

CONSUMER ADVISORY COMMITTEE MEETING

Federal Communications Commission

Commission Meeting Room, TW-C305, 445 12 Street, Southwest, Washington, DC

Monday, June 3, 2019

Welcome and Call to Order

Chair Pociask called the meeting to order at 9:09 a.m. He introduced himself and thanked those assembled for their attendance. This would be the first meeting of the Consumer Advisory Committee (CAC) under its tenth charter.

Introductions and Meeting Logistics

Chair Pociask introduced the CAC's Vice Chair, Debra Berlyn, and the Designated Federal Official (DFO), Scott Marshall. CAC Members introduced themselves. Chair Pociask reviewed the meeting agenda.

Remarks of Chairman Ajit Pai

Chairman Pai thanked the CAC Chair and Vice Chair. He thanked the CAC Members for their time, participation and labor. The most popular source of consumer complaints to the FCC is robocalls. He noted the Commission would be voting in the days following this meeting on a proposal to block calls by default. He described this proposal as a major step in the right direction. He noted the other important issues the CAC would take up during this meeting. The Commission looks forward to working with the CAC in crafting solutions to the problem of robocalls and others facing American consumers.

Member Leech encouraged the Commission to promote broadband in rural communities. Chairman Pai noted the reforms the Commission has brought to the Universal Service Fund, and the efforts of electric cooperatives around the country that are promoting broadband. He invited solutions from the CAC on how to address the problem of broadband access.

Remarks of Commissioner Brendan Carr

Commissioner Carr thanked the Members of the CAC for their service. He emphasized the importance of the CAC's efforts in feeding into the work of the FCC. He identified his top-priority consumer-side issues, among them:

- robocalls,
- standing up STIR/SHAKEN,
- 5G and making sure that all the country's communities have a fair shot at next-generation connectivity,
- closing the digital divide, and
- jobs.

Nevertheless, the progress the country has made in rolling out broadband access in remote communities should be celebrated.

Member Leech suggested the FCC work with sister federal agencies to implement broadband access as part of other infrastructure projects.

Consumer and Governmental Affairs Bureau (CGB) Update

Patrick Webre, Chief, CGB, introduced himself. He welcomed the members of the CAC. He noted that the member organizations AARP, Call For Action and NAB have served on the CAC since its inception in November 2000. Ed Bartholme, former CAC Chair, has taken on a role within CGB leadership and would address the CAC later in this meeting. Diane Burstein would also address the CAC at this meeting. CGB's presentations would primarily focus on robocalls. FCC staff expect CAC's continued good recommendations to deal with "the scourge of robocalls." Staff representatives of the Wireline Competition Bureau would address the CAC on STIR/SHAKEN. CAC is uniquely positioned to help FCC formulate messages to consumers in the area of caller ID authentication.

Mark Stone, Deputy Chief, CGB, who oversees the Consumer Policy Division and Rulemakings, provided his welcome to the CAC. He said his division has been focused on robocalls. He noted FCC work on reassigned phone numbers, including implementation of a Reassigned Numbers Database. The Commission continues to do work on slamming, especially with respect to enforcement.

Diane Burstein, Deputy Chief, CGB, who heads the Disability Rights Office (DRO), noted she entered this role two weeks prior to this meeting. DRO focuses on three major areas of accessibility: modern communications, video programming and emergency communications. DRO partners with other bureaus within FCC as appropriate and advantageous. She identified programs under each of the focus areas. She noted the existence of DRO's informal complaint resolution process, and that work is ongoing to make online complaint forms more mobile-friendly. The Chairman's AAA Award would be conferred on June 18, 2019. The CAC is an important stakeholder engagement opportunity.

Barbara Esbin, Deputy Chief, CGB, who oversees the Governmental Affairs portion of CGB's work, said this mostly consists of overseeing the work of two divisions: 1) the Office of Native Affairs and Policy and 2) the Office of Intergovernmental Affairs. Each of these offices has an advisory committee under its auspices. These committees are exempt from the requirements of the Federal Advisory Committee Act (FACA). Both offices perform outreach communications functions on behalf of the Commission.

Ed Bartholme, Associate Chief, CGB, who oversees the Consumer Affairs and Outreach Division and the Web and Print Publishing Division, added his thanks to the CAC. He identified new efforts undertaken in these areas since the CAC last met, including meetings held in the Pacific Northwest, Appalachia, the Southeast and Midwest. The offices are also working to educate consumers on spoofing and one-ring scams. Noting that the CAC has previously recommended that FCC communications be available in languages other than English, Mr. Bartholme said these are now translated into the five most commonly spoken languages in the US: Spanish, Korean, Vietnamese, traditional Chinese and Tagalog. He reiterated that the Chairman's AAA Award would be conferred on June 18, 2019. He encouraged CAC members to get in/stay in touch.

Chair Pociask invited questions and comments from members of the CAC; there were none. He gave kudos to Mr. Bartholme, chiefly for his leadership during his tenure as CAC Chair. Mr. Marshall presented Mr. Bartholme a commemorative gavel.

Operations of a Federal Advisory Committee

Chair Pociask introduced **Paula Silberthau**, Attorney Advisor, Office of General Counsel (OGC). CAC is governed by the Federal Advisory Committee Act (FACA) and by GSA rules. The guiding principles are openness in government, diverse membership and accountability. She described the rules pertaining to announcement and conduct of public meetings. Meetings or portions thereof may be closed to public observation as appropriate. The DFO should be included in all communications of CAC members on CAC business. Ms. Silberthau identified the duties of the DFO. Working groups are prohibited from comprising a quorum of the Advisory Committee. She outlined ex parte rules for Advisory Committee members.

Update on Office of Economics and Analytics (OEA)

Chair Pociask noted the recent formation of the Office of Economics and Analytics (OEA). He introduced **Giulia McHenry**, Acting Chief of that office. Her presentation would describe the office, its “brief history” and objectives. Creating a separate office for economic analysis gives room for more latitude in terms of study in that area, independent of policy decisions. Economics should be informing policy decisions. Putting all the agency’s economists in one shop should improve the quality of economic analysis across the enterprise. OEA is required to analyze every Commission-level item. OEA was officially stood up in December 2018, and had just over 100 employees as of this meeting. The Office has four divisions: Economic Analysis, Auctions, Industry Analysis and Data. Ms. McHenry noted the upcoming third auction of millimeter-wave spectrum on December 10, 2019.

In response to Chair Pociask’s question, Ms. McHenry said OEA does consider consumer welfare and/or benefit as part of its analysis of items above a certain dollar threshold. Member Koch expressed interest in making use of OEA’s data resources, rules permitting. Member Gerst asked what type of CAC information would be most useful to OEA. Ms. McHenry said what would be most helpful is information that would help understand consumer impact on an item-by-item basis.

Educating Consumers Regarding the Meaning of Call Authentication

Lisa Hone, Deputy Chief, Wireline Competition Bureau (WCB), provided the presentation. She expressed appreciation for the service of the CAC members. The consumer-advocate voice is incredibly important to WCB. A call authentication summit will take place in July of this year. She described what call authentication is and consists of. The FCC Chairman has demanded the major carriers implement call authentication by the end of 2019. CAC could get involved by providing input on what call authentication would look like from the consumers’ perspective. There followed a brief discussion of call authentication implementation. Chair Pociask noted the CAC may have a role to play in helping consumers understand the uses and limitations of call authentication.

Robocall Blocking Item

Karen Schroeder, Attorney Advisor, Policy Division, CGB, noted her comments were her own and not binding on the FCC, though she was representing the FCC. Her presentation described the item to be voted on by the Commission at its then-forthcoming meeting. Stopping robocalls is the Commission's top consumer-protection priority. She described the FCC's previous efforts to curtail robocalls, including:

- enforcement actions
- educational outreach initiatives
- conduct of webinars, tele-townhalls and panel discussions
- collaboration with industry
- authorization of a reassigned-numbers database
- authorization of voice providers to block certain calls on their networks

Ms. Schroeder noted that the courts have been active in trying to limit robocalls. She described the item on which the Commission would be voting in the days following this meeting, including the item's declaratory ruling, carriers' blocking options, reasonable analytics designed to identify unwanted calls. The item reaffirms the Commission's commitment to safeguarding calls from emergency numbers and calls to rural areas. The declaratory ruling also contains provisions for whitelist blocking.

The second part of the item to be voted on is a third Notice of Proposed Rulemaking. The proposed rule would include a safe harbor provision for providers to block calls, as well as provisions to ensure emergency calls are not blocked. The item seeks comment on protection of critical calls. The item seeks comment on protections and remedies for legitimate calls that were improperly blocked. Ms. Schroeder apologized that she was unable to take questions on this presentation.

Consumer Education on TV Broadcaster Relocation

Jean Kiddoo, Chair, Incentive Auction Task Force, FCC, provided the presentation. The incentive auction was held to repurpose TV broadcast spectrum for wireless uses. 84 megahertz were made available; this necessitated reorganizing TV broadcasters into a more compact, efficient spectrum. A 10-phase process has been initiated to help broadcasters migrate to their new broadcast frequency. The process was in its third phase at the time of this meeting, and 261 TV stations had moved to their reassigned channels. The changes impact only over-the-air viewers of television. She described the rescanning process that consumers would have to perform.

Ms. Kiddoo described the effects of the RAY BAUM'S Act on FCC's relocation efforts. FCC is working to help consumers during this time of transition. She commended the website fcc.gov/rescan to the attention of the CAC and described its features. A dedicated consumer call center has been stood up. A consumer education campaign is ongoing. Seventy-four million impressions have been made as part of the online education campaign. **Charles Eberle**, Senior Legal Advisor, Incentive Auction Task Force, FCC, provided a walk-through of the materials FCC's external consultant (Porter Novelli) has produced, as well as public reaction to them. The goal is to be strategic in terms of hitting focused segments of the population. Ms. Kiddoo said, by this time next year, staff anticipate being "in the home stretch." A video intended for

consumers to help them understand how to navigate the broadcaster relocation effort was played. Nine hundred and eighty-seven, about half the TV stations in the country, will have to relocate.

Developing Recommendations; Committee Member Discussion; Next Meeting

Chair Pociask said the CAC would start off by forming two working groups (call authentication and robocall blocking) and develop the membership of each. These working groups will develop recommendations for consideration by the full Committee. Chair Pociask said he would, following this meeting, transmit an email to the CAC membership inviting them to indicate their preference of the working group on which to serve. Mr. Marshall indicated that FCC would like CAC feedback on robocall blocking by the time of the CAC's September 2019 meeting.

Vice Chair Berlyn asked how the CAC would respond to issues that fall outside of the two working groups. Mr. Marshall replied, consistent with past practice, FCC staff have always entertained suggestions on pressing issues. The DFO has ultimate authority on the agenda of advisory committees under their purview. Chair Pociask and Mr. Marshall recognized **Catherine Langston** for her efforts in organizing this meeting.

Member Gerst indicated CTIA's interest in serving on both working groups. There followed a brief discussion of this contingency, as well as FACA quorum requirements and voting practices. Member Long asked whether members of one working group would be allowed to transfer to serve on another working group. Mr. Marshall replied in the affirmative. He said the working groups will conduct their work via teleconference. Emails of one working group may be shared with members of the other working group.

Comments from the Public

There were no comments from members of the public.

Adjournment

There being no other business, Chair Pociask adjourned the meeting at 12:42 p.m.