.

So I will and that's why I answered that way. I can only answer that other question first person. You know that I recognize the importance of, you know, of those entities.

And so my interest has not wavered and I did read over it and maybe I just had a brain slip of the day and did not see that I needed to be as robust. But do not allow my brain slip to be a lost opportunity for you.

MEMBER HERRERA: Thank you and thank you for your continued support.

COMMISSIONER CLYBURN: Ms. Irene. And that picture better come out right.

MEMBER LEECH: I got a really nice one.

COMMISSIONER CLYBURN: Thank you.

MEMBER LEECH: I got a really nice one. First off, in the recent meeting of the Commission as it was web streamed my students and I watched in class and that was a really nice thing for us to be able to do.

And it was, you know, and to able to say to them that was happening right now and it's a consumer, senior level consumer protection class so it was just perfect.

COMMISSIONER CLYBURN: Great.

MEMBER LEECH: So wanted to --

COMMISSIONER CLYBURN: So we didn't scare them away or anything?

MEMBER LEECH: I don't think so. As we are doing the No Surprises piece there are some more No Surprises that we're going to need to work on particularly related to caps with internet service.

And I can give you more details. But those of us who don't have access to a fiber-based internet and have to use over the air and the caps that we're dealing with are very, very low and it's very easy to go over them.

And I recently had an experience where I ended up with a, you know, $150 bill more than I had intended in a matter of a very short period of time. So I think and I'm a pretty aware consumer.

So I goofed. Everybody makes mistakes. But still those things can hurt. And so we need to think about some other ways to deal with it.

COMMISSIONER CLYBURN: I appreciate that. You made me think about a story that's more international in nature. I was at a conference in, I think it was Turkey actually, and one of the ladies from, I think she was from Ghana but working somewhere else on the African continent was saying that the problem there in developing countries and are often are problems here and parts of our nation would be what is broadband.

The question of what is broadband. And I looked at her and I'm like well we kind of know even though speeds we might, you know, argue with that. And she said so here's the issue.

So you've got someone in a developing country who finally got connectivity particularly on a cell phone and the first thing that one of the siblings or, you know, one of the children, you know, what they would do is they'll stream something. And lo and behold within a day or two they had used up all of the, you know, data.

And so when you talk about connectivity and broadband, what's broadband because now they have exhausted their entire monthly allotment. So you, and so when you say that I'm particularly sensitive to that story and, you know tailor making it because I don't have to tailor it too much, unfortunately with your example as to, you know, what exactly.

You know, I can't tell you the number of times I've you know been on my phone and fallen asleep and then my allotment has been used almost overnight because I forgot to log out or, you know, and so you're right. You can do that by, you know, falling asleep or by, you know, something walking away and forgetting.

And now your capacity is finished for the month and you do not, you are not connected. So I appreciate it.

(Off microphone comment.)

COMMISSIONER CLYBURN: Well, there are a couple of things that depending on what type of plan either you're done or you get sticker shock. So you're right.

Not connected, you know, from where I'm sitting from, sitting, where I am sitting is having a sticker shock at the end because that could mean that the next month I can't afford to be connected. So, yes, ma'am. I can't see your name.

MEMBER MCAULIFFE: Actually this is not my name. My name is over there. I'm Katie McAuliffe. I'm with Americans for Tax Reform. Thanks so much for your discussion.

I'm really interested in possibly speaking more with you about what you're doing with the prisons and speaking over cell phones. That just --

COMMISSIONER CLYBURN: If not today I'm here.

MEMBER MCAULIFFE: I did not even realize that. That's just, how are you going to call anybody? I don't know anybody with a land line.

COMMISSIONER CLYBURN: I know.

MEMBER MCAULIFFE: So and there are no pay phones. But I suppose you couldn't call a pay phone anyway. Anyhow, just on the point of access I actually only have internet access through my mobile phone.

And running into that, kind of the data caps and whatnot has been really interesting in figuring out how to budget data and dealing with like getting the notification that I'm at 90 percent of my data cap is helpful. And then knowing that I can downgrade video or not streaming audio or downloading podcasts ahead of time.

It just takes a lot more work to do that. So and then also I've notice that as I switched over to an unlimited plan which I have now is that I do use the internet a lot more. So like the SiriusXM app.

And so I'm listening, I also don't have cable so that's where I get my news. You would not believe how hard it is to find just a clock radio to get news off of. It's like impossible.

But so it's a really, it's an interesting thing in trying to figure out how to make that technology mix when you're just using mobile.

COMMISSIONER CLYBURN: Right.

MEMBER MCAULIFFE: But it's still, I think it still has for me has been a good way for connection in order to do like necessities. Like I can work from home. I can connect with my friends.

I can mess around on Facebook if I want to. But there's no, I don't have the, I guess the entertainment access is sort of the, is what I found to be the difference with having that kind of cap.

COMMISSIONER CLYBURN: Yes, and again especially when we talk about attempting to get more providers to be more flexible and creative with different products and services that will allow for more, you know, capacity and again, better plans.

Somebody emailed me something. I was not so happy with a particular company that I will not name because they might be in here. And about one of their service offerings.

And I'm like well that's, I didn't use the word crappy but it was crappy service. And, you know, what is a person of low income, you know, to do with that?

And so, you know, you're talking about something that I am hopeful that as we bring to light and have more conversations and get into the first real stages of reforming Lifeline and the like that we talk about because I don't subscribe to that fact that, you know, because someone has a limited ability to pay that they should be limited to their access and we should say, you know, they should not go on this website or that if it's legal.

I don't know about the rest of you but sometimes I need more than, you know, a book or a magazine or a primer or something to be happy, okay. And so, you know, we need to think about the total person and what that person needs, you know, to be functional.

Is it going to be a platinum plan, maybe not. But it sure should not be punitive and so, you know, I'm connecting with what you're saying and I have an appreciation.

MEMBER MCAULIFFE: So can I just on that are you seeing the free data programs as like really helping with that?

COMMISSIONER CLYBURN: Okay. So one of the reasons when you talk about sponsored data and zero rating our plans which I guess is what you are referring to, one of the things you would note in some of my, you've heard me say this some of my friends are not that happy with me.

I refuse to ban or vote against eliminating those even though there might be some that may be problematic because of in essence what I'm saying. It doesn't allow, from where I sit, a product differentiation.

It could be an affordable way for people to stream and connect with, you know, content. It could be a way for a doctor's office to have a better rapport with their patients in having, you know, a way to in a non-economically punitive way be in touch and somebody could, you know, I've got a family member who is in kidney failure.

They could, you know, do, you know, get information without, you know, reaching their caps. You know, these are the types of things that I did not want, you know, to in essence eliminate by that.

So I guess in a very long way I just said, you know, yes, to you that we want product differentiation. We do not want, you know, any violation of the Open Internet Rules.

But I think there's a way for us to walk and chew gum at the same time in terms of that. So, Anne, were you next?

MEMBER BERKOWITZ: Yes. I'll be very quick. Just to sort of add to the conversation about the bill shock. I think it's also important for the Consumer Advisory to include some of the people, like one of the examples was that Apple may be updating overnight and consumers aren't even aware their data is being used.

So to broaden the conversation in how we can educate consumers in that way. And I did just also want to thank you on calling services. I worked on that for Verizon and I had the pleasure of serving some of our customers this past spring and talked to several who had inmate family members and they were very appreciative of the fact that some of the rates have lowered. And it was nice to speak to the customers directly.

COMMISSIONER CLYBURN: So I want to thank you for publicly being out front when you didn't have to. And to me I just want you to know that I appreciate that too.

CHAIR BERLYN: Okay, we'll take one more. Luisa.

COMMISSIONER CLYBURN: Luisa because we like saying her name, Luisa.

MEMBER LANCETTI: I just wanted to say and certainly without getting into advocacy T-Mobile which we believe, you know, has tried as you say in the marketplace to make it a competitive distinction in terms of both zero rating without content provider payment and also unlimited data plans without overages that we agree as to the importance of having flexibility and the fact that these, some of these programs and plans are very compelling to customers and do in fact allow much greater connectivity and much greater access for all types of people.

So again, without getting into details we very much appreciate the kind of case by case review that you have suggested is appropriate.

COMMISSIONER CLYBURN: And going back to what Mitsy talked about in terms of well she didn't really talk about it but she made me think about, you know, those of us or those of them in the content business.

You know, we keep complaining about, you know, access bottlenecks and the like. You know, one of the reasons why I will take a case by case approach when you talk about, you know, product differentiation and the possibility of, you know, people coming up with very creative products and partnerships is this could be a way for that next, you know, creative content provider with, that can't get on the, you know, legacy platforms to do so.

And if there's a way for us to get out of the way of that I think we should take it. So I usually don't show my hand that explicitly but I'm doing so today because it should be, everyone in this nation should have the opportunity to lawfully express and expand, you know, themselves and their potential.

And I think we have the capacity to continue to make that happen and if there are ways that we can tweak it and do it better I believe it is incumbent upon us to do so. You've been very patient, Madam Chair, for me.

Like I said, I'm really not leaving for the next four hours. I'm not exaggerating unless I get a better offer. But if I don't get a better offer I will be upstairs if you wanted to come and say hello.

And again, thank you so much for everything that you do. I appreciate what I consider a friendship and the American people though you hear me say this may not know your name appreciate what you do. Thank you.

CHAIR BERLYN: Thank you, Commissioner.

(Applause.)

CHAIR BERLYN: Give me one minute, two minutes in place.

(Whereupon, the above-entitled matter went off the record at 1:50 p.m. and resumed at 1:51 p.m.)

CHAIR BERLYN: It looks like we held everybody here, excellent. Well this is great. We have a very interesting topic here and I think this is one that will take us into the future, right.

MR. POWELL: That's what we're hoping.

CHAIR BERLYN: Okay. From 4G to 5G wireless, what does this mean for consumers? Paul Powell, he is assistant division chief, Mobility Division, Wireless Telecommunications Bureau of the FCC. So take it away, Paul. Thank you so much for joining us.

MR. POWELL: Well thanks for having me. And, you know, I know you guys are running a pretty tight schedule today. I've got some remarks prepared.

But if it's more helpful I'd be happy to jump right into questions if you would prefer that.

CHAIR BERLYN: Give us a little bit of, you know, just a little bit so we know what to ask questions about. But, you know, some may be a little more familiar than others.

MR. POWELL: Happy to do so. I just want to do whatever is the most helpful here. So thanks again for having me today. And I guess we'll have time for questions later but I'll just start with the big one. What is 5G?

CHAIR BERLYN: There we go. That may help with the questions.

MR. POWELL: Yes, so I think if I asked everyone in this room I would probably come up with slightly different answers from everybody. And a wise man said not too long ago, and that wise man was Chairman Wheeler, that if anyone tells you that they know exactly what the details of what 5G will deliver you should walk the other way.

And since I'd like you all to stick around for the rest of the speech I'm not going to go into too much detail right here. But while no one knows exactly what 5G is going to do we do know or think we know a couple of things.

First, we know it's going to be driven by consumer demand for new products and services. We know that it's not a one size fits all technology, but rather a combination of new technological advances that are going to work together to bring improved services to consumers.

We know that mobility is going to be key to this. These next generation consumer experiences on a mobile platform will require advances that bridge the gap between wired and wireless connections.

And we know that 5G networks will require more spectrum up and down the bands, higher responsiveness and lower latency than we're seeing today. So there are three keys to what the Commission can do to help unlock the 5G opportunity and we're working on all of these issues right now.

The first thing is to ensure ample availability of flexible use spectrum for a wide range of users. The second is to take steps to foster competitive provision on infrastructure and the third is to help remove unnecessary hurdles to siting.

In all of these efforts the Commission continues to pursue a light touch regulatory approach. So as it has in the past the Commission aims to lead the world in making spectrum available, set technologically neutral rules for these new services and then get out of the way to let the innovators innovate and the market operate.

And the infrastructure in siting pieces are really important hear and the Commission, like I said, is working hard on both issues. But I'm a spectrum guy so I'm mostly going to stay in my lane and focus on the Commission's efforts to make more spectrum available and then to talk a little bit about the benefits that we can expect for consumers.

So it's not going to come as a surprise to anybody that we have seen a huge demand for wireless spectrum and it's grown exponentially over the last several years. Most projections have it continuing to multiply well in to the future.

So the Commission is taking an all of the above approach to identifying and making spectrum available for 5G, pursuing strategies that involve exclusive and unlicensed access, site and area based models and blurring the lines, the traditional lines between these categories to improve efficiency and promote robust use of spectrum resources.

In doing so the Commission continues to be guided by the success of its flexible use policies and is working to implement rules that will foster innovation without preference for one type of user or technology. However, there's little low-hanging fruit available these days.

You don't see many blank spaces on the spectrum chart. By and large spectrum is allocated and utilized by a variety of federal and non-federal users. So we have to get creative.

We have to find ways to share among a variety of different users. And to do that effectively the Commission, in corporation with industry and its federal partners has leveraged the technological and regulatory tools at its disposal as well as the innate characteristics of each spectrum band to explore innovative methods of sharing.

In fact, most of what the Commission is doing right now have involved some sort of sharing mechanism. So currently the Commission is actively engaged in efforts to make new low-band, mid-band and high-band spectrum available.

These are the three prongs of the so-called spectrum trifecta. The definitions of these can be a little bit loose. But generally when you're talking about low-band spectrum you're talking about everything up to about one gigahertz.

Mid-band goes from one gigahertz up to six gigahertz and then the high-band spectrum is the sky is the limit above six gigahertz. In the sub one gigahertz space this is the real classic beachfront spectrum. It's great for wide area coverage.

The main thing that the Commission is working on right now is the first in the world spectrum incentive auction. We had some updates on that yesterday. It's going well. It continues to progress and that's to make available some spectrum in the 600 megahertz band.

The mid-band spectrum is sometimes a little bit forgotten though not by me because that's where I've done a lot of my work. It often gets overlooked. But this is a great balancing space.

You can get some great coverage out in less densely populated areas. So it's great for getting service out into rural areas and it is fantastic for adding to capacity in spectrum constrained urban spaces.

Good example of the demand for mid-band was the AWS3 auction that we completed a couple years ago that was record setting auction for the Commission. And more recently near and dear to my heart the 3.5 gigahertz for proceeding the citizen's broadband radio service.

Looking around I don't see anybody in this room that's been stuck in a meeting about 3.5 with me before. But I could very easily take up the rest of your time today talking about that and I won't do that.

I'll stick to the high level. But we had some very complex incumbent sharing issues there. We had and still have high powered federal radars in the band, FSSR stations in the band, existing broadband licensees in the band.

And the Commission wanted to open it up for additional sharing by new commercial users. So it implemented a three tiered sharing model that protects the incumbent users and allows new access for new entrants.

It's all coordinated by a spectrum access system which is effectively a highly advanced spectrum database that operates as an advanced frequency coordinator. We're currently reviewing applications from seven different potential SAS administrators and we're trying to move forward in the approval process quickly.

The last piece of the trifecta is the high-band spectrum. This was the subject of the Spectrum Frontiers proceeding. The order was released back in July.

High-band spectrum is great for capacity. It's this spectrum that we're going to need to support the new consumer services that will require wider channels, more spectrum capacity.

Where you're talking about five or ten megahertz channels in the lower bands usually in the Spectrum Frontiers bands you're talking 100 megahertz channels, 200 megahertz channels, even bigger channels to really get that real, the gigabit experience that people say that we need for the new generation of interactive services.

So the Commission adopted the Spectrum Frontiers Order. That freed up about 4 gigahertz of high-band spectrum in the 28, 37 and 39 gigahertz band. Again, each of these, again each of these for licensed service had a number of incumbents that we had to work with.

And we leveraged our lessons learned from other proceedings to adapt specific sharing models unique to the characteristics of each band. There was also a seven gigahertz unlicensed portion that was freed up and an FNPRM that was released at the same time seeking comment on a number of additional bands.

So I've talked a lot about what the Commission is doing to free up spectrum for 5G. But let's talk a little bit about what we can be using that spectrum for.

First generation wireless was voice. Second generation added text. With the third generation 3G started to see the melding of wireless technologies and the internet and information access.

4G is where we're at right now. And that continued the evolution enabling higher speeds for sophisticated services like video streaming, all of the wonderful interactive apps that we use now.

I mean it's kind of hard to believe that it's been less than ten years since the first iPhone was released. And now everybody in this room I would bet has at least one smartphone on them. I see a bunch of other connected devices around here and we all have more at home.

And probably one of the last things you're doing on them is calling on the phone, yes. So that's where we are today. But 5G is what's next.

So we're coming right back around to the initial question, what can consumers expect from 5G? And in many ways 5G will be the continuation of the network evolution that began with 3G and continued to progress through the current 4G technology.

Right now even the most advanced wireless technologies available consumers face at least some tradeoff between speed and mobility. 5G networks have the potential to virtually erase that tradeoff and provide ultra-fast, again we're talking gigabit or more connections at virtually any location.

And these networks are going to be what's needed to support the next generation of streaming services, of interactive services, of various low latency applications. 5G is also going to connect the internet of things.

We were just talking a bit about connected devices. But with 5G the internet of things is really going to be the internet of everything. We've already got connected jewelry, connected watches, connected cars.

But in the future probably anything that can be connected is going to be connected and we'll need 5G for that. And the benefits of 5G networks go well beyond consumer devices. 5G networks will also bring reliable high-speed service and additional competitive broadband choices to unserved and underserved areas of the country.

This is going to be especially important in areas where high-speed fiber connections are cost prohibitive or entirely unavailable. And the new 5G spectrum and 5G technologies can supplement the good work that traditional ISPs and the wireless internet service providers are already doing to bring service to these areas.

But it could also introduce new competitive options to places that don't have them right now. And beyond that we can also expect smarter, faster and more connected energy grids, transportation networks, healthcare systems and educational systems.

They're all get smarter and more agile as we advance towards 5G and that's just the beginning. As I said at the beginning, no one really knows exactly what 5G will bring.

But we know it's going to be great for consumers. It's going to be exciting for consumers and that the Commission is doing everything possible to ensure that the US maintains its leadership role in the 5G space.

So now if anybody has got any questions I'd be happy to try to answer them or at least point you toward someone who might be able to.

CHAIR BERLYN: So, Mitsy, I see your card.

MEMBER HERRERA: Hi there. Mitsy Herrera from Montgomery County and from NATOA. We have a county in which we have, we are adjacent to DC. We have three wireline competitors.

Most people have a choice of at least two at their home for residential broadband. We have four major carriers and additional white label. We have 15 commercial carriers.

And yet we are now facing 200 to 300 applications for small cells in neighborhoods and we anticipate that there will probably be 700. Many residents have asked us about 5G and why all these things are needed.

I mentioned in the earlier panels today that adding more consumer information, particularly about these uses would be very helpful. But what I would like to know is when we talk about internet of things most of these devices are relatively low band width.

Where we have WiFi a lot of that is connected to wireline. So is the driver, particularly in residential neighborhoods, coming from these new IoT and devices or is the majority of it coming because you are seeing people using mobile broadband networks for video streaming in particular, things that they used to do over wireline services that they are now moving to mobile devices?

MR. POWELL: Well I think there are some good question in there to unpack. First of all on the specific siting issues I'd be happy to point you towards the folks in our Bureau who do wireless siting.

In my previous life I dealt with that a little bit, but I haven't dealt with it on the Commission side so I don't want to speak to it too much. But when we're talking about the network drivers I think it really is, it's a combination of things.

You're seeing of course more mobile video use right now and that uses a lot of data. You are seeing an increased number of devices being connected and even if some of those devices are low band width it again uses data.

But you're also looking at the next generation of network deployment. Higher band spectrum which everybody is either using or trying to use and primarily when you're talking about the higher band spectrum that's in use right now it's probably putting up more WiFi hotspots for using 5 gigahertz.

But you'll start seeing some of this mid-band spectrum in 3.5 deployed probably in the near future and then ultimately very high. These don't have the long distance propagation characteristics that you have down in 700 megahertz and some of the work horse bands right now.

You need more cells to support more capacity. With consumer expectation being that, you know, you can get access to all of your social media accounts or stream a video wherever you are at any given time you would need to have more spectrum capacity.

But in a lot of cases you need more cells to support that new spectrum both just because of the physics of it and because you need to space them out closer to support the increased load. I don't want to get too far into the engineering right now because I am a lawyer and not an engineer.

So even though I have to speak engineer sometimes, I am not completely fluent.

CHAIR BERLYN: Thank you. Does anyone else have any questions? Well thank you. Yes, does anyone on the phone? Ken is taking a break.

MEMBER MCELDOWNEY: No, I'm here.

CHAIR BERLYN: That was a joke, Ken.

MEMBER MCELDOWNEY: I know.

CHAIR BERLYN: Okay, very good. Well it's very, 5G is very exciting and it is very exciting for consumers and I greatly appreciate your coming in and talking to us and we look forward to the next steps. So thank you very much.

MR. POWELL: Well thanks again for having me. I appreciate it.

CHAIR BERLYN: Very good, thank you.

(Applause.)

CHAIR BERLYN: Okay. Well it is great to see everybody still around the table because we have as almost our final order of business, almost, almost, our recommendation from the task force. And we do need everybody's presence for that.

So we are going to move to that now if you want to look in your packets. For those of you who have not been involved in the task force we have the recommendation in the packet if you want to pull that out.

Ed and I have served as the co-chairs of this process. So we're both going to talk about it. And it has been another one of those, I don't know, maybe we can work on the timing of this a little bit all of these summer time events where, you know, we make pilgrimages every what two weeks to the FCC during our summer to work on this process, sometimes weekly.

So first of all our thanks to all of those who served on the task force and gave your time to this process. You want to identify yourselves by raising your hands those of you who served on the task force so I don't have to, John in the back and those around the table here who and Ken on the phone, Ken McEldowney and Ken Mallory who is not here and a couple of others who are not participating today who served on the task force spent a lot of time with this.

We greatly appreciate it. And thanks to the CGB also for all of your time in working with us on this. So here we have the recommendation. I think the, probably the first of Robert's Rules is to move the recommendation. Is that correct, Scott?

MR. MARSHALL: Yes.

CHAIR BERLYN: So that we can then discuss it. So do I have a motion to move the recommendation from the floor?

MEMBER MCELDOWNEY: So moved.

CHAIR BERLYN: Thank you, Ken. Do I have a second? Excellent, all right. So I think the first thing we should do is over lunch we made a few editorial, shall we say editorial changes here to it that are mostly wordsmithing and Scott told us we could do. So thank you, Scott, for overseeing this process to make sure we stayed on the up and up in all of this.

So I want to go through those and, Ed, you have these too so make sure that, I'm not going to go through where we missed a space or anything like that. But, you know, word changes, any word changes.

MR. MARSHALL: Or periods.

CHAIR BERLYN: Yes, or periods where we didn't have a period and we added a period or a space where we didn't have a space. I won't go through those.

But I do want to go through a couple where we made a couple of cross outs, word changes, et cetera. So on Page 1 of the recommendation at the very bottom the last whereas in the second sentence where it reads the task force met over we crossed out the course of and it now just reads the task force met over three months, okay.

Just cleaned that up a little bit. And then moving to the second page, so I'm not going to note a comma that was added. In the third therefore bullet point there we made a couple of changes.

In the second line we replaced the word service costs to now read service price, okay. Everybody got that change? In the last bullet point, Line 2 instead of the word costs we replaced it with price.

And then the other change is that we took out the parenthetical in the next line. So that entire language there is, has been removed, everything in parentheses. And if, does, yes.

MEMBER MORRIS: Is that, can I ask for the rationale there? Is it because it's redundant to the previous sentence?

CHAIR BERLYN: That was the sense that it was, there was redundancy. There was a sense that it was not as clear. And I'm going to turn to Ed to see if he wants to add anything to that. We had a little discussion about it.

MEMBER BARTHOLME: It was redundancy and then we also got some of the feedback that it could be read as being somewhat contradictory. And our effort was really to provide an explanation and if it failed to actually be providing an explanation we felt like it would be better served not having it.

CHAIR BERLYN: Any follow up? Okay. Amina.

MEMBER FAZLULLAH: I was just wondering with respect to cost to price what was the rationale behind that?

MEMBER BARTHOLME: It was pointed out that when you take a look at cost it includes all taxes and fees and oftentimes taxes can be minutiae different just based on services used. So it might be ten cents this month and 11 cents next month or whatever.

So instead of, it would be impossible to have 30 day advance notice what the actual sort of sales tax final dollar amount is going to be on each bill. So we meant it to be the price of actual service items and equipment items.

And we, it was suggested that the language saying prices as opposed to costs was more reflective of things that you could reasonably notice in advance as opposed to things that are sort of always figured out at the very end of a bill cycle.

MEMBER FAZLULLAH: So would this still includes fees and things that are going to be static?

MEMBER BARTHOLME: Yes. And we do go to further sort of talk about and explain that. It was just, you know, somebody had raised the example of sales tax and little things like that seem to always be somewhat dynamic and it resulted in minor --

CHAIR BERLYN: Universal service fee.

MEMBER BARTHOLME: Right which oftentimes they don't know the full 30 days in advance depending on where it hits in the quarter and where the update is and that sort of thing.

MEMBER MCAULIFFE: So on the, okay, so first question. Are there some states or localities that don't allow phone bills or cable bills to separate out the tax from the cost as charged or has that been resolved in the past?

MEMBER BARTHOLME: I can't speak to that.

CHAIR BERLYN: Luisa.

MEMBER LANCETTI: I don't know.

MEMBER MCAULIFFE: Yes, because from what I remember there are actual laws at the state level or at the locality level that don't allow the businesses to separate out the tax from the total charge. So if the business doesn't know the tax ahead of time and they aren't allowed to separate the tax from the charge in the bill and we can't estimate the price ahead of time, how does this work?

MEMBER BARTHOLME: I mean I think that this speaks to service costs. So to the extent that taxation is bundled into that then this is simply a best practice. This isn't a rulemaking proceeding.

And maybe that's an instance where a company can, can't follow a best practice.

MEMBER MCAULIFFE: They can't follow this because this, so we won't see itemized bills actually because the taxes won't be --

MEMBER BARTHOLME: I don't know that the goal --

MEMBER MCAULIFFE: -- separated out?

MEMBER BARTHOLME: The goal of this was never to speak to bill itemization. Truth in billing is an entirely separate sort of thing.

MEMBER MCAULIFFE: Okay. So truth in billing is different from No Surprises?

MEMBER BARTHOLME: This was geared specifically at sort of clarity at sign up and also notification when promotional or other price changes are coming towards consumer's release. That's the approach we took.

CHAIR BERLYN: That's our understanding.

MEMBER MCAULIFFE: Yes.

MEMBER BARTHOLME: I think that there might be other opportunities to talk about itemization in bills. But it didn't fall into the scope of this discussion as it was presented to us.

MEMBER MCAULIFFE: Sorry, maybe I'm, and I'm sorry I was not here this morning when you talked about it. I'm just trying to clarify really quickly. Does this relate to the chart that we passed earlier, the one that shows the different --

MEMBER BARTHOLME: The broadband disclosure?

MEMBER MCAULIFFE: Yes.

MEMBER BARTHOLME: No.

CHAIR BERLYN: No.

MEMBER MCAULIFFE: It doesn't at all, okay. It's the same kind of --

CHAIR BERLYN: This is fairly narrow and limited and it is best practices.

MEMBER MCAULIFFE: Okay, thanks.

CHAIR BERLYN: So those are our, those were the, these were our editorial changes from the task force. I'd like to open it up to Scott for discussion now in addition to what we've just heard to see if anyone else has, are there any other amendments or any other further discussion? Yes.

MEMBER STOUT: So I have two concerns related to this that I wanted to bring up and potentially propose an amendment if everybody is willing to entertain it. Following on Katie's point, so first off my two concerns and then I'll talk about what I think should be the amendment.

Following on Katie's point we actually I think don't know exactly what should count as best practices from where we sit because it sounds like it's a complicated thing based on, for instance, billing practices at the state level and a host of other things that we're not necessarily aware of at the position we're at.

So that just makes me concerned. They seem fine on their own as common sense. But I'm just not certain that they're actually best practices.

The other concern that I have is that the basis on which we are proposing to put forward these best practices as a Commission is based on, as far as I know, is based on a chart that the Commission published saying that they got a lot of complaints about billing practices, which seems problematic.

But I didn't see any actual science behind it, any social science that suggested how those problems broke down, whether it was just people who were just mad because they got billed, whether they were billed too much. It was just general billing complaints and then we're putting forward these best practices without actually having a sense of what the problems were and what the costs and benefits about fixing whatever those problems are.

So with those two concerns in mind, and also I take the point of the task force that these are just best practices. However, my concern is that long term even though this isn't meant to be a part of a rulemaking that you might see the Commission citing our best practices as an example of what these companies should have been doing.

So we're putting forward something which essentially traps companies in the future based on incomplete information that we're not aware of at this time. So what I would like to do in order to pass these, in order to pass these through the CAC, these best practices is to put something in that says something to the extent of if the Commission were to rely upon these best practices as part of some proceeding or enforcement action that they would actually first conduct a consumer benefits analysis to determine that our best practices actually make sense in that given context.

Without having a consumer benefit analysis to justify the application of these best practices I don't think I could vote for this. Thank you.

MEMBER MCELDOWNEY: So this is Ken McEldowney from the --

CHAIR BERLYN: Ken, can you hold for one second. I want to --

MEMBER MCELDOWNEY: I'm sorry.

CHAIR BERLYN: I want to understand if this is, is this an amendment?

MEMBER STOUT: Well so I would propose it as an amendment if the general, I don't know if the language we would put in first. At first I would put it out there as a conversation piece to say does anyone else feel this way.

If everyone thinks I'm crazy then there's no point in forming the language for an amendment. I have suggestions. But --

CHAIR BERLYN: Procedurally, Scott, what is this procedurally? Is this an amendment? I just want to know if we have an amendment to second so we can have discussion.

MEMBER STOUT: Okay. It's an amendment.

CHAIR BERLYN: Okay. Amendment, do I hear a second to the amendment?

MEMBER MCAULIFFE: I second.

CHAIR BERLYN: Katie seconds. Okay. Now we can have discussion. So go ahead, Ken.

MEMBER MCELDOWNEY: And I'm sorry. This is Ken McEldowney, Consumer Action. So you're saying on the face of it you do not see very strong consumer benefit. I don't understand really what you're saying.

MEMBER STOUT: What I'm saying is that, so from a common sense perspective you see a lot of billing complaints sure it makes sense to look at it and say there's probably problems in there. But science often works against common sense, right.

So what I would like to see is an actual analysis of what those problems are. Are they just people who are cranky or are they people who have legitimate problems? Are there 12 different types of billing problems in there that some of which are not relevant to what we're talking about here?

Is it a majority? Is it a minority? I would just like to have actual data in place that says, yes, we've actually identified a harm and then at the same time the, I would like to see the analysis say, go to the extent to say well what we propose to do will actually cause more good than harm at the same time.

MEMBER MCELDOWNEY: I'll be voting against the amendment.

CHAIR BERLYN: Any other discussion on the amendment?

MEMBER MCAULIFFE: Yes, I think maybe to clarify a little bit and this is a question for you saying that should the Commission decide to use this as a basis for a rulemaking they should do a consumer benefit analysis is really just the idea behind the amendment.

MEMBER STOUT: That's the idea behind the amendment just to say that what we're putting out there since we have so little information behind what we're doing it seems like it's fine as a general thing to put out there to say companies these are good ideas.

If the Commission actually wants to cite this as something which is important precedent or suggestive of what companies should do, in that particular instance they should have to do a consumer benefit analysis before asserting these as best practices.

CHAIR BERLYN: Sarah.

MEMBER MORRIS: I guess I'm still confused by the amendment and the drive behind it. But I also have a procedural or like a process question which is to the extent that it sounds like this document is not binding because it comes out of the CAC I'm not, I don't understand at all what this amendment would accomplish by putting another requirement and a requirement that quite frankly I think is very, like presents, opens up the door for an entirely new conversation about what a cost benefit analysis even entails.

And so to the extent that this new clause or line or I don't know if it's a whereas clause or a resolution clause, to the extent that would be added as another non-binding portion of a non-binding recommendation from the task force I guess I just don't see how that accomplishes the concern that, I'm sorry, I don't know your name.

MEMBER STOUT: Kristian.

MEMBER MORRIS: That Kristian raised. So I guess that wasn't exactly a procedural question but rather, assuming my understanding is correct and if it's not correct then please help me understand.

CHAIR BERLYN: Chris.

MEMBER CALABRESE: So I have some sympathy for this amendment because I too, I'm slightly wary of the everybody knows school of argument for things because you're right sometimes the things that everybody knows are not either true or good bases for policy making.

However, I think in this particular example focusing on the resolution clauses actually are more useful. I mean the whereas' I get. But I honestly, when I read statutes I ignore them.

I ignore the Congress believes because I don't care what Congress believes. I care what Congress says. And what this resolution says to me is pretty straightforward. It's like you should know how much you're paying for something.

You should get alerts if your cost is going to go up. I mean to me those are such base line like best practices, non-ideologically just from a marketplace point of view and from a, you know, what I would want as a consumer that I feel comfortable just endorsing essentially that provision.

And I'm not sure we need to sort of fine tune whether in fact there's a, you know, if we were going to make broader policy recommendations they needed to be more founded in some kind of research. That's my take.

CHAIR BERLYN: Any further discussion. So we'll call a vote on that. I'll call a question on the amendment that is before us, the amendment that Kristian has proposed. All those who are in favor signify by saying aye.

MEMBER STOUT: Aye.

MEMBER MCAULIFFE: Aye.

CHAIR BERLYN: All those opposed signify by saying, no.

(Chorus of noes.)

CHAIR BERLYN: Any abstentions, one, two.

MEMBER WALKE: NAB, Larry Walke, abstains.

CHAIR BERLYN: I'm sorry, hold on one second. I see five abstentions. Do you need to know who they are? Do you want to record who they are?

MR. MARSHALL: Yes.

CHAIR BERLYN: Okay. Hands up on abstentions. We need to record. Steve Pociask, Stephanie, Catherine --

FEMALE PARTICIPANT: Let me clarify, is this for the whole thing?

CHAIR BERLYN: No, no, this is the amendment.

MR. MARSHALL: Only the amendment, yes.

CHAIR BERLYN: This is only the amendment.

MR. MARSHALL: Right.

CHAIR BERLYN: And these are abstentions to the amendment. Everybody, okay, this is only for Kristian's amendment.

MR. MARSHALL: You might want to take another vote.

CHAIR BERLYN: Shall we do it again?

MR. MARSHALL: People are confused, yes.

CHAIR BERLYN: All those in favor of just the amendment signify by saying aye.

MEMBER STOUT: Aye.

MEMBER MCAULIFFE: Aye.

CHAIR BERLYN: All those opposed signify by saying, no.

(Chorus of noes.)

CHAIR BERLYN: Abstentions. I still see two. Steve Pociask and --

MEMBER WALKE: NAB, hello.

CHAIR BERLYN: And on the phone who is abstaining, tell me your name please?

MEMBER WALKE: Larry Walke from NAB abstains.

CHAIR BERLYN: Larry Walke. Anyone else on the phone abstaining? Okay, thank you. So the amendment is not approved. All right. Thank you, Kristian for bringing that up.

MR. MARSHALL: Any further discussion?

CHAIR BERLYN: Any further discussion on the recommendation? Katie.

MEMBER MCAULIFFE: Yes. Just really quickly I was looking at, based off of what Chris pointed to see, yes, I look at the resolved part also. In going to the first point and this is if the group would be interested in just adding at the very end to the extent allowed by law since we know that some taxes and fees companies aren't allowed to separate out.

CHAIR BERLYN: Where would you add this?

MEMBER MCAULIFFE: At the end of the first bullet point. So it says a monthly bill that includes all government imposed taxes and fees and all company imposed fees, surcharges and equipment charges just prior to sign ups.

So perhaps there could be something along the line monthly bill that includes all company imposed fees, surcharges and equipment charges prior to sign ups and taxes and fees to the extent allowed by law or keep it exactly the same and just at the very end add to the extent allowed by law. Minor suggestion.

CHAIR BERLYN: Okay, we have an amendment. Do we hear a second?

MEMBER STOUT: Second.

CHAIR BERLYN: We have a second. Now discussion.

MEMBER MCELDOWNEY: Could you read it one more time?

CHAIR BERLYN: Yes, Katie, can you read it one more time?

MEMBER MCAULIFFE: Sure. Just, I'll do the longer form. There's a shorter form too. But longer would be total monthly bill that includes all company imposed fees, surcharges and equipment charges just prior to sign ups and imposed taxes and fees to the extent allowed by law.

MEMBER MCELDOWNEY: Are you saying that some taxes and fees aren't allowed to be disclosed?

MEMBER MCAULIFFE: Yes.

MEMBER MCELDOWNEY: Could you give, I'm sorry, can you tell me again which, what secret fees there are?

MEMBER MCAULIFFE: I'm sorry.

MEMBER MCELDOWNEY: What secret fees and taxes there are.

CHAIR BERLYN: You're making the point that they're combined. They're not distinguished.

MEMBER MCAULIFFE: Right.

CHAIR BERLYN: We have cards up, Chris.

MEMBER CALABRESE: Sure.

CHAIR BERLYN: Raise your card if you want to speak.

MEMBER CALABRESE: We were having a sidebar about this and I'm reading it more closely and wondering if the thrust of this needs to be resolved because basically what we want, what we're really saying here in this clause is make sure that people know the total cost including all of these things that we list.

I'm not sure that the issue you raised, while I think it's actually a good one for transparency and something I would like to know is actually implicated in this instance because you, whether or not it's combined you are still going to know the final costs which I think is what this bullet is actually aimed at.

MEMBER MCAULIFFE: And so they're just going to give you like the total.

MEMBER CALABRESE: They're just going to give you the number, yes.

MEMBER MCAULIFFE: Not all of them.

CHAIR BERLYN: Includes, right.

MEMBER MCAULIFFE: Amendment withdrawn.

CHAIR BERLYN: Okay. So everybody can put down the cards. The amendment has been withdrawn. Yes, anything else?

MEMBER MCELDOWNEY: Call the question.

CHAIR BERLYN: Thank you, Ken. The question has been called, okay. So all those in favor of the recommendation signify by saying aye.

(Chorus of ayes.)

CHAIR BERLYN: All those opposed signify by saying, no.

MEMBER STOUT: No.

MR. MARSHALL: That was Steve?

CHAIR BERLYN: Kristian.

MR. MARSHALL: Kristian, I'm sorry.

CHAIR BERLYN: And that was not me raising my hand. That was just saying signify by saying, no. So Kristian is the only, no. Abstentions? Okay, we have several abstentions. We have Luisa, T-Mobile; Julie, CTA; Stephanie, NCTA. On the phone any abstentions?

MEMBER WALKE: Larry Walke, NAB abstains.

CHAIR BERLYN: NAB, Larry Walke.

MR. MARSHALL: We have CenturyLink as well.

CHAIR BERLYN: Yes, right. And you, Amina, you have some proxies that were given to you. So she'll give those to use later, okay. All right. Thank you all.

So the recommendation is approved and adopted and thank you all very much. Appreciate it and thank you all for your thoughts and participation. Thank you. All right. Let's see, what do we have. Let's go to our agenda.

MR. MARSHALL: I think we've covered it pretty much.

CHAIR BERLYN: Do we have, we have comments from the public.

MR. MARSHALL: Yes.

CHAIR BERLYN: Is there anyone who is with us who wants to offer any thoughts or comments?

MR. MARSHALL: I'd like to make a one minute formal comment.

CHAIR BERLYN: Okay. So we now have comments from Scott.

MR. MARSHALL: Okay. Thank you very much. I just again want to thank all of your for a tremendous CAC number eight. We're getting better and better and better and I really think it was said this morning how much this particular group has done.

I have come to know and respect all of you and hopefully look forward to working with many of you on the next CAC. And I also failed to mention this morning that I wanted to acknowledge Brittany Gomes who has been helping me with the administration of this group on a temporary basis. And she's spent a lot of time doing it to great success.

(Applause.)

MR. MARSHALL: So that's it. Thank you very much to all and to the Chairman too.

CHAIR BERLYN: And thank you to Beau and all the work that you have helped out with as well and Scott and that's it. The party is over. Lights are going out. My gavel is still wrapped up. Do I have a motion to adjourn? All right, so moved. Thank you.

(Whereupon, the above-entitled matter went off the record at 2:33 p.m.)