UNITED STATES OF AMERICA

 FEDERAL COMMUNICATIONS COMMISSION

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 CONSUMER ADVISORY COMMITTEE

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 MEETING

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 MONDAY,

 SEPTEMBER 18, 2017

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The Advisory Committee met in the Commissioners Meeting Room, 445 12th Street, SW, Washington, DC, at 9:15 a.m., Ed Bartholme, Chairman, presiding.

COMMITTEE MEMBERS PRESENT:

ED BARTHOLME, Committee Chairman

ZAINAB ALKEBSI, Deaf and Hard of Hearing

Consumer Advocacy Network

ELIZABETH BARKET, Competitive Carriers

Association

DEBRA R. BERLYN, National Consumers League

JOSLYN DAY, Massachusetts Department of

Telecommunications and Cable

MARK DEFALCO, Appalachian Regional Commission

AMINA FAZLULLAH, National Digital Inclusion

Alliance

DANA FLOBERG, Free Press

B. LYNN FOLLANSBEE, USTelecom

PAUL GOODMAN, Center for Media Justice/Media

Action Grassroots Network (MAGNET)

KARA GRAVES, CTIA

MITSUKO R. HERRERA, National Association of

Telecommunications Officers and Advisors\*

THADDEUS JOHNSON, National Association of State

Utility Consumer Advocates

JULIE KEARNEY, Consumer Technology Association

STEPHANIE KUHL, NCTA ‑ The Internet and

Television Association

LUISA LANCETTI, T‑Mobile\*

IRENE E. LEECH, Ph.D., Consumer Federation of

America

ROSS J. LIEBERMAN, American Cable Association

SARAH MALAIER, American Foundation for the Blind

KATIE MCAULIFFE, Americans for Tax Reform

ALEX PHILLIPS, Wireless Internet Service

Providers Association

STEVE POCIASK, American Consumer Institute

WILLIAM RINEHART, special government employee

JONATHAN SCHWANTES, Consumers Union

GEORGE SLOVER, Consumers Union

BARRY UMANSKY, Digital Policy Institute\*

LARRY WALKE, National Association of Broadcasters

OLIVIA WEIN, National Consumer Law Center

COMMISSION STAFF:

SCOTT MARSHALL, Designated Federal Official

MATTHEW BERRY

DAVID BRODY

KEN CARLBERG

ADAM COPELAND

CHRIS GIBBONS

ROGER GOLDBLATT

KATIE GORSCAK

REBECCA LOCKHART

HOWARD PARNELL

SUZANNE SINGLETON

MIKE SNYDER

ANN STEVENS

MARK STONE

D'WANA TERRY

PATRICK WEBRE

KIMBERLY WILD

PATRICK WEBRE

\* Present via teleconference

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 P-R‑O‑C‑E‑E‑D‑I‑N‑G‑S

 9:15 a.m.

Welcome and Call to Order

CHAIR BARTHOLME: Good morning everyone. Thanks for taking time on a Monday to come and join us. We're excited to have you here, and I think we have an agenda that is going to make good use of your time, so thanks again for joining us.

Introductions and Meeting Logistics

A couple of housekeeping items. Restrooms are out the door to the hall by where you came in and on your left. When you are speaking today please raise your hand and wait for your microphone to start working, and try to speak clearly and directly into the microphone, because it really helps with captioning.

Very special thank you to U.S. Telecom and Kevin for providing us with breakfast and lunch today, very much appreciated. Any other housekeeping things?

MALE PARTICIPANT: No, that should do.

CHAIR BARTHOLME: Okay. So I think we're going to start today. There are some new faces at the table and we're happy to welcome six new appointees from the Chairman's office. Some are here in the room. A couple are joining us by phone due to prior travel commitments, and we have a couple of other folks on the phone as well. So we'll be checking in with the phone periodically today.

But I think the best way to start is to go around the table with some introductions. So I'm Ed Bartholme with Call for Action.

MEMBER KEARNEY: Hello, I'm Julie Kearney. Can you hear me okay? Julie Kearney with the Consumer Technology Association, starting my seventh term on the CAC. I'm delighted to be under Ed's leadership and thank Debbie for her great leadership too. Great to be here. Thank you.

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

MEMBER FOLLANSBEE: Lynn Follansbee with the U.S. Telecom.

MEMBER DAY: Good morning. Joslyn Day, Massachusetts Department of Telecommunications and Cable.

MEMBER LEECH: Irene Leech with the Consumer Federation of America.

MEMBER GOODMAN: Paul Goodman with the Center for Media Justice.

MEMBER DEFALCO: Mark Defalco with the Appalachian Regional Commission.

MR. LIEBERMAN: Ross Lieberman with the American Cable Association.

MR. WALKE: Larry Walke with the National Association of Broadcasters.

MR. RINEHART: Will Rinehart, American Action Forum.

MS. FLOBERG: Dana Floberg with Free Press.

MR. PHILLIPS: Hi. Alex Phillips with the Wireless ISP Association.

MR. JOHNSON: Thaddeus Johnson with NASUCA.

MR. ALKEBSI: Zainab Alkebsi with the National Association of the Deaf, representing the deaf and hard of hearing consumer advocacy network.

MS. MALAIER: Sara Malaier, American Foundation for the Blind.

MS. GRAVES: Kara Graves, CTIA.

MS. BERLYN: Debbie Berlyn representing the National Consumers League.

MS. KUHL: Stephanie Kuhl with NCTA, the Internet and Television Association.

CHAIR BARTHOLME: And we have a couple of people on the phone, if you could check in.

MR. UMANSKY: Yes. This is Barry Umansky with the Digital Policy Institute.

MR. ELLROD: Rick Ellrod, Fairfax County and NATOA, alternate for the Mitsy.

MS. LANCETTI: Hi. This is Luisa Lancetti, representing T-Mobile and I'm sorry not to be there in person.

CHAIR BARTHOLME: Anyone else on the phone?

MS. FAZLULLAH: Yes. This is Amina Fazlullah with the National Digital Inclusion Alliance.

MR. CARROLL: Sean Carroll, Massachusetts Department of Telecom and Cable.

CHAIR BARTHOLME: Last call on the phone. We had a couple of people jump in while we were going around the table.

MS. WEIN: Is it on? Olivia Wein, National Consumer Law Center.

(Pause.)

CHAIR BARTHOLME: So the first speaker that we have joining us this morning is Matthew Berry, who's chief of staff for Chairman Pai. We did have Commissioner Clyburn scheduled, but as many of you are aware she is currently traveling with the Chairman in Florida and they're sort of reviewing obviously the situation down there after the hurricanes and assessing the damage.

So we have probably a couple of minutes before Matthew shows up, so stay really close to the table. But we'll get right back into it as soon as Matthew's in the room. Thank you.

(Whereupon, the above‑entitled matter went off the record at 9:20 a.m. and resumed at 9:26 a.m.)

CHAIR BARTHOLME: So while we're waiting, I have an attendance sheet that I'll pass around, and you can sort of check off and sign off that we're here. Also, I think we had two other people pop into the room since we did intros, so I'll turn this spotlight over to them for a second.

MR. SCHWANTES: Great. It's John Schwantes, Consumers Union. Thank you. Thanks Ed.

MS. BARKET: And Liz Barket with CCA.

(Pause.)

MS. HERRERA: This is Mitsy Herera on the phone.

CHAIR BARTHOLME: Thank you.

(Pause.)

MR. MARSHALL: We've been asked for FCC WiFi code, and that is FCC, that's in all caps, and no space, 823302. It's FCC823302, and now I will hand the mic. Let me introduce to you my new colleague, who really puts all the administrative details together for these meetings, Catherine Langston. Catherine, are you in the room hopefully?

MS. LANGSTON: Hi.

MR. MARSHALL: There she is, okay. If you need anything, please let her know and she'll take care of it with great aplomb.

(Off mic comment.)

MR. MARSHALL: Thanks.

CHAIR BARTHOLME: Catherine has been a great asset in prepping for this meeting and getting out logistical stuff to everyone, so we're very appreciative of that.

(Pause.)

Remarks of Matthew Berry

CHAIR BARTHOLME: So as promised, we are very excited to be joined this morning by Chairman Pai's chief of staff, Matthew Berry.

MR. BERRY: Good morning everyone.

VOICES: Good morning.

MR. BERRY: Okay. I've got the mic now, okay. Well thank you everyone. Welcome back to the Commission and welcome to the new members of the Committee. As you may be aware, Chairman Pai and Commissioner Clyburn are in Florida today, assessing the impact of Irma on the communication networks down there and seeing what lessons can be learned for future storms.

So they are unable to be here, but I'm delighted to be filling in for the Chairman, and I just wanted to discuss with you a few issues that we have been pursuing on the consumer protection side of things that we think are very important. I would say that the top priority when it comes to consumer protection at the Commission right now is robo-calls, unlawful and unwanted robo-calls and trying to put a stop to those.

The reason that's our top consumer protection priority is because that's what the American people are telling us to focus on. It's the number one source of complaints that we receive at the Commission. It's certainly the number one source of complaints that we receive at the Commission. It's the number one source of complaints that we receive at the Commission. It's certainly the number one source of complaints that I receive when I tell people that I work at the FCC, and so we are pursuing a multi-pronged strategy to try to address it.

I think, though, we have to acknowledge up front that this is not a problem that's going to be solved overnight. There's not one thing you can do to snap your fingers and make it go away, and so you have to pursue a number of different strategies.

One strategy that we have been pursuing that I know your Committee is going to, is weighing in on is how do you try to stop caller ID spoofing, which is a major part of this problem, where the number -- someone faces a phone call and the caller ID makes it seem like it's from a different number.

This is what the robocall scammers do to try to evade detection, and it tricks people into answering the calls as well. And so one thing that we have proposed, and in an ongoing proceeding right now, is to allow carriers to block calls where the caller ID is from an invalid or unassigned number, which is what the scammers often will spoof their ID to appear to be from.

And we don't think that there's -- we have not seen yet in the record certainly any valid reason why a legitimate caller should be spoofing their ID to come from an invalid or unassigned number. So this is one proposal we're looking at, and I know I think the Committee's been studying it, and we look forward to your input on it.

Another strategy that we are looking at, and we've investigated, is whether we can establish a call authentication system, that would really authenticate that phone calls are valid in terms of that the caller ID is from where it says it is. And you can think of this as kind of being akin to a digital footprint, for a digital fingerprint rather for a phone call.

This is something where we've gotten comments and I was looking at this very closely, and we think that this has a lot of promise for trying to cut down dramatically on unwanted robocalls. We certainly appreciate everything that industry's been doing to try to help us in terms of combating robocalls. They formed the robocall strike force last year and a lot of good recommendations came out of that report and are being implemented.

But one thing that Chairman Pai asks at the Mobile Congress of the Americas last week in San Francisco is it would be really great if industry engaged more deeply in an effort to try to come up with a call authentication framework, because we really think that this could have enormous potential for cutting down on unlawful robocalls.

A third thing that we're looking at in the robocall universe is a way to address the problems associated with reassigned numbers, and this is a case where you change your phone number, you get rid of your old phone number. You've given permission for businesses to call that phone number, maybe your doctor's office, the furniture store you buy furniture from, and you've switched phone numbers but the business does not know that, and so they continue to call that number.

So someone who doesn't want the phone calls is getting the phone calls, and you who want the phone calls is not getting the phone calls anymore. So we have sought comment on whether we could have a database where businesses could check to see if numbers have been reassigned, so that people who don't want these calls are not bothered by them, and the people who do want the calls do get the calls that they want. So that's something we're looking at.

Then finally when it comes to robocalls, enforcement, tough enforcement is very important. We have proposed the largest fine in FCC history against an apparent robocaller who had about 100 million robocalls over a three month period. We've proposed $120 million fine, and these were also very misleading robocalls in terms of trying to sell low quality vacation packages and saying they were associated with companies I think like Marriott that had nothing to do with the vacation packages whatsoever.

And then we proposed a fine in the neighborhood of $80 million against another individual who was engaged in unlawful robocalls and would joke about how what he was doing was unlawful allegedly, and said he would -- he said it was akin to going over the speed limit. We certainly don't agree with that characterization of the seriousness of the offense.

So we're doing a wide variety of things to crack down on robocalls, and we certainly welcome your input on these, because this is a very important consumer protection priority, I think, for everyone.

I don't want to plod along about everything that we're doing, but I also do want to touch on a couple of other issues when it comes to the consumer protection agenda that we think are very important. The first is cracking down on cramming and slamming. Cramming is when you have charges placed on your phone bill that you've not authorized, and slamming is when your service provider switched without your permission.

We have proposed rules to deal with both cramming and slamming. Part of it is codifying kind of unwritten rules that are out there, to try to make sure that they're more legally sound, and also we've proposed rules in terms of how you switch services to make it harder for slammers to be able to switch your service without your permission.

So we think these are very important initiatives, and we look forward to bringing them to fruition. A final thing that I would point out that we are working on, and I think you're going to hear about this today, is rural call completion. We think, you know, it has been a problem for years that you are less likely to be able to complete a call if you are calling rural America as opposed to urban America.

The prior Commission put in place rules to combat this problem, and now we are taking a fresh look at this. We think that there are improvements that can be made to the rules that would be more effective in terms of trying to crack down on the practices that result in less rural call completion.

We're also taking a look to see whether some of the data collection that we're doing is actually helpful in terms of combating rural call completion problems, and whether or not there's a way to be more effective with our rules and have perhaps some unnecessary burdens taken away.

So these are just three issues that we're working on. I think since you last met, there have been actions taken on other issues such as on disability rights issues. I believe since you last met, we've increased the requirement for the amount of video described programming that the top broadcast and cable networks have to air. I think that will be taking effect at some point next year.

So there's a lot of going on here. Welcome to the Commission, and I hope you have a very productive and successful meeting today.

CHAIR BARTHOLME: Thank you very much.

Consumer and Governmental Affairs Bureau

CHAIR BARTHOLME: Next up we're very happy to be joined by the acting bureau chief of the Consumer and Governmental Affairs Bureau, Patrick Webre.

MR. WEBRE: God morning everyone. It's good to see your faces again. Welcome back to the Commission. I was here for the May meeting. It was right after I came back to the Commission in April. So it's good to see everyone again. Thank you again for your time and your commitment to serve on a committee and for your expertise. We certainly appreciate everything that you contribute to the Commission and your recommendations to us.

I also wanted to welcome the six new members of the Commission. Many of you have served, I'm sorry, on the Committee. Many of you have served on the Committee in the past, and we welcome you back. Chairman Pai made that announcement on September 1st.

A few weeks ago, Ed and I sat down with a couple of other members of our staff here at CGB and we had a pretty productive meeting. We talked about the agenda that you're going to be looking at today, and kind of, you know, the recent recommendation that you had on the robocalls back in May, and the steps that we've taken to implement that recommendation.

You're going to be hearing a little bit later this morning from CGB staff about the steps that we've taken so far, and I think we've made some good progress in that regard. Ed and I also spoke just in general about the agenda for the CAC, and kind of how we can make it more productive.

We're asking our speakers who come make presentations to you to give you a little more context about the issue, kind of how we got to the point where we are now. What we're kind of looking for as far as the problems we're trying to solve, for instance if we have an NPRM. Just to give you some background history, hopefully give you some more color to the issue before you and then hopefully that will give you, you know, more kind of ammunition to use, you know, as you make your recommendation.

So as Matthew mentioned, you'll be hearing a bunch of things today. Slamming and cramming are both important issues, more about how to combat robocalls. We're all hands on deck on that issue, robocalls.

I hear about it myself when I tell people I work at the FCC. They say well, why haven't you fixed that robocall problem? I always say we're working on it. We are. We are working on it. So thank you again for your contributions there. It truly is a team effort.

Rural call completion is another issue you'll be hearing about, and then outreach and education concerning the broadcast REPAC (phonetic) and also broadband-enabled health care technologies. They're all very timely for your recommendations. So with that, I want to go ahead and turn it over to some senior staff at CGB, who will give you a little more details about what you'll be hearing about today. Thank you.

MR. STONE: Nice to work seamlessly.

MR. MARSHALL: That's the way it's supposed to work.

MR. STONE: Good morning. Nice to see all of you here. I want to give you a short overview of what CGB has been doing in my area since you all just -- since last time you met. You heard a lot already about robocalls, and I'm going to continue that mantra. We continue to pursue our work to stop unwanted robocalls.

In July, the Commission launched an inquiry into a long-standing robocalls issue that involves reassigned telephone numbers. In a nutshell, the problem occurs when a consumer consents to robocalls at their current phone number, as Matthew mentioned, then gives that number up.

When it's later reassigned to another consumer without the robocaller's knowledge, the new consumer may get unwanted robocalls, and the old consumer may then miss robocalls that they want to receive. So recognizing broad support for a solution to the problem, the Commission asked in its NOI whether it should encourage or establish comprehensive databases that robocallers can check to see if a number has been reassigned before they make their call.

The Commission asked, among other things, which providers should contribute reassignment information to such a database, whether that database should be managed by the FCC, or whether commercial databases, some of which already exist, are the best vehicle. The Commission also sought comment on details about the database, including how often it should be updated.

So moving away from robocalls, the Commission proposed new rules to tackle two more long-standing consumer issues, slamming and cramming. In July, the Commission proposed rules that would prohibit carriers from misrepresenting themselves when telemarketing to consumers and placing unauthorized charges on consumer bills.

Specifically, the Commission asked whether it should require that carriers check directly with consumers before switching an account to another carrier, rather than relying on the second carrier's request for the change. The Commission asked whether it should prevent third party charges from being added to consumers' phone bills unless the consumer expressly agrees to those charges.

The Commission proposed these rules after noting that some of the bad actors who perpetrate slamming and cramming have been known to misrepresent who they are or fabricate the consumers' verification of a switch without actually contacting the consumer.

Others ask consumers to answer questions on an unrelated call and then splice the consumers' answers into the alleged verification. Kim Wild from our Bureau will be telling you more about that proceeding later.

Turning to public safety, in June the Commission proposed rules to help unmask anonymous callers who threaten and harass schools, religious institutions and other victims. Specifically, the Commission proposed to amend its rules to ensure that law enforcement and threatened parties can quickly identify threatening callers without the regulatory delay of applying for and being granted a waiver of the rules.

The proposal lays out a path that protects consumer privacy by ensuring that caller information can only be disclosed for truly threatening calls, and that only law enforcement personnel and others responsible for the safety and security of the threatened party have access to otherwise protected caller ID information.

So as you can see, it's been a busy couple of months for us. We're really glad that you all are on board to help us to tackle robocalls and other core consumer protection issues. Thank you all very much.

(Applause.)

CHAIR BARTHOLME: Next, we're going to be joined by a familiar face to many of you at the table, Roger Goldblatt and I was told Roger was --

MR. GOLDBLATT: Yeah, I'll explain. I think I know most of you because I've been here since 2000, I think. Some of you guys have also. I know Todd and I started this thing actually. Anyway, I now oversee both the Consumer Outreach Division and what's called WPPD, which is Web Publishing and Print Division, and we're going to have a presentation by them because it's kind of important, because that's where we have a consumer page on the web.

We have all of our consumer publications are done by them, and we'd love input and they'll talk. But I wanted -- this is Becky Lockhart from our Consumer Affairs and Outreach Division. I think to come back to CGB, I had to memorize all of these things. CAOD, and we have an event coming up next month, and she's going to tell you about really quickly, which you know is really quickly.

MS. LOCKHART: Hi. So we have an event coming up on October 23rd which is called the Accessibility Innovation Expo. It's going to be downtown at the PEPCO Edison Gallery, which is located at 702 8th Street, N.W. It's near Gallery Place in Chinatown. So it's a very accessible location for people traveling, whether you're coming on the Metro and it's easy to walk inside. It's just on the first level.

It's a free event open to anyone. So we encourage you to share this information and attend yourselves. It's basically a showcase of technologies that help aid accessibility, and there's also our Connection2Health team here at the FCC helped us gather some exhibitors as well. So there's going to be broadband-enabled health technologies there.

So it's really going to be a cool, interactive event, just showcasing how technology has really impacted the way our lives, especially for those with disabilities and all of us connecting to that health atmosphere. So we encourage you to attend. There's going to be around 25 to 30 exhibitors. We're still narrowing them down, and like I said it's October 23rd from 10:00 to 12:00, and we'll have some flyers here today that you guys can grab. Please spread the word and thanks.

MR. GOLDBLATT: Thank you. Okay. So now Howard Parnell, who runs WPPD and Mike Snyder, who's the deputy, who also happens to be our CGB press person, is going to come and give a presentation.

MR. PARNELL: This good right here? Folks hear me? So good morning. My name is Howard Parnell. I am the chief of the Web and Print Publishing Division. It's a division that's focused on consumer education and producing a variety of materials ranging from consumer guides to infographics to posters to flyers and web pages and the like.

We were formed in 2011, and we've been at it ever since. We've got a small but pretty solid group of editors, designers and web producers. The team is lead day to day by Mike and myself, and we -- the core of what we do is a library of 160 consumer guides, with topics ranging from robocalls to scams to phone service to accessibility.

We track the metrics very frequently. Some of these guides get in the tens of thousands of page views on a regular basis. So we are reaching folks with these educational materials. We also provide these guides in multiple languages including Spanish and four Asian American languages, Chinese, Vietnamese, Korean and Tagalog.

That's fairly recent, but we're rolling that out now across the site. But I guess we -- and we also provide some web content and design services to other parts of the Commission on request. But really the core of what we do is addressed by you folks, and sort of defined by you folks, and we make our editorial choices based on large part on what you guys are talking about and the issues you're grappling with.

So we're happy to be here, happy to introduce ourselves. Mike, do you have anything to add?

MR. SNYDER: I'm Mike Snyder, and as Howard mentioned with Roger I'm deputy chief of this division. I would just say that if -- that the page that we most work on, if you go to the front of the FCC's website, there's a tab that says four consumers, and if you click on that, it brings you into the consumer health center.

That page is where you'll see most of our work featured. We try to keep topical. At the very top of that page right now you would see emergency communications tips because of the disasters or emergencies associated with the national disasters, I'm sorry, natural disasters associated with the hurricanes through the Caribbean and the Gulf of Mexico.

And you'll also see our go-to kind of consumer guides there. That's where you'll see guides about robocalls, many of which have been informed by the recommendations of this Committee. Very recently we made a change to that guide based on your most recent recommendations. You can also find this through our site search. You can find it through a web search.

All roads should lead to the for consumers page in our opinion, and we invite you there to take a look at that page and click through some of the materials that are on it. You will notice there that that's where we're featuring our translated materials as well. So all our consumer library is available through that page.

MR. GOLDBLATT: Okay. I just want to add one of the new projects we want to add to our publications are blogs, are consumer blogs. We found through experience in talking to other agencies that personal stories sell a lot. People can relate better if you tell, you know, don't do this if you get a complaint, you know, you get spoofed.

But we tell Mr. or Mrs. so and so from this city had this call, this is what happened, this is what they did. So I was talking to Ed and Scott one day, and we thought it might be a great idea since CAC members really have a wealth of resources, that if you come across any great examples of somebody who's been affected by an FCC action, if you can -- with their permission obviously pass along the story and we could use it as one of our consumer blogs. It really sells so much better.

The other point is Mike and Howard's office do a lot of consumer advisories. So sometimes you might hear of something that might be a potential subject before it even hits us. So even if you're not sure, go through Scott or whatever the procedure is and hopefully it will get to us. Yeah, good, and that will help us quite a bit.

Like I said, I've been here for almost 20 years, and CAC and its predecessor CDTAC has always been a great help for us when we're trying to get the word out. So if you can help us also with these foreign languages, especially the Asian languages, if you can help us get it out to the right communities, we'd really appreciate that.

You can have best product, but if nobody knows about it, it isn't so great. So thank you very much for your hospitality, for having us here and it's good to see y'all.

CHAIR BARTHOLME: Just quickly, a couple of the things that you're discussing have been things that the CAC has recommended over the years. So it's great to see those in motion and in place. We'll make sure that Ken McEldowney knows about the Asian language content. That's always on his radar, and I will quickly also plug the tweets that you guys send out, and that's been increasing in prominence and it ties to consumer content and information, and tips for avoiding robocall scams and things like that.

It's great to see that out there, and I hope that we can all help spread that message for you. So we look forward to doing that.

MR. GOLDBLATT: Thanks.

CHAIR BARTHOLME: Questions?

MEMBER BERLYN: Yes. My mic on? Yes, it is. Well first of all Roger, great to have you back before us and thank you for everything you do. With outreach, it's so important to consumers. I just wanted to know, and particularly with the other folks who are here, if you keep track of how many consumers actually go online to request information, how much response you're getting in terms of the materials that you've produced.

MR. PARNELL: So we regularly track analytics for consumer pages on our website, and I don't have a full report with me now, but you know, I did mention robocalls is right up there in the top two or three. And again, these are in a given week or in a given two weeks. We're talking tens of thousands of pages for some of these top guides.

In addition to robocalls, we've got telephone scams, we've got accessibility, we've got some broadband guides out there. There's 160 of these guides. That's the core group, and you know, we're just looking for ways to get more and more eyeballs on them. But we've been pretty happy with the way things are going, particularly with the top 10 or 20 and how they sort of dovetail with this group's priorities and the Commission's priorities.

MR. SNYDER: And as you mentioned the social media posts earlier, the social media is managed through our Office of Media Relations, and we feed them tweets related to consumer issues. They're very helpful in pushing those out, and they track those as well and we're told by that office that the -- please give us more that the consumer posts that they push out are the ones that do the best, in terms of traffic and eyeballs and clicks and retweets, etcetera.

MR. PARNELL: Right, and those -- and the circle's closed when you're on social media. You see a tweet, you click through, you find yourself on our website with our guides. Then, you know, we have related guides available and people hopefully are taking deep dives into the information.

CHAIR BARTHOLME: Steve? Oh sorry. Olivia and then Steve.

MEMBER WEIN: Hi. While you were talking, I went and I checked out from my phone the website, and I did switch over to the fcc.gov video, what your two videos you're showing as well. Like if you send out a tweet, if you could -- you know, when you do the events, for example like the one that's coming up at the PEPCO office, where there's new technologies, if there is a way to capture like this is how you use this technology or check this out, you know, the little sort of bite-sized nugget.

But you know, things like how you book your phone or, you know, little how-to videos like that might be helpful. I mean just experiment with it, to see if you can link that to a tweet and see if the clicks go up, because I think the lower literacy populations like seeing and watching could be another way to actually get the information across as opposed to relying so much on text?

MR. PARNELL: I think that's a great idea, and we are equipped to do that, and Mike in fact is a videographer in his spare time. So we should explore that idea and play around with it. Thank you.

MEMBER WEIN: Thanks.

MEMBER POCIASK: Yeah hi. This is Steve. I'm with the American Consumer Institute. Just looking out ahead, we have broadcast REPACing, and I think there's a big need for education on That front, because we're talking about a whole lot of changes and where they would take place, when they would take place, what stations are changing, as well as how consumers need to re-scan their TV and those sorts of things.

So just a heads up. I think there needs to be a multi-pronged strategy to kind of get that education out there, and I can see your organization being part of that.

MR. PARNELL: I'll let Mike speak to this too, but we've been working sort of hand in glove with the Incentive Auctions team for months now. We actually have a rescanning video out there, and we're looking at what else we can do. We're tying in related guides to that effort as well. But we're gearing up for that. But thank you for the heads up. Mike.

MR. SNYDER: Yeah. I would just say yeah absolutely, and we're in very close contact, working closely with the Incentive Auctions Task Force team on the post-auction consumer education and it's huge in terms of what's going to happen. They're tracking it very closely and they're going to be feeding us the information we need and we're going to be pushing it out as best we can with that mind.

MEMBER POCIASK: And I'd just say getting the timing right is essential for that, because it's such a fluid thing. You know, it's not like it's all happening overnight. I mean thank God. But getting the timing right is key.

MR. GOLDBLATT: And I think by maybe your next meeting, if it's okay, we'll have our outreach team talk about our Incentive Auctions outreach plan. We're putting the finishing touches on it now. So we'll be happy to share that with you.

CHAIR BARTHOLME: Thanks. We love agenda volunteers, so that's perfect. Does anybody -- sorry, Irene?

MEMBER LEECH: I'm Irene Leech with the Consumer Federation of America, and I'm wondering if there are any guidelines or suggestions that you all have for consumers who are having challenges with repayers when equipment doesn't work.

I've had some challenges this summer with both wireless and land line within my family, and it seems that expecting people to do without service for several weeks is becoming pretty typical, and I'm just concerned particularly for health and safety reasons about that occurring.

MR. PARNELL: Well I mean it is a health and safety issue, that's for sure. Mike, did you have --

MR. SNYDER: Yeah. I appreciate that, and I think that's something we would take back and do a little more, see what we could do in terms of focusing on that specific issue. Nothing springs to mind in our current inventory that is directly related to that, but we can take that on. That's the kind of suggestion that we're glad to take from you.

MEMBER LEECH: For example, my mother's land line went out and she's in her 80's and lives alone, and really counts on that. She felt she had -- we were not around and she felt she had no option when they told her it was going to be 12 days before they could get there and that she would ‑‑

MEMBER HERRERA: Excuse me. We can't hear anything.

MEMBER LEECH: Apparently the phone people can't hear us. So but anyway, and she didn't -- I came back and got things fixed, but it still took quite a while.

MEMBER HERRERA: Hello?

MR. ELLROD: I can't hear anything either.

MEMBER UMANSKY: Yeah. We just lost it. Yeah. I can hear maybe online, but not in the Commission meeting room very well at all.

(Off mic conversation.)

MEMBER UMANSKY: It says to scott.marshall@fcc.gov to be able to talk to somebody.

MEMBER HERRERA: Well, they're coming back.

MALE PARTICIPANT: Did she get her service back?

MR. PARNELL: We did get our service back.

(Laughter.)

MEMBER LEECH: After like 12 days.

MALE PARTICIPANT: Wow. That's a long time.

CHAIR BARTHOLME: Okay, Joslyn.

MEMBER DAY: Hi. You'd mentioned languages and Spanish and four Asian languages. Are you considering communications in other languages as well?

MR. PARNELL: I mean we're certainly not ruling that out. The Asian-American languages are the most recent edition, and we went with what we -- what research suggested before we -- before we selected were the top ones to go after, and then we can look beyond that. Is there a specific language you have in mind?

MEMBER DAY: Yeah. I'm sure it may be indicative of the other states as well, but we have a Haitian population, Haitian Creole, Russian languages. Portugese is another language that is prominent that we hear from consumers.

MR. PARNELL: We'll take a look at that.

CHAIR BARTHOLME: I'm going to check in with the phone. If you can hear us, does anybody have any questions?

MR. ELLROD: Yeah. I can hear you speaking now, but I couldn't hear any of the previous discussion.

CHAIR BARTHOLME: Apologies. Hopefully that's been resolved. Thank you.

MR. GOLDBLATT: And we hope to see you all at PEPCO in October. Certainly attendance.

CHAIR BARTHOLME: And on that, Scott did send around information about the Expo, and we will make sure that we resend that to everyone following the meeting. Okay. So next up we're very happy to be joined by Suzanne Singleton, who's chief of the Disability Rights Office for CGB, and Suzanne's going to join us from the center of the table over there.

MALE PARTICIPANT: We have a microphone for our interpreters, so I'm communicating in sign language. Hello everyone. I would like to bring you up to speed as to what's been going on with our office since the middle of May. I understand that Karen Peltz Strauss usually comes here and provides us updates. She's unable to do so today, so I will be doing that in her stead.

As you've heard already from Matthew Berry, we have already passed video description rules on July 12th, 2017, and those rules will be effective July of 2018.

Basically video description is a service that allows people who are blind or visually impaired to access video programming by supplementing the on-screen activity with auditory description of that activity, to provide a more complete entertainment experience for those people.

With these new rules, we have increased the hourly requirement from 50 hours to 87.5 hours, which is an increase of 75 percent. Currently, the broadcasting networks that are covered are ABC, CBS, Fox, NBC and non-broadcast networks are the Disney Channel, the History Channel, TBS, TNT and USA.

This list will be updated next year to reflect the ratings that are determined by Nielsen ratings, and those will be done on July 1st of 2018. So that is one of our recent developments. We also over this past summer have two new areas which we now have rules that are in effect.

The first has to do with Internet delivery of video clips, and since July 1st of 2017 the live and what's called near-live video clips on the Internet are now required to be captioned if they have previously been shown on television.

This is an obligation that stems from the 21st Century Communications and Video Accessibility Act or CBAA, and those IP video clip rules were adopted in July of 2014, and now we finally see this effective as of July 1st. So this year, for again as I said live and near-live video clips, you may hear some of your constituents or consumers concerned that things like news programming, when shorter clips are subsequently shown on the Internet they are not captioned.

However, this is a new requirement that's in effect. The rules have been on the books, but the video clips for live and near-live programming have not been effective until relatively recently when shown on the Internet, after the program has been shown on -- specifically on the video program distributors' own website, as opposed to third party websites.

Those video clip rules do not extend, as I said, to those third party websites or third party apps. Those are only for full length video programs that are first shown on television and subsequently on the Internet. In those cases, it does not matter which provider is showing it. But if it is full length, it must be shown with captioning.

Those go into effect on July 10th of 2018. There is also a new requirement for multi-channel video program distributors, which we call MVPDs, must pass through audible emergency information through the secondary audio stream on second screen devices like tablets, smartphones, laptops, etcetera.

The purpose of that rule is to ensure that emergency information is made accessible for those who need it in an audio format. For example, the text crawls that are visual information on the screen needs to also be made accessible via audio. People who are looking for information about hurricanes, wildfires, other natural disasters or other emergencies.

If that information is being displayed visually, then it must also be provided via audio if it's on the second screen devices. That requirement only applies if that information is delivered to the subscriber who is watching the MVPDs' providers' scheduled programming over the MVPD's network, as part of the MVPD's service. So it is very limited in terms of scope.

Now moving on to some other things that we have been doing since your last meeting in May. With regards to video relay service and telecommunications relay service, VRS and TRS, we have released an order to establish the new four-year rates for those services. These are the compensation rates for the providers of those services.

We've also released a public notice at the end of July to announce to state programs to file their applications to renew their certification by the end of October. Those certifications are renewed every five years. Moving on to emergency information, the activities we've undertaken. Of course it's very timely given the recent natural disasters in the nation.

We had a 911 outage workshop that was hosted on September 13th and is now archived online. It is really important for consumers as we talked at very great depth at that workshop about how to make sure that notifications to consumers about outages are accessible and effective, how to reach individuals.

Not just people with disabilities, but people who are living in rural areas, to ensure that these notifications are effective. We had many individuals attend organizations who are represented there to talk about best practices, including representatives from Facebook, representatives from consumer organizations and so forth, and that is archived online.

Another emergency-related activity has to do with the emergency alerting system or EAS. As you know, last year we had a test of the emergency alerting system. It was September of 2016. We are undertaking another test coming up in September 27th of 2017 at 2:20 p.m., to evaluate the effectiveness of this test.

It's going to be broadcast through radio broadcasting stations, television broadcast stations, cable stations, wireline video systems and satellite service providers, and digital/audio providers, digital radio. There is a message that will clearly indicate that this is simply a test, and we welcome any of your input about whether or not this test is accessible. If there are any concerns about how the test is conducted, please reach out to us.

We have an online filing system to receive input about the EAS test that is coming up, and that is being run by our Public Safety Bureau. The FCC's Public Safety Support Center is what to look for online, and we welcome your feedback there.

Moving on to another upcoming event, on October 16th we will be having the Disability Advisory Committee, the DAC meeting here, and as I understand a number of you are going to be there as well at that committee. We appreciate all of your hard work and participation on that committee, to make recommendations to the Commission about issues that you feel are important to you.

The agenda will be released this coming week, and what we will be addressing at that meeting will be outlined there. There are four subcommittees under the DAC that often bring their recommendations to the floor for a vote, similar to the way that the CAC operates here I'm sure. The theme for this next month will likely have to do with the National Disability Employment Awareness Month.

I'm sure you've heard from WPPD and CAOD that we are also going to be doing a number of events over the course of the month to observe what is called NDEAM, the National Disability Employment Awareness Month.

Last but not least, we also do have the accessinfo@fcc.gov account. That is the place to subscribe to all manner of accessibility information. So if you're not subscribers and would like to be, please make sure you send an email to again accessinfo@fcc.gov. Thank you, and I am happy to answer any questions.

(Applause.)

CHAIR BARTHOLME: Great. Do we have any questions? Anyone on the phone with questions?

(No response.)

CHAIR BARTHOLME: Anyone with questions for Mark or Patrick, since we skipped that part?

(Laughter.)

CHAIR BARTHOLME: All right, great. Thank you everybody. Thanks for coming. Thank you. So we are scheduled for a break now and our next speaker is at 10:35. So that's a little bit longer than we had planned for a break, so hopefully if she arrives a little early, let's maybe be back and ready to go a little early so we have some good time to devote to that next presentation. So try to be back in the room by 10:30. Thank you.

(Whereupon, the above‑entitled matter went off the record at 10:16 a.m. and resumed at 10:31 a.m.)

CHAIR BARTHOLME: If everybody could sort of settle back in. So up next, we are very excited to be joined by D'wana Terry, who is acting deputy Bureau chief here at CGB. Many of you over the years have requested that we have a better opportunity to get more feedback on the recommendations that we make. As you know in May, we passed a robocall recommendation that teed up I think it was about nine action items or suggested action items for the Commission to pursue, and D'wana's here to share with us sort of what's been done and what they're working towards and all the other good stuff. So this is very exciting for us. D'wana.

May 2017 Robocall Recommendations

MS. TERRY: Good morning. Before I started, I wanted to -- I oversee the Consumer Inquiries and Complaints Division within the Bureau, and I wanted to go back to a comment that was raised I think during the outreach update portion, and from what I recall, it was someone who was without service for 12 days and was trying to figure out if there's any kind of way to expedite.

I overheard it and I just wanted to reach out to say this: I do not know and I did not hear in the context of that exchange whether an informal complaint was filed or not. So I'm ‑‑ for those on the phone, I'm getting a nod that an informal complaint was filed.

What I would say in those situations where there are time sensitivities, I mean we have a process where -- which now has become very expeditious in terms of serving complaints on providers. But they still have up until 30 days to respond back. So if there's a time sensitivity associated with the complaint such as I'm without service for an extended period of time, I encourage you to follow up with us, consumers to follow up with us.

Others do that when it's a time sensitivity and they hear that I'm going to be without my phone service for days, and I can't deal with that for various reasons. Not saying that we can always make it come to fruition, but we can at least do something expedited to follow up with the provider, to make sure that they're aware of the time sensitivity and that they can respond accordingly.

So I'm not guaranteeing success on that, but I'm just making sure that everyone is aware that that's a way to follow up and help us to ensure that the consumer gets a response, particularly in those situations where there are time sensitivities. So you can call 1-888-CALL-FCC, or you can contact myself and we will try to expedite that.

I put that out there, but again, that's regarding time sensitive kind of scenarios, whether it's a time sensitive scenario or a health concern, or just something where someone is at risk because they don't have service, and we will try to expedite that as best we can.

So moving on to why I'm here. I'm pleased to have the opportunity to speak with you this morning regarding some of the work the Bureau is doing on the FCC's informal complaint process. Before starting, I wanted to echo the sentiment that has been expressed by others who have spoken before me.

We are very appreciative of the input that we have received from the CAC over the past several years, in connection with the most consumer complaint reform initiative which began about three years ago, and even before then. Not only do we welcome and value the input we received from the CAC, we also consider it a significant part of our process.

With that being said, we look forward to continuing the partnership that we've enjoyed over the years, as we work towards the mutual goal of ensuring that the FCC's informal consumer complaint process is one that is user friendly and effective for consumers.

So let me now provide the report back to you regarding your recommendations of May 2017. I'm not promising that I'm going in order, but I'm going to try to cover everything. One recommendation was that we simplify the consumer complaint filing process for unwanted calls, specifically seeking development of a form that allows for information to be entered about multiple unwanted calls at once.

We agree that this would be a good addition and would be a win for the consumer in terms of user experience as well as increased ease in filing complaints. We are currently exploring what would be entailed to bring his to fruition.

We will keep you apprised of our progress on this front. This will include coordinating with our colleagues within the FCC, as well as looking at what changes would need to be made in connection with our system, that actually is the intake for informal complaints.

A second recommendation was that we create a separate intake portal for unwanted call complaints. In the recommendation, it was envisioned that this portal would have a unique complaint center landing page position. In response to this request, in July 2017 we added a file an unwanted call complaint button on the landing page for the Consumer Complaint Center. As we get feedback and additional experience with whether or not this is making a difference, we will look towards whether further action is necessary.

So hopefully you will have seen the addition of this button. If not, I would encourage you to look at the landing page and I would also encourage you to not only try it out yourselves, but also encourage your constituents to try it out so we can get some feedback in terms of whether this is making a difference, or should we be looking at doing something further.

There was an ask that we explore making complaint data available to third parties on a near real-time basis, in order to maximize its usefulness for companies whose robocall analytics engines use the data to identify telephone numbers that may be candidates for blocking or providing alerts to consumers.

We looked at this request in the context of what we currently do. Currently, we release data on a daily basis, and given our I'll say initial informal fact-finding mission about those who utilize the data, it seems that the current daily release is working for them. I would encourage you to let us know if that changes, but that has been our experience right now. That's the information that we have. So at this point, we're going to continue to use sort of the daily release of information with monitoring and wait and see if it would be helpful to do some other time frame in terms of release of the data.

But we are appreciative for that recommendation, because it's always good to check on things that you think are going well, to make sure that they're still working. Just checking my notes here.

(Pause.)

MS. TERRY: There was a recommendation that we incorporate educational information into the response sent by the FCC to consumers who submit an unwanted call complaint. One of the suggestions was that this could be a link to the FCC's enhanced Consumer Guide about unwanted call complaints, and the response should also explain how unwanted call complaint data is used.

Again, I am happy to report that on August 8th, we revamped our response to consumers filing unwanted call complaints. That response included the requested link to the Consumer Guide. It also gave some additional information in terms of how unwanted call complaint data is used.

For those of us who prefer plain language, we also used the opportunity to make the response more consumer friendly, more easy to understand. So again, we would like your input and feedback in terms of whether this is making a difference, whether there's some additional tweaks we should make in that regard.

But we're thankful for the opportunity to be able to report back that we consider this one as another check for the benefits of our ongoing partnership.

There was also a recommendation that we develop an app that can be used by consumers with mobile devices, to quickly file complaints for unwanted calls received on their device. The app should be accessible to and usable by people with disabilities, and that the app would automate the entry of actual information, as well as additional details if available.

For that one, it's going to be similar -- my response is similar to the one where we were talking about the multiple calls, being able to file a complaint regarding multiple calls. This one is one that we're exploring in terms of how to best proceed.

The one thing that I can say right now with respect to our progress on this one is that we think that this is an interesting initiative that will take some time to figure out.

We also are looking forward to what would be the most effective and expeditious strategic partnerships to get us to the point where we can truly assess how to implement and whether to implement this particular recommendation as you all have presented it. So please stay tuned. We'll be probably reaching out to you as we continue to forward our thoughts regarding this particular recommendation.

So I think the final one, and I know someone's got a checklist just keeping me honest, I think the final one that I have is with respect to the recommendation that we build upon the existing memorandum of understanding with the FTC by exploring the value and feasibility of creating a co-hosted single education and complaint portal for the issue.

This one I can say that we routinely assess how we can leverage our collaborative work with other -- with our federal partners. So this is something that's in the queue along that line as well. So I don't have any specific implementation progress to report on that one, other than that it is in the queue to be discussed.

So I think I've covered all of the recommendations. That was my intent. So I'll take questions, comments.

CHAIR BARTHOLME: So before we go into questions, I just want to quickly add that you also were able to update and make some changes to the Education Resources Guide, and that happened very quickly after we passed the recommendation, and that was exciting to see.

I believe they're also available in some other languages, which is something else we pointed out, and there have been some exciting announcements about enforcement actions that have taken place, and that was also something that we requested in the recommendations.

So just a lot of effort I know has gone into this, and we're very appreciative of you guys taking our recommendation to heart and implementing it and taking action on a number of items so quickly. So thank you for that. Any questions? Irene?

MEMBER LEECH: Not really a question, but a thank you, because this is something we've been asking for for a long time. So very much appreciated.

CHAIR BARTHOLME: Any other questions or comments? Anyone on the phone?

MR. ELLROD: Rick Ellrod here, Fairfax County. I was looking on the site to see if I could find that button for unwanted calls. I'm not seeing it offhand. Where should I be looking?

MS. TERRY: In the upper right. Are you on the Consumer Complaint Center landing page?

MR. ELLROD: I think so, yes. Unwanted calls, texts and faxes.

MS. TERRY: That might be the Guide. So if you go to the Consumer Complaint Center landing page, you should see in the top there's a section which is a blue section and --

MR. ELLROD: I see it now. Good, thanks.

MS. TERRY: Do you see it now? Okay.

CHAIR BARTHOLME: Additionally, we have also -- many of us have been very active in working with you guys on the Consumer Complaint Center over the years, and I just wanted to put in a plug for all the great work that everyone there has done and how wonderful James Brown has been to work with, in helping us with things over the years.

I wanted to add that another thing that we had talked to James about recently is the ability to view complaint data over time, because when the graphs and the pie charts first came out, they were sort of fixed at when the complaint started. But since having that conversation within the last few months, that's another tool that's been added.

So for anybody who hasn't had a chance to visit recently, you can now take any of the charts or graphs and manipulate them by time period. So you can look at the past six months or the past year and see if things are going up and down over different periods of time, which I think is an incredibly valuable resource for all of us who are coming to the Commission with sort of a focus on the complaints and driving our interactions based on real information that the Commission's seeing. So that's also helpful, and I wanted to say thank you again.

MS. TERRY: And in response to that, I did want to point out, as I did with respect to the informal complaint with time-sensitive issues, if there are things that you believe that we can do to make it better, I would encourage people to not be timid about reaching out to us to give us the suggestions.

Again, we can't guarantee that we will implement exactly as you envision, but just getting the feedback gives us things to look at, to think about, and it may take us a while on some topics.

But it is our desire to improve the process and to make it as effective as possible. So if you have data requests, again no guarantee, but we would like to know what will make it easier for you and your constituents for the better.

Review of July 2017 NPRM

CHAIR BARTHOLME: Thank you again. So next up we have another familiar face here at the CAC. We're happy to once again be joined by Kimberly Wild, who's an attorney advisor for the Consumer Policy Division with CGB, and she's here to give us an overview and an update on the July 2017 NPRM that was focused on unauthorized carrier charges and related unauthorized charges. Carrier changes, sorry, and related unauthorized charges.

MS. WILD: Good morning everyone. I see a lot of familiar faces here, but a lot of new faces as well. So I'm glad to be here today, to talk to you guys about the NPRM that was released in July. The NPRM proposes and seeks comment on several ideas to try to curtail the practices of slamming and cramming, which continue to be a problem for consumers that we see through the consumer complaints.

The NPRM was voted on at the July meeting. It was released the next day. It was published in the *Federal Register* in August and comments came in last Wednesday, September 13th and reply comments are due October 13th. So we're in the midst of taking a look at those comments that came in last week, to see what folks are saying about the request for comments and the proposals.

I'm sure you all know what it is, but slamming is the unauthorized change of a consumer's preferred carrier, and cramming is the placement of an unauthorized charge on a consumer's telephone bill. Both of them have been long-standing problems for the consumer. We received over 8,000 slamming and cramming complaints in the past two years, and that's probably just the tip of the iceberg.

We also received over 50,000 billing complaints and we're pretty sure that a percentage of those are cramming complaints. They're just characterized by the consumer as billing. It's also important to note that many states have their own slamming rules, so we don't see complaints from certain states, and a lot of those are very large states like California and Texas and New York.

So what we see coming in at the Commission, it's a pretty good-sized volume, but it's nowhere near what the complaints are throughout the country for this practice. What we've noticed over the years with slamming and cramming is the carriers' tactics have changed. when we first put our rules into effect, we were in the midst of a marketplace where people purchased services individually. Today, most people purchase bundles of services.

So while we're seeing slamming complaints, we're seeing a very different type of slamming complaint. They've started to evolve. What we're noticing is that the carriers are actually committing fraud. They're not just failing to comply with our verification rules in some slight way; they're actually -- their business plan is fraudulent.

So what we've noticed is that folks are either misrepresenting who they are on the telemarketing or sales call they place to the consumer. So we're getting a lot of complaints where someone says "I was called by a company. They said they were my current provider. They said they were just upgrading me, but in effect they were a totally different provider and they slammed them." We're also seeing fraud when the switch is being verified.

So the rules that we have in place today are verification rules, things the carriers have to do to actually authorize a switch. What we're seeing these carriers doing is they're calling consumers under a false pretext like you have a package at the post office. Could you tell me what your address and your name is? Could you answer a question with like yes or no? Then they're taking these responses from the consumers and they're splicing them into a third party verification, submitting them to the carrier and changing the person's service.

So recently there was an enforcement action that outlined that exact type of scam, that folks were actually hearing from companies that said they had a package or that they had a delayed delivery and they were using those answers to make a verification. So this is a very different thing than we saw in the past.

We're also seeing charges just dropped onto folks' bills without any contact with the consumer whatsoever, and a lot of these scams are targeting very vulnerable populations. We have a lot of older people being targeted. We have a lot of immigrants being targeted. So what we decided is while we have rules in effect, truth in billing rules that tell you how to place charges on the bill and help you recognize if there's an unauthorized charge on your bill, and verification rules for the slamming process, these rules have not kept up with the bad actors that we see today.

So this notice of proposed rulemaking was to propose some changes to our rules and seek comment on some things that would hopefully curtail this new evolved type of slamming and cramming.

So what does the NPRM do? Basically, we propose to codify two new rules. One of them is to prohibit misrepresentations on the telemarketing and sales calls that are placed to consumers, because as I noted earlier, people are lying about why they're calling you and what they want to do.

So currently our Enforcement Bureau uses Section 201(b), which is a very broad statutory provision for us to enforce these types of things. We'd like to codify a rule against misrepresentations on the sales calls, and if there is any misrepresentation, it would render the subsequent change, authorization for a change invalid.

The second rule we'd like to codify is a cramming rule. Again, our Enforcement Bureau is using Section 201(b) currently to enforce crams. What we'd like to do is have a prohibition against unauthorized charges on the telephone bill. So those are the two rules that we're proposing. The NPRM is also seeking comment on several other proposals to try to shore up our slamming and cramming rules.

We're seeking comment on whether we should make a PIC freeze, a preferred carrier freeze the default for every consumer, rather than something the consumer has to initiate, which is what the process is today. So that would mean that every consumer, when they have a preferred carrier, that carrier would be locked in or frozen in place until they lift that freeze.

Another thing that we are seeking comment on is whether we should allow your current carrier to reverify with you that you actually want to change providers. Currently this type of recertification is not allowed. So when someone calls you and you agree to change your service, they simply submit that change to your current carrier and that current carrier has to execute that change without being allowed to verify with you.

Let's see. Another thing we're seeking comment on is blocking of certain third party billing. We know there's been a lot of enforcement in the past few years about blocking certain charges on wireless bills without opt-in from the consumer. We would like to extend that and have no third party charges be placed on your bill without you opting into those charges, so you'll be aware of what you're actually being billed for.

We are also seeking comment on requiring carriers to record the sales calls. As I said before, one of the rules we're proposing to codify is about misrepresentations on the sales calls. So we're seeking comment on whether it makes sense to require carriers to actually record the sales calls that they place, and retain those recordings for a period of time. So if there is misrepresentation on the sales call, you have evidence of that misrepresentation.

That would certainly help our enforcement folks. But we're asking for people to provide us input and cost-benefit analysis on that. Finally, we are seeking comment on third party verifications. TPVs are one of the most commonly used methods of authorizing, verifying the authorization of a carrier change.

So what that means is if someone calls you and they talk to you about switching providers and you say yes, they then tell you okay, I'm going to transfer you over to a third party verifier, and they're going to verify that you actually want to make this change, and then they will forward you to another person who will verify, ask you a certain amount of questions that you want to make the change.

As we've discussed earlier, these can be fabricated and we're seeing a lot of fraud in these TPVs. So we're seeking comment on whether we should eliminate the TPV altogether as a method to verify a carrier switch, or whether we should implement certain changes to our TPV requirements to make it more difficult to fabricate them.

One of those changes that we suggested might be that you require the consumer to actually list the telephone numbers that they're going to change, because it will be more difficult for the fraudulent companies to get you to repeat all your business' telephone numbers on a fraudulent call, say a post office call, than it would be for them just to say is this your current address and you say yes. So when they splice the TPV, they say you're changing this phone number and all they have to do is splice in the yes. So perhaps having you repeat your phone numbers would make it more difficult to fabricate the TPV.

Another thing we're thinking about with the TPV is certifying these third party verifiers, potentially through the Commission or some other way, to make sure they're actually a third party. Some of the enforcement actions we've taken we've seen carriers that don't even use a real third party. They just make the tapes up themselves and submit them. So perhaps certifying the verifiers would be a step toward making that a little more difficult to do.

So that basically is a summary of what the NPRM seeks, and as I said we got comments last week and we're expecting reply comments in October, and we'll see where it goes, and that's it.

CHAIR BARTHOLME: Great Thank you very much. Does anyone have any questions? Steve and then Paul.

 MEMBER POCIASK: Hi. This is Steve with ACI. When slamming occurs, are we talking about companies that are actually have infrastructure, or are we talking about essentially the resellers?

MS. WILD: The ones that the Enforcement Bureau has dealt with most recently resellers, switchless resellers.

MEMBER POCIASK: Okay, all right. Yeah. I mean I think it just makes sense that consumers should be initiating these things.

MS. WILD: Right.

MEMBER POCIASK: But thanks.

MEMBER GOODMAN: Thank you. Do you have any data broken out in terms of slamming and cramming complaints by Lifeline customers?

MS. WILD: I'm not aware of it, but I think the system is capable of doing that, our complaint system, because when consumers file slamming complaints, so they select that as their issue. But if they mention Lifeline in that, that can become a tag. So that's something we could look at and find.

CHAIR BARTHOLME: Any other questions? Anyone on the phone have a question?

MR. ELLROD: This is Rick Ellrod, Fairfax County. I like the idea about requiring carriers to record the sales calls. It might be useful to also require the carriers to at least give us the recordings, so the consumer can verify what's on them, you know, react to it. I was talking to someone the other day about -- who claimed they were recording a call. I asked to get the recording, they wouldn't give it to me. So I think we put these, the scammers on the spot, to require them to actually give out the recordings to the consumers.

MS. WILD: I agree. I think that's a good point.

CHAIR BARTHOLME: I think if you just raise your hand.

(Off mic comment.)

MEMBER McAULIFFE: Hi. Sorry. Katie McAuliffe, Americans for Tax Reform. I came in a little bit late. I have two questions for you, one about the carriers calling back to verify that folks actually wanted to switch. Can you explain why that was an issue, to having people verify in the past? And then also in talking about the slamming and cramming from --

So costs that appear on consumers' bills, that they're not really sure where they come from. Have any of those complaints come from consumers, where they found out that it was like tax bills that they weren't aware of when they first signed up for a service or something like that? Thanks.

MS. WILD: All right. So with respect to the ‑‑ I'll start with the second one actually. Yes, we have seen complaints come in where there are taxes and fees that become -- that are the charges that they don't recognize, and usually those are resolved through the complaint process. The carrier will write back and say yes, that you're right. That was a tax or a fee, but it's valid and here's why and you'll see it on your bill going forward.

But there are distinct ones that are charges that are for services that they did not authorize, so I think that's fair. So right. I forgot the first one. Sorry.

MEMBER McAULIFFE: The first one was why --

MS. WILD: Recertification.

MEMBER McAULIFFE: --is not able to --

MS. WILD: Right. I think it's because it provided them with a win back opportunity, and they would do it for retention type of purposes. So in the NPRM, we have a fairly lengthy discussion about how we would ensure that that doesn't happen if we allow some type of recertification.

Another thing that we raised in the NPRM is does it make sense to have default PIC freeze and the recertification, or are they basically the same thing and we only need one? And if we only need one, which one do we need. But yeah, it was basically a retention marketing issue.

MEMBER McAULIFFE: So is there any worry that maybe the multiple phone calls could be an issue with say people who think maybe it's a TCPA violation or like how do we work through that, contacting for legitimate causes versus --

MS. WILD: Right, and I think one of the things you mentioned, it doesn't necessarily have to be a phone call either. You could send an email, you could do -- contact the consumer in other ways, and how would we ensure that that was done in a timely manner, because one of the other things that was an issue when recertification was first discussed is if the existing carrier takes too long to make that call or recertification, maybe the consumer changes their mind and therefore, you know, the new carriers lost the customer.

CHAIR BARTHOLME: Steve again.

MEMBER POCIASK: Just a quick thought about the winback issue. I knew where that was going. But what's wrong with having the original provider offer a better deal to customers? Just a thought.

MS. WILD: Well, the new provider doesn't like it very much so --

CHAIR BARTHOLME: Joslyn.

MEMBER DAY: Hi. You talked about bundled customers, and I'm just wondering for those companies that bill for other services, in the context of cramming, if a bundled customer sees a bill, sees a charge on the bill for another service that the company bills for that they don't recognize, is there enforcement action there?

MS. WILD: There can be. I mean that's not what our enforcement actions that have surrounded these two issues have focused on. But yes, I think there can be.

MEMBER DAY: Thank you.

CHAIR BARTHOLME: Any other questions in the room? On the phone?

(No response.)

CHAIR BARTHOLME: Thanks for joining us. We do have a working group that's formed around this, and we will be giving some thoughts to the NPRM and issues in the space.

MS. WILD: Good. Please feel free to reach out to me if you need to.

CHAIR BARTHOLME: Great, thank you.

MS. WILD: Thanks.

(Applause.)

CHAIR BARTHOLME: So in keeping with July 2017 meeting NPRMs, that was a busy consumer month on the Commission agenda, we're now going to have a overview or a review, an overview of the Call Authentication Trust Anchor NOI. Ken Carlberg, who is the chief technologist for Public Safety and Homeland Security Bureau, is here with us, as well as --

FEMALE PARTICIPANT: Ann Stevens.

CHAIR BARTHOLME: Ann Stevens, who is the deputy division chief for the Competition Policy Division of the Wireline Competition Bureau. Thank you both.

Review of July 2017 Trust Anchor NOI

MR. CARLBERG: You're welcome. Okay. So I was asked to be here for maybe some questions and answers regarding a trust anchor. So I thought I'd start off with a little bit of background, like what is a trust anchor and why are we here. What I'll try and do is maybe go back in history progressively and then circle back to where we are now.

Last year at the Robocalling Task Force, it was divided into four different tasks, and one of those involved the standards and protocols that one could build upon and use in order to trust the phone number, the trust in the number in which I'm receiving the calling party. And so that part was divided really into two different standards bodies. One is the IETF, the Internet Engineering Task Force, and the other is ATIS.

The division of labor there really focused and goes back even earlier than that with the ITF, which is the standards body that focuses on the core set of protocols that we use in the Internet and next generation networks used by the carriers today. We have a protocol known by SIP or referred to as SIP, the session initiation protocol, and my apologies for all these acronyms that come through. If I get quizzed, I'm not going to remember all of them.

So the SIP protocol is the one that we use over IP networks to establish, tear down calls over the network there. A number of years ago, about I think ten years ago they had tried and put together a mechanism that would provide a measure of trust. But the trust was really focusing on domains, you know, example.com.

It didn't get into the specifics of do I trust this actual phone number that is being used to originate the call? So Henning Scholstream, about three years ago I believe, had put together a task force here at the FCC, and brought in a number of stakeholders to bring up the issue and come up with -- and really try and promote the idea of how can we put in some more specific trust into these phone numbers.

That went into the arena of both adding mechanisms or actually extending some of the standards and protocols that we have for SIP, as well as introducing the concept of a digital certificate, an entity or information where the trust is placed. So with a digital certificate, we see a lot of these with the web browsers, you know. The question then becomes well who's issuing those certificates.

While the IETF worked on the mechanisms, the actual framework, how we accomplish that, some of the policies of the potential regulations, it steps away from. It doesn't have an interest in that, and that's where ATIS stepped in and defined a framework.

The working group from the IETF was STIR, which is the Secure Telephony Identity Revisited. Oh, I got that one, and of course naturally the work in ATIS was known as SHAKEN. So it's the James Bond of robocalling attempts here. They do have a sense of humor at these places here.

So with that, the SHAKEN then came up with some additional aspects like, you know, who would be able to use these or request these type of certificates. I think they had come with an idea that we'll use the OCM, the operator carrier number as a means of providing that. But then the question again went back to, you know, who is the certificate authority, the root certificate authority?

We generally refer to that entity as the trust anchor. The trust starts from that point, and then emanates down, and you can have certificate authorities delegate additionally further down. But we start with that trust anchor. So after looking at the particular area and a number of folks coming to the Commission to talk about this, given the relationship of numbers and our authority in that area.

The wireless WCB folks came up with an NOI to ask some questions. Keeping in mind that the standard to work is produced predominantly by engineers; ATIS is comprised a lot by the carriers and vendors, but by bringing in NOI and bringing in some more general questions, we can ask is this the right approach to take. Are there concerns; are there things that are missing or should we just plow ahead with this approach?

And so that is sort of where we are today.

I believe the comment section or comment period has ended, and so, you know, the Commission is going over those comments to see what we have, and to possibly progress from there. So I'm the engineer and I will pass the rest to Ann, at least in terms of any of the direction or other I guess policy questions related to the Commission. Are there questions or concerns from that? Scott or --

(Off mic comments.)

MR. CARLBERG: Questions from the audience? Oh, I couldn't have done that good of a job. Anyway, if there are questions afterwards -- oh please, yes.

MEMBER GOODMAN: Sorry. I'm not an engineer. I'll try to explain this as best I can. Do you know if the solutions that these standards bodies are looking at, are they relying on open source software, or is there any of this proprietary carriers or other groups?

MR. CARLBERG: So what -- no, very good question. So the IETF standards are open. Anyone can download them and see them, and ATIS worked with the SIP Forum to be able to produce an open standard. Normally ATIS standards are available just to their clients, or I'm sorry their members. But that standard as well is open to the public.

So from that, one can build given those standards ideally interoperable solutions. As a side note, we had a fellow professor from Georgetown University, actually came in before the NOI was issued, and brought in one of his students, undergraduate students who had actually put together an implementation on this trust anchor.

It took him about three months, but one has to also take in consideration that the student was using open source software for the first time. He had to get acclimated to it and the software corresponding to the standards, and then test it and was able to accomplish that. So I think that is -- maybe provides a reasonable high level of confidence that the approach that's been produced has a good chance of being established.

So if there are any -- afterwards, if there are any other questions, we'll be happy to answer them as best we can. Thank you.

MS. STEVENS: Nothing here.

CHAIR BARTHOLME: Nothing?

MS. STEVENS: No.

CHAIR BARTHOLME: So a follow-up on that then. If it took somebody three months with open source technology to do like a proof of performance I guess --

MR. CARLBERG: A prototype.

CHAIR BARTHOLME: A prototype, right. Is that also likely to be something that somebody could sort of reverse engineer within a three month time period and find a work-around? Or am I missing something?

MR. CARLBERG: No, in the sense that -- if in a sense you have that trust anchor, that certificate authority. Let's say that we took it in a different approach, if we had someone who built software for a web browser and they're using the certificates from another entity. So you could reverse engineer the browser, but the certificate and its mechanism and how you validate it, verify it, still remains the same.

So ideally the design is there to work, you know, regardless of whether we have open source or not. The other reason for our questions in the NOI was to bring this to the broader community that involves or includes in a sense those that deal with certificate and certificate dissemination.

We also actually did have another group that came in. I'm sorry. I forget the name, but they deal with providing certificates. So having in a sense an open record and a mechanism for providing responses from more general sources is helpful in that.

CHAIR BARTHOLME: Does anyone on the phone have any questions?

(No response.)

CHAIR BARTHOLME: Okay. Thank you both.

MR. CARLBERG: You're welcome.

(Applause.)

CHAIR BARTHOLME: Okay. So next we have lunch, and lunch is available in the room here, and we will once again thank U.S. Telecomm, Lynn and Kevin, for providing us with food today. I very much appreciate it. Please keep in mind that this afternoon at 1:10, we will have a vote on a recommendation. In order to be able to do that, we do need quorum.

So I know some people might have to leave and may be rejoining by phone, and some people on the phone might be coming in to join us for the afternoon. But please just try to be here or on the phone at 1:10 p.m. so we can get that recommendation passed by having a quorum, or at least have a legitimate vote on it by having a quorum.

MR. MARSHALL: But we also have two presentations before that vote, one at 12:30 and one at 12:50, that you wouldn't now want to miss either. So if you can be back in the room by 12:30 that would be great.

CHAIR BARTHOLME: Exactly, and I did not mean that anyone would want to miss those presentations, but we will restart the program at 12:30, enjoy lunch and feel free to stay in the room if you need to. Lunch is for primary members and their designated alternates who are here.

So please keep that in mind. If anybody else needs an escort or help getting to another place in the building that provides lunch, please talk to Scott or I and we will make sure somebody can work with you. Thank you.

(Whereupon, the above‑entitled matter went off the record at 11:18 a.m.)

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

12:30 p.m.

CHAIR BARTHOLME: Welcome back from lunch Everyone, and thank you again to U.S. Telecomm for providing food for us today. We very much appreciate it. I did forget to do one thing this morning, so I want to insert that here now. I did want to thank, a thank you to Eric Null and his colleagues over at OTI. They decided to step away from the CAC since our last meeting, but I did want to make sure I took a moment to acknowledge their participation, their insight and all their help over the last few years while they served on the CAC. So apologies for not doing that first thing today, but I wanted to make sure it was part of the items that we covered today.

Next up, we're going to have a review of another July 2017 NPRM. Again, July was an active month here on consumer topics. This one deals with rural call completion, and we're happy to be joined by Adam Copeland, who's assistant division chief for the Competition Policy Division of the Wireline Competition Bureau, and David Brody, who's an attorney advisor for the Competition Policy Division of the Wireline Competition Bureau. Thank you.

Review of July 2017 Rural Call Completion FNRPM

MR. COPELAND: Thank you, Ed. Good afternoon everyone. Great to be with you all. So as Ed said, what we're going to be doing today is not just looking at that July NPRM, though that will certainly be part of our presentation. We're going to try to give you guys an overview of the lay of the RCC land, sort of where we've been, where we're at now, where things are potentially going both here in this building and up on Capitol Hill, where this has been an issue of interest for quite some time.

So I'm actually going to turn it over to David, who's going to give our presentation, and then we'll be happy to take any questions that you might have. Oh yes. We have a -- there should be a handout in your packet that is a rural call completion fact sheet, that should mention many of the things that David's going to go through. But you'll have that as some reference for here, as a nice present to take home. Right side of the folder, very last page.

MR. BRODY: Hello everyone. So I'm going to start with some brief background over what rural call completion is, and then I'm going to go through some of the Commission's actions previously and currently.

So like many aspects of telecommunications, rural areas sometimes have increased challenges, with call completion for a variety of reasons related to their remoteness. The Commission is committed to ensuring that long distance calls to all Americans, including rural Americans, are completed.

RCC problems tend to manifest in a variety of ways. It can be delays in the call, getting no ringtone, dropped calls, false ringtones, busy signals, just a variety of different ways of a call not completing properly. Because rural areas are remote and have lower population density, it is expensive to deliver long distance calls to them.

While there appear to be multiple factors that cause rural call completion problems, one key factor that we've identified is that a call to a rural area is often handled by numerous different intermediate providers in the call path. So I'm going to talk a little bit about how rural calls are routed. In most instances, the originating local exchange carrier does not hand off a call directly to the terminating LEC.

Most of the time one or more intermediate providers are in the call path. Sometimes there might be many intermediate providers in the call path and the call is handed off several times from beginning to end. Why are there so many people in the call path? Because most providers or many providers use something called least cost routing.

Given the higher rates long distance providers incur to terminate long distance calls to rural carriers, long distance providers have an incentive to reduce the cost of routing calls. Under least cost routing, carriers choose to hand off their calls to the intermediate provider who promises to complete the call at the lowest cost.

Often, the cheapest route is not the most direct or reliable. When there are lots of handoffs in the call path, lots of intermediate providers, the risk of call failure increases. If there are only one or two handoffs, the originating carrier can more easily monitor intermediate provider performance. If additional intermediate providers are used, call path transparency to the originating provider decreases.

When calls are expensive to complete, there is potentially less incentive to ensure they're actually completed properly. So the Commission has been looking at this issue for a number of years beginning in 2011 with the adoption of the USF ICC Transformation Order. The transition plan adopted in that order should reduce the ability to arbitrage rates by failing to complete rural calls.

Over time, this should remediate a lot of RCC issues we hope. In the past, the Wireline Competition Bureau has issued a couple of declaratory rulings that clarify that the Communications Act prohibits carriers from blocking, choking, reducing or restricting calls, including to avoid termination charges.

The Enforcement Bureau has also undertaken a number of investigations and entered into five consent decrees related to RCC problems, with Verizon, Matrix Telecomm, Windstream, Level 3 and In Contact. These actions have assessed $6.45 million in penalties and voluntary contributions.

In 2013, the Commission adopted the first rural call completion order, to set up a data collection, retention and reporting regime. Covered providers under these rules, and covered providers means originating carriers with at least 100,000 lines, covered providers were required to collect and categorize specific data about their call completion performance, such as whether each call was answered, busy, ring no answer, etcetera.

If anyone's interested, the docket number for that order and this matter generally is 13-39. The first order also set up a safe harbor from the data collection regime, where covered providers could stop reporting data after one year if they first pledged to use no more than two intermediate providers in their call path.

Second, monitored their intermediate provider performance, and third, had transparency with respect to the identities of their intermediate providers. So if they had good visibility over their operations, they could potentially qualify for the safe harbor, and then some carriers have opted to do that. Covered providers reported data quarterly for two years beginning in 2015. The 2013 order called on the Wireline Bureau to issue a report analyzing the first two years of data, which we just released this past June, and it required the Commission to complete a follow-up rulemaking to address whether to keep, modify or eliminate the data collection and reporting rules, or to take other actions related to rural call completion, which is why we just issued an FNPRM.

The Chairman has publicly stated that he intends to complete this follow-on rulemaking by April 2018. The report that we issued on June 22nd analyzed the first two years of RCC data. It made a number of findings. It found that the aggregate call answer rate was slightly lower, about two percentage points in rural areas versus non-rural areas.

Inconsistencies between rural and non-rural call completion aggregate call answer rates ‑‑ that's a mouthful -- are most likely due to issues with individual provider performance rather than a systemic problem. The data was found overall, however, to be somewhat unreliable because of variations in how covered providers reported their data, and in the types of data they were reporting.

Such variations precluded the Bureau from drawing firm conclusions from this data. The requirements to report data to the Commission did not appear to cause an improvement in aggregate call answer rates in rural areas, and the report found that if the Commission were to modify the data collection to address data quality issues, it's unclear whether the benefits of such modifications would outweigh the costs.

The report recommended either eliminating or modifying the data collection regime. On July 14th, the Commission adopted the RCC second further notice of proposed rulemaking, which seeks comment on a number of issues, including whether the Commission should adopt new rules that would, consistent with industry best practices, require covered providers to monitor rural call performance of their intermediate providers and hold their intermediate providers accountable for poor performance.

The NPRM seeks comment on eliminating or modifying the existing RCC data collection rules or, alternatively, retaining the recording and retention requirements that eliminate the reporting requirement; seeks comment on whether small providers should be exempted from any new requirements applicable to providers as a whole, as well as to how to proceed with our existing safe harbor rule or how a new safe harbor regime should be structured.

The NPRM also seeks comment generally on any other recommendations that anyone such as this committee may have on how to address RCC issues. In the background of the Commission's action, there is also legislation pending in Congress with bipartisan sponsors. H.R. 460, the Improving Rural Call Quality and Reliability Act of 2017, passed the House of Representatives on January 23rd.

S.96, a bill with the same name and identical language, passed the Senate on August 3rd and was referred to the House the next day. So the legislation is somewhat far along. The legislation requires intermediate providers to register with the Commission and comply with service quality standards to be set by the Commission.

It prohibits covered providers from using unregistered intermediate providers, and it specifies that covered providers who are also intermediate providers, meaning they serve multiple roles in the ecosystem, do not need to comply with intermediate provider service quality standards if they are certified already as a safe harbor provider.

The legislation gives the Commission six months to set up the intermediate provider registry and 12 months to set service quality standards from the date of enactment. Thank you very much, and happy to answer any questions you all have.

CHAIR BARTHOLME: Steve?

MEMBER POCIASK: Hi. I'm Steve with ACI. The question you talked about completion rates of rural versus urban areas. What is the completion rate for origination versus termination in rural areas?

MR. COPELAND: I'm not sure if I understand the question.

MEMBER POCIASK: Okay. So what your focus here is rural call completion, right?

MR. COPELAND: Right.

MEMBER POCIASK: But people who live in rural areas also originate calls.

MR. COPELAND: Right.

MEMBER POCIASK: What's that completion?

MR. COPELAND: So I don't think that we have separately -- I don't think the data has computed to separately look at that, because that's not how it's reported to us. So a covered provider that's operating in a rural area would report their data to us aggregated. I mean they do have to report by OCN, but I don't believe we've performed those calculations.

MEMBER POCIASK: I'm only asking because I'm curious about the differences in the access charges between originating and terminating, and whether this is really about quality of service or the money is creating the results you're seeing. I just wanted to see if that had been explored.

MR. COPELAND: Yeah. It's a great question. Traditionally, I think the problem has been thought about as a terminating issue. That has traditionally been the focus, but that's a very interesting question that we can see if they data uncovers anything there.

MR. BRODY: And we did find in the report that over the last few years, complaints generally for RCC have decreased over time. But we are still getting complaints, and to the extent that any of the potential improvements are due to changes from the 2011 ICC USF order, that might be consistent.

CHAIR BARTHOLME: Irene.

MEMBER HERRERA: This is Mitsy Herrera on the phone with Montgomery County.

CHAIR BARTHOLME: Go ahead Mitsy.

MEMBER HERRERA: I wanted -- a couple of questions. I wanted to understand. Is the suggestion that you would eliminate the requirement or you'd eliminate taking the complaint?

MR. BRODY: So what's being discussed in the NPRM is eliminating or modifying the data collection recording and reporting requirements that covered providers currently have to comply with. The NPRM is not proposing any changes to the existing consumer complaint methods, so consumers can still file complaints just the same as before although --

MEMBER HERRERA: Okay, and then -- I understand that. And in the NPRM, did you based on the information that you have reported, how big of a problem is it? How many instances were there?

MR. COPELAND: Of rural call completion failures?

MEMBER HERRERA: Yes.

MR. COPELAND: So I think it's -- one of the messages of the report is it's I think difficult to determine that with any certainty, which is why we looked at things on an aggregate basis. As David talked about, the delta between call completion issues in urban areas versus rural areas was fairly small, but we presented that data point with the rather large caveat that we were not all that confident in the underlying reliability of the data for a number of reasons that the report discusses. So we don't have a set number of how many call completion failures there were.

MR. BRODY: Yeah. On a percentage, on a percentage basis, the data reports concluded that the aggregate call answer rate in rural areas was 64.3 percent, which was slightly lower than the aggregate call answer rate in non-rural areas of 68.8 percent, and it's the median call answer rates between the rural and non-rural areas that had about a two percentage point difference.

So we don't have hard numbers on the total number of calls they experience problems, but we have sort of other metrics.

MEMBER HERRERA: Okay. So but are you saying then that roughly, you know, that there is a two or a four percent difference in the calls between rural and non-rural areas?

MR. COPELAND: That is what the limited data available to us suggests, although with the caveat that the report did find that there was a number of data quality issues and so a few --

MEMBER HERRERA: Okay, okay. So but based on that, do you have an estimate on the number of calls? Is that 100,000? Is that a million? Ballpark.

MR. COPELAND: Do you mean the number of calls that were reported in the data set?

MEMBER HERRERA: Yes.

MR. COPELAND: That was not -- that was not in the report, no.

MEMBER HERRERA: But what I'm trying to understand is on your website in the complaint data for rural call completion, there are 288 complaints that were filed with the FCC. How does that compare with the data that you have? If you assume that there's a problem of say two percent, what does that two percent mean in a hard number?

MR. COPELAND: So that two percent, to be clear about that two percent figure, that was not stating that two percent of all calls to rural areas don't complete. That was a comparison between urban completion rates and rural completion rates.

So I mean the issue -- I mean one of the things that the data report found with respect to enforcement complaints was that we were encountering difficulty using the data collection to inform enforcement. So that is one of the reasons why the Wireline Bureau recommending seeking comment on how to either improve the data collection to make it more suitable for enforcement purposes, or possibly scrapping it because it wasn't fulfilling, or was having difficulty fulfilling that function.

MEMBER HERRERA: Do you have any information about how big a problem this is?

MR. COPELAND: We have the -- the best indicator that we have, which is granted anecdotal because it is informed by complaints, is the complaint data. There are, you know, and providers informally contact us, you know, and contact the Enforcement Bureau as well to report issues. We have anecdotal evidence through the decrease in complaints also, you know, there have been discussions, there's been public RCC workshops including one that Verizon held pursuant to their consent decree, that do suggest that the problem is getting better. But we do not have -- the data doesn't allow us to give us a hard number.

MR. BRODY: And as the report sort of found or concluded, we don't at this time think that the remaining problems are a systemic issue. We think it's particularized to specific providers and more localized issues.

MEMBER HERRERA: Okay. But I guess I'm trying to square this up with in a separate proceeding, the Commission is looking at, for cable television and the quality of complaints, the quality of the signal, and whether providers should have to execute performance tests.

In that NPRM, they stated, because they didn't get many complaints, that they don't think they should have performance tests. The Commission has over 2,400 complaints about that issue. But for the rural call completion, you have 288 complaints.

So my question is, is this is an issue that actually requires additional action, or based on the idea that if you don't get many complaints it isn't a problem, should the issue just be dropped?

MR. COPELAND: Well I mean I think that the Commission was pretty clear in July that the Commission views rural call completion to be an issue that is still problematic. We know it's of interest as well to Congress, as they have pending legislation that's fairly far along.

So it's still, you know, as evidenced by the release of the NPRM, it's still a priority for the Commission.

MR. BRODY: Right, and what we're trying to do at this point is follow up on the 2013 order that set these data collection rules in place. If the data report has indicated that the current data collection rules are no longer necessary, the NPRM we're currently considering raises the possibility of removing those rules and putting into place a more flexible set of requirements.

MR. COPELAND: But David is right to point out that the impetus for this NPRM or FNPRM is the commitment that was made back in 2013 to evaluate the data collection by April 2018. So you know, the course of action obviously hasn't been set. We're considering a number of proposals that were both raised, you know, in the NPRM itself and are coming in in the record.

So you know, no course of action has been decided. But the impetus for this action was actually a commitment made back in 2013.

MEMBER HERRERA: Okay. Well I appreciate that you're following up on your commitments. I will just leave it that I think that coming up with some kind of at least ballpark figure that helps understand, you know, there are 100,000, there are a million calls to rural areas that are dropped would be helpful to understand the importance of the issue.

MR. COPELAND: I mean I -- I don't think that we disagree, and I think that that was the intent of the data collection. But as the report points out, there were a number of issues with the data collection that were obviously not foreseen in 2013 when it was adopted, and you know, through the benefit now of hindsight we can see that there were some issues. We probably would have set it up differently had we known there were going to be problems back then.

So I mean ideally we would have been able to use the data collection to, you know, more quantify the problem as you're suggesting Mitsy, but you know, we kind of are aware where we are. So the Commission has to determine, you know, are we going to keep this data collection, are we going to reform it, or do we need to take other regulatory action, or do we need to wait for Congress to step in as they may.

MEMBER HERRERA: All right, and I think that's good that you're looking at that and I appreciate that sometimes you put out things and it isn't until you get back the data that you determine whether you asked the right questions, and I applaud you for actually going back to see whether we should ask different questions.

But I would just point out and note that I think the FCC should be consistent. If the fact that you only have 288 complaints about rural call completion is not evidence that this is not a small, an insignificant problem, then the Commission should not rely on the numerical amounts of complaints provided in other proceedings to suggest that there is no problem because we don't have many complaints, and they should instead follow what you're doing in this case, which is to figure out how can we get better data collection.

CHAIR BARTHOLME: Irene.

MEMBER LEECH: Irene Leech with the Consumer Federation of America. I've got several questions. When we said that the cost of collecting the data or making the changes might outweigh the benefit, cost to who, benefits to who? How do we measure that?

MR. COPELAND: Sure. I mean the cost being referred to is the covered providers who are having to pay to set up the regime that allows them to actually report the data. The benefit is to consumers and, you know, and you know, allowing the Commission to actually use the data in a way that could benefit consumers to help assist with resolving RCC problems.

Right now, the WCB data report suggests that the data as it is currently being collected is not a good vehicle for doing that. So basically it's saying there is this implementation cost that the providers are currently absorbing. There doesn't appear to be any benefit to the Commission, to consumers, to the provider as a result of this data collection, so what should we do?

MEMBER LEECH: But does that -- I guess I was taking it if the -- if cost of changes made it more expensive for providers, my concern was that you would decide not to do it, deciding kind of like Mitsy's saying there don't seem to be numerically many complaints. I wonder, you know, what the percentage, because there aren't as many people in rural areas as there are in others.

I worry that it could get pushed aside is being too expensive for the providers, but that the consumers are still going to be facing the problem.

MR. COPELAND: Right. So I mean I think it's important to remember that, you know, we have the regulations that are currently in effect, which just deal at the moment with this reporting and recordkeeping regime.

So the FNPRM, the second FNPRM asks, you know, in light of the WCB data report that says we're not sure how effective these things are, should we continue with these rules as they are currently in place or should we modify them, or should we look at other solutions either in addition to or instead of.

So the Commission is committed to pursuing something that hopefully works. The suggestion of the WCB data report is the data collection in its current form isn't working. It does contemplate possibly modifying the collection. The question that we're trying to solve is can you come up with a modification that is actually going to help the Commission with enforcement, that is actually going to enable the Commission to study this in a better way?

We're not sure at this point whether that exists or not. That's why the record is open. That's why we're seeking comments as we're digesting. I think the idea of weighing the costs and benefits is we're not just going to modify the collection without figuring out is it actually -- you know, we're not just going to take another shot in the dark at trying to get it right. We're going to try to, you know, if we're going to reform the collection, we want to do it in an informed way that's actually going to lead to benefits for consumers at the end of the day, which is different from saying, you know, we're not going to do anything.

MEMBER LEECH: Okay, and related to that, I'm curious if you have ideas about ways that could more effectively address it and what service, quality service standards you're thinking about at this point.

MR. COPELAND: Did you want that? So the initial proposal or initial yeah proposal that is discussed in the FNPRM would, as David was saying, it would adopt rules under this proposal that would require cover providers to actually monitor their intermediate providers, and to take action and hold intermediate providers accountable when those intermediate providers were not sufficiently delivering calls.

Which is different -- I mean that could be viewed possibly as a general requirement. But the view that is asked about in the FNPRM is this is a more direct way to get at the issue. Instead of requiring the sort of passive data collection, should we instead hold cover providers more accountable in saying to their intermediate providers hey, here's a problem. You need to go fix it.

The service quality standards that you're referencing, are those the ones that are contemplated in the legislation, or are you using that term more generally?

MEMBER LEECH: I'm asking using it more generally, in terms of what you'd be, you're thinking about there.

MR. BRODY: So one of the things we seek comment on is ATIS has a call completion handbook that discusses a number of best practices. We discuss some of them in the NPRM and seek comment on whether any of those should be formally codified as requirements, and we are certainly open to other ideas about other potential service quality standards that should be incorporated. If anyone else has other ideas, we're all ears.

MR. COPELAND: And with respect to the intermediate service quality standards, if the -- that were contemplated in the legislation, if that legislation is adopted, we would have to issue another FNPRM seeking comment about what those would look like as well.

MEMBER LEECH: You don't think there's something already in existence that would serve the purpose?

MR. COPELAND: Well I mean as David was mentioning, there is the ATIS guidelines. There is debate already in our record as to whether or not those should be mandated or whether or not those would be helpful. I mean I think at this point we're collecting information as to whether or not we should use ATIS, whether we should use something else, whether we shouldn't do anything, whether we shouldn't use anything at all.

CHAIR BARTHOLME: And that is a very important issue, and Mark, you've had yours up for a while. So if we could have one more question from Mark and then this is something that the USF Working Group is going to be giving thought to. So hopefully there might be an opportunity for you to meet directly with that working group and have a longer more indepth conversation. Mark.

MEMBER DEFALCO: Yeah. I wanted to follow up a little bit with what Steve was saying and where he was going. To me and maybe on -- you know, I tend to see on occasion to oversimplify things. So this seems to me that it is strictly a financial issue. We have very high access charges in terminating access in rural areas, and therefore the providers do not want to terminate the calls because they have to pay the access charges.

So rather than try to put in measurements, best practices and everything else, as the access charges go down, I think the problem goes away. And so if you're looking at measurements and things and trying to come up with ways of determining the number of calls that are maybe not being completed or put in practices and things, it just seems to me it's a financial issue.

It's not really a technological issue that the calls can't be completed; it's that there's a financial incentive for the providers not to complete those calls because they're going to rural areas where it's very high access rates. So it just seems that the way to address this is from the financial perspective get the terminating access rates down and then the problem goes away.

And Steve on the originating side of the call, you can't prevent the customer from making the call. So the originating access charges are going to be incurred no matter what. So whether you terminate the call or not, I mean that's always going to be there. So it just seems to me it's a financial issue. Am I wrong on that?

MR. COPELAND: I mean it's entirely possible.

MR. BRODY: It's consistent with what's in the data report. It's not the only possible explanation, but it's consistent with what we know. But I mean one thing I would note is that our record is still open. Replies are actually not due until next week. So you know, to the extent -- I know this body makes recommendations and conclusions as a body.

But to the extent that any of your organizations or if you as individuals want to submit comments into the record to that effect or to any effect, you know, we would welcome that either at the reply stage or even obviously we continue to accept submissions after the reply deadline as well.

But we encourage your participation either as a group or as individual organizations.

CHAIR BARTHOLME: Right. I think we're going to have to end it there, since we're pretty far over now. Thank you both for coming.

MR. BRODY: Sure. Thanks for having us.

MR. COPELAND: Thank you.

Update on April 2017 Connect2Health Public Notice

CHAIR BARTHOLME: Okay. So next up we have a presentation that some people have requested a couple of times over the years, and we actually at one point on the CAC had some medical representatives and had a working group devoted at least loosely to connected health issues. We're very happy to get an update today on the FCC's Connection2Health public notice, and Dr. Chris Gibbons, who's a physician advisor here at the FCC, is going to provide that for us. So welcome.

DR. GIBBONS: Welcome. Thank you very much. Can you hear me? As most of you know, the world is changing around us. The way we bank, the way we shop, the way we travel, even how we get our education and employment is drastically changing from the time when we originally started and certainly our parents, and it will be different for our children.

The world is becoming -- we are living more of our lives online, like it or not. Like it or not. It's coming, it's here. This is beginning to happen in the health sector as well. The health sector has been one of the slowest to adopt, to move into this area. But it is happening and will continue to happen for a while.

The FCC has taken the stance that they're -- it's very important to ensure that broadband, health opportunities are available to all Americans, especially those living in rural areas and in the other under-served areas such as tribal lands or individuals with special needs, seniors, elderly, those living with disabilities and there are others.

Even people who are homeless, you might not know that a significant number of homeless people actually carry cell phones and find ways to keep them active actually. They may live under the bus or under the bridge, but they have a cell phone. I actually am in communication with a patient right now, right now that we were in phone communication.

He's actually lost minutes, but he still has texting capability. He's actually living on the street right now and I have been communicating with them for the past several weeks. So in reality, the unfortunate reality that we are aware is that disparities exist. Differences in access, adoption and outcomes across populations. Those living in rural and underserved areas, those from these special populations are often less likely to have broadband infrastructure available to them.

They have lower adoption rates and therefore are unable to benefit from what broadband health tools and technologies have to offer. In the case of health care, then that means that their health tends to suffer. This is really a special problem in health care.

Well currently in our health care system, unfortunately it often does not provide the highest quality of care consistently to people living in these situations and from these backgrounds or these populations. We believe, I personally believe and a growing number of people believe that technology, and broadband-based technologies offer huge potential to help close these gaps, and improve the health not only of those from these backgrounds and living in these situations, but help us all with our -- manage our health concerns.

Today, we are talking about when people talk about broadband-based technologies, they are often talking about telemedicine or telehealth. You probably are familiar with that, the idea of using a video, capture video communications and audio communications for a doctor or a nurse or health professional, to communicate with a patient who's not in front of them but could be down the street, across the city or halfway around the world.

All of those things are in place now, and they offer tremendous opportunity to bring medical expertise and health care and services. By way of using robotics, we can do the same thing. A surgeon here in Maryland can actually perform surgery on somebody on an operating table in Africa or other places. This is happening already today.

And so it's helping us overcome barriers, particularly related to distance and time. That's fascinating. But tomorrow, it's going to look even more different, the health care sector as well as our world. Tomorrow we'll be talking about -- in my way, everything I'm about to tell you is already being worked on and deployed in some form or fashion.

So I'm not talking about things that are 100 years down the road, but you may not have heard of these things. Tomorrow we will be talking about autonomous cars, that not just drive themselves but cars that are able to detect health emergencies, automatically become ambulances, wire ahead to the hospitals and then take you to the hospital to save your life, communicating with the traffic light systems to open up the way so that traffic does not become a problem.

Tomorrow we'll be talking about homes that deliver care to people at home from sensors and things that are built into the walls and the roofs that you don't see, you don't interact, you don't have to touch, you don't have to press a button, you don't have to do anything. They work automatically using artificial intelligence, algorithms and all kinds of things to deliver care in some cases without you even knowing that were delivered care, and in some cases before you even realize you are sick.

Tomorrow we will have visual or virtual health assistance that are available to us not when the doctor's office is open and not when I can get into an urgent care or a medical facility, but they'll be available to us when we need them 24-7 on our consumers' demand, to discuss medical concerns and help us manage our issues. We'll have drones that are delivering medications to your doorsteps exactly when you need them, and taking medical samples back to the hospital for testing, to make sure a therapy is going as it should.

I even just have a conversation with Scott Marshall, who told me about an amazing technology that he's using now, that is offering tremendous health implications for people like him who are visually impaired. I could talk all day about that whole category of things.

But the result is, the result of these technologies and others coming on board. In my opinion and in a growing number of people's opinion, is that it's going to in part lead to less care being delivered in hospitals. We're already seeing that, right? More and more of you -- people cannot stay in the hospital for a procedure as long as they used to.

So this is due to cost pressure, this is due to a lot of things, but technology will help enhance it. So there will be less care offered in hospitals. They'll be more care offered in homes and communities, and it will be offered by more people than just doctors and nurses, caregivers, family caregivers, you know. Digital assistants, others will become real players in this care communities of the future, and it will have the cumulative effect of making care smarter, more responsive and on demand when consumers need it.

Whether that's three o'clock in the afternoon or 2:00 a.m. in the morning. Basically it will make what is now impossible possible. This is particularly important for the underserved and for those, for these challenging populations because if we don't get it right and if only some people and some populations are able to benefit, then the gaps will actually get bigger.

The covering gaps could get bigger because some populations are getting better and other populations are falling further behind. The gaps get bigger. The costs then go up for everyone. So this becomes a problem for everyone, not just for those in those populations. The costs go up for everyone. The available resources become overwhelmed and everyone suffers.

So the Connection2Health Task Force at FCC is serving two primary functions. One, it is now the new umbrella for all FCC health-related activities. But it is also charged with exploring the intersection of broadband advanced technologies and health. We've done -- I'll just mention a couple of things. We've done a few things to try to get at this.

Early on, we began what we called the Beyond the Beltway Tour, where we said you know the answers aren't all in Washington. Let's get out and talk to the people who are doing things. We went on a ten-city tour around the country, talked with those innovators in the health sector that were doing things, saw some amazing people doing some amazing things, helping people and consumers with their health care.

But we learned quickly that it's really hard to really look at this and say how do you put technology with health care in a systematic way across the country and know where the needs are and know where we're making progress and know how things are better. So we built a tool that's now available on the FCC site, fcc.gov\health. You can find it. It's called "Mapping Broadband Health in America" tool.

Anybody can go there and you can choose any number of health problems, and any number of telecommunications issues and see what the situation is in terms of telecommunications access and health indices for a given region or nationally or any size or scale. You can change it any way you want to.

It's built so that the average user can use it. You don't have to be some sort of policy wonk or analytic guru, nothing against them at all. But hopefully most Americans can use it for a variety of purposes.

We also have and they're in the process of doing what we are calling some virtual listening sessions, where we invite people who ‑‑ and organizations and sectors who are not normally a part of FCC proceedings, to talk to us and to tell us what we -- what they think about these things.

We have already had one focused on health care providers, and another on, I'm sorry I'm blanking on the second one. I think it's telecommunications providers. We have two more coming up later this month. Finally, in April of 2017 this year, we released a public notice that was seeking input on several aspects of accelerating adoption of broadband-based health technologies and reducing disparities.

The real goal of doing this was to gather information from the public about the status of broadband health, and to get input on potential recommendations and actions that the public would like to see the FCC take in this area. We're especially interested in the consumer perspective, not just the perspective of professionals, of doctors, or organizations of telecommunications providers, but we really are interested in the perspective of consumers.

Are consumers aware really? Are most consumers aware that broadband-based technologies can actually help them with their health. In what ways are consumers using broadband-based technologies for health if they're using them at all right now? Is it just a few ways or is it many different ways?

What is -- of what's out there, what is helpful and what is not from a consumer's perspective? What should the FCC do? What recommendations do consumers have about what they would like to see the FCC do, and especially those consumers from these underserved populations? How can the FCC best interact with consumers in an ongoing fashion? What's the best way for us to speak directly to consumers and hear directly from consumers?

Finally, what does success look like from the consumer's perspective? If this world were perfect and what we're doing here works perfectly, what would that mean to you as a consumer? With that, I'll stop and I'm happy to take any questions.

CHAIR BARTHOLME: I'm going to start with Paul because we --

MEMBER GOODMAN: Thank you very much. That was very interesting. I'm sort of curious. You talked about these underserved populations. If providers were to say impose a five percent surcharge on folks' phone bill, oh sorry broadband for accessing these health care services, how would it affect those populations?

DR. GIBBONS: So now you're talking about telecommunications providers, not medical providers; correct?

MEMBER GOODMAN: Correct.

DR. GIBBONS: Okay, and you're saying charge them a tax to provide services to these telecommunication services --

MEMBER GOODMAN: Provide access, yeah, to those health services. Access to the web portal, access to the tower of medicine.

DR. GIBBONS: Yeah. So that's a good question. I think what we are finding is that the problem of low adoption rates is -- has many parts to it. One part is infrastructure is not there. Another part of it is in some cases the costs are too high or for some --

But it's also there are other aspects to that coin. The technologies that may be available may not be the appropriate ones for the populations that are out there, or they may not be built the best way. Or the populations may need more of a human touch to get started, seniors for example.

But I've talked to many seniors and they're not -- they didn't grow up in this world where, you know, they know and accept these technologies. But they get it. In their own words they tell me we get it. We're scared. We don't really know how to use these things. But if we don't get access, if we don't start using, we're just going to be left further behind.

So it's a complicated process. I don't think any one thing is going to be the silver bullet to fix it. I do think that a number of things working together can make substantial improvements in the problem, and that is one of the things that can happen. But by itself alone, it would be difficult to say what the impact would be today. But as part of a broader construct of tools, I think it's an important part.

CHAIR BARTHOLME: Thaddeus.

MEMBER JOHNSON: Yes. In responding to Paul, you mentioned the human touch, and my question is about the what has been your experience with communication and outreach, particularly the trust factor. You mentioned some seniors that would like to see these types of technologies implemented.

But how do you -- what has been your experience with getting people to relinquish control to a smart and interactive device? Have people been more hesitant or more open to it?

DR. GIBBONS: It's actually been about a fascinating, fascinating experience. I've dedicated the last, you know, 20 years of my life to this topic in the health care space as a physician at Johns Hopkins, working specifically with people in these populations, whether they be urban or rural or visually impaired or others.

It's interesting. Yes, there is some -- well, I'll give you a statistic first. As an example, elderly individuals as a group are the group that has the lowest utilization of these tools, and that's probably not surprising to most of us. But what you probably don't realize is they are the group that has the fastest rate of adoption.

So they're not using because they didn't grow up with this stuff, but once they for whatever reason get the assistance that they need, they're adopting faster than every other group out there, even the kids. But so what I found over the years is that yeah, there's some hesitancy. There's some lack of trust that's out there.

But for a number of reasons, one is they see the world passing them by. It's like in the early days I knew a lot of people that said I'll never do online banking, never. Okay. So you just have to get into the car and go to the bank every time you need something, whether snow, rain, whatever, and then oh, I can just do it on my app. Now it's precious few who are not doing online banking.

So again, the world is changing and that is changing those, the people from these populations as well. But in addition to that, their needs are greater and sometimes they may have the desire to do it, but they can't overcome those barriers. I'll give you one final example. So we did, I was involved in a study many, several years ago where we placed some technologies, some health oriented technology in the homes of low income, in this case it was urban African Americans in the inner city.

So they didn't have access at this time to any of this kind of stuff. They didn't have broadband in their home, whatever. We provided it for them for six months, had them interact with it and we didn't have many. So we then would take them out of their homes and put them in other people's homes and sort of see what the experience was across the population. It blew me away what I found.

You don't even need to know what it was about. But when we went to get those tools, it was sort of a Vox at that time, video and a few other things, these people were begging us not to take it. Some were crying.

They said this is the only interaction that I have with the outside world of substance, you know, talking with the doctor, being able to talk with the nurse through this video thing. They didn't want us to take it. These are the same seniors that had never used these things in their lives and didn't trust them before.

So again, some of the other questions. It's not just one simple answer, people from minority groups or people from -- they don't trust it. They're not going to use it. There is mistrust. But we can overcome those things if we understand and learn those populations betters and learn their needs, listen and work with them to overcome the challenges and provide what they need, and we will all benefit if we do.

CHAIR BARTHOLME: Zainab.

MEMBER ALKEBSI: This is Zainab speaking from the National Association of the Deaf. You had mentioned that you have hosted virtual listening sessions as your example you gave with providers. Do you have or do you plan to host other virtual listening sessions with specific consumer populations, for example, deaf hard of hearing communities, to be able to gauge what the needs are for those populations with this type of technology?

DR. GIBBONS: The answer is yes, and I'm just looking to Katie, our communications director, to see if she has the list. We've planned four of these things in total, and we may do more. We've actually gotten very positive reaction from the first two that we've done, and in fact people have asked for more.

They really think that this is the right thing to do and they want us to do more of them. So we may do more of them. The last one we did, what was the --

FEMALE PARTICIPANT: Rural and consumer issues.

DR. GIBBONS: That was with rural and consumer issues. It was just last week, and we actually had a number of people from the -- from the disability community on that one. You can be a part of any one that we have, so it's not limited to those. So the other two -- what are the two who are left that we have coming up?

AS So we have one that is for --

FEMALE PARTICIPANT: Oh no, the mic.

AS Hi sorry. I was just listening and I need to be on mic. So our third one is actually going to be for technology and service providers later this week. But we do have one for policymakers at the end of the month. I believe it's next Wednesday the last week of the month.

That will be of particular interest I think to the larger community, because we're looking at seeing what kind of policy recommendations will help to spur improvement to some of these areas. So that really is far-reaching. We would like to hear from a variety of groups for that. So we did have information available. I am happy to share that.

DR. GIBBONS: Yeah. We can share that with --

(Simultaneous speaking.)

MS. GORSCAK: And we actually are recording them, audio and written transcript. The written transcript is available a little bit later. But the audio recordings are going to be available on our website, fcc.gov/health. So you can listen to the audio from the first one. We'll have the second one on rural and consumer issues probably available later this week.

DR. GIBBONS: So if you think -- I'm not suggesting, but if you think that this is a valid way to communicate with a community that you might think might not be well enough represented in what we have already done or what we have planned, please let us know. We'd certainly be willing to consider.

Like I said, others have already said we need to do more of these things. So if that's something that may be helpful, please let us know.

CHAIR BARTHOLME: Last question, Deb.

MEMBER BERLYN: Yes hi, and thank you so much. My name is Debbie Berlyn. I'm representing the National Consumers League, but I also have a project called the Project to Get Older Adults Online. So I'm right with you on your thinking and the questions you've asked us are questions that many organizations have been asking, to try and solve some of these issues.

I wrote down some of your questions. I know Ed did as well. I'd like to think about that, but I'd also like to get just a better feel and maybe you can't answer this today, of where you're trying to go with the answers to some of these questions.

DR. GIBBONS: The task force?

MEMBER BERLYN: Yeah. What are you trying to accomplish?

DR. GIBBONS: So ultimately, the task force will be learning from all of these mechanisms that we have mentioned to you today, and will be making recommendations to the FCC leadership on these topics. So at least one area we're going is we hope to get the right recommendations to the leadership, so that they can consider and do what they see as right.

MEMBER BERLYN: Okay, thank you.

CHAIR BARTHOLME: Julie.

MEMBER KEARNEY: Thank you very much. Julie Kearney with the Consumer Technology Association. So will you be using the feedback that you obtained from the public notice that was put out?

DR. GIBBONS: Absolutely. That's the whole point of putting it out.

MEMBER KEARNEY: Great, wonderful.

DR. GIBBONS: That's exactly the point of putting it out.

MEMBER KEARNEY: Okay. I think a lot of us are anxious to work with the Commission and to help further the good work that you're doing now. There's a lot out there.

DR. GIBBONS: Thank you.

MEMBER KEARNEY: Thank you.

CHAIR BARTHOLME: Thank you very much for joining us.

Unwanted Call Blocking Recommendation

CHAIR BARTHOLME: So the next thing that we have on the agenda is consideration of the unwanted call blocking recommendation that the Robocalls Working Group shared with the full CAC. This went out to everyone probably a week and a half to two weeks ago, just after the Labor Day holiday, and then it was resent as part of the meeting packet.

So hopefully everybody has had a chance to take a look and to read through it and give some thought to it.

(Pause.)

CHAIR BARTHOLME: Would anybody like to move for consideration of the -- Irene?

MEMBER LEECH: I'll move for consideration.

MEMBER DEFALCO: I'll second.

CHAIR BARTHOLME: In favor of consideration?

(Chorus of ayes.)

CHAIR BARTHOLME: Opposed?

(No response.)

CHAIR BARTHOLME: Anyone on the phone?

(No response.)

CHAIR BARTHOLME: Okay. Discussion. Kevin, did you want to maybe walk through it a little bit for everyone as a starting point for discussion?

MR. RUPY: Sure.

CHAIR BARTHOLME: Yep, that would be great. And for those of you that don't know, this is Kevin Rupy from U.S. Telecomm. He co-chairs the Robocall Working Group.

MR. RUPY: So thank you Ed, and thanks to the Robocall Working Group, which spent a very good portion of time working on this, and basically just to sort of walk through, you know, the framework and the recommendations that we put together, I mean obviously the introductory session we, you know, highlight the work that the FCC's doing on this issue, and in particular the blocking NPRM that is currently under consideration, as well as the NOI.

And as folks know, within that blocking NPRM it talks about four specific categories to permit voice providers to block certain categories of call. Those four categories are do not originate, invalid numbers, unallocated numbers and unassigned numbers.

So basically working through the seven recommendations that we listed out, in number one there we ask, we recommend that the FCC permit and encourage voice service providers to block those calls in those certain circumstances, and what we did as you start going through the recommendations, we broke out each of the categories.

So in that second category, we encourage the FCC, you know, recommend that the FCC permit and encourage voice service providers to engage in do not originate, which is the DNO, and then that third recommendation is to permit and encourage voice service providers to block calls under the three remaining instances, okay. So invalid, unallocated, unassigned.

And then working through the remainder of the recommendations, we basically say for those voice service providers that have implemented any of those call blocking approaches described in either of those two proceeding categories, to inform current and potential subscribers about the implementation of those types of blocking.

We added a fifth recommendation that we do think it's important for the FCC to recommend, to encourage stakeholders from consumer and industry sectors to work together, the work collaboratively to address instances whereby unintended blocking takes place, okay.

This is not going to be 100 percent perfect. So we've got to address remediation measures there. The sixth recommendation, we do think -- we asked for the FCC to encourage voice providers, to offer optional blocking tools. So outside of those four categories, other types of more consumer-centric, consumer-oriented tools should be made available by voice service providers and, you know, make those options easily available so the consumers can find them on the websites of the voice providers.

And then finally, the final category that we put in there or the final recommendation was we recommended that the FCC study the implementation and effectiveness of these various blocking measures within two years of, you know, finalization of the rules. The recommendation there, we think that, you know, the FCC should take sort of a broad look at this, what's working, what's not working, what's available to consumers, are there fees charged, if any, you know. How many consumers are availing themselves of these types of tools.

But basically come back after two years to see how it's going and see how these robocall mitigation efforts are shaping up. So that's kind of the overview, and I guess we can take questions or --

CHAIR BARTHOLME: Thank you. Any other discussion?

(Pause.)

CHAIR BARTHOLME: Katie, go ahead.

MEMBER McAULIFFE: Hey. I just wanted to ask a quick question. So in looking at I guess two and three were the ones you were talking about, the different types of where strange calls may come from. Is there an instance where any of these are legitimate numbers? Like you kind of talked about maybe over accidental blocking. Like I don't know that this is even the case, but if you have something like Google voice or those assigned numbers, are there any other kind of call rerouting services that people might actually use for other purposes that could get looped up in this?

MR. RUPY: So that's -- that's one of the things that's being teed up in the notice. I can't give you an example like on DNO, do not originate. I know as industry's been conducting some of these DNO trials, one of the approaches we take is that we will only institute a block to DNO on a number that's inbound only, okay.

Meaning that that caller ID should never be seen transmitting the network. But there have been -- there was an instance where, you know, we basically had an agency saying this is an inbound only number, but it was in fact making outbound calls. So when we instituted that DNO, we were blocking legitimate traffic.

Now the issue got resolved, but it's because of that reason that, you know, we talk about that recommendation number five, because this is, you know, we're dealing with caller ID, which is easily spoofable. It's not an exact science. So that's why we put in that recommendation number five.

MEMBER McAULIFFE: Okay, because like -- I mean could there be like a competition problem there? Like say you're using something like Google Voice or WhatsApp or anything along those lines that maybe I guess reroutes your call or something like that, that could get looped into this is really my --

MR. RUPY: I know obviously that's not the intent of the recommendation, and hence why we have that mechanism there, so that we're not capturing legitimate calls.

CHAIR BARTHOLME: And I would add to that that you would also hope those service providers are not sending through any sort of caller ID information that would make their calls that they're passing along seem to be from an unassigned, an unallocated or an invalid phone number. I think there's a little bit of responsibility on the full ecosystem, to make sure that the caller ID information being shared is accurate caller ID information, so that it doesn't get caught up in something like this by mistake.

MEMBER McAULIFFE: Because when I get calls from sometimes those services are like overseas or I don't know. Sometimes even when friends are in hotel rooms, I'll get like unknown or a number that's not their number or something like that.

MR. RUPY: And I don't think this goes specifically to unknown or to blocked caller IDs. This is a specific subset of unallocated, unassigned or I think junk numbers is a phrase that's sometimes used to describe it.

MEMBER McAULIFFE: Okay.

MR. RUPY: And that is an issue. Like there's already work going on in that space in terms of industry best practices, to make sure that, you know, we're separating the wheat from the chaff, that the legitimate outbound originators of calls are engaging in, you know, best practices to make sure that their calls don't get caught up in this.

MEMBER McAULIFFE: And is this only referring to voice calls, or is this also to like some of those like texting services that are --

MR. RUPY: This is -- so the FCC's NPRM is focused on voice calls. So these are focused on that.

MEMBER McAULIFFE: Voice calls, okay. Thank you.

CHAIR BARTHOLME: Other questions? Ross.

MEMBER LIEBERMAN: I just had a question in terms of the reporting at the end. The expectation of voice providers to engage in some of these practices, that they're encouraged to do so and perhaps the differences in capability between a larger voice provider and a smaller voice provider and the expectations?

MR. RUPY: Sure, and I think that's an issue that's actually teed up in the NPRM, discussed in the NPRM, and I think that is you know, absolutely a valid topic for noting and discussing. You know, we've raised that issue in there. It's important to note that, you know, there are various flavors of blocking. The four categories that are raised in the FCC's NPRM, those are network-centric.

So those are things that individual providers are doing in the network is a form of network hygiene, and there's going to be different capabilities there, right. But you also have the consumer-centric end with, you know, the variety of tools to bring a number of apps and solutions that can block calls at that end, you know, which is touched on in both 6 and 7.

But your point's a fair one Ross, and it's something that should be flushed out in the report.

CHAIR BARTHOLME: And to sort of add on to that, that's one of the reasons why we landed on permit and encourage as language.

MR. RUPY: Right.

CHAIR BARTHOLME: And I think that the sentiment behind number 7 was to make sure that after we've had some time for these things to be in place, are there consumers who are just completely left out of this from a protection standpoint and a nuisance standpoint?

So holistically, let's take a look back and see are there other -- is there a Step 2? Have things sorted themselves out? What's the landscape look like now and maybe we don't, maybe we do need to think it through again.

MR. RUPY: Thank you.

CHAIR BARTHOLME: Any other questions?

(No response.)

CHAIR BARTHOLME: Shall we call the question?

MEMBER LEECH: Question.

(Laughter.)

CHAIR BARTHOLME: Irene so moves. Can I get a second?

VOICES: Second.

CHAIR BARTHOLME: All in favor of the recommendation?

(Chorus of ayes.)

CHAIR BARTHOLME: Opposed?

(No response.)

CHAIR BARTHOLME: Any abstentions in the room or on the phone?

MEMBER WALKE: Abstain.

MEMBER McAULIFFE: Abstain.

MR. MARSHALL: We have abstentions from the record.

CHAIR BARTHOLME: Katie from ATR and Larry from NAB.

MR. MARSHALL: Okay. All right, got it.

CHAIR BARTHOLME: Good. All right. Thank you very one. So we'll go to working groups now.

Working Group Breakout Sessions

MR. MARSHALL: Right. Let me have a few minutes.

CHAIR BARTHOLME: Sure.

MR. MARSHALL: All right. Just a moment here and I'll call up another file and we'll talk about working groups this afternoon. All right. Well, you've heard a lot today and the idea of this afternoon's working group is so that you can sort of take a -- start the process of doing a deeper dive on some of the issues that we talked about today.

You know, in your packet you have a sheet that provides you with information on the locations of these working groups, and also provides you with the call numbers of access codes for the various locations for each group. Just a moment here. I'll go over that briefly.

(Pause.)

MR. MARSHALL: All right. The location of the USF Digital group, and these are by the way private meetings. They're not broadcast on the Internet, which is the case for all of our working groups.

The USF Digital group will remain in the Commission meeting room here, and you won't have to do anything to get the bridge up and running. The AV staff will handle that for you for those wishing to call in.

They'll be using the same access numbers, access codes that we used for the plenary sessions. The Robocall group will be in Room TW-C438, which is right around the corner behind me here, up a short flight of stairs to your right, and Catherine or I will be there to let you into those rooms, 468 and 438, which are adjacent to each other. Up the stairs, make a right and the rooms will be on your right.

468, again the room right next to 438, will be the Slamming/Cramming group. And finally the REPAC group, another new working group, will be across the hall from me right here, right past the intersecting corridor going to the lobby, and on your left is TW-A402.

We appreciate someone volunteering to set up the call on the conference terminal, either an existing working group chair or a volunteer in the case of the two new working groups, so that your fellow members can call in to these sessions. It will be about 50 minutes. Get back here around 2:30, and then we'll have a report back from the groups in terms of what you covered and so forth.

Now by the way, in these group meetings in these rooms, we've placed copies of the notices that you heard about this morning. So they'll be hard copy, about ten copies each. If we need more copies we can make them or send them to you electronically also. So you'll have a copy of the slamming/cramming item, the rural call completion item for example, and the rest of the documents in the rooms for your review.

CHAIR BARTHOLME: And Scott just to clarify, anyone who is currently on the call bridge that wishes to participate in the USF group just needs to stay exactly where they are. They don't need to get up again.

MR. MARSHALL: That is correct. If you want to go into another group however, then you're going to have to redial and use one of the access code numbers that I provided in the email that I sent to you on Friday.

CHAIR BARTHOLME: Or you can have a phone on each ear.

MR. MARSHALL: Right, right. Any questions at this point? And Catherine and I will probably direct traffic as we go to our breakout rooms, and they're all pretty, very close to the Commission meeting room than we are now. I think we're all set.

CHAIR BARTHOLME: Nope. See everybody back at 2:30.

MR. MARSHALL: All right, take care. Thanks.

(Whereupon, the above‑entitled matter went off the record at 1:49 p.m. and resumed at 2:32 p.m.)

Report Back from Working Groups

CHAIR BARTHOLME: Welcome back to the meeting room everyone. Thanks for staying with us through the afternoon. Next up on the agenda we have report backs from the working groups, so hopefully you all took a vote and decided who was going to be speaking and presenting for your report back. I'm going to turn it over first to the USF group, Amina and Olivia.

MEMBER FAZLULLAH: Great. This is Amina Fazlullah. I'm with NDIA. Our report from the USF group mainly on two items. We're going to look into the 477 issue around broadband speeds, and we're going to start to discuss potential recommendations around Lifeline.

CHAIR BARTHOLME: Okay, great. Thank you. Steve, do you want to talk about the REPAC group?

MEMBER POCIASK: Hi. Steve. Yeah, so we just had a very brief discussion about what some potential issues that we might discuss, from channel reception to working on outreach, consumer education and maybe emergency alert. Just different issues such as that.

So where we're going to go from there is set up a call, maybe two calls and have a couple of speakers, one maybe from the FCC and another from another group, just to begin getting some background on this issue in terms of those things, you know, sort of consumer education and so on, so we can kind of understand where we are.

From there, we'll try to bubble up some ideas and see what help we can give the FCC. That's where we left it.

CHAIR BARTHOLME: Okay, great. Thank you. Lynn, can I put you on the spot to talk about slamming and cramming.

MEMBER FOLLANSBEE: Sure. So this is our first meeting -- oh yes. It was our first meeting of the Slamming and Cramming Working Group, and we discussed some of the things that were raised in the notice. We had just a couple of people in attendance and one on the phone. So we are going to schedule a call for the near future to talk about what we could possibly recommend to the Commission while they're debating this proceeding.

CHAIR BARTHOLME: All right, thank you. On the Robocalls Working Group, we talked a little bit about the caller ID unmasking issue that's been teed up for the Commission, and it was sort of general consensus that we should probably reach out to some others in this space, to get a little bit better understanding of the full landscape of issues in that arena before deciding if it's even something that is appropriate for the CAC and for that working group to weigh in on.

We've also started a brief discussion on caller ID and the trust anchor, and SHAKEN and STIR. There's a little bit of concern that that's much more of a technical conversation than a consumer conversation. But we plan to explore that a little bit and see if there are consumer angles to work into that, and if there's consumer advice that really fits into that space at this stage.

And then the third thing that we've teed up for our next working group call is the idea around reassigned number databases. What does that look like, what are the angles and the issues there and how do we as a working group work together to come up with some thoughtful feedback for the Commission on that if it's appropriate. So we'll be scheduling a call soon as well, to continue that process.

Thanks again for everyone's support in passing the recommendation that went through today. Very much appreciated.

Public Comment

CHAIR BARTHOLME: We did have a couple of comments from the public today, so all of those people on Twitter who were reaching out to us, we want you to know that we're not ignoring you. We just hadn't gotten to the point yet where we tee up what you shared.

So there were a number of different entities and organizations that sent us the question will the U.S. follow other nations in using TV white spaces for broadband? So we heard the question. That will be shared with people here in the building, to give thought and feedback to them, and to the extent that it fits into any of our working groups, we'll have discussions around it.

We also did get a question about battery backups, and if they are practical in the real world with no visual indications that the battery's okay, and do you not have automatic switchover in case of power failure. I think a lot of those topics have moved to the BDAC, but to the extent that they fit into any of our working groups, again that's something we'll take into consideration and we'll share it with people in the building who are looking into that.

There was a final comment about rates charged for overseas calls, and how that fits into the FCC's Title II authority. So as we continue to look through issues, we'll continue to work on that and share that with other people who should be made aware of it. So thank you to everyone who submitted comments, and we appreciate the engagement and participation.

Anyone else in the room with comments from the public?

(No response.)

Wrap Up and Next Meeting

CHAIR BARTHOLME: So Scott wanted me to sort of throw out a little bit of a quick conversation around days of the week that we have our meetings. So the easiest days to get scheduled time in this room are typically Mondays or Fridays.

The CAC has tended to land on Fridays more often than Mondays. But since today is Monday still I think, we wanted to see if anybody had a strong preferences for Fridays or Mondays moving forward.

Our next, just to put it in context, our next meeting would likely be in January.

MEMBER BERLYN: When in January? End of month do you think?

CHAIR BARTHOLME: The first Monday in January -- no.

(Laughter.)

CHAIR BARTHOLME: Probably mid to late January.

MEMBER LEECH: Mid to late January you're going to run into Martin Luther King holiday and so forth. So I would encourage us to try to beat that.

CHAIR BARTHOLME: Okay.

MEMBER LEECH: Or skip that.

MR. MARSHALL: Like January 26th is a Friday.

CHAIR BARTHOLME: Yeah. That's one of the dates that we were considering is Friday the 26th. But I think the question out there still is there a strong preference towards Fridays or Mondays, and then we can find a date that works if there is.

MEMBER LEECH: That hits at a difficult time personally, because of my University schedule. But I'm just one.

CHAIR BARTHOLME: But that's difficult whether it's a Friday or a Monday, right?

MEMBER LEECH: That late in the month.

CHAIR BARTHOLME: Yeah, okay. Okay. So it sounds like tentatively hold the date for January 26th, and then we will see if we can identify another date that might make sense or let you know if that needs to change for any reason. Anything else?

MR. MARSHALL: Nope, I don't have anything else for the good of the order.

CHAIR BARTHOLME: Anything else for the good of the order?

(No response.)

CHAIR BARTHOLME: All right. Can I get a motion to adjourn?

MEMBER LEECH: So moved.

CHAIR BARTHOLME: Second?

MEMBER KEARNEY: Second.

CHAIR BARTHOLME: All in favor?

(Chorus of aye.)

CHAIR BARTHOLME: Any abstentions or opposition?

Enjoy the rest of your week. Thanks everybody for coming out.

(Whereupon, the above‑entitled matter went off the record at 2:41 p.m.)