

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*

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

(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

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1 well later on. So we have a full agenda, as always,
2 for the day and we will get to that shortly.

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

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

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

20 The other thing I do want to mention is
21 that we need a quorum for the recommendation this
22 afternoon. So please make sure that you stick

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1 around for the full day and join us for that vote.
2 We need to make sure we have a quorum for the
3 recommendation vote on that task force
4 recommendation.

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

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

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

17 CHAIR BERLYN: All right.

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

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

22 CHAIRMAN WHEELER: But it does mean

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1 that --

2 (Simultaneous speaking.)

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

5 CHAIR BERLYN: That's right.

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

9 FEMALE PARTICIPANT: Always go left.

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

12 CHAIR BERLYN: Good morning.

13 CHAIRMAN WHEELER: Thank you for --

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

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

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

22 (Applause.)

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

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

15 You know, what you did to help us with
16 your recommendations on robocalls not only was key
17 to our rulemaking on robocalls, but also led to this
18 Strike Force that's now underway and we'll be
19 getting the report from them next week, yes, the
20 26th next week which, you know, getting the
21 industry to come together at that kind of level to
22 address underlying technical issues is a big deal.

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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.

9

10

11

12

13

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.

14

15

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17

18

19

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.

20

21

22

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,

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1 it's, I mean like I keep thinking about, about
2 Debbie I mean nine years is a long time to be working
3 this issue, a long time.

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

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

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

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

22 (Applause.)

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

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

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

13 CHAIRMAN WHEELER: Yes.

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

16 CHAIRMAN WHEELER: Sure, sure with the
17 group.

18 MR. MARSHALL: We should have a
19 photographer here.

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

22 MR. MARSHALL: There he is. There we

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1 go right out of jail. Hey, I planned it that way.

2 CHAIRMAN WHEELER: So well done, well
3 done.

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

6 CHAIRMAN WHEELER: So where do you want
7 us?

8 CHAIR BERLYN: Where is the best place?

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

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

15 MR. STONE: Sure.

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

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

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

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

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

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

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

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

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1 your last day?

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

4 CHAIR BERLYN: My goodness, Paul. So
5 we want to wish you the best. He's been there for
6 22 years, correct?

7 MEMBER SCHROEDER: Yes.

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

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

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

21 MEMBER BERKOWITZ: Four.

22 CHAIR BERLYN: Twenty-four years, so

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1 longevity here is the thing today apparently. And
2 Claude Stout, all of you know Claude, is no longer
3 going to be representing the Deaf and Hard of
4 Hearing Consumer Advocacy Network on the CAC.

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

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

11 MR. MARSHALL: Absolutely.

12 CHAIR BERLYN: As was Verizon.

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

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

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

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

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

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

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

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

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

20 CHAIR BERLYN: Okay. Welcome, Vicky.

21 MEMBER KAHSAI: Dawit Kahsai with
22 AARP.

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1 MEMBER GAGNIER: Christina Gagnier
2 with TRAIL.

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

5 MEMBER GAGNIER: Christina Gagnier
6 with TRAIL.

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

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

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

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

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

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

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

10 CHAIR BERLYN: Thank you.

11 MR. STONE: Olivia Wein, National
12 Consumer Law Center. Stephanie Poday, NCTA.
13 Mitsy Herrera, National Association of
14 Telecommunications Officers and Administrators.
15 Kenneth Mallory, NASUCA.

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

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

20 CHAIR BERLYN: On the phone.

21 MR. STONE: Joslyn Day, Massachusetts
22 DT.

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1 CHAIR BERLYN: He's not here.

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

5 MR. MARSHALL: He should be here.

6 MR. STONE: Sorry. Not a
7 pronunciation problem, but a presence problem.
8 Irene Leech, Consumer Federation of America.
9 Julie Kearney, Consumer Technology Association.
10 Debbie Goldman, Communication Workers of America.
11 Todd O'Boyle, Common Cause. Chris
12 Calabrese, Center for Democracy and Technology.
13 Ed Bartholme, Call for Action, Amina Fazlullah,
14 Benton Foundation. Mark Defalco, Appalachian
15 Regional Commission.

16 (Off microphone comments.)

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

19 CHAIR BERLYN: She's not here.

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

22 CHAIR BERLYN: Paul is here.

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

3 CHAIR BERLYN: You got that.

4 MR. STONE: Did I?

5 CHAIR BERLYN: Yes.

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

8 CHAIR BERLYN: She's not here.

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

11 (Applause.)

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

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

21 And we tried to tally the number of
22 recommendations and pieces of input the CAC has had

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1 under your leadership but I couldn't count that
2 high. So sort of as a token of our appreciation
3 at the Commission the CAC and on behalf of American
4 Consumers we wanted to give this to you.

5 CHAIR BERLYN: Thank you very much.

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

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

10 (Applause.)

11 CHAIR BERLYN: My goodness.

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

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

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

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

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

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

5 CHAIR BERLYN: But --

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

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

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

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

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

22 And for that reason it has always been

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1 an honor and a pleasure to serve in this capacity.
2 And that's because of all of you and your devotion
3 to these issues.

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

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

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

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

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1 Scott, thank you for everything that you do.

2 (Applause.)

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

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

8 (Applause.)

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

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

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

21 It starts after one CAC ends, one CAC
22 meeting ends. So thank you so much, Scott and

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1 Beau, for all of your work. So Karen Peltz Strauss
2 will join me soon to talk about the disabilities
3 issues.

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

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

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

18 The Commission clarified that when a
19 consumer merely gives their telephone number to an
20 entity that can satisfy the TCPA's prior expressed
21 consent requirements under certain circumstances.
22 Now the TCPA is the Telephone Consumer Protection

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1 Act which lays out the robocalls restrictions.

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

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

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

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

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

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

18 So again, the Commission delivered
19 those new rules by the early August deadline
20 working not only with Treasury but with other
21 interested federal agencies including the
22 Department of Education and the Consumer Financial

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1 Protection Bureau.

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

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

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

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

20 So the Commission has made a concerted
21 effort to encourage other ways for consumers to
22 stop the calls they don't want to receive. In our

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1 efforts to stop unwanted robocalls, the TCPA and
2 liability around that only gets us so far.

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

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

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

21 And as the Chairman mentioned, industry
22 has convened a robocall, Robocall Strike Force not

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1 to be confused by the Task Force. We always try
2 to keep those straight, that's led by AT&T which
3 is developing a plan to be delivered later this
4 month to accelerate better robocall blocking
5 solutions.

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

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

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

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

19 --

20 MR. STONE: Which plan?

21 CHAIR BERLYN: Digital inclusion.

22 MR. STONE: Yes, so essentially Lauren

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1 Wilson in our Bureau, I know she's working along
2 with folks in other Bureaus feverishly on the plan.
3 And I think things are going well on that front.
4 But I can give you more specifics later.

5 MEMBER FAZLULLAH: Okay, thank you.

6 MR. STONE: Sure.

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

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

21 The Commission generally has not
22 prescribed a method for that. It has not said that

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1 a robocaller in all cases has to allow a consumer
2 to just hit one to opt out.

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

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

12 CHAIR BERLYN: Mitsy.

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

20 And so what I would just like to ask is
21 if the Consumer Advisory Group would look at its
22 consumer notification page there, and also on the

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1 tower siting page there is very little information
2 that is designed for members of the general public,
3 the non-attorneys, non-industry crowd to help them
4 understand both the benefits of this technology,
5 what the federal law requires.

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

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

20 And just adding a little bit more for
21 the general public I think would be very helpful,
22 particularly as the Commission is trying to help

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1 navigate change in these areas.

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

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

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

17 MR. STONE: Thank you.

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

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

22 CHAIR BERLYN: No, we're not early.

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1 Okay, Mark, is going to go get Karen so we can
2 continue. Thank you, Mark, thank you very much.

3 MR. STONE: My pleasure.

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

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

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

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

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

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

6 (Applause.)

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

10 MR. MARSHALL: Let's see.

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

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

19 And I think that consideration is at
20 1:50. But beyond that I think we'll wait a few
21 minutes for Karen.

22 CHAIR BERLYN: Yes, anybody have any

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1 announcements?

2 MR. MARSHALL: Any other thoughts,
3 questions?

4 CHAIR BERLYN: Time fillers.

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

7 CHAIR BERLYN: Mitsy.

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

14 MR. MARSHALL: Sure.

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

20 In addition, last time around we sort
21 of picked groups and then we determined what groups
22 would work on. And as a suggestion it may be more

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1 useful to maybe put up what issues folks are
2 interested as a whole in working on and then split
3 those issues up into groups because there was a lot,
4 I think, early on of issues that crossed different
5 groups and it wasn't clear.

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

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

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

20 We also had to start the Disclosure Task
21 Force before the CAC even met. We may be under the
22 same, I won't want to talk about it right now, but

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1 we may be under the same time commitments this term
2 as well because of, you know, some things that may
3 be written into some orders.

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

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

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

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

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

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1 Commission.

2 CHAIR BERLYN: Floundered a bit.

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

8 CHAIR BERLYN: Right.

9 MR. MARSHALL: Any thoughts?

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

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

21 So it's available on the ARC website.
22 But it's a good toolkit for communities that are

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1 considering launching these types of projects.
2 And I will leave a copy with the Commission.

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

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

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

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

20 Deputy Secretary of HUD is invited to
21 speak. And then I have a panel. AARP is on there
22 and some companies as well talking about the

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1 programs that they have for low income consumers.

2 So it's at the National Press Club at
3 9 o'clock. And I hope that if you haven't already
4 received an invitation, which went out yesterday,
5 I would be happy to share that with you if you get
6 in touch with me and I would love to have you join
7 us.

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

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

11 CHAIR BERLYN: Okay. Anybody on the
12 phone?

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

17 CHAIR BERLYN: Okay, so, yes, Mitsy.

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

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1 biggest projects that we took on.

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

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

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

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

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1 hand up again.

2 MR. MARSHALL: Raise your hand up, yes.

3 MEMBER KEARNEY: Hello, okay, great.

4 In addition to the overwhelming thanks to Debbie
5 and to Scott for leading us so fearlessly, thank
6 you, will there be a discussion of items that the
7 CAC should work on in the next term as well?

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

16 I have not put my name in for the next
17 --

18 MR. MARSHALL: I understand that and
19 I'm sure that will be something that the new CAC
20 will want to address. And we don't know quite yet
21 what the asks will be from the Commission on what
22 topics they particularly will be addressing and

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1 wanting us to have input and wanting you to have
2 input on.

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

6 MEMBER KEARNEY: Thank you.

7 MR. MARSHALL: Sure.

8 CHAIR BERLYN: Amina.

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

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

20 MR. MARSHALL: Yes. Good thought.

21 MEMBER FAZLULLAH: -- it might be
22 something to sort of pick off over each of the

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1 meetings depending on how staffing occurs.

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

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

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

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

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

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1 Scott.

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

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

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

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

21 MEMBER HERRERA: So I would, just if
22 we're looking at new suggestions two things. One,

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1 is that the, when we have the presentations I know
2 we have a limited number, a limited amount of
3 meetings that we have and we try to pack as much
4 in.

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

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

21 But one of the things is that as a group
22 we're trying to bring the interests of consumers

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1 to the Commission. And so it's useful to have time
2 allotted in there to actually get feedback from
3 those consumer groups and to not structure the time
4 as much so that it's intended to be a one way
5 presentation of information from the FCC to the
6 groups.

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

11 CHAIR BERLYN: Thank you, Mitsy.
12 Okay.

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

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

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

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

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

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

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

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

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

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

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

21 They learned about products that each,
22 other competitors have and consumers learned as

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1 well. And so this is just really the beginning of
2 our effort for this particular community.

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

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

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

21 Maybe I can send Debbie and Scott the
22 link and they can share it with you because we would

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1 really like to have a lot more entities sign on.
2 There is also a Coleman Institute pledge that the
3 Chairman signed onto, a very similar type of pledge
4 that talks about the importance of considering the
5 needs of people with cognitive disabilities and the
6 design and the development of ICT or information
7 communication technologies.

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

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

18 We had a good story to tell two years
19 ago. But it gets even better every year. The
20 industry has done a good amount of work to make
21 their products and services accessible in
22 compliance with the CVAA and we really appreciate

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1 that and thank industry for its diligence and
2 concerted efforts in making this happen.

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

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

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

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

22 Also office phones. Again, largely

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1 falling under Section 255 these office phones tend
2 to still have a lot of accessibility barriers. So
3 we still have some work to do.

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

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

17 So we're working very closely with
18 organizations like NENA and APCO and the various
19 emergency call handling transmission companies
20 that facilitate the routing of these calls to make
21 sure that there's a smooth transition to make sure
22 that the burdens are minimized and ultimately

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1 everyone can get the access that they need.

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

9 It was operated as a pilot program
10 before. It has provided equipment to well over
11 4,000 people across the country who send very
12 impassioned thanks to us and express their
13 gratitude for being able to do things like go back
14 to school, get college degrees, rekindle contacts
15 with relatives, get jobs, et cetera.

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

22 I won't go into all the details. But

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1 one major thing that it does is it extends to
2 program to a couple of US territories that weren't
3 covered before and that's Guam, Northern Marianas
4 and American Samoa.

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

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

16 But what we did was we took that money
17 and are saying that states can use its state
18 certified programs under the program, under the
19 umbrella program can use that money to train
20 trainers. That was the one gap in our prior
21 program that we found that there weren't enough
22 people to, there weren't enough trainers of, that

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1 could train people who are deaf and blind how to
2 use the equipment.

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

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

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

19 Also in August the FCC adopted a hearing
20 and compatibility order as a result of a joint
21 consensus proposal. And what was so great about
22 this is that, and the cognitive disabilities

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1 project is it is, it represents everything that you
2 are about which is coordination and cooperation and
3 collaboration across the industry and consumers.

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

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

21 And they are going to report to us on
22 a regular basis on what they're doing, what's going

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1 on, the extent to which this 100 percent benchmark
2 can be achieved. And for many people who use
3 hearing aids or cochlear implants it has been
4 difficult for them to always find phones that meet
5 their needs.

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

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

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

22 On September 22nd I mentioned that the

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1 Disability Advisory Committee approved the best
2 practices for cognitive disabilities. They also
3 sent us recommendations on a number of other things
4 including amplified phones in the tech transition
5 making sure that there's no problems there, 911
6 access for VRS users, establishing rules for,
7 asking us to establish rules and standards for
8 quality of service.

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

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

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

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

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

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

19 MEMBER SCHROEDER: Thank you very
20 much. Paul Schroeder with AFB. I just want to
21 take a second to say as we wrap up this CAC and of
22 course I wrap up my time at AFB that it was 20 years

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1 ago that we passed the Communications Act Section
2 255 and the captioning requirements.

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

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

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

21 And the FCC and Coleman and others have
22 done that working together. And what an

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1 extraordinary accomplishment. I agree with you.
2 I hope everyone does take a look not only because
3 it's important to people with cognitive and
4 intellectual disabilities, but frankly I think
5 there's a number of good practices that are just
6 flat out good practices for technology use.

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

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

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

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1 MS. PELTZ STRAUSS: Well thank you,
2 Paul. Right back at you is all I could say. And
3 as Paul mentioned we've worked together for about
4 20 years. It's hard to believe how time flies.

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

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

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

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

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

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

16 CHAIR BERLYN: So I just want to add my
17 thanks to Karen for everything that you have done
18 for this community. And the recognitions have
19 been coming for Karen and I just want to mention
20 if you were not at the National Consumer League
21 dinner just a few weeks ago, was it, just a couple
22 of weeks ago the National Consumers League honored

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1 Karen with an award, much deserved award.

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

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

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

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

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

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

22 CHAIR BERLYN: Thank you, Karen.

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1 (Applause.)

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

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

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

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

20 So I'll kind of run through some of that
21 and focus a lot on what we are doing here at the
22 Wireline Competition Bureau in implementing the

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1 order. Let's see, okay.

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

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

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

22 So what that means is individuals could

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1 begin receiving support for broadband on December
2 2nd. There's some other reforms here in regards
3 to some recertification requirements which will
4 happen, new requirements that will happen in
5 calendar year 2017, as well as some work that we're
6 doing to implement what we refer to as the National
7 Verifier.

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

14 So, but, you know, we're working
15 through the process and we're so far meeting our
16 kind of threshold benchmarks and I'll talk a little
17 bit about that through the presentation.

18 So as I said, historically Lifeline provided
19 support for voice service. We are now going to be
20 providing support for broadband. So a consumer
21 can get standalone voice, broadband and/or bundled
22 services. And the support amount could go towards

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1 all three of those.

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

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

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

21 Come December 2nd there will be minimum
22 standards for voice for wireless service. It will

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1 be 500 minutes. And as you see from the chart each
2 year thereafter it increases.

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

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

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

22 There's also a hotspot requirement in

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1 that the new devices, at least one of them come
2 December 2nd will need to be hotspot capability.
3 So again, these reforms will be kind of
4 implemented, you know, higher thresholds each year
5 as you can see from the chart.

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

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

19 What that means is that the FCC will be
20 taking Lifeline Broadband Provider designation
21 requests. It has already received some. We
22 started evaluating them come October 3rd. So

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1 it's, you know, we just received some applications.

2 I believe we have about 12 or 13 right
3 now. And what the rules contemplate is that if a
4 company meets certain threshold requirements such
5 as already providing at least 1,000 non-Lifeline
6 or they're already offering service to at least
7 1,000 non-Lifeline subscribers, there's some
8 public safety requirements.

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

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

21 And then, you know, they would go
22 through the same procedures as other ETCs have in

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1 the past in terms of submitting monthly forms for
2 reimbursement and so forth. So as I had indicated,
3 we currently have about 12 to 15 of these right now.

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

10 Although, I make note that companies
11 are required to file these in ECFS under Docket
12 09197. But, you know, we recognize some parties
13 might have trouble maneuvering around our comment
14 filing system.

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

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

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

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

18 But we recently issued a Lifeline
19 Broadband Provider guidance public notice that
20 provided details of what we believe was necessary
21 to include in those designations because we want
22 to provide guidance to the companies out there.

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1 We recognize through this new process
2 there are many companies that previously never
3 considered participating in Lifeline and now, you
4 know, are interested in doing so for various
5 reasons coordinating with public housing units,
6 you know, there's a lot of ISPs there that have,
7 you know, specialize in, you know, addressing
8 concerns for children, you know, that addressing
9 the homework gap.

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

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

20 Companies that are currently ETCs in
21 the market can utilize their existing ETC
22 designation to also offer broadband. They do not

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1 have to go through this Lifeline Broadband Provider
2 designation or they can do both.

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

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

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

21 If you're a Lifeline Broadband Provider
22 you do not offer voice that designation permits you

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1 to offer Lifeline supported broadband. If you
2 want to offer voice service and get support through
3 the program, you have to go through the traditional
4 ETC process.

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

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

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

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1 Are there any questions regarding that?

2 Yes.

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

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

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

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

21 MS. HANLY: To go below?

22 MEMBER FAZLULLAH: Yes.

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

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

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

8 MEMBER FAZLULLAH: I see.

9 MS. HANLY: Yes.

10 CHAIR BERLYN: Mitsy.

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

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

21 But because of the way that the
22 government functions the money that you send to the

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1 schools, it becomes an administrative thing. I
2 send money to the schools. The school sends money
3 back to the government.

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

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

21 MS. HANLY: Sure. So I think your
22 question is a good one and it raises, it raises

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1 some, another thing that we're working with. And
2 I guess we refer to it as aggregators.

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

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

21 And I think we're very optimistic. I
22 think one of the key factors in doing this is that

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1 first it's a condition in the program that the money
2 actually has to go to an eligible
3 telecommunications carrier.

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

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

19 So but the key factor in that is that
20 the money has to actually go to an entity that's
21 an eligible telecommunications carrier which in
22 this case could be as I described the Lifeline

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1 Broadband Provider that we had designated. So
2 that's one factor.

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

18 And then there's a subsidy associated
19 with that individual which is the \$9.25 per month.
20 So whether it's the aggregator that signs up the
21 individuals with the forms and then makes it
22 available to the ETC because the ETC will

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1 ultimately get audited for this to make sure they
2 have certification forms for every individual
3 that's signing up for the service and, you know,
4 the subsidy associated with that individual.

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

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

19 So I encourage you to reach out to me
20 and we will definitely kind of brainstorm in how
21 it could work within your jurisdiction because I
22 think, the way we've set this up I think it

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1 certainly will facilitate these type of
2 arrangements. So is that helpful?

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

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

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

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

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

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

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

7 MEMBER MCELLOWNEY: Thank you.

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

11 MEMBER MCELLOWNEY: Yes, I agree
12 completely.

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

15 MS. HANLY: Yes.

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

18 MS. HANLY: Sure.

19 MEMBER O'BOYLE: I hear you saying that
20 there are some what I might characterize as ad hoc,
21 you know, folks coming to you and saying we're
22 thinking about doing this, our city is looking at

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1 that, our housing authority is looking at x or y.

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

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

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

18 MEMBER O'BOYLE: Thank you.

19 MS. HANLY: Yes.

20 CHAIR BERLYN: Olivia.

21 MS. HANLY: Hi, how are you?

22 MEMBER WEIN: Good. Thanks for coming

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1 and giving the update. In fairness to sort of the
2 materials currently available I'd like to offer a
3 little bit of a defense that we've got, you know,
4 a program in transition.

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

13 MS. HANLY: Right.

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

18 The other thing I just sort of wanted
19 to rope in, in terms of USAC and some thoughtfulness
20 here is as this program evolves and we will be
21 seeing broadband products into the marketplace
22 what would be helpful. And this could be a

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1 conversation maybe that CAC could have with some
2 folks from the USAC like the data folks working on
3 like mapping possibilities like how, they sit on
4 a lot of information about what should be outward
5 facing that could be helpful.

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

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

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

22 MEMBER WEIN: Thank you.

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

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

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

21 It's just, you know, when it involves
22 technology it take a little bit longer than people

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1 sometimes expect. But I totally agree with you and
2 I've already been there and had those discussions.

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

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

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

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

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

20 MEMBER FAZLULLAH: Right, yes.

21 MS. HANLY: So it hasn't, like I don't
22 have a lot of details to share with you yet. I

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1 think, to tell you the truth, our focus right now
2 is just, you know, making sure we get everything
3 implemented by the end of this year, early next year
4 and, you know, getting all the tools out there
5 whether it's consumer oriented, whether it's for
6 the companies in terms of the requirements.

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

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

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

22 But I will certainly take it back and

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1 recognize that once we kind of hit the first quarter
2 of 2017 we need to start thinking about the
3 mechanisms for the new minimum service standards
4 that will come the following year.

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

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

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

14 MS. HANLY: Sounds good.

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

17 (Applause.)

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

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1 MR. SAHARKO: No problem.

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

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

10 And I'll just give you a very high level
11 overview of the order that we put out in July of
12 2016 and then we'll be happy to answer any questions
13 that you have. The theme of our July 2016 order
14 it's, the first five words of it is Technology,
15 Transitions, Demand, Regulatory Transitions.

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

21 But the real action and what I'll give
22 you the overview of today was that we basically set

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1 up a framework to allow for carriers to receive
2 streamlined treatment of Section 214
3 discontinuance applications involving a voice, a
4 legacy voice service that involves technology
5 transition.

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

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

20 For technology transition
21 discontinuance applications the exact opposite is
22 true. The presumption is that it will go through

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1 a more rigorous, timely process unless the
2 applicant can comply with what we're calling the
3 adequate replacement test.

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

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

19 And third, that it allows for
20 interoperability and/or compatibility with
21 certain key applications and functionalities.
22 Just to give a very brief drill down on each of those

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1 three network infrastructure and service quality.

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

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

14 As a 5-9 standard we've established a
15 4-9 standard applying kind of a similar division
16 kind of test that you, that the carriers use to
17 establish 5-9s in the past with customer trouble
18 reports, time for waiting and those sorts of
19 things.

20 And I could go into it. But it's all
21 in the order. And finally, the, has to cover the
22 entire geographic area that the legacy service

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1 covered so no customers get left behind in any way.

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

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

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

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

21 And the third prong is compatibility
22 with key applications. In the order we

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1 established some low speed modem devices that we
2 say at least through 2025 a replacement service
3 needs to demonstrate it's compatible with, fax
4 machines, home security alarms, medical monitoring
5 devices, point of sale terminals.

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

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

22 So that is in there and that's

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1 important. And we also established a very
2 detailed consumer education requirement. There
3 are requirements that certain materials be
4 provided to consumers, a customer service hotline
5 providing those materials in the languages that you
6 advertise to your customers and several other
7 pieces to that.

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

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

19 But we are also still even with those
20 before us proceeding with the rules becoming final
21 and we anticipate as we kind of wind through the
22 post release process that hopefully sometime early

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1 in 2017 these rules will become effective. So
2 that's my, I mean that's my very high overview.

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

7 CHAIR BERLYN: Thank you for that quick
8 overview.

9 MR. SAHARKO: Yes.

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

12 MEMBER WEIN: Hi.

13 MR. SAHARKO: Hi.

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

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

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

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

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

19 So they have to include the price of the
20 replacement service compared to the legacy
21 service. And I'm just quoting from the item here
22 to make sure I'm precise because I think the

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1 language is very carefully written.

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

9 CHAIR BERLYN: Amina.

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

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

19 I don't see why it couldn't be captured
20 in the language that I just described. But again,
21 I don't think we opined on it specifically so it's
22 probably something that would be, you know, decided

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1 through adjudication process I would imagine, yes.
2 That is a great question.

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

5 MR. SAHARKO: Yes, absolutely.

6 CHAIR BERLYN: I'm sorry, Mitsy.

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

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

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

21 CHAIR BERLYN: Okay. We're going to
22 have to close the questions because we are running

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1 a little behind. But you did a great job in almost
2 getting us back on schedule.

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

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

7 (Applause.)

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

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

12 MR. SAHARKO: Thank you all.

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

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

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1 he's going to be talking to us --

2 MR. FURTH: I did something wrong.

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

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

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

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

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

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

18 CHAIR BERLYN: There you go. You got
19 it.

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

22 CHAIR BERLYN: You should be able to do

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1 that remotely too. Okay, excellent. Well thank
2 you very much, David, for joining us.

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

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

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

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

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

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

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

19 There are over 6,000 PSAPs in the
20 nation. 911 is a local service. Those PSAPs are
21 primarily configured at the county or city level
22 and so here in DC there's a PSAP that serves the

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1 District of Columbia, the various counties in the
2 national capital region each have a PSAP.

3 And when you go across the entire
4 country we're looking at what is essentially a
5 decentralized system because the calls are
6 answered locally in every state and every
7 jurisdiction. Let me go down to just a very quick
8 overview of some terminology and the FCC's role in
9 911.

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

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

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1 side.

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

8 911 was started as a, originally a
9 wireline circuit switch system that was, that
10 channeled 911 traffic through your local central
11 office that the LAC would then use a specialized
12 router to route traffic to the PSAP. That still
13 is an infrastructure that is in place in most of
14 the country.

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

20 It will include the ability to handle
21 text and video and photos which the legacy system
22 cannot. Some of you may be familiar with

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1 text-to-911 and in fact text-to-911 is being rolled
2 out.

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

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

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

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

22 And so when state and local government

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1 is looking at how do we implement Next Generation
2 911 it's important to have GIS as part of that
3 analysis and to make sure that the folks in the
4 government that are working on 911 and the folks
5 in the government that are working on GIS are
6 talking to one another and coordinating with one
7 another and leveraging resources that may already
8 be there to help lower the cost of implementation
9 because often GIS is in a different department.

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

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

21 We are increasingly in a converged
22 world and I like to use the next slide, this our

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1 kind of complicated slide with lots of different
2 clouds with different acronyms and technical
3 terms. And this is the landscape that we're
4 looking at.

5 I'm not going to explain technically
6 what all of these things are. But what's important
7 to understand about this is that when we think about
8 911 we cannot think about it in isolation from other
9 technologies that are used to support public safety
10 whether it's the radio systems that first
11 responders use or it's systems that are used to,
12 for public alerts and warnings and of course the
13 entire commercial network infrastructure that the
14 public uses to get to the 911 system in the first
15 place.

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

21 Again, just a little bit of a high level
22 description of Next Generation 911 both in terms

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1 of the differences from the legacy system and the
2 advantages that it offers. And it does offer huge
3 advantages.

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

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

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

21 That is typically set by the state that
22 you live in. The states have different fee

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1 structures from one another. Collectively based
2 on the report that we issue annually and the data
3 we collect from states about \$2.5 billion in 911
4 fees are collected by states and then distributed
5 either at the state level or down to the local level
6 to fund PSAPs.

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

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

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1 were identified as Next Generation 911
2 expenditures.

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

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

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

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

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1 that are doing it.

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

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

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

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

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

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

20 And then finally, a working group that
21 looked at resource allocation which is really
22 funding. How do state and local government

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1 develop sustainable funding models that will
2 support the transition and the ultimate
3 implementation of Next Generation 911?

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

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

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

20 And the working group in TFOPA looked
21 at a number of options. And again, these are going
22 to be policy decisions that states in particular

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1 are going to have to make. So what TFOPA did was
2 to put options on the table.

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

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

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

22 So the Cybersecurity Working Group is

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

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

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

20 How can we link those things up?
21 Similarly the Network Architecture Working Group
22 is going to be coming up with a framework and what

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1 we call an NG911 ready scorecard.

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

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

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

21 The last thing I'm going to mention is
22 because underlying all of this is the big question.

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1 How much is all of this going to cost? And that's
2 a big question.

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

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

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

21 So there's a great deal of work going
22 on. While this is going on our colleagues over at

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1 the 911, national 911 program at the National
2 Highway Traffic and Safety Administration are
3 working pursuant to a directive from Congress on
4 a cost study that's going to look comprehensively
5 at the implementation costs of Next Generation 911.

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

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

19 But we've been working day and night
20 with our colleagues at all levels to try to advance
21 that. With that I've gone, covered a lot. It may
22 be that your only question at this point is, is it

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1 time for lunch yet, but I'm happy to take questions.

2 CHAIR BERLYN: Thank you very much.

3 That was very comprehensive. Olivia.

4 MEMBER MCELDOWNEY: Hi, this Ken
5 McEldowney again.

6 CHAIR BERLYN: Sorry.

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

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

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

20 There is some federal funding in the
21 pipeline. There is a \$115 million grant program
22 that Congress provided for back in 2012 to be funded

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1 by FCC auctions. That money has now been made
2 available.

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

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

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

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

22 And the quicker we get there the more

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1 we can save on these transition costs. It's, the
2 longer you're in a transition mode you have to
3 support both the legacy system and the new system
4 and a bunch of transitional bridges between the two
5 in order to keep the 911 system running.

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

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

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

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

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

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

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

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

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

12 CHAIR BERLYN: Steve.

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

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

22 MR. FURTH: We generally publish that

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1 at the end of the year, well actually we deliver
2 it to Congress at the of the year and it's usually
3 publicly released shortly after. So you should be
4 looking for it in early January.

5 MEMBER POCIASK: Okay, thank you.

6 CHAIR BERLYN: One other quick
7 question, Catherine.

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

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

19 And in fact one of the issues when we
20 go out and visit PSAPs, talk to 911 managers the,
21 both the training requirements that are going to
22 be, have to be changed to deal with this new

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1 environment, the kind of stresses that it puts on
2 911 call takers and how we manage this increased
3 flow of information, these are major issues.

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

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

15 So a simple example is the nexus between
16 911 and emergency alerting. 911 is the public is
17 sending you information asking for help.

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

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1 situation.

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

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

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

19 That information can be really
20 important if you can act on it to send an alert,
21 to send a warning. The technology is there to do
22 it. It's a governance issue for local authorities

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1 to make the decision that they want to integrate
2 those functions.

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

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

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

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

3 MR. FURTH: Thank you.

4 CHAIR BERLYN: -- and presentation.
5 Great information and presentation and good
6 questions.

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

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

12 (Applause.)

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

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

22 He's participated in so many of the

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1 working groups and task force and he and his great
2 team at National Consumers League. So thank you,
3 John, for everything you've done as well. So thank
4 you.

5 (Applause.)

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

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

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

18 CHAIR BERLYN: And we're going to --

19 MR. MARSHALL: And we're back here at
20 1 o'clock.

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

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1 MR. MARSHALL: For a presentation at
2 1:00.

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

5 MR. MARSHALL: Yes, thanks.

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

8 CHAIR BERLYN: All right, everyone.
9 We are now going to, we have Gregory Cooke here who
10 is associate division chief, Policy Division
11 Public Safety and Homeland Security Bureau.

12 Thank you for coming. You're going to talk
13 about the emergency assistance services national
14 test update. So thank you.

15 MR. COOKE: Yes, thank you. And thank
16 you all very much. It's, I'm very happy to be here.
17 I think this is a great time to be talking about
18 the test to this audience because we really, in
19 light of the initial EAS test that we had in 2011,
20 really made some significant advances and efforts
21 to make sure that the test would be fully accessible
22 to all whether the hard of hearing, the blind or

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1 those for whom English is not their primary
2 language.

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

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

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

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

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1 understandable the test was for their members.

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

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

22 And while we weren't doing a major

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1 public outreach and it was not a civil defense
2 exercise we really wanted to get input on how
3 accessible the test was. So we in both cases said
4 what we were going to do was put up templates on
5 our public safety service center which is an online
6 access facility that we maintain on the
7 Commission's website, to let people fill out
8 templates to let us know how the test looked to them
9 and how accessible that it was to them.

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

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

22 And early reports indicate that

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1 problems with receiving or rebroadcasting the
2 alert are fairly isolated and are limited to one
3 particular area which I'll mention because it does
4 go to accessibility. EAS works in two ways.

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

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

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

22 The kind of text that is available is

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1 based on codes and the equipment. And it really,
2 it can be quite cryptic. And so in that case the
3 audio which is the regular audio and the text won't
4 match.

5 And one of the things that we've done
6 since 2011 is augmented this legacy distribution
7 system with one based on the internet where all of
8 the EAS participants, TV, cable, et cetera log and
9 poll an internet website on a regular basis, every
10 30 seconds or every 20 seconds, whatever. And when
11 they pull down that information it's much richer,
12 it's much more robust.

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

19 That's the function of the system that
20 we were testing. The biggest single issue that
21 came up during the test was the fact that many
22 stations, many EAS participants picked the,

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1 probably at least 40 percent picked up the alert
2 over the air as opposed to through the internet.

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

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

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

19 And we received approximately 60
20 responses. And even, you know, when you solicit
21 response there's kind of a self-selection bias
22 favoring folks who experience problems. You know,

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1 and so even with that a third of those responses
2 indicated that no problems were observed.

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

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

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

21 So that's going to be an ongoing issue.
22 And we also made a little bit of an error

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1 unfortunately when we set up the PSSC. One of the
2 things that Suzy Singleton pointed out to us was
3 that we forgot to turn off the CAPTCHA or the guys
4 who set it up didn't turn off the CAPTCHA so it made
5 it fairly difficult for some people to access the
6 sheet.

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

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

21 CHAIR BERLYN: Anyone have any
22 questions?

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1 MEMBER MCELLOWNEY: I have a question.

2 CHAIR BERLYN: Ken, you want to --

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

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

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

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

21 And there's particular issues with end
22 user equipment capturing all of the special

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1 characters and whatnot. So while we are in, I know
2 FEMA is in discussion with Asian language groups,
3 we certainly are seeking comment on the issue in
4 an upcoming rulemaking.

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

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

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

18 MEMBER MCELDOWNEY: Yes, we've been
19 using Chinese, Korean and Vietnamese for probably
20 15 years both in our printed publications and our
21 website. And I think those would be a good first
22 three languages to start with.

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

5 MEMBER MCELLOWNEY: No, maybe some,
6 maybe, Scott, you could send me that information
7 after the meeting.

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

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

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

19 MEMBER MCELLOWNEY: Sounds good,
20 thanks.

21 MR. COOKE: Sure.

22 CHAIR BERLYN: Ed.

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1 MEMBER BARTHOLME: Over the summer we
2 had one of the first television tests of the ATSC
3 3.0.

4 MR. COOKE: Sure.

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

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

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

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

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

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

11 MR. COOKE: Thank you all very much.

12 CHAIR BERLYN: Good data. Thank you.
13 (Applause.)

14 CHAIR BERLYN: Thanks. Bye.

15 MR. MARSHALL: Thanks. Bye.

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

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

22 MR. MARSHALL: Yes, I think so.

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

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

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

13 COMMISSIONER CLYBURN: Thank you.

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

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

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1 with.

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

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

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

19 Now while I can remember the day when
20 this was not always the case, as of late for me and
21 ideally for you not only that, was it clear of what
22 government imposed fees and taxes I would have to

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1 remit, but all of that company's mandatory fees,
2 airport fees and all of those things that, if
3 applicable, it was very clear that before I hit okay
4 that this is what the final dollar amount would be.

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

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

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

22 Now an asterisk next to that quoted

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1 price indicated that this did not include any
2 taxes, fees or surcharges. Now you know with that
3 little asterisk I had to squint because I'm over
4 50 to see that size print.

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

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

22 Now in July you may have seen that

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1 Congressman Mike Doyle and I penned an op-ed which
2 articulated what we consider a simple principle.
3 Consumers should know exactly what they will pay
4 before they get that first month's bill.

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

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

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1 to putting consumers first.

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

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

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

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

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

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

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

8 COMMISSIONER CLYBURN: Plug.

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

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

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

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1 reason.

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

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

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

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

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

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

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

17 Close to 60 of low income people have
18 cut the cord. So now in solving one problem we have
19 doubled down on another. And I say this to, as a
20 sort of segue to what we're going to do on October
21 19th at Georgetown Law Center.

22 We're having what we call a Solutions

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1 2020 conference or a workshop where for about four
2 hours we're going to divide things in silos and talk
3 about different, you know, from healthcare to, you
4 know, adoption to almost everything in a sort of
5 compacted way that we and you have talked about for,
6 since your inception about what we can do better.

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

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

21 It should have been quite intuitive
22 that, you know, I'm looking at the stats and people

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1 cutting the cord and knowing that, you know, most
2 of the people who are, you know, are low income are
3 the ones recycling in and out of the criminal
4 justice system, why was it not intuitive to me that
5 the cell phone, so what I'm saying is with the best
6 of intentions we don't always get it right.

7 And that's why it was important for me
8 to go outside of the Beltway with these Connecting
9 Community Tours. I think we were at about 11 or
10 12 states in a number of communities and hearing
11 and seeing and learning more we have the capacity
12 to implement better.

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

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

22 We're going to have something that will

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1 be tangible that will come out of that because I
2 am more optimistic the longer I am on this planet
3 about some of the chronic issues and challenges
4 that we have in this country that there are
5 solutions.

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

10 Again, I don't know if you have any
11 questions. My story ended up being a few minutes
12 longer. I hope you forgive me for that. But I
13 thought it just drove home the example that
14 sometimes with the best of intentions we don't get
15 100 percent there.

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

21 I would really urge the Commission to
22 not just sort of view these and issue them as best

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1 practices, but also requirements. I think one of
2 the reasons, the only reason why these car rental
3 companies are disclosing all the fees up front is
4 they are required to.

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

7 COMMISSIONER CLYBURN: Thank you.

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

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

17 COMMISSIONER CLYBURN: Thank you.

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

20 CHAIR BERLYN: Second woman chair.

21 MEMBER HERRERA: Second woman. The
22 thing I wanted to ask you about is particularly on

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1 the independent programming NPRM we thank you for
2 your efforts on that.

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

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

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

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

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1 regardless of what we put forth.

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

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

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

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

15 MEMBER LEECH: I got a really nice one.

16 COMMISSIONER CLYBURN: Thank you.

17 MEMBER LEECH: I got a really nice one.

18 First off, in the recent meeting of the Commission
19 as it was web streamed my students and I watched
20 in class and that was a really nice thing for us
21 to be able to do.

22 And it was, you know, and to able to say

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1 to them that was happening right now and it's a
2 consumer, senior level consumer protection class
3 so it was just perfect.

4 COMMISSIONER CLYBURN: Great.

5 MEMBER LEECH: So wanted to --

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

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

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

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

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

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

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

18 So you've got someone in a developing
19 country who finally got connectivity particularly
20 on a cell phone and the first thing that one of the
21 siblings or, you know, one of the children, you
22 know, what they would do is they'll stream

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1 something. And lo and behold within a day or two
2 they had used up all of the, you know, data.

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

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

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

21 (Off microphone comment.)

22 COMMISSIONER CLYBURN: Well, there are

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1 a couple of things that depending on what type of
2 plan either you're done or you get sticker shock.
3 So you're right.

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

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

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

17 COMMISSIONER CLYBURN: If not today
18 I'm here.

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

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1 COMMISSIONER CLYBURN: I know.

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

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

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

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

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

5 COMMISSIONER CLYBURN: Right.

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

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

15
16 COMMISSIONER CLYBURN: Yes, and again
17 especially when we talk about attempting to get
18 more providers to be more flexible and creative
19 with different products and services that will
20 allow for more, you know, capacity and again,
21 better plans.

22 Somebody emailed me something. I was

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1 not so happy with a particular company that I will
2 not name because they might be in here. And about
3 one of their service offerings.

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

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

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

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

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

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

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

19 It could be an affordable way for people
20 to stream and connect with, you know, content. It
21 could be a way for a doctor's office to have a better
22 rapport with their patients in having, you know,

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1 a way to in a non-economically punitive way be in
2 touch and somebody could, you know, I've got a
3 family member who is in kidney failure.

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

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

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

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

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

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

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

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

18 MEMBER LANCETTI: I just wanted to say
19 and certainly without getting into advocacy
20 T-Mobile which we believe, you know, has tried as
21 you say in the marketplace to make it a competitive
22 distinction in terms of both zero rating without

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1 content provider payment and also unlimited data
2 plans without overages that we agree as to the
3 importance of having flexibility and the fact that
4 these, some of these programs and plans are very
5 compelling to customers and do in fact allow much
6 greater connectivity and much greater access for
7 all types of people.

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

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

16 You know, we keep complaining about,
17 you know, access bottlenecks and the like. You
18 know, one of the reasons why I will take a case by
19 case approach when you talk about, you know,
20 product differentiation and the possibility of,
21 you know, people coming up with very creative
22 products and partnerships is this could be a way

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1 for that next, you know, creative content provider
2 with, that can't get on the, you know, legacy
3 platforms to do so.

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

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

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

21 And again, thank you so much for
22 everything that you do. I appreciate what I

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1 consider a friendship and the American people
2 though you hear me say this may not know your name
3 appreciate what you do. Thank you.

4 CHAIR BERLYN: Thank you,
5 Commissioner.

6 (Applause.)

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

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

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

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

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

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

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

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

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

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

19 MR. POWELL: Yes, so I think if I asked
20 everyone in this room I would probably come up with
21 slightly different answers from everybody. And a
22 wise man said not too long ago, and that wise man

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1 was Chairman Wheeler, that if anyone tells you that
2 they know exactly what the details of what 5G will
3 deliver you should walk the other way.

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

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

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

20 And we know that 5G networks will
21 require more spectrum up and down the bands, higher
22 responsiveness and lower latency than we're seeing

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1 today. So there are three keys to what the
2 Commission can do to help unlock the 5G opportunity
3 and we're working on all of these issues right now.

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

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

17 And the infrastructure in siting pieces
18 are really important here and the Commission, like
19 I said, is working hard on both issues. But I'm
20 a spectrum guy so I'm mostly going to stay in my
21 lane and focus on the Commission's efforts to make
22 more spectrum available and then to talk a little

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1 bit about the benefits that we can expect for
2 consumers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 It's all coordinated by a spectrum

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1 access system which is effectively a highly
2 advanced spectrum database that operates as an
3 advanced frequency coordinator. We're currently
4 reviewing applications from seven different
5 potential SAS administrators and we're trying to
6 move forward in the approval process quickly.

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

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

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

22 So the Commission adopted the Spectrum

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

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

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

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

22 4G is where we're at right now. And

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1 that continued the evolution enabling higher
2 speeds for sophisticated services like video
3 streaming, all of the wonderful interactive apps
4 that we use now.

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

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

15 So we're coming right back around to the
16 initial question, what can consumers expect from
17 5G? And in many ways 5G will be the continuation
18 of the network evolution that began with 3G and
19 continued to progress through the current 4G
20 technology.

21 Right now even the most advanced
22 wireless technologies available consumers face at

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1 least some tradeoff between speed and mobility.
2 5G networks have the potential to virtually erase
3 that tradeoff and provide ultra-fast, again we're
4 talking gigabit or more connections at virtually
5 any location.

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

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

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

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1 country.

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

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

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

20 But we know it's going to be great for
21 consumers. It's going to be exciting for
22 consumers and that the Commission is doing

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1 everything possible to ensure that the US maintains
2 its leadership role in the 5G space.

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

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

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

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

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

21 I mentioned in the earlier panels today
22 that adding more consumer information,

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1 particularly about these uses would be very
2 helpful. But what I would like to know is when we
3 talk about internet of things most of these devices
4 are relatively low band width.

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

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

19 In my previous life I dealt with that
20 a little bit, but I haven't dealt with it on the
21 Commission side so I don't want to speak to it too
22 much. But when we're talking about the network

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1 drivers I think it really is, it's a combination
2 of things.

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

8 But you're also looking at the next
9 generation of network deployment. Higher band
10 spectrum which everybody is either using or trying
11 to use and primarily when you're talking about the
12 higher band spectrum that's in use right now it's
13 probably putting up more WiFi hotspots for using
14 5 gigahertz.

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

21 You need more cells to support more
22 capacity. With consumer expectation being that,

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1 you know, you can get access to all of your social
2 media accounts or stream a video wherever you are
3 at any given time you would need to have more
4 spectrum capacity.

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

11 So even though I have to speak engineer
12 sometimes, I am not completely fluent.

13 CHAIR BERLYN: Thank you. Does anyone
14 else have any questions? Well thank you. Yes,
15 does anyone on the phone? Ken is taking a break.

16 MEMBER MCELLOWNEY: No, I'm here.

17 CHAIR BERLYN: That was a joke, Ken.

18 MEMBER MCELLOWNEY: I know.

19 CHAIR BERLYN: Okay, very good. Well
20 it's very, 5G is very exciting and it is very
21 exciting for consumers and I greatly appreciate
22 your coming in and talking to us and we look forward

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1 to the next steps. So thank you very much.

2 MR. POWELL: Well thanks again for
3 having me. I appreciate it.

4 CHAIR BERLYN: Very good, thank you.

5 (Applause.)

6 CHAIR BERLYN: Okay. Well it is great
7 to see everybody still around the table because we
8 have as almost our final order of business, almost,
9 almost, our recommendation from the task force.
10 And we do need everybody's presence for that.

11 So we are going to move to that now if
12 you want to look in your packets. For those of you
13 who have not been involved in the task force we have
14 the recommendation in the packet if you want to pull
15 that out.

16 Ed and I have served as the co-chairs
17 of this process. So we're both going to talk about
18 it. And it has been another one of those, I don't
19 know, maybe we can work on the timing of this a
20 little bit all of these summer time events where,
21 you know, we make pilgrimages every what two weeks
22 to the FCC during our summer to work on this

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1 process, sometimes weekly.

2 So first of all our thanks to all of
3 those who served on the task force and gave your
4 time to this process. You want to identify
5 yourselves by raising your hands those of you who
6 served on the task force so I don't have to, John
7 in the back and those around the table here who and
8 Ken on the phone, Ken McEldowney and Ken Mallory
9 who is not here and a couple of others who are not
10 participating today who served on the task force
11 spent a lot of time with this.

12 We greatly appreciate it. And thanks
13 to the CGB also for all of your time in working with
14 us on this. So here we have the recommendation.
15 I think the, probably the first of Robert's Rules
16 is to move the recommendation. Is that correct,
17 Scott?

18 MR. MARSHALL: Yes.

19 CHAIR BERLYN: So that we can then
20 discuss it. So do I have a motion to move the
21 recommendation from the floor?

22 MEMBER MCELDOWNEY: So moved.

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1 CHAIR BERLYN: Thank you, Ken. Do I
2 have a second? Excellent, all right. So I think
3 the first thing we should do is over lunch we made
4 a few editorial, shall we say editorial changes
5 here to it that are mostly wordsmithing and Scott
6 told us we could do. So thank you, Scott, for
7 overseeing this process to make sure we stayed on
8 the up and up in all of this.

9 So I want to go through those and, Ed,
10 you have these too so make sure that, I'm not going
11 to go through where we missed a space or anything
12 like that. But, you know, word changes, any word
13 changes.

14 MR. MARSHALL: Or periods.

15 CHAIR BERLYN: Yes, or periods where we
16 didn't have a period and we added a period or a space
17 where we didn't have a space. I won't go through
18 those.

19 But I do want to go through a couple
20 where we made a couple of cross outs, word changes,
21 et cetera. So on Page 1 of the recommendation at
22 the very bottom the last whereas in the second

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1 sentence where it reads the task force met over we
2 crossed out the course of and it now just reads the
3 task force met over three months, okay.

4 Just cleaned that up a little bit. And
5 then moving to the second page, so I'm not going
6 to note a comma that was added. In the third
7 therefore bullet point there we made a couple of
8 changes.

9 In the second line we replaced the word
10 service costs to now read service price, okay.
11 Everybody got that change? In the last bullet
12 point, Line 2 instead of the word costs we replaced
13 it with price.

14 And then the other change is that we
15 took out the parenthetical in the next line. So
16 that entire language there is, has been removed,
17 everything in parentheses. And if, does, yes.

18 MEMBER MORRIS: Is that, can I ask for
19 the rationale there? Is it because it's redundant
20 to the previous sentence?

21 CHAIR BERLYN: That was the sense that
22 it was, there was redundancy. There was a sense

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1 that it was not as clear. And I'm going to turn
2 to Ed to see if he wants to add anything to that.
3 We had a little discussion about it.

4 MEMBER BARTHOLME: It was redundancy
5 and then we also got some of the feedback that it
6 could be read as being somewhat contradictory.
7 And our effort was really to provide an explanation
8 and if it failed to actually be providing an
9 explanation we felt like it would be better served
10 not having it.

11 CHAIR BERLYN: Any follow up? Okay.
12 Amina.

13 MEMBER FAZLULLAH: I was just
14 wondering with respect to cost to price what was
15 the rationale behind that?

16 MEMBER BARTHOLME: It was pointed out
17 that when you take a look at cost it includes all
18 taxes and fees and oftentimes taxes can be minutiae
19 different just based on services used. So it might
20 be ten cents this month and 11 cents next month or
21 whatever.

22 So instead of, it would be impossible

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1 to have 30 day advance notice what the actual sort
2 of sales tax final dollar amount is going to be on
3 each bill. So we meant it to be the price of actual
4 service items and equipment items.

5 And we, it was suggested that the
6 language saying prices as opposed to costs was more
7 reflective of things that you could reasonably
8 notice in advance as opposed to things that are sort
9 of always figured out at the very end of a bill
10 cycle.

11 MEMBER FAZLULLAH: So would this still
12 includes fees and things that are going to be
13 static?

14 MEMBER BARTHOLME: Yes. And we do go
15 to further sort of talk about and explain that. It
16 was just, you know, somebody had raised the example
17 of sales tax and little things like that seem to
18 always be somewhat dynamic and it resulted in minor
19 --

20 CHAIR BERLYN: Universal service fee.

21 MEMBER BARTHOLME: Right which
22 oftentimes they don't know the full 30 days in

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1 advance depending on where it hits in the quarter
2 and where the update is and that sort of thing.

3 MEMBER MCAULIFFE: So on the, okay, so
4 first question. Are there some states or
5 localities that don't allow phone bills or cable
6 bills to separate out the tax from the cost as
7 charged or has that been resolved in the past?

8 MEMBER BARTHOLME: I can't speak to
9 that.

10 CHAIR BERLYN: Luisa.

11 MEMBER LANCETTI: I don't know.

12 MEMBER MCAULIFFE: Yes, because from
13 what I remember there are actual laws at the state
14 level or at the locality level that don't allow the
15 businesses to separate out the tax from the total
16 charge. So if the business doesn't know the tax
17 ahead of time and they aren't allowed to separate
18 the tax from the charge in the bill and we can't
19 estimate the price ahead of time, how does this
20 work?

21 MEMBER BARTHOLME: I mean I think that
22 this speaks to service costs. So to the extent

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1 that taxation is bundled into that then this is
2 simply a best practice. This isn't a rulemaking
3 proceeding.

4 And maybe that's an instance where a
5 company can, can't follow a best practice.

6 MEMBER MCAULIFFE: They can't follow
7 this because this, so we won't see itemized bills
8 actually because the taxes won't be --

9 MEMBER BARTHOLME: I don't know that
10 the goal --

11 MEMBER MCAULIFFE: -- separated out?

12 MEMBER BARTHOLME: The goal of this was
13 never to speak to bill itemization. Truth in
14 billing is an entirely separate sort of thing.

15 MEMBER MCAULIFFE: Okay. So truth in
16 billing is different from No Surprises?

17 MEMBER BARTHOLME: This was geared
18 specifically at sort of clarity at sign up and also
19 notification when promotional or other price
20 changes are coming towards consumer's release.
21 That's the approach we took.

22 CHAIR BERLYN: That's our

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1 understanding.

2 MEMBER MCAULIFFE: Yes.

3 MEMBER BARTHOLME: I think that there
4 might be other opportunities to talk about
5 itemization in bills. But it didn't fall into the
6 scope of this discussion as it was presented to us.

7 MEMBER MCAULIFFE: Sorry, maybe I'm,
8 and I'm sorry I was not here this morning when you
9 talked about it. I'm just trying to clarify really
10 quickly. Does this relate to the chart that we
11 passed earlier, the one that shows the different
12 --

13 MEMBER BARTHOLME: The broadband
14 disclosure?

15 MEMBER MCAULIFFE: Yes.

16 MEMBER BARTHOLME: No.

17 CHAIR BERLYN: No.

18 MEMBER MCAULIFFE: It doesn't at all,
19 okay. It's the same kind of --

20 CHAIR BERLYN: This is fairly narrow
21 and limited and it is best practices.

22 MEMBER MCAULIFFE: Okay, thanks.

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1 CHAIR BERLYN: So those are our, those
2 were the, these were our editorial changes from the
3 task force. I'd like to open it up to Scott for
4 discussion now in addition to what we've just heard
5 to see if anyone else has, are there any other
6 amendments or any other further discussion? Yes.

7 MEMBER STOUT: So I have two concerns
8 related to this that I wanted to bring up and
9 potentially propose an amendment if everybody is
10 willing to entertain it. Following on Katie's
11 point, so first off my two concerns and then I'll
12 talk about what I think should be the amendment.

13 Following on Katie's point we actually
14 I think don't know exactly what should count as best
15 practices from where we sit because it sounds like
16 it's a complicated thing based on, for instance,
17 billing practices at the state level and a host of
18 other things that we're not necessarily aware of
19 at the position we're at.

20 So that just makes me concerned. They
21 seem fine on their own as common sense. But I'm
22 just not certain that they're actually best

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1 practices.

2 The other concern that I have is that
3 the basis on which we are proposing to put forward
4 these best practices as a Commission is based on,
5 as far as I know, is based on a chart that the
6 Commission published saying that they got a lot of
7 complaints about billing practices, which seems
8 problematic.

9 But I didn't see any actual science
10 behind it, any social science that suggested how
11 those problems broke down, whether it was just
12 people who were just mad because they got billed,
13 whether they were billed too much. It was just
14 general billing complaints and then we're putting
15 forward these best practices without actually
16 having a sense of what the problems were and what
17 the costs and benefits about fixing whatever those
18 problems are.

19 So with those two concerns in mind, and
20 also I take the point of the task force that these
21 are just best practices. However, my concern is
22 that long term even though this isn't meant to be

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1 a part of a rulemaking that you might see the
2 Commission citing our best practices as an example
3 of what these companies should have been doing.

4 So we're putting forward something
5 which essentially traps companies in the future
6 based on incomplete information that we're not
7 aware of at this time. So what I would like to do
8 in order to pass these, in order to pass these
9 through the CAC, these best practices is to put
10 something in that says something to the extent of
11 if the Commission were to rely upon these best
12 practices as part of some proceeding or enforcement
13 action that they would actually first conduct a
14 consumer benefits analysis to determine that our
15 best practices actually make sense in that given
16 context.

17 Without having a consumer benefit
18 analysis to justify the application of these best
19 practices I don't think I could vote for this.
20 Thank you.

21 MEMBER MCELDOWNEY: So this is Ken
22 McEldowney from the --

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1 CHAIR BERLYN: Ken, can you hold for
2 one second. I want to --

3 MEMBER MCELDOWNEY: I'm sorry.

4 CHAIR BERLYN: I want to understand if
5 this is, is this an amendment?

6 MEMBER STOUT: Well so I would propose
7 it as an amendment if the general, I don't know if
8 the language we would put in first. At first I
9 would put it out there as a conversation piece to
10 say does anyone else feel this way.

11 If everyone thinks I'm crazy then
12 there's no point in forming the language for an
13 amendment. I have suggestions. But --

14 CHAIR BERLYN: Procedurally, Scott,
15 what is this procedurally? Is this an amendment?
16 I just want to know if we have an amendment to second
17 so we can have discussion.

18 MEMBER STOUT: Okay. It's an
19 amendment.

20 CHAIR BERLYN: Okay. Amendment, do I
21 hear a second to the amendment?

22 MEMBER MCAULIFFE: I second.

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1 CHAIR BERLYN: Katie seconds. Okay.
2 Now we can have discussion. So go ahead, Ken.

3 MEMBER MCELLOWNEY: And I'm sorry.
4 This is Ken McEldowney, Consumer Action. So
5 you're saying on the face of it you do not see very
6 strong consumer benefit. I don't understand
7 really what you're saying.

8 MEMBER STOUT: What I'm saying is that,
9 so from a common sense perspective you see a lot
10 of billing complaints sure it makes sense to look
11 at it and say there's probably problems in there.
12 But science often works against common sense,
13 right.

14 So what I would like to see is an actual
15 analysis of what those problems are. Are they just
16 people who are cranky or are they people who have
17 legitimate problems? Are there 12 different types
18 of billing problems in there that some of which are
19 not relevant to what we're talking about here?

20 Is it a majority? Is it a minority? I
21 would just like to have actual data in place that
22 says, yes, we've actually identified a harm and

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1 then at the same time the, I would like to see the
2 analysis say, go to the extent to say well what we
3 propose to do will actually cause more good than
4 harm at the same time.

5 MEMBER MCELLOWNEY: I'll be voting
6 against the amendment.

7 CHAIR BERLYN: Any other discussion on
8 the amendment?

9 MEMBER MCAULIFFE: Yes, I think maybe
10 to clarify a little bit and this is a question for
11 you saying that should the Commission decide to use
12 this as a basis for a rulemaking they should do a
13 consumer benefit analysis is really just the idea
14 behind the amendment.

15 MEMBER STOUT: That's the idea behind
16 the amendment just to say that what we're putting
17 out there since we have so little information
18 behind what we're doing it seems like it's fine as
19 a general thing to put out there to say companies
20 these are good ideas.

21 If the Commission actually wants to
22 cite this as something which is important precedent

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1 or suggestive of what companies should do, in that
2 particular instance they should have to do a
3 consumer benefit analysis before asserting these
4 as best practices.

5 CHAIR BERLYN: Sarah.

6 MEMBER MORRIS: I guess I'm still
7 confused by the amendment and the drive behind it.
8 But I also have a procedural or like a process
9 question which is to the extent that it sounds like
10 this document is not binding because it comes out
11 of the CAC I'm not, I don't understand at all what
12 this amendment would accomplish by putting another
13 requirement and a requirement that quite frankly
14 I think is very, like presents, opens up the door
15 for an entirely new conversation about what a cost
16 benefit analysis even entails.

17 And so to the extent that this new
18 clause or line or I don't know if it's a whereas
19 clause or a resolution clause, to the extent that
20 would be added as another non-binding portion of
21 a non-binding recommendation from the task force
22 I guess I just don't see how that accomplishes the

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1 concern that, I'm sorry, I don't know your name.

2 MEMBER STOUT: Kristian.

3 MEMBER MORRIS: That Kristian raised.

4 So I guess that wasn't exactly a procedural
5 question but rather, assuming my understanding is
6 correct and if it's not correct then please help
7 me understand.

8 CHAIR BERLYN: Chris.

9 MEMBER CALABRESE: So I have some
10 sympathy for this amendment because I too, I'm
11 slightly wary of the everybody knows school of
12 argument for things because you're right sometimes
13 the things that everybody knows are not either true
14 or good bases for policy making.

15 However, I think in this particular
16 example focusing on the resolution clauses
17 actually are more useful. I mean the whereas' I
18 get. But I honestly, when I read statutes I ignore
19 them.

20 I ignore the Congress believes because
21 I don't care what Congress believes. I care what
22 Congress says. And what this resolution says to

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1 me is pretty straightforward. It's like you
2 should know how much you're paying for something.

3 You should get alerts if your cost is
4 going to go up. I mean to me those are such base
5 line like best practices, non-ideologically just
6 from a marketplace point of view and from a, you
7 know, what I would want as a consumer that I feel
8 comfortable just endorsing essentially that
9 provision.

10 And I'm not sure we need to sort of fine
11 tune whether in fact there's a, you know, if we were
12 going to make broader policy recommendations they
13 needed to be more founded in some kind of research.
14 That's my take.

15 CHAIR BERLYN: Any further discussion.
16 So we'll call a vote on that. I'll call a question
17 on the amendment that is before us, the amendment
18 that Kristian has proposed. All those who are in
19 favor signify by saying aye.

20 MEMBER STOUT: Aye.

21 MEMBER MCAULIFFE: Aye.

22 CHAIR BERLYN: All those opposed

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1 signify by saying, no.

2 (Chorus of noes.)

3 CHAIR BERLYN: Any abstentions, one,
4 two.

5 MEMBER WALKE: NAB, Larry Walke,
6 abstains.

7 CHAIR BERLYN: I'm sorry, hold on one
8 second. I see five abstentions. Do you need to
9 know who they are? Do you want to record who they
10 are?

11 MR. MARSHALL: Yes.

12 CHAIR BERLYN: Okay. Hands up on
13 abstentions. We need to record. Steve Pociask,
14 Stephanie, Catherine --

15 FEMALE PARTICIPANT: Let me clarify,
16 is this for the whole thing?

17 CHAIR BERLYN: No, no, this is the
18 amendment.

19 MR. MARSHALL: Only the amendment,
20 yes.

21 CHAIR BERLYN: This is only the
22 amendment.

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1 MR. MARSHALL: Right.

2 CHAIR BERLYN: And these are
3 abstentions to the amendment. Everybody, okay,
4 this is only for Kristian's amendment.

5 MR. MARSHALL: You might want to take
6 another vote.

7 CHAIR BERLYN: Shall we do it again?

8 MR. MARSHALL: People are confused,
9 yes.

10 CHAIR BERLYN: All those in favor of
11 just the amendment signify by saying aye.

12 MEMBER STOUT: Aye.

13 MEMBER MCAULIFFE: Aye.

14 CHAIR BERLYN: All those opposed
15 signify by saying, no.

16 (Chorus of noes.)

17 CHAIR BERLYN: Abstentions. I still
18 see two. Steve Pociask and --

19 MEMBER WALKE: NAB, hello.

20 CHAIR BERLYN: And on the phone who is
21 abstaining, tell me your name please?

22 MEMBER WALKE: Larry Walke from NAB

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1 abstains.

2 CHAIR BERLYN: Larry Walke. Anyone
3 else on the phone abstaining? Okay, thank you.
4 So the amendment is not approved. All right.
5 Thank you, Kristian for bringing that up.

6 MR. MARSHALL: Any further discussion?

7 CHAIR BERLYN: Any further discussion
8 on the recommendation? Katie.

9 MEMBER MCAULIFFE: Yes. Just really
10 quickly I was looking at, based off of what Chris
11 pointed to see, yes, I look at the resolved part
12 also. In going to the first point and this is if
13 the group would be interested in just adding at the
14 very end to the extent allowed by law since we know
15 that some taxes and fees companies aren't allowed
16 to separate out.

17 CHAIR BERLYN: Where would you add
18 this?

19 MEMBER MCAULIFFE: At the end of the
20 first bullet point. So it says a monthly bill that
21 includes all government imposed taxes and fees and
22 all company imposed fees, surcharges and equipment

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1 charges just prior to sign ups.

2 So perhaps there could be something
3 along the line monthly bill that includes all
4 company imposed fees, surcharges and equipment
5 charges prior to sign ups and taxes and fees to the
6 extent allowed by law or keep it exactly the same
7 and just at the very end add to the extent allowed
8 by law. Minor suggestion.

9 CHAIR BERLYN: Okay, we have an
10 amendment. Do we hear a second?

11 MEMBER STOUT: Second.

12 CHAIR BERLYN: We have a second. Now
13 discussion.

14 MEMBER MCELDFOWNEY: Could you read it
15 one more time?

16 CHAIR BERLYN: Yes, Katie, can you read
17 it one more time?

18 MEMBER MCAULIFFE: Sure. Just, I'll
19 do the longer form. There's a shorter form too.
20 But longer would be total monthly bill that
21 includes all company imposed fees, surcharges and
22 equipment charges just prior to sign ups and

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1 imposed taxes and fees to the extent allowed by law.

2 MEMBER MCELLOWNEY: Are you saying
3 that some taxes and fees aren't allowed to be
4 disclosed?

5 MEMBER MCAULIFFE: Yes.

6 MEMBER MCELLOWNEY: Could you give,
7 I'm sorry, can you tell me again which, what secret
8 fees there are?

9 MEMBER MCAULIFFE: I'm sorry.

10 MEMBER MCELLOWNEY: What secret fees
11 and taxes there are.

12 CHAIR BERLYN: You're making the point
13 that they're combined. They're not
14 distinguished.

15 MEMBER MCAULIFFE: Right.

16 CHAIR BERLYN: We have cards up, Chris.

17 MEMBER CALABRESE: Sure.

18 CHAIR BERLYN: Raise your card if you
19 want to speak.

20 MEMBER CALABRESE: We were having a
21 sidebar about this and I'm reading it more closely
22 and wondering if the thrust of this needs to be

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1 resolved because basically what we want, what we're
2 really saying here in this clause is make sure that
3 people know the total cost including all of these
4 things that we list.

5 I'm not sure that the issue you raised,
6 while I think it's actually a good one for
7 transparency and something I would like to know is
8 actually implicated in this instance because you,
9 whether or not it's combined you are still going
10 to know the final costs which I think is what this
11 bullet is actually aimed at.

12 MEMBER MCAULIFFE: And so they're just
13 going to give you like the total.

14 MEMBER CALABRESE: They're just going
15 to give you the number, yes.

16 MEMBER MCAULIFFE: Not all of them.

17 CHAIR BERLYN: Includes, right.

18 MEMBER MCAULIFFE: Amendment
19 withdrawn.

20 CHAIR BERLYN: Okay. So everybody can
21 put down the cards. The amendment has been
22 withdrawn. Yes, anything else?

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1 MEMBER MCELLOWNEY: Call the question.

2 CHAIR BERLYN: Thank you, Ken. The
3 question has been called, okay. So all those in
4 favor of the recommendation signify by saying aye.

5 (Chorus of ayes.)

6 CHAIR BERLYN: All those opposed
7 signify by saying, no.

8 MEMBER STOUT: No.

9 MR. MARSHALL: That was Steve?

10 CHAIR BERLYN: Kristian.

11 MR. MARSHALL: Kristian, I'm sorry.

12 CHAIR BERLYN: And that was not me
13 raising my hand. That was just saying signify by
14 saying, no. So Kristian is the only, no.

15 Abstentions? Okay, we have several
16 abstentions. We have Luisa, T-Mobile; Julie, CTA;
17 Stephanie, NCTA. On the phone any abstentions?

18 MEMBER WALKE: Larry Walke, NAB
19 abstains.

20 CHAIR BERLYN: NAB, Larry Walke.

21 MR. MARSHALL: We have CenturyLink as
22 well.

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1 CHAIR BERLYN: Yes, right. And you,
2 Amina, you have some proxies that were given to you.
3 So she'll give those to use later, okay. All
4 right. Thank you all.

5 So the recommendation is approved and
6 adopted and thank you all very much. Appreciate
7 it and thank you all for your thoughts and
8 participation. Thank you. All right. Let's
9 see, what do we have. Let's go to our agenda.

10 MR. MARSHALL: I think we've covered it
11 pretty much.

12 CHAIR BERLYN: Do we have, we have
13 comments from the public.

14 MR. MARSHALL: Yes.

15 CHAIR BERLYN: Is there anyone who is
16 with us who wants to offer any thoughts or comments?

17 MR. MARSHALL: I'd like to make a one
18 minute formal comment.

19 CHAIR BERLYN: Okay. So we now have
20 comments from Scott.

21 MR. MARSHALL: Okay. Thank you very
22 much. I just again want to thank all of your for

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1 a tremendous CAC number eight. We're getting
2 better and better and better and I really think it
3 was said this morning how much this particular
4 group has done.

5 I have come to know and respect all of
6 you and hopefully look forward to working with many
7 of you on the next CAC. And I also failed to
8 mention this morning that I wanted to acknowledge
9 Brittany Gomes who has been helping me with the
10 administration of this group on a temporary basis.
11 And she's spent a lot of time doing it to great
12 success.

13 (Applause.)

14 MR. MARSHALL: So that's it. Thank
15 you very much to all and to the Chairman too.

16 CHAIR BERLYN: And thank you to Beau
17 and all the work that you have helped out with as
18 well and Scott and that's it. The party is over.
19 Lights are going out. My gavel is still wrapped
20 up. Do I have a motion to adjourn? All right, so
21 moved. Thank you.

22 (Whereupon, the above-entitled matter

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1 went off the record at 2:33 p.m.)
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