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1 FEDERAL COMMUNICATIONS COMMISSION (FCC)

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3 CONSUMER ADVISORY COMMITTEE MEETING (CAC)

4 + + + + +

5 Friday, June 10, 2005

6 + + + + +

7 445 12th Street, S.W.

8 Room TW-C305

9 Washington, D.C.

10 + + + + +

11 The Meeting convened at 9:00 a.m., pursuant to  
12 notice, Shirley L. Rooker, Chair, presiding.

13 COMMITTEE MEMBERS PRESENT:

14 SHIRLEY L. ROOKER, CHAIR, Call for Action

15 CHARLES BENTON Benton Foundation

16 DEBRA BERLYN AARP

17 CAROLYN BRANDON Cellular Telecommunications &  
18 Internet Association (CTIA)

19 JOHN BREYAUULT Telecommunications Research  
20 & Action Center

21 DAVID BRUGGER Brugger Consulting

22 DEBORAH V. BUCK Association of Assistive  
23 Technology Act Programs (ATAP)

24 BRENT BURPEE Sprint Corporation

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1 COMMITTEE MEMBERS PRESENT: (Cont')

2 WAYNE CASWELL Individual with expertise in  
3 telecommunications and  
4 broadband deployment

5 TAMARA CLOSS Association for Communications  
6 Technology Professionals in  
7 Higher Education

8 JOHN E. COLE State of Hawaii, Division of  
9 Consumer Advocacy, Department  
10 of Commerce and Consumer  
11 Affairs

12 GENE CRICK TeleCommunity Resource Center

13 DARRYL CROUSE Registry of Interpreters for  
14 the Deaf, Inc.

15 ELIZABETH A. DAVIS EAD & Associates, LLC

16 MICHAEL F. DELCASINO AT&T

17 GEORGE (MIKE) DUKE International Association of  
18 Audio Information Services

19 LAURA EFURD Community Technology Foundation  
20 of California

21 RICHARD T. ELLIS Verizon Communications, Inc.

22 LAURA FORLANO NYCwireless

23 GREGORY A. FROHRIEP Communication Works of the  
24 Deaf, Inc.

25 JACK GATES National Captioning Institute

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1 COMMITTEE MEMBERS PRESENT: (Cont')

2 LARRY GOLDBERG Media Access Group, WGBH  
3 JOSEPH GORDON League for the Hard of Hearing  
4 KATHLEEN HAM T-Mobile USA, Inc.  
5 BRENDA KELLY-FREY National Association for State  
6 Relay Administration  
7 STEVE JACOBS IDEAL Group, Inc.  
8 VERNON R. JAMES San Carlos Apache  
9 Telecommunications Utility,  
10 Inc.  
11 BOB JOHNSON Consumers First, Inc.  
12 RON JONES National Association of  
13 Regulatory Utility  
14 Commissioners  
15 JULIE M. KEARNEY Consumer Electronics  
16 Association  
17 BRENDA KELLY-FREY National Association for State  
18 Relay Administration  
19 REBECCA LADEW Individual representing the  
20 interests of users of speech-  
21 to-speech technology  
22 DANA MARLOWE TCS Associates  
23 ANN MARIE MICKELSON Communications Service for  
24 the Deaf, Inc.  
25

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1 COMMITTEE MEMBERS PRESENT: (Cont')

2 DR. HELENA MITCHELL Georgia Centers for Advanced  
3 Telecommunications Technology

4 JOHN MORRIS Center for Democracy &  
5 Technology

6 DENIS MOYNIHAN Democracy Now!

7 KENT Y. NAKAMURA Nextel Communications, Inc.

8 DANIEL PHYTHON Alliance for Public Technology

9 LORETTA POLK National Cable &  
10 Telecommunications Association

11 MARK PRANGER Individual with expertise in  
12 telecommunications law and  
13 policy

14 JOY RAGSDALE National Association of State  
15 Utility Consumer Advocates

16 JOHN A. RUSCILLI BellSouth Telecommunications

17 JANICE SCHACTER Alexander Graham Bell  
18 Association for the Deaf and  
19 Hard of Hearing

20 VALERIE SCHULTE National Association of  
21 Broadcasters

22 COUNCILMAN JOHN STENSGAR  
23 Affiliated Tribes of the  
24 Northwest Indians Economic  
25 Development Corp.

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1 COMMITTEE MEMBERS PRESENT: (Cont')

2 CLAUDE STOUT Deaf and Hard of Hearing

3 Consumer Advocacy Network

4 THOMAS J. SUGRUE T-Mobile USA, Inc.

5 JIM TOBIAS Inclusive Technologies

6 JUDY VIERA Mission Consulting

7 LINDA OLIVER WEST Individual representing the

8 interests of Native Americans

9 and consumers of

10 telecommunications services

11 residing in rural areas

12 TOM WLODKOWSKI America Online

13 LOUIS A. ZANONI Community Broadcasters

14 Association

15 DIXIE ZIEGLER Hamilton Telephone Company, dba

16 Hamilton Relay, Inc.

17

18 ALSO PRESENT:

19 KEVIN J. MARTIN FCC Chairman

20 JONATHAN S. ADELSTEIN FCC Commissioner

21 MONICA DESAI Chief, Consumer & Governmental

22 Affairs Bureau

23 JAY KEITHLEY Deputy Chief, Policy, Consumer

24 & Governmental Affairs Bureau

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1       PRESENT: (Cont')

2       SCOTT MARSHALL           CAC Designated Federal Officer,  
3                                   Consumer & Governmental Affairs  
4                                   Bureau

5       JESSICA ROSENWERSEL      Office of Commissioner Copps

6       PAULA SILBERTHAU         Attorney Advisor, Office of  
7                                   General Counsel, FCC

8       DONALD STOCKDALE         Senior Legal Advisor, Office of  
9                                   Strategic Planning, FCC

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Adjournment

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M-O-R-N-I-N-G S-E-S-S-I-O-N

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9:07 a.m.

3

CHAIR ROOKER: Good morning, everyone.

4

Good morning. I do invite you to find your place at

5

the table. I'm Shirley Rooker. I'm the President of

6

Call For Action and it's going to be my job to try to

7

keep all you in order. I have a big long stick. So

8

if you misbehave, I get it out. I also have a hook.

9

So you have to watch me.

10

I apologize to you. We normally have a

11

continental breakfast for you, but our caterer somehow

12

or other, I don't know where they are. They just

13

arrived. Then I'll tell you what. Let's take a five

14

more minutes and get some -- They're just setting up.

15 I'll tell you what we can do. We can start getting  
16 ourselves organized and introducing ourselves to the  
17 group.

18 As you know, we've grown from 35 to 55  
19 members so we have some logistical challenges. You're  
20 a little bit farther away than I like because I can't  
21 even read your name signs. So you're going to have to  
22 forgive me. Even squinting doesn't do it.

23 MR. MARSHALL: Now you know what I'm  
24 dealing with.

25 CHAIR ROOKER: Scott says now I know what

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1 he's dealing with. At any rate --

2 MR. MARSHALL: It wasn't by design.

3 CHAIR ROOKER: It wasn't by design.

4 Exactly. But at any rate, I'm sure that we will  
5 thrive with our expanded number because we have such  
6 wonderful representation here today. As you know,  
7 this is the third charter of the Consumer Advisory  
8 Committee. We were initially called the Consumer and  
9 Disabilities Advisory Committee, but we think that  
10 Consumer covers everyone because we are all consumers  
11 of services of some kind or the other.

12 We have a wonderful makeup of people. I  
13 think we have 25 people coming from our previous CAC.  
14 We have five people who are coming from our original

15 CAC and we welcome you back. We have 70 applications.  
16 So you should feel good that you're here and were  
17 selected representing interestingly enough, Scott gave  
18 me all these statistics, 23 states and the District of  
19 Columbia. We have 14 members for what we're calling  
20 the Consumer Committee, a consumer field, 19 from the  
21 disability community, three regulators, two tribal  
22 members, 14 industry members, three individuals with  
23 expertise and I don't know where Scott put me in  
24 there. I hope he included me.

25 MR. MARSHALL: You're on the Consumer

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1 list.

2 CHAIR ROOKER: I'm on the Consumer list.  
3 All right. I believe that we can -- If we would just  
4 please go over, get some coffee and a roll, if that's  
5 your choice, then we can continue. Will that be all  
6 right? Okay. We're a little bit looser today.  
7 Usually, I'm much meaner than this. I make you sit  
8 here till the breaks. Joy is saying, "Yes, she  
9 would." So anyway, let us have some food. Off the  
10 record.

11 (Whereupon, the foregoing matter went off  
12 the record at 9:11 a.m. and went back on the record at  
13 9:22 a.m.)

14 CHAIR ROOKER: Good morning, everyone. If

15 you would please take your seats. We are running a  
16 little behind. I do apologize. Scott and I, we're  
17 usually here at 9:00 a.m. We're rolling, but this  
18 morning, it's lingering. It's too hot anyway to  
19 hurry. So I hope that everyone has gotten some coffee  
20 and a roll or whatever your choice is.

21 We're going to change the agenda order  
22 slightly because we're getting a late start. We're  
23 going to start out with meeting Monica Desai who I've  
24 had the pleasure of meeting with her. She's the new  
25 Chief of the Consumer and Governmental Affairs Bureau.

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1 She's very enthusiastic about this committee and I'm  
2 really looking forward to working with her over the  
3 next two years. So anyway, without further adieu, I'd  
4 like for you to join me in welcoming Monica Desai.

5 MS. DESAI: Hello. I'd like to take this  
6 opportunity to welcome the new and returning members  
7 of the Consumer Advisory Committee to the FCC and to  
8 thank you so much for your willingness to serve on the  
9 CAC. You all play very important role here in the  
10 Commission and we value the advice that you give us.

11 As you can imagine, it's been pretty busy  
12 around here since Chairman Martin assumed his new post  
13 and with many new staff appointments including my own,  
14 I'm very excited to be able to lead the Consumer and

15 Governmental Affairs Bureau. I look forward to  
16 working with all of you to build upon the good work  
17 done by the previous CAC.

18 As you know, the first meeting of the CAC  
19 in its term was to have taken place in April. The  
20 meeting was rescheduled for today in order to allow  
21 Chairman Martin to become more familiar with the  
22 Committee, its membership and its operations. As you  
23 know by now and as Shirley mentioned, Chairman Martin  
24 has decided to expand the size of the CAC to 55  
25 members. I think this will allow the Commission to

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1 benefit from a larger pool of expertise and  
2 perspective and as a result, the role of the working  
3 groups is going to be particularly important given the  
4 size.

5 But Shirley Rooker and Scott Marshall will  
6 be discussing with you later on today's agenda how the  
7 working groups will function and how we here at the  
8 Commission can facilitate their work. I know Scott  
9 and Shirley and Jeff Tigner has worked very hard to  
10 figure out a way to make the larger size of the group  
11 work. So I thank them particularly for that effort as  
12 well.

13 Next, I'd like to give you a report on  
14 some of the recommendations which you made at the

15 November 2004 CAC meeting. A brief summary of your  
16 recommendations from the 2002-2004 session is  
17 contained in your meeting packet. The complaint  
18 process, homeland security and DTV outreach are of  
19 course matters of ongoing interests and efforts here  
20 at the Commission. So what I share with you today  
21 about these topics is certainly not the last word on  
22 these important issues. I also don't want you to feel  
23 that your November recommendations are your last words  
24 on these topics either. There will definitely be a  
25 continuing dialogue between us.

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1 Last November, you made several  
2 recommendations concerning the complaint process and  
3 data dissemination. Since becoming Acting Chief of  
4 the Consumer and Governmental Affairs Bureau, I'm  
5 learning more about the complaint process and have met  
6 with our colleagues in the Enforcement Bureau to  
7 discuss our respective roles with the goal of making  
8 the process as consumer-friendly as possible and I  
9 know that this is also a high priority for the  
10 Chairman and for the Commissioners.

11 For example, we're developing a new form  
12 specifically geared toward indecency, obscenity and  
13 profanity-related complaints. That hopefully will be  
14 in the Federal Register sometime soon. We are

15 developing some changes on the web and other changes  
16 internally to make information more understandable and  
17 more accessible.

18 We're also examining our data collection  
19 and dissemination process overall to see technical  
20 changes that can be made, database changes that can be  
21 made, etc. So your ideas are being considered in  
22 these efforts. Hopefully, I'll have more to report on  
23 this issue by the time of the November meeting.

24 Regarding your DTV recommendations, I'd  
25 first like to mention that the SEC recently received

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1 the Achievement in Consumer Education Award presented  
2 by the National Association of Consumer Agency  
3 Administrators. Of course, this is only the beginning  
4 and we'd like to involve the CAC in our outreach  
5 efforts as much as practicable.

6 Our objective is to reduce confusion about  
7 the digital transition and as we review and update our  
8 outreach materials which we're in the process of doing  
9 now, we will include information about any new  
10 terminology, standards, compatibility issues and other  
11 aspects of DTV that are not currently included in our  
12 publications. So we look forward to your input in  
13 that regard as well.

14 The FCC provides accessible versions of

15 our publications on request. We are also reviewing  
16 the regulatory section of the DTV website and will add  
17 any documents which may be missing especially with  
18 respect to disability access.

19 The CAC made several recommendations  
20 regarding captioning and video description in the DTV  
21 environment. As you know, the U.S. Court of Appeals  
22 for the D.C. Circuit ruled that the Commission's video  
23 description rules were beyond the scope of the  
24 Commission's authority. But as you probably also  
25 know, bills have recently been introduced in Congress

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1 addressing video description.

2 We've also issued several public notices  
3 reminding industry of their obligations with respect  
4 to the accessibility of emergency information. On  
5 February 23rd of this year, the Commission released  
6 notices of apparent liability for forfeiture to three  
7 separate entities for failing to provide visual  
8 presentations of emergency information during the  
9 California wildfires of 2003. In May, notices of  
10 apparent liability for forfeiture were also issued  
11 against three Washington D.C. area entities for  
12 failing to provide visual presentations of emergency  
13 information during the May 2004 thunderstorm/tornado  
14 watch.

15                   Then finally, several organizations  
16 including many CAC members have petitioned the  
17 Commission regarding captioning quality, complaint  
18 procedures and contacts, benchmark audit reports and  
19 other issues. These petitions are currently under  
20 review.

21                   With respect to homeland security, the FCC  
22 was a founding member of the Interagency Coordinating  
23 Council on Emergency Preparedness and People with  
24 Disabilities created by President Bush by Executive  
25 Order in July 2004. The FCC chairs the Emergency

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1    Communications Subcommittee and has worked extensively  
2    with other agencies such as FEMA to heighten awareness  
3    of the special communication needs of people with  
4    disability. The CAC recommended that we coordinate  
5    our homeland security efforts with other agencies and  
6    I think we've done a good job in meeting that goal,  
7    although clearly there's always more we can and should  
8    be doing in the homeland security area and we're  
9    continually working on these issues.

10                   In closing, I'd like to remind you about  
11 your new Consumer Information Registry which we  
12 launched a couple of weeks ago. A link to sign up for  
13 this free service was contained in your advanced  
14 meeting's material packet. The Registry provides you

15 with information on communications topics targeted to  
16 your specific interests and delivers this timely  
17 information directly to your email in-boxes. So far  
18 the response to this new service has been overwhelming  
19 and I encourage you if you're interested to sign up or  
20 encourage people who you know to sign up as well.

21 I see that we have Jessica Rosenwiesel who  
22 is here from Commissioner Copps' office. I know that  
23 he wanted to be here directly but he is unfortunately  
24 on travel. So she'll be speaking in his place. So  
25 what I'm going to do at this time is I was going to

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1 stop to take questions.

2 But instead I'll stop to let her speak and  
3 then I'll step back up to take questions and then I  
4 know Commissioner Adelstein was planning to come down  
5 as well as the Chairman. So it will be a little bit  
6 of back and forth. I hope that's okay.

7 Just by way of introduction, Commissioner  
8 Copps was sworn in as a member of the Commission on  
9 May 31, 2001 for a term that runs until June 30, 2005.  
10 Mr. Copps, a Democrat, was nominated by President Bush  
11 in May 2001 and confirmed by the Senate that same  
12 month. Mr. Copps served until January 2001 as  
13 Assistant Secretary of Commerce for Trade Development  
14 at the U.S. Department of Commerce and from 1993 to

15 1998, he served as Deputy Assistant Secretary for  
16 Basic Industries, a component of the Trade Development  
17 unit.

18 He moved to Washington in 1970, joined the  
19 staff of Senator Hollings and served for over a dozen  
20 years as Administrative Assistant and Chief of Staff.  
21 He is a native of Milwaukee, Wisconsin, received a  
22 B.A. from Wofford College and earned a Ph.D. in  
23 History from the University of North Carolina Chapel  
24 Hill. He taught U.S. History at Loyola University of  
25 the South from 1967 to 1970. Jessica, would you like

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1 to come up?

2 MS. ROSENWERSEL: Thanks, Monica. As  
3 Monica said, my name is Jessica Rosenwersel. I am  
4 Legal Advisor to Commissioner Copps and he's very  
5 sorry he can't be here today to address you at your  
6 inaugural meeting. However the rescheduling was a bit  
7 of a problem. He had a long-standing commitment. So  
8 he asked me to read you this letter which would convey  
9 both this welcome and some of his thoughts for what  
10 lies ahead.

11 "Welcome to the members of the new  
12 Consumer Advisory Committee. I have a long-standing  
13 out-of-town commitment today and I'm thus unable to  
14 attend your rescheduled meeting. But I want to salute

15 you for your willingness to be a part of this  
16 committee and offer you a few thoughts for the road  
17 ahead.

18 First of all, I want to thank the members  
19 of this committee who served on the previous one for  
20 all the work you did. Now your ranks have grown. So  
21 I would like to offer a special welcome to the new  
22 members. I'm grateful you're on the job and I look  
23 forward to your participation and I'm pleased at the  
24 broader representation we now have on board.

25 The Telecommunications Act of 1996 is all  
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1 about consumers. Congress made this clear right at  
2 the start when they declared that the goal of the Act  
3 is to secure lower prices and higher quality services  
4 for American consumers. The decisions we make every  
5 day at the FCC affect consumers in so many ways. Your  
6 input is vital.

7 Your job and mine is to put the public  
8 interest front and center. We need to work together  
9 to serve the American public and to bring the wonders  
10 of the telecommunication's revolution to all of our  
11 citizens. When I say this, let me emphasize the word  
12 "all." All of our citizens deserve access to the  
13 best, most advanced, most accessible and most cost-  
14 effective telecommunications system in the world

15 whether they live in rural areas or on tribal lands,  
16 whether they live in our inner cities, whether they  
17 have limited incomes or disabilities, whether they are  
18 school children or rural healthcare providers.

19           Some of you have heard me say this before,  
20 but I don't think it exaggerates much to characterize  
21 access to communications in this modern age as a  
22 tantamount to a civil right.

23           When I served as Assistant Secretary of  
24 Commerce before coming over here, I was responsible  
25 for administering all of our industry advisory

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1 committees, close to two dozen including the  
2 President's Export Council and I was always so  
3 impressed by the commitment of the people who serve,  
4 the value of their advice, of course, but also the  
5 sacrifices they were willing to make to give us their  
6 best thinking. I've had the same experience with our  
7 advisory committees here.

8           So I want to share with you this morning  
9 one or two of the ingredients that I think make for  
10 advisory committee success. A successful advisory  
11 committee develops its own list of priorities.  
12 Certainly you work with the able staff you'll be  
13 drawing on here, but I think it works best when you're  
14 focusing on what you really think is important.

15                   Then a successful committee formulates a  
16 plan of action and deliverables. It takes some early  
17 votes not just to keep itself viable, but also to  
18 reinforce a perception of purpose and direction. It  
19 thinks creatively and acts aggressively to urge and  
20 indeed sometimes push the Commission to move ahead.

21                   The committees that achieve success demand  
22 attention. They work toward early actions and  
23 sometimes they are even a little bit of a thorn in our  
24 sides. They think broadly and with focus,  
25 understanding that the broad policy background is fair

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1    hunting ground just as taking smaller steps is too.  
2    In many of the issues that you grapple with, we're  
3    going to need advice and counsel on the 40,000 foot  
4    level as well as right here on the ground.

5                   Know that in addition to our Bureau staff,  
6    I and my office stand ready to assist you as you go  
7    about your work and there's a lot of work to do,  
8    pushing for broadband deployment, promoting user-  
9    friendly billing, raising the penetration rate for  
10   basic phone service on our tribal lands, educating  
11   consumers about the 911 limitations and promise of  
12   VOIP technologies, enhancing outreach to the  
13   disability community and figuring out how to educate  
14   the consumer about the coming DTV transition. And

15 that's just for starters.

16                   So I could go on but you have a busy day  
17 ahead. I want to wrap up by thanking you again for  
18 being a part of this, by urging you again to be  
19 aggressive about it and by expressing again that my  
20 belief is that this committee is not a luxury. It's  
21 a necessity. You can make a real difference. Please  
22 remember that my door is always open. the phone lines  
23 and emails usually work and I look forward to working  
24 with each of you. Thank you."

25                   MS. DESAI: Thanks, Jessica. Would you

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1 like to ask me any questions? Then, Shirley, would  
2 you like to start and then when Commissioner Adelstein  
3 comes.

4                   CHAIR ROOKER: Absolutely. Thank you so  
5 much, Monica. It's delightful to meet you and I can  
6 personally say I'm really looking forward to working  
7 with you.

8                   MS. DESAI: Likewise. Thank you.

9                   CHAIR ROOKER: All right. We do have some  
10 logistical things that we need to take care of. First  
11 off, I would ask you as we go through the day if you  
12 want to speak and I didn't do it, that we need for you  
13 to raise your hand so that people in the control booth  
14 can figure where you are and which microphone they

15 need to turn on.

16                   So having said that, then the other thing  
17 we ask for you to do is so that our court reporter  
18 will be able to keep track of who's making comments  
19 and asking questions is to please before you make a  
20 statement is to say your name. That would help  
21 everybody to make the meeting run a little more  
22 efficiently.

23                   Now we do have some logistical things to  
24 go over and Monica will let me know as soon as one of  
25 the Commissioners or the Chairman arrives so that we

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1 can stop whatever we're doing and let them speak to  
2 our group. We're very honored that they're taking the  
3 time out of their busy schedules to be with us today  
4 and I know Commissioner Copp has been a long supporter  
5 of CAC and we really do appreciate his representation  
6 here this morning and the lovely letter. Thank you.

7                   All right. Having said all that, Scott  
8 has some logistical things that he needs to tell you  
9 and then we'll start going around the room and  
10 introducing ourselves.

11                   MR. MARSHALL: Good morning, everyone.  
12 Welcome. I want to welcome back our returning members  
13 and also welcome our new members as well. It seems  
14 that I almost know you all by heart having reviewed

15 applications and talked to many of you on the phone.

16                   The important stuff. Restrooms, they are  
17 right outside the doors you came in, down a short  
18 corridor to your left. We are broadcasting today's  
19 meeting on the internet as we always do. This meeting  
20 will be archived for six months for on-demand viewing  
21 if you want to go back and see yourself again. And I  
22 should also tell you that if you have a strong urge to  
23 wave to your mother, please do so discretely.

24                   We will be passing around a sign-in sheet  
25 that Shirley has around the table. Please sign in if

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1 you would. It's the only way unless I've talked to  
2 you that I know that you're here and we also will be  
3 distributing a report from the Benton Foundation.  
4 Charles Benton, one of our new members, has kindly  
5 brought us copies and we'll be passing those around  
6 the table and maybe later on on the agenda, Charles  
7 will want to say a few words about his very  
8 interesting report on Public Interest Obligations in  
9 the Digital Era.

10                   Thank you goes to my able assistant Betty  
11 Thompson who really does all the work with this  
12 committee and Jeff Tigner who is my colleague in our  
13 CGB front office who also works with me extensively on  
14 the committee and is always a great springboard for

15 ideas and working problems out if they do arise. I'll  
16 talking more later in the agenda about working groups  
17 and that kind of thing, but I think right at the  
18 moment we should perhaps find out who's here, Shirley.

19 CHAIR ROOKER: I think that's a wonderful  
20 idea. Before we do that, I do have a couple of things  
21 that I personally would like to give my thanks to  
22 Monica and to Scott. Scott is an absolute jewel to  
23 work with and he has a new comedy routine he's going  
24 to take on the road. So good remarks this morning,  
25 Scott. Jeff who has been wonderful also and very

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1 supportive and Betty Thompson who is by the way, it is  
2 now Betty Thompson-Lewis. She just returned from  
3 getting married. So, Betty, congratulations.'

4 I'd also like to thank Rich Ellis and  
5 Verizon for providing the food today. It is not his  
6 fault that it was late. So don't throw things at him.  
7 At any rate, we will have lunch coming. We are going  
8 to take an early break for lunch today and give you an  
9 hour and a half which is unusual. Usually, we make  
10 you stay. We only give you an hour, but we figured  
11 that there are so many new people here we'd like to  
12 get to know each other.

13 So having said that, I think that it is  
14 appropriate for us to introduce ourselves. In light

15 of the fact that there is so many of us I do ask you  
16 to keep it brief please. We will have more chances to  
17 talk but I do want to get a name with a face and  
18 please forgive me since I can't see all the way to the  
19 end of the room to read the signs, I may miss some  
20 names. So I'm sorry. I apologize.

21 Let me just tell you who I am. I'm  
22 Shirley Rooker. I'm the President of Call for Action  
23 and I hope that some of you listen to WTOP radio  
24 locally. You might have heard some words of advice  
25 and wisdom or you may have thought they weren't wise.

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1 I don't know. But at any rate, I'm honored to be a  
2 part of the CAC and I think we've done some good work  
3 as you heard Monica talking about some of the things  
4 that the group has come out with in the past.

5 So having said that, I'm going to start on  
6 my right with Scott Marshall and Scott has really  
7 introduced himself. But, Scott, just say hi again.

8 MR. MARSHALL: Hello.

9 CHAIR ROOKER: And let's just continue  
10 around the room please.

11 MS. DAVIS: Good morning. I'm Elizabeth  
12 Davis. I'm very pleased to be here and I look forward  
13 to working with everybody. I'm one of the new  
14 members. I'm an emergency manager. So I suspect I'm

15 not going to be on the Broadband Committee, but I do  
16 run a firm out of New York and we specialize in  
17 emergency management special needs issues.

18 We've been doing this for a number of  
19 years. Our expertise and experience come from actual  
20 application and field work in this area. So again, I  
21 thank you all and look forward to working with you and  
22 I'll pass the microphone along.

23 MS. KELLY-FRY: Good morning everybody.  
24 I'm Brenda Kelly-Frey and I represent the National  
25 Association of State Relay Administration. And for  
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1 those of you who are not familiar with Relay, it is a  
2 service that is required by the ADA and the FCC which  
3 has oversight for us and it's a communications system  
4 that links up deaf and hard-of-hearing and speech  
5 disabled with the people who use standard telephones.  
6 I'm one of the returning members and I like that  
7 phrase, not old member. Thank you.

8 MR. PHYTHON: Hi. I'm Dan Python. I'm  
9 the Public Policy Director for the Alliance for Public  
10 Technology. We are a public interest group that  
11 advocates for the universal deployment of affordable  
12 advanced technologies. Thanks.

13 MR. JAMES: My name is Vernon James and I  
14 with San Carlos Apache Telecommunications Utility

15 Incorporated. Because it's a mouthful, I usually say  
16 SCATUI. I am the CEO and General Manager of our  
17 company. It's a private incorporated company. We  
18 just acquired the ability to provide cable services as  
19 well as telephony. We are also a pager, a -- Oh gosh.  
20 What else do we do? I just kind of fly in the  
21 direction.

22 MR. COLE: Good morning. My name is John  
23 Cole. I'm the Director of the State of Hawaii,  
24 Division of Consumer Advocacy and our interests pretty  
25 much run the gambit of telecommunications. Being an

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1 island state, we have a lot of remote areas that are  
2 difficult to access and we're working on getting  
3 access particularly to Hawaiian homelands and others  
4 and other than that, we're also involved with a cable  
5 television and the PEG access organizations.

6 MS. BUCK: Good morning. I'm Deborah  
7 Buck. I'm Executive Director of the Association of  
8 Assistive Technology Act Programs. They are currently  
9 state of assistive technology programs in every state  
10 and U.S. territory and they provide direct assistance  
11 to persons with disabilities of all ages, all types of  
12 disabilities and all environments and the goal is to  
13 help them have access to assistive technology. So  
14 they work on the state level in terms of policy issues

15 much of it relative to telecom issues and many of them  
16 in fact at the state level administer a state  
17 telecommunication distribution program.

18 MR. JACOBS: Good morning. My name is  
19 Steve Jacobs. I'm President of IDEAL Group and IDEAL  
20 works with industry in support of designing more  
21 accessible ENIT products.

22 MS. RAGSDALE: Good morning. I'm Joy  
23 Ragsdale representing the National Association of  
24 State Utility Consumer Advocates, more commonly known  
25 as NASUCA. And I thank you for the opportunity to

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1 return to the committee and we look forward to working  
2 with the new members and the former members that were  
3 here the last term. NASUCA are the statutory  
4 representatives of consumers in each state and many of  
5 you probably are familiar with our petitions such as  
6 the Truth in Billing and we look forward to passing  
7 further mergers like that in the future. Thank you.

8 MR. MOYNIHAN: Good morning. I'm Denis  
9 Moynihan with Democracy Now! It's a daily independent  
10 public broadcasting news hour originating out of New  
11 York City and broadcasting on over 330 radio and  
12 television outlets including satellite television,  
13 public access television, PBS, Pacifica, NPR,  
14 community radio and low power FM as well as on the

15 internet. So we have audience and stakeholders across  
16 the issues that are discussed here. I look forward to  
17 the work. Thank you for having us here.

18 DR. MITCHELL: Good morning. I'm Helena  
19 Mitchell and I'm the Director of Technology, Policy  
20 and Programs at the Georgia Centers for Advanced  
21 Telecommunications Technology and also the head of the  
22 Wireless Rehabilitation Engineering Center in Atlanta,  
23 Georgia which deals with persons with disabilities and  
24 trying to find new wireless technologies and mobile  
25 devices that can be of assistance to them.

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1 MR. DELCASINO: Good morning. I'm Mike  
2 DelCasino representing AT&T. I also as Brenda said am  
3 one of the returning members and unfortunately  
4 probably one of the older members as well. But I'm  
5 happy to be here. I look forward to the challenges of  
6 this new and larger group.

7 MR. DUKE: Good morning. I'm Mike Duke.  
8 I'm the Director of Radio-Reading Service of  
9 Mississippi based in Jackson, Mississippi. I  
10 represent the International Association of Audio  
11 Information Services which is the professional group  
12 of Radio-Reading Service Directors. I'm also an  
13 amateur radio operator and have grown up with a radio  
14 in my ear.

15                   So I'd like to express my appreciation for  
16 being allowed to return to the committee for a second  
17 term and also express thanks to those who worked on  
18 recent issues with the new consumer information sign-  
19 up page on the website that Scott was able to have  
20 some people straighten out so that it is indeed  
21 accessible.

22                   MR. STOUT:     (Through interpreter.) Hello.  
23 My name is Claude Stout and I am Chair of the Deaf and  
24 Hard-of-Hearing Consumers Advocate Group and that  
25 group is a total of 16 national organizations and we

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1     oversee the interests of America with rights and equal  
2     access. I'm self representing. I'm working every day  
3     for telecommunications services for the deaf in -- and  
4     overseas the interests of 8,000 Americans with  
5     telecommunications and equal access.

6                   CHAIR ROOKER: We are going to take a  
7     brief pause in the introductions because Commissioner  
8     Adelstein has just arrived and we value his time and  
9     we're so delighted that he's here. Monica will do the  
10    introductions. Thank you.

11                   MS. DESAI: Thank you, Claude. Jonathan  
12     Adelstein was sworn in as member of the FCC on  
13     December 3, 2002 and sworn in for a new five year term  
14     on December 6, 2004. Before joining the Commission,

15 Commissioner Adelstein served for 15 years as a staff  
16 member in the United States Senate. For the last  
17 seven years, he was a Senior Legislative Aide to  
18 United States Senate Majority Leader Tom Daschle where  
19 he advised Senator Daschle on telecommunications,  
20 financial services, transportation and other key  
21 issues.

22 Prior to his service in the Senate,  
23 Commissioner Adelstein held a number of academic  
24 positions including teaching fellow in the Department  
25 of History, Harvard University, teaching assistant in

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1 the Department of History, Stanford University and  
2 communications consultant to the Stanford University  
3 to the Graduate School of Business.

4 Commissioner Adelstein received a B.A.  
5 with Distinction in Political Science from Stanford  
6 University, an M.A. in History from Stanford  
7 University, studied at the Kennedy School of  
8 Government at Harvard University and is a graduate of  
9 Phillip's Academy in Andover, Massachusetts. Thank  
10 you very much for joining us.

11 COMMISSIONER ADELSTEIN: Thank you,  
12 Monica. Good morning everybody. It's great to see  
13 you all. What an impressive group of people we have  
14 here that we have been able to get to help us with

15 these consumer issues. We really just wanted to thank  
16 you for your participation and your willingness to  
17 give us input on these issues.

18                 So much of what we do touches on issues  
19 of importance to consumers and to have you here, such  
20 an impressive array of people from all across the  
21 spectrum of public interests groups and consumer  
22 groups and of course industry, we just can't thank you  
23 enough for being here and helping us with input on  
24 this. We think about all the different things that we  
25 do and what an important role you have in giving us

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1 input because consumers are really what we're all  
2 about. That's the bottom line.

3                 Our statute refers to the public interest  
4 112 times. So Congress clearly wanted us to put the  
5 interests of the public and consumers first. I think  
6 about all the different areas that we have  
7 responsibility for, be it the wireline and broadband  
8 whether by wireline or wireless, access to critical  
9 lifeline telephone services like E91 by phone or by  
10 wireless, access to media which has been a big focus  
11 of mine whether it be television or radio, ensuring  
12 diversity viewpoints, proper disclosure of  
13 advertising, that kind of thing.

14                 I really view the core components of my

15 job as being serving consumers. A few of the ways I  
16 look at doing that just very briefly is trying to  
17 really maximize the potential of these communications  
18 technologies and all of you are experts in your own  
19 way in various aspects of them and we value that.

20 Another goal of mine has been maximizing  
21 access for all Americans to these kind of  
22 technologies, be they people with low incomes, elderly  
23 individuals, people with disabilities, people who live  
24 in rural areas. The role of government is really to  
25 look at those that the marketplace might leave behind

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1 because the marketplace will take care of the vast  
2 bulk but there are always those that need a little bit  
3 of extra help or for some reason the marketplace  
4 mechanisms don't create exactly the social outcome  
5 that we want and that's where we need to focus and  
6 that's where we need your help too because ultimately  
7 it's all about protecting the public interest.

8 So we just ask you to give us your best  
9 recommendations to really think beyond just your own  
10 viewpoint. Think broader as we try to do about what  
11 the public interest might be using your own special  
12 expertise and knowledge from your fields and of  
13 course, my door is always open to you.

14 I always want to hear from you personally

15 and any thoughts that you might have and I'd love to  
16 have as much interaction with you as possible as an  
17 organization and the group, too, as an advisory  
18 committee. So please feel free to contact me or my  
19 staff any time and, Monica, I don't know if we have  
20 time for questions or answers or comments from people.

21 CHAIR ROOKER: Yes.

22 COMMISSIONER ADELSTEIN: If people have  
23 any thoughts to share, advice to give, questions that  
24 you might have on your mind, I'd be happy to take a  
25 few without interrupting your schedule too much.

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1 MR. GOLDBERG: Hi, my name is Larry  
2 Goldberg and I'm with the Media Access Group at WGBH.  
3 It sounds like your interests align with many other  
4 people here. You've been a great champion of consumer  
5 issues. You mentioned your interest in wireless  
6 access to media and one of the big issues I think  
7 we're going to taking up is something that we often  
8 call IPTV, TV over the internet. Do you have any  
9 thoughts you'd like to share with us about what the  
10 Commission might want to do or think about in that  
11 area?

12 COMMISSIONER ADELSTEIN: Well, IPTV is a  
13 particularly, I think, exciting and dramatic  
14 application of broadband technology. Obviously, we

15 all have a commitment here. It's on the top of  
16 everybody's list to promote broadband so that things  
17 like IPTV can be possible. It's kind of a chicken or  
18 egg thing because I think IPTV will help to drive  
19 broadband deployment with all the benefits that then  
20 has in all the other areas where broadband can be  
21 beneficial to consumer. So anything that drives it be  
22 it voice over internet protocol, IPTV, it's something  
23 that we want to promote.

24 Now of course we have laws on the books  
25 that we need to enforce and there's a real legal

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1 question it appears to fall under Title VI. It's not  
2 clear if it does or doesn't to some but I think if you  
3 read Title VI, whether it's IP or not, it sure tends  
4 to be a video service and that's what Congress  
5 intended. So that leaves us limited authority to do  
6 very much one way or the other because the Congress  
7 spelled out very clearly what the requirements are for  
8 providing that and what the benefits are of somebody  
9 who's providing that kind of service.

10 But whatever we can do to facilitate the  
11 deployment of IPTV I think would be beneficial to  
12 consumers. I think it can provide a lot of different  
13 applications that regular over-the-air broadcasts  
14 can't. Of course, I've been excited by public

15 television and all that they've done to take advantage  
16 of the digital spectrum which provides some of the  
17 similar types of applications where you have multiple  
18 channels, you have the ability to use one channel for  
19 broadband if you want.

20 I think that public television has really  
21 been at the forefront of leading the digital TV  
22 revolution and we appreciate everything that has been  
23 done and the kind of plans that have been laid out by  
24 public television for real interest public  
25 broadcasting using all those digital channels. That's

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1 really the apotheosis of what we wanted to see out of  
2 digital television.

3 IPTV is another opportunity for all kinds  
4 of great new consumer applications. So we will within  
5 the constraints of the law try to do as much as we can  
6 to move the process forward in the way that respects  
7 the needs of local governments to have the needs of  
8 their own communities met.

9 MR. CRICK: We've had over the years --

10 CHAIR ROOKER: Microphone please.

11 MR. CRICK: Sorry. We've had over the  
12 years one or two opportunities to talk about --

13 CHAIR ROOKER: Identify yourself please,  
14 Gene.

15 MR. CRICK: Gene Crick, TeleCommunity  
16 Resource Center in Austin, Texas.

17 CHAIR ROOKER: Thank you.

18 MR. CRICK: Anyway about rural broadband  
19 access and yet the mission and task of this advisory  
20 committee is focused on consumer services. What I  
21 simply wanted to ask because I don't want to pursue  
22 issues that are off the topic and yet want to find a  
23 way to work those through is how do you see the  
24 Consumer Advisory Committee within a relationship. Is  
25 it appropriate for me to raise issues of rural access

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1 or is that really something that's best considered in  
2 another forum?

3 COMMISSIONER ADELSTEIN: I certainly think  
4 so. It's a critical consumer issue and when you look  
5 at broadband rollout, there has been always a concern  
6 about a digital divide and that continues  
7 unfortunately. I was hoping that all the attention to  
8 it would result in us not having one but years later  
9 despite years of concern, there's continual lagging by  
10 rural areas.

11 Lately, we've heard a lot of talk about  
12 the fact that we might not be the number one. We're  
13 number 16 by ITU and we don't have the same global  
14 penetration and some people sometimes explain that

15 because we're not as dense of a country as some of  
16 those that are ahead of us.

17 But in fact, that would then argue for  
18 more attention to the fact that we need to make  
19 special efforts because of the fact that we're less  
20 dense. It also points to some other situations like  
21 Canada. I was at a conference, SuperCom, just earlier  
22 this week where the Canadian representative from our  
23 sister agency up there was talking about all the  
24 efforts they're making on rural broadband deployment,  
25 very focused and we are making some here as well

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1 through the rural utility service, through the  
2 universal service programs which support networks that  
3 can then deliver broadband.

4 I think we need to redouble those efforts.  
5 I think we need to fully fund RUS. I think we need to  
6 make sure that we support and sustain universal  
7 service and the networks that it can help to bring to  
8 fruition. But we need your input on how to go about  
9 doing this. Because if there's one area that  
10 broadband needs attention it is those areas that are  
11 less served be they people with low incomes, people  
12 with disabilities, people who live in rural areas.

13 Whatever the challenge might be, that's  
14 where we should focus our attention because those who

15 live in populated, well-off urban areas are going to  
16 be fine. The market will take of that and we need to  
17 figure out how we balance it out because the benefits  
18 are not just to rural areas, but to the entire economy  
19 and to the entire country. So it's something that we  
20 all here on the Commission have a commitment towards  
21 doing it. We can certainly use any input that you and  
22 the Committee have to help us.

23 CHAIR ROOKER: Commissioner Adelstein,  
24 thank you so much. We really appreciate you're being  
25 here. Do we have time for one more question? If it's  
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1 a short one, Charles. Put your hand up so they know  
2 where you are.

3 MR. BENTON: Thanks. My name is Charles  
4 Benton of Benton Foundation. It's wonderful that  
5 you're here. Thank you for coming. I was just  
6 wondering. In the DTV transition, the issue of public  
7 interest obligations and clarifying the disclosure  
8 provision has been on the SEC agenda since the '90s  
9 and I'm just wondering when we might expect some  
10 action on these issues because this really will help,  
11 could help, in the balance of public and private  
12 interests on this critical transition from analog to  
13 digital.

14 COMMISSIONER ADELSTEIN: You mean

15 disclosure of --

16 MR. BENTON: The public interest  
17 obligations and the disclosure of broadcasters and  
18 what they're doing to meet them.

19 COMMISSIONER ADELSTEIN: I see. Okay.  
20 I've been pressing for years to do public interest  
21 obligations on digital broadcasting. It's at the top  
22 of the digital transition. We did, of course, for  
23 children a ruling on what constituted public interest  
24 obligations of broadcasters for digital broadcasting  
25 and I think that was a great unanimous decision that

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1 we made that really laid things out in a way that  
2 moved the ball forward.

3 Now we need to do that for all of digital  
4 TV. We've had this pending here for five years. So  
5 I think it's time that we act. I'm not sure exactly  
6 when we will. I mean we're in transition still right  
7 now waiting for some new folks to come on board and I  
8 think I'm certainly going to continue to press to get  
9 that done as soon as we can, as soon as we get a full  
10 compliment here because it's been a wonderful  
11 opportunity for broadcasters.

12 We've talked a little bit about how public  
13 television is doing great things and a lot of  
14 broadcasters have wonderful ideas and it's an

15 incredibly valuable resource as we're seeing.

16 Congress is now talking about moving the transition  
17 forward because that spectrum is so valuable.

18                 So the question is in return for all that  
19 value and ability to provide better service and  
20 additional channels and additional services and more  
21 interactivity, what does the public get in return  
22 since nobody's asked for any money or any auctioning  
23 of that spectrum? It was given for free and just in  
24 return always say some public interest obligations so  
25 we know what the public side of the equation is.

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1                 And we can certainly use again your advice  
2 and the input of this group. If you could reach any  
3 conclusions or recommendations to give us would be  
4 extremely helpful to move that ball forward and of  
5 course any recommendation we move quickly would be  
6 welcome by me because I've been trying to move that  
7 ball forward myself as you know, Travis. Okay.

8                 COMMISSIONER ADELSTEIN: Well, thank you  
9 all very much for having me. I appreciate it.

10                CHAIR ROOKER: Thank you so much,  
11 Commissioner. We will continue with our introductions  
12 and then again, I will interrupt you when Chairman  
13 Martin gets here. So I do have a couple of things to  
14 report to you however. We had some people who aren't

15 here this morning. Ron Bibler from Montana, he's an  
16 individual with expertise in telecommunications relay  
17 and caption telephone service. He's out of the  
18 country.

19 Jim Elekes representing the interest of  
20 the blind and the visually impaired community  
21 unfortunately is ill. So we wish him a speedy  
22 recovery. Jim, if you're watching us on TV, we all  
23 wave to you.

24 The Florida Public Service Commission has  
25 not yet designated a new member in the light of the

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1 recent departure of Commissioner Charles Davidson. We  
2 expect they would do that fairly soon. We do have a  
3 few members here who are not here but are being  
4 represented by their alternates.

5 In addition, Charles Benton whom you just  
6 heard speak will be distributing a report to us and  
7 before we distribute that report, we'll have him tell  
8 us a little bit about what it is. But having all  
9 that, let us continue with our introductions and we  
10 will again interrupt you when the Chairman gets here.  
11 So please. Stick your hand up so they know where you  
12 are. Way up.

13 MS. SCHACTER: Hi. I am Janice Schacter.  
14 I am here in three roles. I am here first as a member

15 of Alexander Graham Bell Association for the Deaf and  
16 Hard-of-Hearing. I am also here as the Chair of the  
17 Hearing Access Program whose goal is to provide access  
18 for museums, theaters and entertainment venues. I'm  
19 also the mother of an 11 year old who wears Binoral  
20 hearing aids. My goal on the committee is to improve  
21 the quality and consistency of captioning plus I would  
22 like to improve not having faxes in the middle of the  
23 night.

24 CHAIR ROOKER: Microphone please. If you  
25 go to the podium. I'm sorry.

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1 MS. VIERA: Hi. My name is Judy Viera.  
2 I'm from the Mission Consulting and we offer  
3 counseling services to state, legal, government  
4 regarding a broad range of -- Will you help me please?  
5 I'm sorry. (Interpreter helps.) -- broad range of  
6 counseling services to the state and local  
7 governments. We also are serving as a new member  
8 actually a while ago and we're happy to be here.  
9 Thank you very much.

10 MR. WLODKOWSKI: Good morning. I'm Tom  
11 Wlodkowski, Director of Accessibility with American  
12 Online, a division of Time Warner. Happy to be a new  
13 member of the committee. Looking forward to the work  
14 ahead. At AOL, I'm responsible for driving

15 requirements to ensure that our products and services  
16 are accessible to people with disabilities. And a lot  
17 of the services that I look out for certainly are  
18 within the scope of this committee, things like VOIP  
19 for instance.

20 We just launched our AOL callways  
21 telephony service back in April, working on VOIP  
22 accessibility. We recently launched a string in  
23 closed captions, the first commercial internet service  
24 to that for news content and kids programming. Hoping  
25 to expand that in the near future as well. And AIM

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1 relay services where people who are deaf, hard of  
2 hearing or have speech disabilities can use instant  
3 messaging to place and receive relay calls and all of  
4 those services and much more on the docket somewhere  
5 within this committee. I look forward to working with  
6 this group. Thank you for having us.

7 CHAIR ROOKER: Thank you so much. We're  
8 going to do another interruption because we are so  
9 delighted to have with us with this morning the  
10 Chairman of the FCC, Chairman Martin, and, Monica,  
11 will you please do the honors of introducing him.

12 MS. DESAI: I am so pleased to make this  
13 introduction. Kevin J. Martin is Chairman of the FCC.  
14 He was nominated to the Commission by President Bush

15 on April 30, 2001 and sworn in on July 3, 2001. He  
16 was designated chairman by President Bush on March 18,  
17 2005. Chairman Martin served a five-year term  
18 expiring in June 2006.

19 Chairman Martin also serves as the Chair  
20 of both the Federal/State Joint Board on Separations  
21 and the Federal/State Joint Conference on Advanced  
22 Telecommunication Services as well as a member of the  
23 Federal/State Joint Board on Universal Service.

24 Chairman Martin joined the Commission from the White  
25 House where he served as a special assistant to the

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1 President for economic policy and was on the staff of  
2 the National Economic Council. In that capacity, he  
3 focused primarily on Commerce and Technology policy  
4 issues.

5 Prior to joining the Bush Administration,  
6 Chairman Martin served as a principal technology and  
7 telecommunication advisor on the Bush-Chaney  
8 Transition Team. He assumed this role after serving  
9 as the Deputy General Counsel to the Bush campaign in  
10 Austin, Texas from July 1999 through December 2000.

11 Chairman Martin is not new to the  
12 Commission. From 1997 to 1999, he served as a legal  
13 advisor to FCC Commissioner Harold Furchgott-Roth,  
14 serving the commissioner on telecommunications and

15 broadband issues. Chairman Martin had previously  
16 served in the Office of the Independent Counsel  
17 following several years of work in private practice at  
18 the D.C. law firm of Wiley, Rein & Fielding. While at  
19 Wiley, Rein & Fielding, he worked on communications,  
20 legislative and appellate litigation matters. Before  
21 joining Wiley, Rein & Fielding, Chairman Martin was a  
22 law clerk for the United States District Judge William  
23 J. Hubbler in Miami, Florida.

24 Chairman Martin received a Bachelor of  
25 Arts in Political Science with honors and distinction

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1 from the University of North Carolina at Chapel Hill.  
2 While at Chapel Hill, Chairman Martin was elected  
3 Student Body President and President of the North  
4 Carolina Association of Student Governments. In  
5 addition, he also served in the University of North  
6 Carolina Board of Trustees.

7 Chairman Martin received a Masters in  
8 Public Policy from Duke University and a J.D. cum  
9 laude from Harvard Law School. Chairman Martin is a  
10 member of the District of Columbia Bar and the Federal  
11 Communication Bar Association. Thank you for joining  
12 us.

13 CHAIRMAN MARTIN: Thanks, Monica. Monica  
14 didn't tell you that when I first got to the

15 Commission, she came up and helped my office out for  
16 what I told her was just going to be six weeks. Is  
17 that what I told you? Nine months later, she was  
18 still there trying to help me get settled and  
19 organized. So I've always appreciated her help and  
20 you're in good hands with her trying to help  
21 coordinate the issues down here.

22 I just wanted to stop by a few minutes  
23 this morning and tell you first of all thank you for  
24 being willing to take on the task of the Consumer  
25 Advisory Committee for the Commission. When I first

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1 took over as chairman, I did have the chance to talk  
2 to Monica about it and I know that there were other  
3 folks who were interested in participating as well.  
4 That was one of the reasons why I did expand the  
5 group, although it's making it a little bit harder to  
6 have a table in here that can accommodate everybody.  
7 So I apologize for the inconvenience, but I thought  
8 that it was important that we made sure that as many  
9 people that wanted to contribute had the opportunity  
10 to do so.

11 So while it may make the room a little  
12 more difficult, I hope that you're able to still  
13 logistically work it out because I thought it was  
14 critical that as many folks that had an interest in

15 trying to participate and make sure that the  
16 Commission was doing all they could to make sure that  
17 the consumers were able to take advantage of all the  
18 different communications opportunities had that  
19 chance. So I appreciate both your willingness to  
20 serve and your willingness to take on the challenge of  
21 having as many folks here.

22 I do want to thank Shirley Rooker for  
23 being willing to take on the task of chairing this as  
24 well. We certainly appreciate that and appreciate her  
25 continued service.

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1 I think I try to make my time here at the  
2 Commission, always take into account the Commission's  
3 responsiveness to consumers and the problems that they  
4 can sometimes face and the rapidly changing world that  
5 we have of communications. I think there's wonderful  
6 opportunities that telecommunications is going to  
7 provide and that the new changes in technology will  
8 only increase the ability of consumers to have access  
9 to information they didn't previously have and be able  
10 to take advantage of those technologies in new ways.

11 But it's also going to be a challenge and  
12 the technological changes present lots of challenges  
13 as well as opportunities. So I think it is important  
14 for the Commission to try to be as responsive to those

15 as they are to the new challenges that lay ahead. I  
16 think the Commission even during my first few months  
17 as chairman, we've tried to start doing that by trying  
18 to address some of the public safety issues related to  
19 911 and the delivery of new voice over IP services, by  
20 some of the steps we've already taken as it relates to  
21 making sure that wireless devices are compatible for  
22 hearing aid devices and those are the kinds of issues  
23 that we need to continue to focus on as we go forward  
24 and have these changes in technology.

25 So I appreciate your help in helping us

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1 work through those issues with identifying the  
2 priorities for the Commission and some of the  
3 solutions and I can tell you that I'm going to look  
4 forward to working with you all as we go forward.  
5 With that, I'll let you all go back to work but I  
6 appreciate the effort and the time.

7 CHAIR ROOKER: Do you have time for a  
8 couple of questions?

9 CHAIRMAN MARTIN: Sure.

10 CHAIR ROOKER: Okay. Do we have  
11 questions? Joy.

12 MS. RAGSDALE: Good morning.

13 CHAIRMAN MARTIN: Good morning.

14 MS. RAGSDALE: I'm Joy Ragsdale

15 representing NASUCA. First of all, I would like to  
16 say thank you very much for taking the time to come  
17 down and give us a few minutes. I think it sends a  
18 very important message that the FCC is concerned about  
19 similar issues. We did not have the opportunity to  
20 meet with the chairman during the last term. So your  
21 time is very much appreciated.

22 In following up to a message that  
23 Commissioner Copps had given us in terms of the  
24 direction we should take, do you have any advice as to  
25 how we should proceed when the individual prospectus

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1 of consumer groups versus industry make not agree and  
2 how we should present to you recommendations that  
3 represent the viewpoints of all the participating  
4 parties?

5 CHAIRMAN MARTIN: Certainly, I think that  
6 whenever there is any kind of a consensus that  
7 develops is a way to address issues. You're going to  
8 find the Commission particularly responsive when there  
9 any kind of consensus between industry and individual  
10 consumer groups on issues.

11 I think that that was even demonstrated to  
12 some extent this week when we were working on some of  
13 the issues again as it related to the ability of  
14 wireless devices to be compatible with hearing aid

15 devices. Kind of at the last minute near the end of  
16 the process, there was a CTIA and some of the groups  
17 that were representing the hearing impaired community  
18 were able to reach an agreement with a different kind  
19 of proposal to put forth and even though that came in  
20 quite late in the process, the Commission did  
21 immediately try to be responsive to it and incorporate  
22 it into our order.

23           So I think that whenever there is any kind  
24 of consensus that is reached, both parties and both  
25 sides always end up being better off. So I can only

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1 encourage you to end up trying to go that route. When  
2 there is a situation in which you're not able to reach  
3 any kind of further consensus, I think that then the  
4 varying views should just be presented directly and  
5 making sure the Commission understands who those views  
6 are reflecting and which groups they are reflecting.

7           I don't think it's a problem at all if  
8 consensus isn't able to be reached and you have multiple  
9 recommendations and they're saying that this is the  
10 recommendation from some subsets, but I would  
11 encourage you to do all you can to actually try to  
12 be resolving the issues in a way that takes into  
13 account all the varying interests and comes up with  
14 something that's mutually acceptable only because when

15 you do that I think that everyone on the Commission is  
16 much more likely to be supportive and try to move it  
17 through fast.

18 CHAIR ROOKER: Actually, we haven't gotten  
19 to that instruction part of the meeting yet, but one  
20 of the things that we encourage all members of this  
21 committee to do is to express their viewpoints. If  
22 there is not a majority opinion, we do not require  
23 consensus. If there's not a majority, we encourage  
24 the minority opinions and we report all of them. So  
25 we have been doing that and I'm glad to hear that's

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1 what you want.

2 CHAIRMAN MARTIN: No. Absolutely not  
3 always. And of course everyone here is able to always  
4 express individually their opinions.

5 CHAIR ROOKER: Exactly.

6 CHAIRMAN MARTIN: But the group always  
7 presenting the diversity of a viewpoint I think is  
8 appropriate. But I don't think that that should  
9 discourage you all from trying to work to find a  
10 common ground because you always know that people can  
11 always have a majority or one viewpoint put forth and  
12 then an alternative or minority viewpoint put forth.  
13 I think there should always be an option. But I don't  
14 discourage it, but I do want to emphasize that the

15 point should be trying to find commonality of  
16 interest.

17 CHAIR ROOKER: Yes, thank you. We have  
18 time for one more question.

19 CHAIRMAN MARTIN: If there are only two  
20 hands up, I'll take two more. So we don't have to  
21 pick between the two.

22 CHAIR ROOKER: Okay. Good. Thank you.  
23 All right. Stick your name up and please state your  
24 name. Okay. Please.

25 MS. SCHACTER: Hi, first I want to thank  
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1 you for expanding the committee. My name is Janice  
2 Schacter and I want to thank you for expanding the  
3 committee. But my question is do you have any  
4 recommendations on how we can put some teeth into the  
5 quality of captioning. I know there's the lawsuit  
6 that was brought and I was wondering what has  
7 progressed and how we can really ensure that the  
8 quality of captioning and the spellings and the lack  
9 of consistent captioning can be addressed and if you  
10 have any recommendations for that.

11 CHAIRMAN MARTIN: I don't have any  
12 particular recommendations on what to end up doing  
13 about the quality of captioning and I haven't had as  
14 much time to think about if there's anything that I

15 think you all could recommend or that the Commission  
16 could do in particular on the issue. The first thing  
17 the Commission has dealt as far as captioning during  
18 my first few weeks, there were the issues as related  
19 to some of the broadcasters who had not provided  
20 captioning in times of some of the emergency  
21 information.

22 Frankly, I think whenever you're dealing  
23 with requirements on captioning, the Commission always  
24 has to find a balance of making sure that we're not  
25 making it so burdensome that in any way we discourage

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1 for example the efforts that are going on on  
2 captioning. That's the one caution I would put forth.  
3 There were several folks and some broadcasters who  
4 raised the concern about even in the issue that I was  
5 discussing that the Commission took action on that  
6 there were some broadcasters who didn't provide any  
7 emergency information and we only ended up finding  
8 those broadcasters who provided some emergency  
9 information who had not also provided it in a manner  
10 that could be captioned or available to others.

11 They said that you're punishing us, the  
12 ones who provided information, and some of the  
13 broadcasters who just continued on with their network  
14 feeds, there wasn't any kind of punishment or fines on

15 them at all. I thought about that issue actually  
16 quite a lot and debated it internal with folks and in  
17 the end I think that it's more important to send a  
18 message that everyone does need to be included and  
19 that's what our rules were about, making sure that  
20 when you are providing that kind of critical  
21 information that it had to make sure that it had to be  
22 provided to everyone else.

23 But I say because I think it's important  
24 that we remember when we talk about the quality of  
25 captioning or the requirements surrounding it that we

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1 certainly don't want to make it so burdensome that we  
2 discourage the progress that is being made on it and  
3 put people more in a position of trying to avoid some  
4 of the requirements all together. But I don't have  
5 any particular thoughts on how to work on the quality  
6 and I'll be anxious to see what you all identify are  
7 some of the things the Commission can do.

8 CHAIR ROOKER: Stick your hand up please  
9 and get the microphone.

10 MR. CRICK: Gene Crick from Texas. Thank  
11 you for the honor of serving on the committee,  
12 Chairman Martin. It's appreciated. I had one  
13 question related to how best to meet the job that I  
14 have accepted. As Commissioner Copp said earlier,

15 there are issues that in fact you and I have discussed  
16 in the past about access and yet I want to stay within  
17 the role here. I want to stay on the task you've  
18 assigned.

19 So my question for you is I've been  
20 concerned with things like access and under served  
21 areas and competitive choices and that sort of thing.  
22 How germane and appropriate is it to raise those  
23 within the context of the Consumer Advisory Committee?  
24 In other words, I don't want to bring up a debate  
25 that's off the thread there into this. I just would

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1 like to know a little guidance on that.

2 Then the other part of the question is  
3 under a previous chairmanship, one commissioner  
4 suggested to me that the information received by the  
5 chair from the Consumer Advisory members was not  
6 widely disseminated within the Commission. I was  
7 wondering if it's going to be your policy to  
8 disseminate the CAC and others more widely than has  
9 occasionally been done in the past.

10 CHAIRMAN MARTIN: I certainly don't see  
11 any reason why the information that comes out of this  
12 advisory committee wouldn't be able to be made  
13 available to all the commissioners and disseminated in  
14 that sense that all the commissioners had the benefits

15 of it. So I don't see any reason, on the second  
16 question, why that everyone shouldn't benefit from the  
17 same concerns and recommendations that are being  
18 raised.

19 As far as the first issue of how germane  
20 some of the issues as it relates to consumer's access  
21 to information or under served areas, I do think it's  
22 germane but I do think it's in part up to you all to  
23 decide what's germane. But I don't view any  
24 particular issue as off the table. I do think it's up  
25 to you all to decide how to prioritize your resources

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1 and the issues that you all want to address. So it's  
2 not that I think that there's a certain set of issues  
3 that I would discourage you from considering if a lot  
4 of you think this is important as having an impact on  
5 consumers. I think that's why we've asked you all to  
6 participate in this process to identify issues and  
7 help us find ways to resolve them that you all think  
8 are important.

9 So I don't think I'd want to direct it by  
10 telling you that issue is not really important from  
11 your perspective or to consumers. If you all think it  
12 is, then that's what we want to hear about. I don't  
13 think there's anything that's off the table but I  
14 would tell you all that it's really up to you to

15 decide how to prioritize your discussions and your  
16 resources so that you're identifying the issues that  
17 most of you think are the most critical. But from our  
18 perspective, it's whatever you collectively think are  
19 the most critical issues to be addressed is what we  
20 want to hear from you all about. Thanks.

21 CHAIR ROOKER: Thank you so much, Chairman  
22 Martin. Okay. I think what we're going to do right  
23 now is we're going to take a break. You have 15  
24 minutes. Get back here right away because we have a  
25 lot of work to do with a lot of people to meet. So

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1 please we want to be back in our chairs by 10:40 a.m.  
2 Please. Off the record.

3 (Whereupon, the foregoing matter went off  
4 the record at 10:27 a.m. and went back on the record  
5 at 10:41 a.m.)

6 CHAIR ROOKER: All right. It's back to  
7 work, folks. Play time is over. Recess is over.  
8 Thank you for being so obedient. I feel like I'm a  
9 first grade teacher on the first day of school.  
10 That's not reflect on you all. I promise it isn't.  
11 Actually, I'm very impressed with the scope of people  
12 that we have here on this committee. It's really very  
13 exciting for me.

14 All right. We're back to work. We're

15 going to continue the introductions. I would ask you  
16 just for the sake of brevity and since we're running  
17 behind, please be very brief when you tell us who you  
18 are and we'll start with Joe Gordon, no reflection on  
19 you, Joe.

20 MR. GORDON: Good morning. I'm a  
21 returning member. I'm associated with the League for  
22 Hard of Hearing. My focus is accessibility for people  
23 with hearing loss and all types of telecommunications,  
24 theater, movies and naturally television. My personal  
25 passion if I may, Shirley, is captioning and one of my

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1 current activities is advocating for CAPTO, Caption  
2 telephone. We have telephones with captions that are  
3 officially useable in 30 states. There are about 20  
4 states that still don't have it yet and I wonder how  
5 many people here know you can have a desk-top  
6 telephone where you can hear and speak to the person  
7 at the other end and also read captions if you so  
8 desire. Thank you.

9 MS. EFURD: Good morning. My name is  
10 Laura Efurd and I'm with the Community Technology  
11 Foundation of California. We're a state wide public  
12 foundation dedicated to increasing access to and use  
13 of information and communications technologies in  
14 under served communities including rural residents,

15 seniors, intercity folks, individuals with  
16 disabilities and a number of other communities. Thank  
17 you.

18 MS. MICKELSON: Good morning. My name is  
19 Ann Marie Mickelson. I'm the Chief Operations Officer  
20 with Communications Services for the Deaf. We provide  
21 a continuum of quality products and services for the  
22 deaf and hard-of-hearing specifically in the area of  
23 relay services, national programs as well as community  
24 interpreting. I just want to thank you for giving us  
25 the opportunity to serve on the committee and I look

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1 forward to working with you all.

2 MR. FROHRIEP: Testing one, two, three.  
3 It's working. Yes. Hello. My name is Greg A.  
4 Frohriep and I'm new member here. I'm from Michigan  
5 and I'm representing a company called Communication  
6 Works of the Deaf, Inc. and that's associated with my  
7 degree. Thank you for having me here.

8 MR. BRUGGER: I'm David Brugger,  
9 independent consultant, returning member. I do  
10 strategic planning and business planning for a variety  
11 of organizations here and for about so far 55  
12 countries around the world. I'm very glad to be back  
13 and interested, looking forward to our discussions.  
14 Thank you.

15 MS. LADEW: I'm Rebecca Ladew. I'm a  
16 returning member representing the interest of users of  
17 speech-to-speech technology which has to do with the  
18 way of communicating via the internet and through  
19 relay for people with speech disabilities.

20 MS. WEST: I'm Linda West. I'm a member  
21 of the Confederated Saliciana Kootenai Tribes of the  
22 Flathead Indian Reservation which is located in the  
23 Northwest corner of Montana. I'm representing the  
24 interests of Native Americans and consumers of  
25 telecommunications services residing in rural areas.

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1 Thank you. And I am a returning member.

2 MS. ZIEGLER: Hello. My name is Dixie  
3 Ziegler. I represent Hamilton Relay. We provide  
4 telecommunications, relay services and I will let the  
5 others who have already said what that is go since  
6 we're running out of time.

7 MS. KEARNEY: My name is Julie Kearney.  
8 I'm Senior Director and Regulatory Counsel for the  
9 Consumer Electronics Association. Our more than 2,000  
10 members create many of the products that we hope bring  
11 joy and entertainment into your lives.

12 MR. JONES: I am Ron Jones and I represent  
13 the National Association of Regulatory Utility  
14 Commissioners. I am a new member and I look forward

15 to working with each of you.

16 MR. TOBIAS: Jim Tobias of Inclusive  
17 Technologies. We do services on technology,  
18 marketing, research, customer communications for  
19 mainstream information and communication technology  
20 companies. I am a legacy member. I don't like to  
21 think of myself as returning or aging. I'm a legacy  
22 member.

23 MR. CROUSE: Good morning. My name is  
24 Darryl Crouse. I'm with the Registry of Interpreters  
25 for the Deaf. We represent 20,000 sign language

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1 interpreters around the country at the national, state  
2 and local levels. As a premier certification and  
3 professional standards body in the U.S., we are the  
4 engine behind the video relay service and we thank  
5 Chairman Martin for expanding the committee and  
6 allowing us to be a part of it.

7 MR. PRANGER: I'm Mark Pranger. I'm a  
8 returning member from last time and my area of  
9 expertise is telecommunications law and policy and  
10 unusual ties.

11 MR. RUSCILLI: My name is John Ruscilli.  
12 I'm with BellSouth. We're a regional Bell operating  
13 company in the southeastern United States. I'm a  
14 Senior Director of Regulatory Policy for Retail and

15 Consumer Issues.

16 MR. NAKAMURA: Good morning. My name is  
17 Kent Nakamura. I'm with Nextel Communications. We're  
18 a new member here. We thank the Commission for  
19 allowing us to participate and look forward to working  
20 with all of you.

21 MR. ZANONI: My name is Louis Zanoni. I'm  
22 representing the Community Broadcasters Association  
23 who is an association of low powered TV broadcasters.  
24 We have 605 Class A stations and 2,129 other LPTV  
25 stations all looking to get to the small communities

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1 that we serve. Thank you.

2 MS. MARLOWE: Good morning. My name is  
3 Dana Marlowe and I am with TCS Associates and we  
4 provide assistive and adoptive technology solutions to  
5 the private sector as well as the public sector to  
6 make workplaces accessible and compliant. And I'm  
7 very pleased to be here. Thank you for the  
8 opportunity.

9 MR. BREYAULT: Good morning. My name is  
10 John Breyault. I'm with the Telecommunications  
11 Research and Action Center. I would like to thank the  
12 Chairman for inviting TRAC to the committee. We're a  
13 new member. TRAC is consumer organization focusing on  
14 residential telecommunications consumers. We focus on

15 long distance rates, wireless services and  
16 increasingly VOIP. Thank you.

17 MR. GATES: Good morning. I'm Jack Gates  
18 from the National Captioning Institute and we're a new  
19 member and we're honored to be here. Although the  
20 company name is National Captioning Institute, our  
21 charter, our mission, is to provide access which  
22 includes video description and other means. We're  
23 pleased to be here. Thank you.

24 MS. SCHULTE: Good morning. My name is  
25 Valerie Schulte. I'm Deputy General Counsel of the  
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1 National Association of Broadcasters. NAB is a  
2 returning member to the CAC and we represent  
3 affiliates, independent broadcasters who bring free  
4 and universal service in entertainment, news,  
5 information, emergency warnings to all Americans. We  
6 look forward to continuing to work with you this year.  
7 Thank you.

8 MR. BENTON: Hi. My name is Charles  
9 Benton. I'm a new member. I'm really impressed with  
10 the diversity of voices from the disabled community  
11 sitting around this table. It's a new experience for  
12 me and wonderful really. I'm bringing experiences  
13 from three arenas to our debates, our dialogues, from  
14 business, government and the not-for-profit

15 independent sector. In business, I've been throughout  
16 my life in the education/information/entertainment  
17 production distribution, family businesses,  
18 Encyclopedia Britannica, Education Corporation, Films  
19 Inc. and Home Vision Entertainment.

20 In government, I served as Chairman of the  
21 National Commission of Libraries Information Science  
22 in the Carter and Reagan Administrations and was on  
23 the Commission on the Proposed Service Obligations of  
24 Digital Television Broadcasters in the Clinton  
25 Administration and I serve as Chairman of the Benton

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1 Foundation and more about that later.

2 MR. BURPEE: Hi. My name is Brent Burpee.  
3 I'm with Sprint and I'm a new member. My division  
4 primarily deals with telecommunication relay services.  
5 I look forward to working with everybody.

6 MR. CASWELL: Hi. I'm Wayne Caswell. I'm  
7 a new member. I'm one of those independent with  
8 expertise. My expertise says telecommunications and  
9 broadband. It's primarily home network, home  
10 automation and control systems, wireless networks and  
11 broadband access.

12 MR. CRICK: My name is Gene Crick. I head  
13 the Telecommunity Resource Center. Our primary  
14 interests are doing what we can to support competitive

15 choices in internet services and service to under  
16 served rural and urban areas. I live in a rural area  
17 myself. I'm honored to be on this committee and I'm  
18 somewhat daunted to in a room with so many people  
19 wearing store-bought clothes.

20 MS. STENSGAR: My name is John Stensgar.  
21 I'm an elected -- of the -- Business Council --  
22 Affiliated Tribes of the Northwest Indians. The  
23 Affiliated Tribes is -- tribes in the Pacific  
24 Northwest -- Southeast Alaska. I'm just glad to be  
25 here and -- Thank you.

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1 MR. GOLDBERG: I'm Larry Goldberg. I am  
2 the Director of Media Access Group at the public  
3 television station in Boston, WGBH. Media Access  
4 Group consists of the Caption Center where captioning  
5 was invented and Descriptive Video Service where video  
6 description was invented and the National Center for  
7 Accessible Media where future technologies are being  
8 invented every day.

9 MS. BERLYN: I'm Debra Berlyn. I am a  
10 continuing, returning member of this committee. I sat  
11 on last time representing a consulting firm I was with  
12 and now I'm here with AARP and AARP had a seat last  
13 time as well. I guess this is a two-for-one.

14 MR. MORRIS: Hi. I'm Tom Morris, new

15 member with the Center for Democracy and Technology.  
16 CDT is an organization that focuses on the internet  
17 and the whole range of public policy issues on the  
18 internet both in the policy space but we're also very  
19 active in technical standing setting bodies. And on  
20 terms of the issues before the FCC, we've been very  
21 active on CALIA (PH), E911, Broadcast Flag and other  
22 issues. We look forward to working with you.

23 MS. CLOSS: Hi. I'm Tamara Closs. I'm  
24 with the Association for Communications Technology  
25 Professionals in Higher Education. We represent over  
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1 800 colleges and universities across the nation as  
2 well as more than 100 vendor members in voice, data  
3 and video communications.

4 MS. BRANDON: Hi. My name is Carolyn  
5 Brandon. I'm Vice President Policy for CTIA, the  
6 Wireless Association and we represent both wireless  
7 carriers who provide service and manufacturers who  
8 make the devices. Very proud of the decision that  
9 came out of the FCC yesterday with respect to hearing  
10 aid compatibility and look very much forward to  
11 working with all of you.

12 MR. JOHNSON: Hi. I'm Bob Johnson with  
13 Consumers First. We're a legacy member. Our issues  
14 are convergence, consumer protection and customer

15 choice.

16 MR. SUGRUE: Good morning. I'm Tom Sugrue  
17 with T-Mobile, USA. T-Mobile is the fourth largest  
18 wireless carrier in the country with over 18 million  
19 subscribers and the fastest growing wireless carrier  
20 in terms of rate of growth. T-Mobile is a new member  
21 of this committee and we look forward to working with  
22 you on all the important issues you'll be grappling  
23 with. Thank you.

24 MS. POLK: Good morning. My name is  
25 Loretta Polk. I'm Associate General Counsel on the  
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1 National Cable and Telecommunications Association.  
2 NCTA represents the public policy interests of cable  
3 systems nationwide. Our members also include over 200  
4 cable programming networks and others affiliated with  
5 the cable industry. I'm looking forward to working  
6 with you. NCTA is a returning member.

7 MR. ELLIS: Hi, it's Rich Ellis and I'm  
8 with Verizon. I'm a member or have been a member of  
9 all three iterations of this committee, proving that  
10 some people never learn. I'm not sure if that applies  
11 to me or the FCC. I'm happy to be here. I represent  
12 Verizon at the FCC discussing consumer and disability  
13 issues.

14 MS. FORLANO: Hi, Laura Forlano. I'm with

15 NYCwireless. We're a nonprofit that advocates or  
16 enables the growth of free public wireless networks  
17 and we are also working with under served communities  
18 in the Bronx, Brooklyn and Manhattan areas, having  
19 recently provided wireless networks in the buildings  
20 for mentally-ill residents. Our most famous wireless  
21 hot spot is Bryant Park and we were funded in 2001 as  
22 one of the first community wireless networks. Thank  
23 you. We're very pleased to be here.

24 CHAIR ROOKER: And I'm Shirley Rooker.  
25 Oh, I've already done that, haven't I? Okay. Just  
0070

1 making sure I know who I am. I have a new job  
2 description just since we went around the room. We're  
3 going to fill you in on some of the things you need to  
4 know about a federally-chartered working advisory  
5 committee.

6 I think I'm going to let Scott go first  
7 because he really knows more than I do. I hate to  
8 admit that, but I'm going to let Scott go first and  
9 then we'll fill in the blanks and then answer any  
10 questions that you might have also in your role in  
11 these next two years.

12 (Discussion off microphone.)

13 CHAIR ROOKER: Actually, I'm pulling the  
14 rug out from under Scott just temporarily mainly

15 because we are so pleased to have with us today Jay  
16 Keithley. He's the Deputy Chief of Policy for the  
17 Consumer & Governmental Affairs Bureau. I've had the  
18 pleasure of meeting Jay in the past and look forward  
19 to hearing from him this morning. He's going to give  
20 us some of the information on the issues pending  
21 before the Commission that should be of interest to  
22 consumers. Join me please in welcoming Jay.

23 MR. KEITHLEY: Good morning. It's a  
24 pleasure to be here and particularly a pleasure to  
25 recognize so many friendly faces and put faces to

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1 names and voices that I've heard only over the phone.  
2 I look forward to working with you over the next  
3 couple of years. I know that you all have had a very  
4 full morning and I'm all that stands between you and  
5 lunch. So I will do all I can to get you out of here  
6 on schedule.

7 We have a daunting subject, "Issues  
8 Pending Before the Commission of Interest to  
9 Consumers." Candidly, I can't imagine much of  
10 anything the Commission does that isn't of interest to  
11 consumers. So I've tried to limit my remarks to focus  
12 on recent actions the Commission has taken in areas of  
13 public safety, consumer protection and I'll briefly  
14 touch on that DTV transition issue. If I miss

15 something in which you have an interest, please bring  
16 it up. I hope to leave time for questions and I  
17 encourage you to ask questions as they occur to you.

18 Dealing first with public safety  
19 initiatives. On May 19th, the Commission adopted  
20 rules regarding the provision of E911 services  
21 provided by interconnected VOIP providers. An  
22 interconnected VOIP provider is an entity that  
23 provides real time, two-way voice communications using  
24 a broadband connection to originate calls to or  
25 receive calls from the public switched telephone

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1 network. Vonage is an example of such a carrier.

2 The report and order requires  
3 interconnected VOIP providers within 30 days of the  
4 effective date of the order to transmit all calls  
5 including callback number and registered location  
6 information to either a public safety answering point,  
7 a PSAP, a designated statewide default answering point  
8 or an appropriate local emergency authority. Calls  
9 must be routed through the wireline E911 network,  
10 through the use of automated numbering identification  
11 and location information must be included in an  
12 automatic line or location information database (ALI).  
13 The PSAP, answering point or local emergency authority  
14 must be able to process the call through the ALI

15 database before the VOIP provider can be required to  
16 provide the information.

17           The report and order strongly encourages  
18 all parties including incumbent local exchange  
19 carriers to work together to develop and deploy VOIP  
20 E911 solutions. The report and order requires the  
21 VOIP providers to obtain local information from  
22 subscribers and to provide subscribers the capability  
23 to update that information and the location  
24 information, again, will be used to populate an  
25 automated line identification or location information

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1 database.

2           In effect, the order effectively applies  
3 the regime that has been used to provide wireless E911  
4 services to VOIP providers. The report and order also  
5 requires VOIP providers to specifically advise all  
6 customers of their existing E911 capabilities and to  
7 provide warning labels instructing them on how to  
8 place emergency calls. The Commission also issued  
9 further notice of proposed rulemaking that will  
10 examine the ability to provide location information  
11 automatically rather than using the location  
12 registration regime adopted in the order.

13           Monica and the Chairman both mentioned  
14 recent 79.2 related enforcement actions that have been

15 taken here at the Commission and this is an area in  
16 which the CAC in the past has suggested the Commission  
17 become more active. Section 79.2 of the Commission's  
18 rules requires "video programming distributors."  
19 That's the technical legal term. The practical term  
20 includes broadcasters, cable TV providers and  
21 satellite TV providers and the rules require them to  
22 make emergency information a defined term accessible  
23 to persons with hearing and visual disabilities.

24           Emergency information is defined in our  
25 rules as information about a current emergency that is

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1 intended to further the protection of life, health,  
2 safety or property, in effect, the details about an  
3 emergency and how to respond. Our rules provide a  
4 non-exhaustive list of examples of emergencies. They  
5 include tornadoes, hurricanes, floods, earthquake,  
6 heavy snow or icing, weather related warnings and  
7 watches, widespread fires, industrial explosions,  
8 discharges of toxic gas, civil disorders, school  
9 closings, among others. Generally speaking, emergency  
10 information that is provided orally in the audio  
11 portion of the programming must be accompanied by a  
12 visual presentation of scroll or crawl or even signage  
13 and information visually presented must be accompanied  
14 by audible information.

15                   Recently, the FCC through the Enforcement  
16 Bureau took its first ever enforcement actions for  
17 failure to provide emergency information in accessible  
18 format. In February, the Commission issued three  
19 separate notices of apparent liability to three  
20 Southern California TV stations for failure to provide  
21 emergency information regarding widespread wildfires  
22 in and around San Diego.

23                   The cases largely involved failures to  
24 provide contemporaneous vision information regarding  
25 the approach of the wildfire, evacuation routes and

0075

1 the location of emergency shelters. The cases  
2 involved many instances, in one case as many as 25, in  
3 which emergency information was provided orally more  
4 often than the not by on-the-scene providers that was  
5 not company by visual presentation. Proposed fines  
6 ranged from \$20,000 to \$25,000. As of this point in  
7 time, one case has been resolved and two are pending.

8                   More recently, on May 25th, the Commission  
9 again through the Enforcement Bureau issued three  
10 separate 79.2 related notices of apparent liability to  
11 three D.C. area television stations. The cases  
12 involved a failure to provide contemporaneous visual  
13 information regarding the need to and the way to take  
14 shelter from an approaching tornado.

15                   Cases involved only a few instances of  
16 such failures. Two cases involved two failures and  
17 one case only one. The cases noted that the rapid  
18 movement of the tornado and the quickly changing  
19 weather patterns made it vital that basic information  
20 be provided visually and in a timely manner.

21                   One case notes that unavailability of a  
22 closed captioning provider is not a defense to a 79.2  
23 claim and that the station involved could have used  
24 crawls, graphics or even signage as a method to  
25 provide the visual presentation. All three cases

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1 remain pending.

2                   As Carolyn mentioned, just yesterday the  
3 Commission affirmed its rules regarding the provision  
4 of hearing aid compatible digital mobile phones. The  
5 wireless hack rules are routed in the rapid growth and  
6 the use of digital mobile phones and the use of such  
7 phones to make emergency calls.

8                   The wireless hack report and order was  
9 initially adopted in July of 2003 and four petitions  
10 for reconsideration and clarification were filed. The  
11 order acts on the four petitions for reconsideration,  
12 largely affirming the initial report and order with  
13 one notable modification.

14                   In particular, the order affirms the

15 American National Standard Institute or ANSI Standard  
16 C 63.19 as the appropriate established technical  
17 standard. It affirms the Commission authority to  
18 establish specific deployment requirements for tier 1  
19 carriers and modifies the pre-existing rule  
20 requirement to require, and Carolyn, correct me if I  
21 get this wrong, the deployment of four U3 rated  
22 hearing air compliant handsets per air interface  
23 device or 25 percent of all offered nationwide per air  
24 interface device by September 16th of this year.

25 By September 16th of next year, the rules

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1 require that tier 1 providers provide give U3 rated  
2 handsets. The rule includes or affirms the TDMA  
3 overbuild exception. That exception applies when a  
4 system provider currently using TDMA technology  
5 decides to over build the whole of its system, where  
6 that system overbuild is completed by September 16,  
7 2006. The September 16, 2005 deployment obligation  
8 will be deemed met if that provider provides two  
9 handsets in the newly deployed technology.

10 The order also affirms the labeling and  
11 in-store consumer testing requirements for carrier-  
12 owned and retail bond and owned retail stores. A  
13 further notice of proposed rulemaking seeks comment on  
14 whether to extend the live in-store consumer testing

15 requirement to non-owned stores. The order affirms  
16 that states where they have authority to do so will  
17 retain a role in enforcing consumer hearing aid  
18 compatibility complaints. It makes clear however that  
19 the FCC retains exclusive jurisdictional over  
20 technical issues.

21 Finally, the order clarifies that the de  
22 minimis exception applies on a per air interface  
23 device. The further notice seeks comment on whether  
24 to narrow the de minimis exception to those who  
25 manufacture or offer only one handset. The current

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1 exception applies to those offering two or fewer  
2 handsets.

3 Turning quickly to the DTV transition,  
4 yesterday the Commission issued a report and order and  
5 further notice dealing with the digital tuner rules  
6 associated with the DTV transition. The order denies  
7 a request by the consumer electronic industry to delay  
8 the date by which half of mid-sized TV receivers  
9 manufactured or imported must include built-in TV  
10 tuners. The order also moves up the date by which all  
11 mid-sized TV sets must include a DTV tuner, moves the  
12 compliance date for all mid-sized tuners from July 1  
13 of next year to March 1 of next year.

14 Please correct me if I get this wrong

15 again. Under the rules, all large TV sets, those 36  
16 inches and greater in diameter and half of all mid-  
17 sized TV sets, those 25 to 36 inches, must have built-  
18 in digital tuners by July 1 of this year. All mid-  
19 sized TVs must have built-in digital tuners by March  
20 1, 2006 and the Commission has issued a further notice  
21 asking whether all receivers with screens 13 inches or  
22 greater should have DVD tuners built in by December  
23 31, 2006 rather than the current July 1, 2007  
24 requirement.

25                   With regard to consumer protection issues,  
0079

1 in March 2005, the Commission expanded the Federal  
2 Consumer Protection Rules that apply to wireless  
3 consumer phone bills. Among other things, the  
4 Commission removed a previously granted exception for  
5 mobile carriers from an important element in the FCC's  
6 Truth in Billing Rules. As a result by specific rule,  
7 all charges on mobile carriers' bills must be brief,  
8 clear, non-misleading and in plain language.

9                   The order also held that it is misleading  
10 to represent a discretionary line item in any manner  
11 that suggests that such line item is a tax or  
12 government mandate. The rules clarify that the burden  
13 rests upon the carrier to demonstrate that any line  
14 item that purports to recover a specific governmental

15 or regulatory program fee conforms to the amount  
16 authorized by the government and the order clarified  
17 that state regulations requiring or prohibiting the  
18 use of line items for wireless carriers' bills  
19 constitutes rate regulation, an area that Congress  
20 reserved for the FCC. I note that this is a limited  
21 holding based on the view that rate regulation  
22 involves how rates are structured as well as how much  
23 carriers charge for their services.

24           The FCC also adopted a further notice of  
25 proposed rulemaking to solicit comment on other

0080

1 aspects of the Commission's Truth in Billing rules  
2 including where to draw the line between the  
3 Commission's jurisdiction and the state's jurisdiction  
4 over the billing practices of mobile and other  
5 interstate carriers and if and how states can become  
6 involved in point of sale disclosure rules that the  
7 Commission has proposed. Both the Truth in Billing  
8 Order and Further Notice of Proposed Rulemaking were  
9 published in the May 25th Federal Register. Comments  
10 are due June 24th and reply comments July 25th.

11           In a related matter on May 18th, the  
12 Wireless Bureau issued two public notices asking for  
13 comments on wireless carriers' petitions seeking a  
14 declaratory ruling that early termination fees and

15 wireless carriers service contracts are rates charged  
16 under Section 332(C)(3)(a) of the Communications Act  
17 and as such are beyond the reach of state regulation.  
18 As of this morning, the PNs have not been published in  
19 the Federal Register. Once they are, comments will be  
20 due 30 days thereafter and 20 days have been provided  
21 for reply comments.

22 In January 2005, the Commission's new Can  
23 SPAM Act Rules took effect. The rules cover  
24 commercial, electronic messages sent to CMRS  
25 subscribers. That is subscribers of traditional

0081

1 cellular, PCS and Nextel services. The rules do not  
2 apply to more Blackberrys or laptops. To assist the  
3 senders of commercial mobile message in identifying  
4 wireless subscribers, the rules require that CMRS  
5 carriers provide the Commission a list of electronic  
6 domain names used to offer messaging services to CMRS  
7 subscribers.

8 The domain names have been included in a  
9 database that is available on the CGB webpage and is  
10 available to the public. The domain name database  
11 went live in February of this year. It is now illegal  
12 to send marketing emails and commercial text messages  
13 to individual at the listed domain names unless the  
14 sender has obtain prior permission from the mobile

15 subscriber. Since the database became available, it  
16 has received nearly 43,000 hits indicating that  
17 thousands of telemarketers are taking an action to  
18 ensure that commercial messages are not being sent to  
19 mobile subscribers.

20 In February of this year, the FCC adoptive  
21 rules identifying minimal information that must be  
22 exchanged between all local and long distance carriers  
23 will get it published in the Federal Register shortly  
24 in order to ensure that consumers are able to move  
25 seamlessly from one carrier to another when consumers

0082

1 switch long distance providers or when billing  
2 information changes. The rules apply to whenever a  
3 local exchange carrier adds or removes a customer  
4 from a long distance provider's network, whenever  
5 consumer changes in account information are provided  
6 to the local exchange carrier, whenever a long  
7 distance carrier requests billing name and address  
8 information from a long distance carrier, whenever a  
9 local exchange carrier rejects a long distance  
10 carrier's change request. The rules also require a  
11 long distance carrier to tell a local exchange carrier  
12 when a customer contacts the long distance carrier  
13 directly to change long distance service providers.

14 We expect best based on estimates provided

15 by the parties in the proceeding, that compliance with  
16 the new carrier rules will substantially reduce the  
17 number of slamming and billing complaints by as much  
18 as 50 percent. The rules were published in the  
19 Federal Register June 2nd and will take effect after  
20 approval by OMB, a process that normally takes between  
21 60 and 90 days.

22 The Commission also issued a further  
23 notice of proposed rulemaking that will examine  
24 whether to apply similar information exchange  
25 requirements to carriers when customers change local

0083

1 service providers. Comments are due in that  
2 proceeding on July 18th and reply comments on August  
3 1st.

4 I want to talk briefly about and finally  
5 about the National Do Not Call Registry. In July of  
6 2003, the Commission adopted an order that established  
7 along with the Federal Trade Commission the National  
8 Do Not Call Registry for consumers who wish to avoid  
9 telemarketing calls. The Registry and the  
10 Commission's rules are nationwide in scope.

11 In the order, the FCC did not require  
12 states to discontinue the use of their own Do Not Call  
13 lists and also provided that states may adopt more  
14 restrictive Do Not Call laws governing intrastate

15 telemarketing. The FCC has received several petitions  
16 seeking preemption of the application of state Do Not  
17 Call rules to intrastate telemarketing calls. The  
18 states involved in these petitions are New Jersey,  
19 North Dakota, Florida, Wisconsin, Indiana and  
20 California.

21 The Commission has received an initial  
22 round of comments in these proceedings, but in light  
23 of the recent filing that raised a more all-inclusive  
24 jurisdictional issue on May 13th, the Commission  
25 issued public notices seeking additional comment in

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1 all of these proceedings. Again, as of this morning,  
2 these public notices have not been published in the  
3 Federal Register. Once they are, parties will have 30  
4 days to file comments and an additional 30 days to  
5 file reply comments.

6 As you can see, we continue to be very  
7 busy with many issues having the direct and  
8 significant impact on communications consumers. I  
9 hope that I've dealt with the matters of most interest  
10 to most of you and that I have given you the kind of  
11 detail that you've been looking for. If not, please  
12 let me know and if you have questions, now is the time  
13 to take.

14 CHAIR ROOKER: With an invitation like

15 that, who can resist? We do have a question over  
16 here. Interpreters, when you're getting ready to use  
17 the microphone, stick your hand up so that they'll  
18 know that you're going to use it. Thank you.

19 MS. VIERA: (With Interpreter.) My name  
20 is Judy Viera and thank you for your summary of  
21 actions. I would like to ask you. In relation to the  
22 EF11/20IP, will that be printed in the Federal  
23 Register?

24 MR. KEITHLEY: I'm sorry. I don't  
25 recognize the EF? Oh, the E-911.

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1 MS. VIERA: Yes, the E911 IP.

2 MR. KEITHLEY: Yes, that item will be  
3 published in the Federal Register and comments on the  
4 further notice will be required after publication in  
5 the Federal Register. It has not yet been published.  
6 Two or three weeks if we're lucky.

7 CHAIR ROOKER: I have a question.

8 MR. KEITHLEY: Yes ma'am.

9 CHAIR ROOKER: May we get a copy of your  
10 remarks because I think you've done an excellent job  
11 in laying out some of the really important issues?  
12 We'd love to, Jay, if you don't have them trademarked  
13 or copyrighted or whatever the word is.

14 MR. KEITHLEY: As a government employee,

15 I think trademarking or copyrighting is difficult to  
16 do.

17 CHAIR ROOKER: You can't do it, huh? I  
18 think that would be --

19 MR. KEITHLEY: Candidly, I can get them to  
20 you. They are --

21 CHAIR ROOKER: Are they electronic? Can  
22 we transmit them?

23 MR. KEITHLEY: They're not in a form that  
24 is presentable, but I'll get them that's presentable  
25 and get them to Scott to get to group shortly.

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1 CHAIR ROOKER: That would be wonderful.  
2 We'd really appreciate that because I think you did an  
3 outstanding job in laying out many issues. All right.  
4 Do we have other questions? Yes?

5 MS. KELLY-FREY: This is Brenda  
6 representing NASRA. I'm wondering. You were talking  
7 about the VOIP and how they will be required to pass  
8 on the ANI and the ALI, the A-N-I and the A-L-I  
9 without registration being required. Is that correct?  
10 Did I understand you correctly?

11 MR. KEITHLEY: You're going beyond my area  
12 of expertise with that question. We will get an  
13 answer to you shortly.

14 MS. KELLY-FREY: It was my understanding

15 with the VOIP technology that the phone number will be  
16 passed on the 911 Center.

17 MR. KEITHLEY: That's correct.

18 MS. KELLY-FREY: Which then will give them  
19 the location of the person that is calling and you  
20 mentioned that updates would be required for the phone  
21 number for the VOIP.

22 MR. KEITHLEY: Actually, the updates are  
23 associated with the location information. The way the  
24 system works again as I understand it and I went to a  
25 liberal arts school and not an engineering school. So  
0087

1 please bear with me that the number, the originator of  
2 the call, the call goes out, goes through a signaling  
3 network, queries an automatic number identification  
4 database. That information is transmitted to the  
5 PSAP. The PSAP then takes that information, routes it  
6 to an ALI database to get the location information  
7 from it so that the PSAP knows the location of the  
8 caller.

9 In a VOIP world where those of you with  
10 computers at your desk with the capability to make  
11 VOIP calls can be here. You could be in your home.  
12 If you're an unfortunate workaholic, you could be in  
13 the Caribbean and still try to make a call. The rules  
14 provide that as a VOIP provider moves around that the

15 information associated with those moves should be  
16 provided to the VOIP provider so the VOIP provider can  
17 update the ALI database so that when the call goes to  
18 the PSAP, the appropriate location information is  
19 provided.

20 MS. KELLY-FREY: Okay. That's my  
21 understanding as well and I guess I didn't say it as  
22 clearly and succinctly as you said it. My concern is  
23 how often does the FCC require these updates to be  
24 made so that my location will be found when I am using  
25 VOIP device.

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1 MR. KEITHLEY: I candidly don't know that  
2 the rules get that specific. I would suggest that  
3 whenever location change information is provided to  
4 the VOIP provider, the provider is expected to get it  
5 into the ALI database as soon as reasonably possible.

6 MR. CROUSE: Darryl Crouse with Registry  
7 of Interpreters for the Deaf. Thanks for joining us,  
8 Jay. One of the questions I had in terms of video  
9 relay, for captioning for example we are setting out  
10 minimum standards. In terms of traditional relay,  
11 there are minimum standards that the communications  
12 assistant must have.

13 Right now, there does not exist any  
14 minimum standards for the interpreters who are working

15 in video relay. Has the Commission begun to think  
16 about this and, if so, how can the Commission help the  
17 process of training and getting more interpreters into  
18 the field? It's a big concern of ours and we'd like  
19 to see that addressed.

20 MR. KEITHLEY: I have some colleagues from  
21 DRO sitting in the back. So they will correct me if  
22 I'm wrong or they'll come and whisper in my ear. So  
23 I'm not wrong at least initially. I do know that the  
24 issue of standards has been raised and has been  
25 considered by the Commission. It's my personal view

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1 to go with the VRS which for those of you who don't  
2 know has really has been astronomical. Minutes of use  
3 are going through the ceiling. It's going to create  
4 a huge demand for qualified interpreters and again my  
5 personal belief is that the market will take care of  
6 that.

7 See I told you my friends in DRO would  
8 rescue me. There are minimum requirements, minimum  
9 standards, for VRS interpreters and you can find that  
10 at 47 CFR 64.601(10).

11 MR. CROUSE: Can you repeat that real  
12 quick?

13 MR. KEITHLEY: Sure. A qualified  
14 interpreter is defined as an interpreter who is able

15 to interpret effectively, accurately and impartially  
16 both receptively and expressively using any necessary  
17 specialized vocabulary.

18 MR. CROUSE: Thank you.

19 MR. KEITHLEY: Thanks, Amy and Tracy.

20 PARTICIPANT: Thanks, Helen.

21 MR. KEITHLEY: Yes sir?

22 MR. GOLDBERG: Hi, Larry Goldberg from  
23 Media Access Group. Very closely related to that, the  
24 mention of standards for interpreters, there aren't  
25 exactly standards for closed captioning as was

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1 mentioned, but there's a petition before the FCC right  
2 now to do something about quality caption standards  
3 and I'm unaware of what the process is for once a  
4 petition is submitted. Then it actually gets taken up  
5 to the next step either in NOI or in MPRM and then  
6 what might happen with that petition?

7 MR. KEITHLEY: There are no rules  
8 generally requiring the Commission to act on a  
9 petition for rulemaking. The process generally has  
10 petitions going to the Bureau that has expertise in  
11 that area and more often than not, the petition is put  
12 out for comment and if the comments indicate that a  
13 petition for rulemaking is called for, the Bureau will  
14 recommend it and it will proceed.

15 I am aware of the -- I assume you're  
16 referring to the TDI petition. We're aware of it. It  
17 is actively under consideration and I would expect the  
18 Bureau handling it to do something with it relatively  
19 soon.

20 CHAIR ROOKER: We have another question.  
21 Do you have time, Jay? Is it okay with you?

22 MR. KEITHLEY: Absolutely.

23 CHAIR ROOKER: Okay. Great. Thank you.

24 MS. SCHACTER: Hi, I'm Janice Schacter.

25 MR. KEITHLEY: It's very nice to meet you.

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1 MS. SCHACTER: Nice to finally meet you.  
2 I feel like we've spoken on the phone so many times.  
3 When you say that the petition that's currently before  
4 the appropriate section is going to be acted upon,  
5 will the CAC Committee be able to assist who's ever  
6 reviewing it before any decisions are made?

7 MR. KEITHLEY: The interest, the CAC is  
8 free to help us in any way that they want to. The  
9 petition has been put out for comment. Comment has  
10 been received and at the risk of being overly candid,  
11 actually the docket has been recently transferred to  
12 DRO and will be handled in DRO.

13 MS. SCHACTER: What is DRO?

14 MR. KEITHLEY: Disability Rights Office,

15 the group that reports to me. So I'm responsible for  
16 the proceeding going forward.

17 CHAIR ROOKER: Another question.

18 MR. MOYNIHAN: Denis Moynihan, Democracy  
19 Now! Is it within SAGB's purview to assist the  
20 distribution of Adelphia Cable assets?

21 MR. KEITHLEY: I'm going to defer to Scott  
22 and lawyers in OGC. That's way above my pay grade.

23 MR. MOYNIHAN: Okay. Just wondering if  
24 the CAC will have anything to say. There is some  
25 public concern about the distribution of those

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1 Adelphia Cable systems.

2 MR. MARSHALL: Denis, you're beyond my  
3 area of expertise here too, specifically with regard  
4 to that matter. But if the CAC, and we'll talking  
5 about this this afternoon, wants to involve itself in  
6 issues of mergers and that sort of stuff it certainly  
7 can make recommendations in that area. What would be  
8 required is enough people to form a working group and  
9 someone would need to also agree to chair it.

10 But we'll be talking more in just a little  
11 while and then also this afternoon about how that  
12 process works in terms of how an idea gets translated  
13 from an idea from one of you into a working group  
14 agenda, into a recommendation that then comes to the

15 full committee, that then can recommend to the  
16 Commission. Does that help?

17 MR. MOYNIHAN: Yes.

18 MR. MARSHALL: Okay.

19 MR. KEITHLEY: Let's take one more  
20 question while they set up for lunch unless you want  
21 to dance.

22 CHAIR ROOKER: No. Do we have one more  
23 question? Jay, thank you ever so much for bringing us  
24 a wonderful view of what's going on here that's of  
25 interest. It's excellent.

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1 And you all think I'm going to be nice  
2 enough to let you eat lunch right now, don't you?  
3 Wrong. Actually, it's not set up. So what we're  
4 going to do is to use a few minutes and Scott and I  
5 will go over some of the things that we need to impart  
6 to you about procedures and what not.

7 By the way, Linda West corrected me. We  
8 have three tribal members. Sorry, John. Left him  
9 out. As he said, he came all the way from the Pacific  
10 Northwest and he was ignored which is pretty terrible.  
11 But at any rate, now I'm going to let Scott do the  
12 song and I'll dance. I can't sing anyway.

13 MR. MARSHALL: Actually, this is going to  
14 be a back and forth here, very briefly, and of course

15 we can finish our discussion this afternoon. I know  
16 that you're all very hungry.

17 Ours is a Federal advisory committee and  
18 that's governed by a statute and regulations that is,  
19 in fact, beyond the FCC. It's administered by the  
20 General Services Administration and as a public FACA,  
21 the hallmark is transparency. Thus, we have to be  
22 very clear about making sure that everything we do is  
23 first noticed in the Federal Register.

24 Therefore, we've developed a bylaws  
25 document that tries to explain, and this was in your

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1 advanced materials as well as in your current reading  
2 packet, some of our operating procedures. I'm not  
3 going to go through that document line by line in the  
4 interest of time except to say that when we do have a  
5 topic that we are going to recommend about or when we  
6 have a topic that's going to be discussed at this  
7 meeting, it does need to be published, the sum and  
8 substance of that topic or issue, in the Federal  
9 Register 15 days prior to our meeting.

10 Shirley and I work on the agenda about six  
11 weeks out from our actual committee meeting in order  
12 to give the Federal Register time to publish and all  
13 the rest of that. So if you have items that you want  
14 to put on the agenda especially recommendation items

15 and if a working group has a recommendation that they  
16 want the full committee to process, we need to know  
17 that about six weeks before our regular meeting dates  
18 and we probably need to have your actual  
19 recommendation document available for distribution two  
20 to three weeks prior to our meeting so that we all can  
21 come here fully prepared to discuss the  
22 recommendation, all of us having read it. Do you want  
23 to say anything about that, Shirley, so far?

24 CHAIR ROOKER: Yes, I would say that the  
25 agenda should be driven by the committee. It's not up  
0095

1 to Scott and me to decide what we're going to talk  
2 about. That comes from you and from your working  
3 groups. So as we're sitting here saying we do the  
4 agenda, but we just do what you tell us to. Well, I  
5 do. Scott doesn't always. So you drive the agenda  
6 for this group. You're the group.

7 MR. MARSHALL: Yeah, once and a while, the  
8 Commission will ask for some specific advice on  
9 something, but it really is your agenda that gets  
10 driven here. The FACA also has some other  
11 requirements that are covered in the bylaws document  
12 like minutes. We do have a transcript of each meeting  
13 made in addition to the captioning transcript. All  
14 that will be available.



15 group is really the heart of this CAC because as you  
16 can imagine, you cannot really get any substantial  
17 work done during a meeting itself. So what's going to  
18 happen and what we want you to start think about is  
19 the working group or groups that would like to  
20 participate in.

21 We're going to establish them this  
22 afternoon. That doesn't mean to say you can't change.  
23 We're flexible. You can move from one group to  
24 another if you find that would better suit you or you  
25 can participate in several of them. But that's where

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1 the real work is done. So your commitment is to work  
2 between CAC meetings so that when we come to a meeting  
3 we have things of substance to discuss and  
4 recommendations that we can discuss and present to the  
5 Commission.

6 Let me just reiterate what Chairman Martin  
7 said and that was in terms of yes, it's nice if you  
8 can reach a consensus but often times, that's not  
9 possible. So our goal is to reflect the opinions of  
10 our members and if we have a majority opinion, we also  
11 can present if necessary a minority opinion or  
12 opinions. So please keep in mind. This group does  
13 not have to work by consensus. We have many  
14 viewpoints and sometimes they don't always get

15 together.

16 MR. MARSHALL: And in addition, we will  
17 try to support the working groups by, if you desire,  
18 providing a subject matter expert to meet with you if  
19 we have one on staff here to help in the process of  
20 developing a recommendation. We've in the past also  
21 had outside speakers talk to the plenary group here.  
22 That's also a way of kick starting a particular issue,  
23 knowing of course that outside speakers always come to  
24 us with a point of view and you sort of accept that  
25 and take it under consideration.

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1 We really want to provide you with as much  
2 support for the working group activities as possible.  
3 Should you chair a working group, your responsibility  
4 would be to coordinate the meetings, the email  
5 discussions of that group, develop the written report  
6 or recommendation that we would then circulate to the  
7 full committee and then present, you or your designee  
8 from the working group, the recommendation to the  
9 committee as a whole.

10 Only the committee as a whole can make  
11 recommendations to the FCC however. We also in the  
12 past have encouraged the working groups to go outside  
13 the CAC membership and involve additional people as a  
14 way of bringing even more expertise into the working

15 group process. The working groups are not themselves  
16 governed by the Federal Advisory Committee Act. They  
17 develop their own agendas. They don't have to put the  
18 agenda in the Federal Register and all that sort of  
19 stuff. So you do have some flexibility in that  
20 regard. Anything else?

21 CHAIR ROOKER: I think that about covers  
22 it unless you have some questions that can't wait  
23 until after lunch.

24 MR. MARSHALL: I have one more request.

25 CHAIR ROOKER: Yes.

0099

1 MR. MARSHALL: In redoing our website, I  
2 would love to receive from each of you about a 60 to  
3 100 word bio and I don't want to write them because I  
4 couldn't do you justice, I'm sure, based on your  
5 membership applications. But we would like to include  
6 your name and affiliation on our website. We won't  
7 put your contact information there. But we'd like to  
8 put your name, affiliation and a brief 60 to 100 word  
9 bio so that that's available to the public on our  
10 committee web page.

11 CHAIR ROOKER: That's wonderful. That's  
12 the first time we've done that, isn't it?

13 MR. MARSHALL: We did it back with our  
14 first CAC.

15 CHAIR ROOKER: First one?

16 MR. MARSHALL: Exactly. So we're sort of  
17 reviving that idea.

18 CHAIR ROOKER: So tell the truth please.

19 MR. MARSHALL: And I don't want to write  
20 them though. That was part of the problem with CAC 1.  
21 I found I couldn't do you all justice and write them  
22 well. So I need your help with that if you want to do  
23 this. Any questions for either of us?

24 CHAIR ROOKER: Yes, there is a question.

25 MS. VIERA: Hi, my name is Judy Viera.

0100

1 MR. MARSHALL: Hi, Judy. Good to see you  
2 again.

3 MS. VIERA: And you mentioned briefly  
4 about the bio but I'm wondering. If you're  
5 representing a specific organization, do you want that  
6 or would you like a description of the organization?

7 MR. MARSHALL: Most of us around this  
8 table are representatives and it would be a  
9 description of the organization that you're  
10 representing rather than a personal bio. If you want  
11 to put some personal information in it, that's fine as  
12 the designated rep. But most members around this  
13 table with a few exceptions are representing an  
14 organization and therefore the bio should reflect the

15 entity that you're representing. So maybe a bio was  
16 the wrong word. If I confused the issue, I apologize.

17 CHAIR ROOKER: Debra has a question and  
18 then Jim,

19 MS. BERLYN: Debra Berlyn with AARP. I  
20 have a question about clarifying the reporting and  
21 last time we did get hung up on the consensus goal and  
22 I hear you saying that that's not necessarily the only  
23 option.

24 CHAIR ROOKER: We said that all along.  
25 That's been our operating principle.

0101

1 MS. BERLYN: Right. And we probably just  
2 didn't listen.

3 CHAIR ROOKER: You ignored it. Shame on  
4 you.

5 MS. BERLYN: Follow-up question. Can  
6 working groups submit recommendations as a working  
7 group that bypass the CAC?

8 CHAIR ROOKER: No.

9 MR. MARSHALL: No.

10 CHAIR ROOKER: You cannot.

11 MR. MARSHALL: That's not an FCC rule.  
12 That's a FACA rule and we're going to have somebody in  
13 from our General Counsel's Office this afternoon who  
14 keeps me straight with these things and she certainly

15 can address that as well. But no, it's a FACA rule.

16 CHAIR ROOKER: No, that's a requirement.

17 You cannot bypass us. We want control. You know how  
18 it is.

19 MR. MARSHALL: Yes, just what I need.

20 CHAIR ROOKER: Jim Tobias is next.

21 MR. TOBIAS: Jim Tobias, Inclusive  
22 Technologies. I have to ask a techie question I  
23 guess.

24 CHAIR ROOKER: Go for it.

25 MR. TOBIAS: And I'm asking this now

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1 before lunch so that you, Shirley, and Scott can talk  
2 with staff about what the options are. On the first  
3 cycle of the CAC that I was on --

4 MR. MARSHALL: We've heard a lot since  
5 then, Jim. Go ahead. I'm sorry.

6 MR. TOBIAS: It's mostly about peddling  
7 faster to get the bandwidth up, I guess. Because we  
8 meet so infrequently, what are the options for us to  
9 work especially within the working group between  
10 meeting using electronic or other online resources?  
11 I've already heard this morning we want to looking at  
12 this docket and that docket and getting comments and  
13 what have you and trying to do that at these kind of  
14 meetings is not going to work.

15 CHAIR ROOKER: Scott will set up a  
16 mailing, an email address list, for you to use so that  
17 the working groups can exchange emails on subjects. We  
18 also in the past have had telephone conference calls  
19 graciously provided by some of our telecommunications  
20 members. Does that answer your question?

21 MR. TOBIAS: Well yeah but I mean --

22 CHAIR ROOKER: You want more?

23 MR. TOBIAS: This is the 21st century.

24 CHAIR ROOKER: I think I know that.

25 MR. MARSHALL: Jim, only the full

0103

1 committee when it meets can actually deliberate on a  
2 recommendation and pass it on to the Commission.

3 MR. TOBIAS: I understand that. The  
4 working groups are going to generate the meat for the  
5 buffet and then CAC carves at the buffet table.

6 MR. MARSHALL: Right. The good news is  
7 though that what we do with the recommendation then is  
8 we submit it into the open docket if there is and we  
9 also send it on to the relevant staff people who are  
10 working on the particular subject.

11 CHAIR ROOKER: I think he's talking about  
12 the process of exchanging information. Am I?

13 MR. TOBIAS: Right.

14 MR. MARSHALL: Okay.



15 I think that's an absolutely wonderful idea. I am in  
16 the 20th century. I'm sorry. Golly day. But I think  
17 that's a wonderful idea and we can talk about  
18 facilitating other ways of communication. That would  
19 be great. It really would be. Let's see. Joy has a  
20 comment or question.

21 MS. RAGSDALE: Joy from NASUCA. The last  
22 time we had a little difficulty sharing information  
23 with those who were hearing or vision impaired and the  
24 teleconference did not work all the time.

25 CHAIR ROOKER: That's right. That's true.

0105

1 MS. RAGSDALE: Is there some advice as to  
2 how to work through that process and also the format  
3 of some of the information shared through email was  
4 not accessible for everyone? So perhaps some guidance  
5 on how we can incorporate everyone in those working  
6 group meetings offsite.

7 CHAIR ROOKER: Steve, could we get you and  
8 Jim to put your heads together and come up with some  
9 recommendations that we could utilize? That would be  
10 wonderful. Super. Okay. That's great. Good  
11 question, Joy. Do you have any other questions? You  
12 want to know if it's lunchtime? It is.

13 MR. MARSHALL: We have food.

14 CHAIR ROOKER: We have food. We do invite

15 the members of the committee. I'm sorry that we can't  
16 invite other guests to participate with us for lunch  
17 but there is a cafeteria. Where is the cafeteria,  
18 Scott?

19 MR. MARSHALL: One floor up from here on  
20 the courtyard level, there are actually two  
21 cafeterias.

22 CHAIR ROOKER: So there is plenty of food  
23 around. But anyway we do invite you, the committee  
24 members, for lunch thanks to Rich Ellis. He cooked it  
25 himself. So you can blame him if it's not good.

0106

1 Thank you.

2 MR. ELLIS: I was up all night.

3 CHAIR ROOKER: Now we are going to be back  
4 at 1:00 p.m. I'm sorry. We've cut into your time  
5 today, but 1:00 p.m. Right? Okay. Thank you. Off  
6 the record.

7 (Whereupon, at 11:52 a.m., the above-  
8 entitled matter recessed to reconvene at 1:04 p.m. the  
9 same day.)

10

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

20 (1:04 p.m.)

21 CHAIR ROOKER: Guess what time it is,  
22 folks. You've actually had two extra minutes, so  
23 let's get to work. I'm trying to give away a cookie  
24 if anybody wants one. Yes, if everyone could please.  
25 I really am glad that you are enjoying your time and  
0107

1 getting to know each other, but we've got work to do.

2 Okay, everyone, I'm missing my sidekick  
3 but his lunch is here, he'll be back. So anyway,  
4 welcome back. I hope you enjoyed lunch. Thank you  
5 again, Rich. Rich did a good job of cooking, didn't  
6 he. And I just, you know throw that out because I'm  
7 hoping that some of the other corporate members of  
8 this committee will decide that they're going to be  
9 generous and provide us lunch. Aren't you? Please  
10 call me if you don't. If you don't, you know I'll  
11 call you.

12 AUDIENCE MEMBER: (Inaudible)

13 CHAIR ROOKER: We might do that. We might  
14 do that, but I've got your number, so anyway. All

15 right, I'm delighted that we're going to perhaps get  
16 some of your questions answered about the role of a  
17 Federal Advisory Committee Member. We're very  
18 fortunate to have with us today Paula Silberthau, who  
19 is the Attorney Advisor for the Office of General  
20 Counsel of the FCC and she's going to give us kind of  
21 an overview of the requirements and we will have,  
22 hopefully some time for you to ask question, so please  
23 join me in welcoming Paula.

24 (Applause)

25 MS. SILBERTHAU: Good afternoon. I'm just  
0108

1 going to go over a couple of brief, sort of procedural  
2 requirements for the Act. As you know, the operations  
3 of this committee are governed by the Federal Advisory  
4 Committee Act which is commonly known as FACA. The  
5 guiding principles are pretty straightforward. It's  
6 openness in government, diversity in both membership  
7 and advice given to the committee and to the agency  
8 and public accountability and all three of these goals  
9 are reflected in the structure of the Act.

10 First, FACA meetings have to be open to  
11 the public and to make sure that happens, the meetings  
12 can be held only after at timely notice, typically 15  
13 days or so, of publication in the Federal Register.  
14 And that has to set forth the time, the place and the

15 agenda. And typically, the committees try to make  
16 sure there are notices published elsewhere, press  
17 releases, Internet, other media devices.

18 Meetings should try to keep, to the extent  
19 possible, to the agenda because that way you can't be  
20 accused of discussing all sorts of things that weren't  
21 advertised. What are meetings? Meetings can include  
22 teleconferences, video conferencing, and Internet  
23 communication that would involve a quorum of members.  
24 Probably for a group this size, that won't be an issue  
25 but for some of our smaller committees occasionally

0109

1 you get into chat rooms and you could by accident run  
2 over a quorum and find that inadvertently, you've  
3 started a meeting for yourself without even being  
4 aware of it.

5 Minutes; someone has to keep minutes of  
6 meeting and that, again, is just to insure public  
7 access. And the minutes should be sufficiently  
8 detailed to indicate which members are present, what  
9 was discussed, what documents have been distributed  
10 and the like. It doesn't have to be verbatim. They  
11 rarely are. And then the Chairperson has to certify  
12 the accuracy of the minutes.

13 Meeting closures, a problem won't come up  
14 in this instance but it's only under limited

15 circumstance, something that might involve classified  
16 Government material, trade secrets, that could happen,  
17 national security matters relating to foreign policy,  
18 probably unlikely for this group, but if any of you  
19 anticipate that you want to discuss something that  
20 might involve a trade secret, you should consult your  
21 designated federal officer in advance so that it can  
22 be discussed because there's a whole process for  
23 closing out portions of meetings and you can't just do  
24 it spare of the moment.

25                   Open records; under Section 10B, FACA

0110

1 records and other documents shall be made available  
2 for public inspection and copying, which is one reason  
3 you need to keep pretty good minutes of meetings.  
4 Committees are subject to the Freedom of Information  
5 Act, FOIA, and that sets the parameters on what  
6 materials can be withheld. Again, it's sort of the  
7 same with me, documents that might implicate trade  
8 secrets, national security and the like.

9                   One question that comes up and could come  
10 up in this group is whether the distinction between a  
11 FACA meeting and a working group. A lot of out FACAs  
12 operate through working groups. Workings groups are  
13 not subject to all of the requirements I just  
14 mentioned. And when conducting business, especially

15 in a large group like this, there will be times when  
16 individuals want to get together to do research,  
17 discuss ideas on specific topics, that sort of thing  
18 and whether these informal discussions on specific  
19 topics is actually a meeting or a working group  
20 depends on several factors. If it's just a working  
21 group and it's not subject to the FACA requirements,  
22 you can do the following. You can get information,  
23 you can develop working plans, you could be performing  
24 studies. You could actually be drafting reports to  
25 give to the full group and you could be discussing

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1 your preliminary findings.

2 But where you cross the line is that a  
3 working group cannot function as a parent advisory  
4 committee. The product of the working group has to be  
5 discussed and voted on by the full group. It can't  
6 just, for example, be -- a small group's product can't  
7 be handed over to the FCC with a statement that this  
8 is the official product of the full committee. The  
9 working group documents or ideas need to be discussed  
10 at the full committee level. They can't just be  
11 rubber stamped. Again, the working group can't speak  
12 on behalf of the full committee because it is just a  
13 subset. And if it is a working group, you need to be  
14 sure that you don't have a quorum, which, I guess

15 would be difficult, given the size of your group, but  
16 it's possible.

17                   So these are actually -- one other thing  
18 to keep in mind is that a FACA is advisory only and as  
19 a result, it's subject to ex parte rules in case  
20 members communicate directly with commissioners or  
21 agency staff about the substance of any pending  
22 rulemaking. So before engaging in communicating with  
23 the agency officials, you should consult with your DFO  
24 and insure that all of the ex parte requirements of  
25 the agency are satisfied. And essentially, the rules

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1 require than any oral or written communications that  
2 go to the merits of an ongoing proceeding that's  
3 before the agency be reduced to a writing and have to  
4 be filed in the record of that proceeding with the  
5 Commission within 24 hours after the communication is  
6 made.

7                   So it's not that you can't communicate  
8 ideas about ongoing proceedings but you have to follow  
9 whatever the rules are just as regular private parties  
10 would. And finally, the reason I'm standing here is  
11 that, if there is non-compliance with the open  
12 meetings or with the open records or meeting closure  
13 rules, that type of thing, if there were an extreme  
14 case, in most situations it's possible that the work

15 of the committee would not be allowed to be presented  
16 to the Agency. So I guess that's basically it and  
17 I'm open to any questions. Sure.

18 MR. JACOBS: This is Steve Jacobs. This  
19 is where technology meets policy. A quorum is 51  
20 percent, is that correct, or is it --

21 MS. SILBERTHAU: More than 50 percent.

22 MR. JACOBS: More than 50 percent. In an  
23 online environment, if one had a conference and more  
24 than let's say 28 people decided to attend, they would  
25 obviously, be from multiple working groups and would

0113

1 be a quorum. Would it satisfy the requirement if that  
2 online conference was recorded and archived and made  
3 available to the general public?

4 MS. SILBERTHAU: I would need to consult  
5 with GSA on that but --

6 MR. JACOBS: Would you?

7 MS. SILBERTHAU: -- say, I think the  
8 problem would be that if it were a quorum, even if you  
9 satisfied aspects after the fact, in other words, you  
10 recorded it and you kept the records and all that sort  
11 of thing, there's a likelihood it could be a meeting  
12 and it wouldn't have been announced in advance and it  
13 wouldn't be open to the public. That would be --  
14 those would be the problems you'd be bumping up

15 against because if it is a quorum, then it's a meeting  
16 and it has to have the 15-day advance notice and some  
17 kind of technological capacity for people to join in.

18 So if you're thinking of doing that, or  
19 you think that could be an issue coming up, I can  
20 check on that with GSA and see how they've handled  
21 that in the past.

22 MR. JACOBS: Yeah, technologically, there  
23 shouldn't be a problem. It's just understanding what  
24 the proper procedures are.

25 MS. SILBERTHAU: Right, and in that case

0114

1 if GSA says, ANo, absolutely that would be a meeting,  
2 then you'd need to publish in the Federal Register  
3 saying something like, you know, AWe're going to be  
4 having this technological meeting.

5 MR. JACOBS: Thank you.

6 MS. SILBERTHAU: Sure.

7 CHAIR ROOKER: Paula, let me follow up on  
8 that by asking you, sometimes in our working groups,  
9 we bring in outsiders. Now, they would not count  
10 towards a quorum, right?

11 MS. SILBERTHAU: Right.

12 CHAIR ROOKER: You're only counting the  
13 people who are actually members of the committee.

14 MS. SILBERTHAU: Correct.

15 CHAIR ROOKER: Okay, I just want to  
16 clarify that. And John, I believe you have a  
17 question.

18 MR. MORRIS: Hi, John Morris. Two  
19 questions really, one follow-up on the most recent one  
20 was does this mean that we are prohibited from having  
21 an e-mail mailing list that is subscribed by more than  
22 28 people or that -- yeah, more than 27 and a half  
23 people?

24 MS. SILBERTHAU: I don't think so. I  
25 think the problem was sort of the online chatting and  
0115

1 online sort of simultaneous participation.

2 MR. MORRIS: Excuse a routine e-mail  
3 discussion is really an asynchronous chat. You know,  
4 I send out something, it goes to 30 people, someone  
5 responds and says, "No, I'm wrong", and we have a  
6 conversation over a period of days. I mean, it's a  
7 very common way, especially in the technology  
8 community, to do business.

9 MS. SILBERTHAU: Another route.

10 MR. MORRIS: Right. Does that mean that  
11 we can't have an e-mail list that has 28 people on it?

12 MS. SILBERTHAU: I'd have to get back to  
13 you on that one, too.

14 MR. MORRIS: Okay.

15 CHAIR ROOKER: You can let Scott or me  
16 know and we'll get the answer out to everyone. But  
17 that's not actually a meeting. That's not like you've  
18 got people all together at one time making a decision.  
19 So -- but I'm not --

20 MS. SILBERTHAU: I mean, that's my  
21 reaction to it, too.

22 CHAIR ROOKER: Right, that's my reaction  
23 but I don't know that for a fact.

24 MS. SILBERTHAU: You know, as opposed to  
25 an online chat with everyone being told to be there at  
0116

1 the same time.

2 MR. MORRIS: Okay, the second question, if  
3 I could, I assume that if we're involved in other  
4 proceedings of the FCC and having ex parte  
5 communications and complying with the rules in those  
6 proceedings, that we don't need to notify Scott about  
7 that or involve the committee, I mean, if it's not  
8 committee work, it's not related to the committee.

9 MS. SILBERTHAU: No, that should be fine.

10 MR. MORRIS: That's fine, okay.

11 MS. SILBERTHAU: Rich?

12 MR. ELLIS: I just want to follow up on  
13 the ex parte rules for folks who are representing an  
14 industry on this panel. Is there anything separate

15 that we need to do in terms of ex parte if we discuss  
16 items that are on open dockets in this setting as  
17 opposed to going and having a meeting?

18 MS. SILBERTHAU: No, I think you're  
19 allowed to wear -- what you're saying is if your  
20 company -- sort of a similar question, if you company  
21 is -- and you're representing the company in that  
22 proceeding for whatever your company is, do you have  
23 to let people back here know or does that impede your  
24 business? No.

25 MR. ELLIS: Okay.

0117

1 MS. SILBERTHAU: As long as you're not  
2 saying, "Oh, and by the way, you know, this is the  
3 recommendation also of the FACA", which hopefully you  
4 wouldn't do.

5 MR. ELLIS: Right.

6 CHAIR ROOKER: We'll take one more  
7 question because I think our next speaker is here.  
8 John, you had your hand up first, so if you ask a  
9 brief question, John, that's not overlooked.

10 MR. STENSGAR: A question and a comment,  
11 I guess. My interpretation of the first question is  
12 that if I want to go on the chat then I'm not going to  
13 be able to take official action without going through  
14 the full committee and I don't think that would apply.

15 But second of all, I mean, I appreciate Scott giving  
16 us the interpretation and I'm going to try if the FACA  
17 rules apply. In looking at the section involving the  
18 recommendations, this is -- will be required to bring  
19 their own issue to a vote. I mean, that's what I was  
20 going on up till I guess now.

21 I don't think it's so much a question for  
22 a group, but to me when you look at the makeup of this  
23 committee and what it's activities are supposed to be  
24 for -- In looking at the membership -- you know, I  
25 appreciate the diversity of this group but like I say

0118

1 to me the key is consumers. You know, I'm not so sure  
2 this should be burdening on issues, especially when I  
3 want a decision made as well -- in the decisions  
4 presented to the Commission.

5 You know, it's been kind of a concern of  
6 mine since I've been on the committee and I thought  
7 maybe this was the most appropriate time to bring it  
8 up because, like I said, this is a consumer advisory  
9 board.

10 MS. SILBERTHAU: Let me take a first quick  
11 crack. If I understand you correctly, you're  
12 suggesting that for some issues simply because some  
13 people are representing companies, they shouldn't be  
14 allowed to vote but the whole structure here is that

15 everyone who's appointed is a voting member and that  
16 is part of the composition of the group and it would  
17 defeat the purpose of that membership not to allow  
18 people to vote. I mean, then they really wouldn't be  
19 members. And you know, it's sort of the discretion of  
20 the Agency in terms of how to compose a group and what  
21 constitutes appropriate diversity.

22 But there can't be a situation unless  
23 there's some sort of very unusual conflict of interest  
24 which doesn't come to mind right now where, you know,  
25 someone wouldn't be allowed to vote.

0119

1 CHAIR ROOKER: Isn't there also some  
2 requirement that there be some balance in the  
3 representation on the committee?

4 MS. SILBERTHAU: Correct, correct.

5 CHAIR ROOKER: So you can't just put it  
6 with one specific interest group.

7 MS. SILBERTHAU: Right.

8 CHAIR ROOKER: Does that answer your  
9 question?

10 MR. STENSGAR: No, it doesn't because as  
11 I stated, to me the key word for the group is  
12 consumers.

13 CHAIR ROOKER: John, I don't mean to be  
14 rude. Can we bring this up at another time? We have

15 our next speaker waiting and I'd be happy to discuss  
16 this. We can discuss it, if you don't mind, but --

17 MR. STENSGAR: Sure.

18 CHAIR ROOKER: -- I mean, we're all  
19 consumers. But at any rate, can we table that for  
20 discussion a little bit later so that we can continue  
21 with the program, if you don't mind, because we are  
22 running a little behind. Paula, thank you. See, I  
23 told you there would be question.

24 MS. SILBERTHAU: You did. If other  
25 questions arise, particularly on this electronic

0120

1 interface quorums meetings, things like that, please  
2 funnel the questions to Scott or Shirley and they will  
3 pass it along to me and we'll try to give you some  
4 advice, you know, sort of on a pretty quick basis.  
5 Thank you.

6 CHAIR ROOKER: Thank you very much Paula.  
7 We're very pleased to have with us Donald Stockdale,  
8 who's the Senior Legal Advisor for the Office of  
9 Strategic Planning, and he's going to give us an  
10 overview of the processes and procedures within the  
11 FCC. Donald, welcome back. It's nice to see you.  
12 Thank you.

13 MR. STOCKDALE: Thank you and thank you  
14 for giving me the opportunity to talk with you. I've

15 been asked to provide an overview of FCC today and so  
16 what I plan to do and -- are the slides showing yet?  
17 Here they are, good. And so what I plan to do is to  
18 basically talk about the legislative history and legal  
19 framework of the Commission, its organization, its  
20 procedures and its responsibilities.

21 Now, I'm going to be using slides that  
22 were prepared for a course that we give to all new FCC  
23 staff but because the time I have today is less than  
24 the time we normally allocate for this course, I may  
25 have to skip over a couple of slides or go over them

0121

1 quickly. I do encourage you at any time to ask  
2 questions particularly if I slip and use acronyms or  
3 terms with which you are not familiar. I try very  
4 hard to avoid that but I can't help myself, so I  
5 apologize in advance and do encourage you to ask  
6 questions if I say something that you don't  
7 understand.

8 Okay, let's start with the legal framework  
9 and I'm going to give you a bit of an historical  
10 background here. The first relevant statute is the  
11 Interstate Commerce Act or Act to Regulate Interstate  
12 Commerce, which Congress passed in 1887. This Act  
13 created the Interstate Commerce Commission, the first  
14 independent regulatory agency which was initially

15 created to regulate railroads. In 1910 -- oh,  
16 actually, let me step back. This Act is actually of  
17 considerable significance, because together with the  
18 Sherman Act which was passed in 1890, Congress created  
19 a two-pronged approach to regulation. Where it  
20 believed that competition in a particular industry or  
21 market was workable or sustainable, it would tend to  
22 rely just on the anti-trust laws. If, however, it  
23 believed that competition were not sustainable, either  
24 because of natural monopoly or what they used to call  
25 ruinous competition, then they would create an

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1 independent regulatory body to impose what we call  
2 economic regulation on it. And I'm sure that you're  
3 familiar with the fact that numerous industries,  
4 including railroads, airlines, telecommunications,  
5 electricity, were at various points and some still  
6 are, subject to such industry specific regulation.

7 Now, in 1910, Congress expanded the  
8 Interstate Commerce Commission's authority so that it  
9 now had authority to regulate interstate  
10 telecommunications. And I emphasize interstate  
11 telecommunications because it will come up later. No,  
12 in 1912, Congress gave the Secretary of Commerce and  
13 Labor authority to issue spectrum licenses and to  
14 control broadcasting. Now, I actually find it

15 somewhat interesting as to why this Act was passed and  
16 it relates to the Titanic. Now, does anybody happen  
17 to know this story?

18 Well, it turns out that when the Titanic  
19 was sinking, the radio operator was desperately trying  
20 to transmit help calls and nearby ships were unable to  
21 hear them because there was so much interference from  
22 amateur radio operators that were also using the same  
23 part of the spectrum. So Congress then decided it  
24 needed to intervene and start allocating and managing  
25 spectrum. So, Titanic ended up leading to the Radio

0123

1 Act.

2 Okay, and then in 1927, Congress basically  
3 created the Federal Radio Commission to give specific  
4 authority to regulate spectrum and issue radio  
5 licenses. And then, of course, in 1934, the  
6 Communications Act was passed. This created the  
7 Federal Communications Commission which, as we'll  
8 discuss, has been given increasing responsibilities  
9 over the year. I think I'll skip talking about the  
10 modification of final judgment. That seemed a little  
11 bit more important a few years ago than now. And I  
12 will say that briefly about cable.

13 In 1984, Congress passed the Cable  
14 Communications Policy Act, which basically pre-empted

15 local rate regulation where the Commission found  
16 effective competition. Now, it turns out that as  
17 implemented, many or most jurisdictions were free from  
18 rate regulation and in some cases this led to  
19 significant rate hikes, so in 1992 Congress revisited  
20 cable regulation and passed a new law called the Cable  
21 Television Consumer Protection and Competition Act  
22 which required cable companies to offer a basic tier  
23 of television services and allowed local authorities  
24 to regulate rates in certain circumstances.

25 Now, the two other amendments to the

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1 Communications Act that I'll just touch on are first  
2 of all, the 1993 Omnibus Budget Reconciliation Act,  
3 which is important because it gave the Commission  
4 authority to auction off spectrum and then the 1996  
5 Telecommunications Act which substantially revised the  
6 Communications Act, was actually 210 pages long and  
7 according to some participants who actually counted  
8 the words, I think 750,000 words long, and it was  
9 intended to introduce or accelerate the introduction  
10 of competition in the communications markets,  
11 particularly the local telephone market and to  
12 encourage deregulation.

13 Okay, so what are the two main acts that  
14 govern FCC? Well, the first one is the Communications

15 Act. This is FCC's substantive law. And as my little  
16 brief historical overview indicates, it's been amended  
17 many times and as you may have read in the paper,  
18 Congress is now considering possible further  
19 amendments to the Act. Okay, in addition, there is  
20 the Administrative Procedure Act of 1946, which has  
21 also been amended many times. And this Act applies to  
22 all federal executive agencies and independent  
23 regulatory commissions and it governs procedures for  
24 all proceedings, including both rulemakings and  
25 adjudications. And it's basically intended to

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1 guarantee that those proceedings are open, that they  
2 allow for full public comment and that they require  
3 reasoned decision making on the part of the agency or  
4 regulatory commission. And as we'll talk about later,  
5 it attempts to insure that all interested parties can  
6 make their views known.

7           Okay, so I'll take a few minutes briefly  
8 going over the general provisions of the Act and then  
9 we can talk more about the Commission itself. Now,  
10 the Communications Act is divided into several titles.  
11 The first title contains the general provisions and it  
12 states that the FCC was created, "For the purpose of  
13 regulating interstate and foreign commerce in  
14 communications by wire and radio so as to make

15 available to all the people of the United States  
16 without discrimination, a rapid, efficient nationwide  
17 wire and radio communications service at reasonable  
18 rates."

19 Now, note that it talks about interstate  
20 and foreign commerce. The Act specifically leaves to  
21 the states regulation for intrastate communications  
22 and so in the case of telecommunications, we have had  
23 a system in which regulatory authority has been  
24 divided between the Federal Government, the FCC, and  
25 state regulators, usually known as Public Utility

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1 Commissions or Public Service Commissions. And the  
2 Commission has, over the years, with greater and  
3 lesser success, attempted to work with state  
4 regulators to coordinate policies and I think it's  
5 clearly the case that in recent years, this  
6 coordination has necessarily increased.

7 Okay, so what are the other titles? Well,  
8 Title II deals with the regulation of common carriers.  
9 And it gives the FCC jurisdiction over common carriers  
10 engaged in interstate or foreign communications by  
11 wire or radio. And again, the focus is on interstate  
12 and international services, not intrastate. Now, as  
13 an aside, though we won't go into it today, the 1996  
14 Act changed somewhat the relative roles of the FCC and

15 the state regulators. So it is no longer the case  
16 that there's this clear distinction between interstate  
17 services and intrastate services.

18 Title III contains provisions relating to  
19 radio and it gives the FCC jurisdiction over radio  
20 stations, televisions stations, satellite operators,  
21 wireless communications companies and private wireless  
22 providers. And then Title VI relates to cable  
23 communications and Title VI basically defines the  
24 relative regulatory responsibilities between the FCC  
25 on the one hand and the relevant franchising authority

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1 on the other. In many cases, the relevant franchising  
2 authority is a local municipality.

3 Okay, now, there are also three other  
4 titles. The Title IV deals with procedural and  
5 administrative provisions. Title V deals with  
6 penalties and forfeitures and Title VI contains  
7 miscellaneous provisions. Okay, any questions so far?  
8 Okay, and by the way, I see some people I've worked  
9 with over the years who clearly know a lot about the  
10 FCC, so please, if I misstate anything or am unclear,  
11 feel free to correct me, particularly you, Kathleen.  
12 I wouldn't want you to have to restrain yourself.

13 Okay, now it turns out that communications  
14 is becoming an increasingly important part of the U.S.

15 economy and I just wanted to give you a sense of how  
16 big. Now, these numbers are based on 2002 revenues  
17 but it shows that basically the Commission controls or  
18 regulates industries that contribute over \$460 billion  
19 to the U.S. economy. Of that, 327 is from  
20 telecommunications, 57 from multi-video programming  
21 distributors, which include cable television companies  
22 and direct broadcast satellite companies and 77  
23 billion comes from broadcast which includes both TV  
24 and radio broadcast companies.

25 Okay, now within telecommunications, the

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1 biggest segment we regulate, I've shown you a  
2 breakdown by sort of industry segment. The largest  
3 is, of course, local exchange at about 328 billion,  
4 followed by long distance at -- sorry, followed by  
5 wireless. Since I've started giving this course, it  
6 used to be IXCs were second, wireless has now become  
7 second and exceeded inter-exchange and then following  
8 that you have toll resellers and CLECs. By the way,  
9 given that this is not 2002, my guess is that the long  
10 distance has shrunk considerably since then and  
11 wireless has expanded significantly. So this tends to  
12 understate the shift that consumers have made in terms  
13 of the way they make telephone calls.

14 Okay, so now we can turn to how the FCC is

15 organized. And currently, we have about 2,000  
16 employees, including approximately 900 attorneys,  
17 engineers and economists. Of those three groups,  
18 economists are the smallest. I think they only have  
19 60 and since I'm an economist, I feel like one of the  
20 beleaguered minority. But we have lots of engineers  
21 and lawyers. For fiscal year 2005, our appropriated  
22 budget is 281 million. Most of that budget is funded  
23 through regulatory fees, though the actual budget  
24 amounts is still set by Congress, so we can't just  
25 spend whatever we collect. And we collect these fees

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1 both through application fees and through auction  
2 revenues. And by the way, those go to the Federal  
3 Treasury so we don't keep them.

4           Okay, now, the Commission is headed by a  
5 Chairman and four Commissioners, so there are five  
6 Commissioners total. Below them are the operating  
7 bureaus and there are six and these tend to be  
8 organized by technology or major function and they  
9 tend to be further subdivided into divisions and in  
10 some cases, branches within divisions. And then there  
11 are 10 offices that provide key support services. So  
12 let's -- and here is an organization chart of the  
13 Commission and we'll talk now a little bit about some  
14 of these little boxes.

15                   Okay, first let's talk about the Chairman  
16 and Commissioners. As I said, there's a Chairman and  
17 four Commissioners. They are all appointed by the  
18 President but they must be confirmed by the Senate.  
19 Each Commissioner, when confirmed, has a five-year  
20 term and these terms are staggered, so every year one  
21 Commissioner's term expires and he or she must be  
22 reappointed or someone else appointed. Now, in order  
23 to try to maintain independence, all federal  
24 regulatory commissions, including the FCC, have limits  
25 on the number of commissioners that can come from any  
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1 one party. So in the case of the FCC, it's no more  
2 than three can come from the party of the President.

3                   And each of these Commissioners has his or  
4 her own staff. Typically, a Commissioner will have  
5 three legal assistants who have responsibilities for  
6 particular subject areas. There's normally one that  
7 focuses on wire line, one that focuses on media, and  
8 then one that has to handle wireless, international  
9 and OET and I'm glad I'm not the person that deals  
10 with OET issues because they're far too technical for  
11 me.

12                   Okay, now, currently, as you probably  
13 know, the Chairman is Kevin Martin. He's a  
14 Republican. The other Republican Commissioner right

15 now is Kathleen Abernathy. And the Democrats are  
16 Jonathan Adelstein and Michael Copps. There is one  
17 vacancy right now which was created when former  
18 Chairman Powell left the Commission and that is a  
19 Republican seat and we're waiting to see whom the  
20 President appoints for that position.

21           Okay, with respect to Bureaus, the first  
22 Bureau is Consumer and Government Affairs Bureau. It  
23 handles consumer inquiries and complaints and it  
24 conducts consumer information and education campaigns.  
25 It also coordinates policy efforts with industry and

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1 other governmental agencies, including federal, state,  
2 local and tribal agencies. Now, among the kinds of  
3 complaints that CGB, as it's called, handles are  
4 complaints about -- complaints against carriers,  
5 including complaints of slamming which is when a  
6 customer is switched from one carrier to the other  
7 without his approval or cramming, where a telecom  
8 carrier adds and bills a customer for services that  
9 the customer did not order. It also includes  
10 complaints against broadcasters including complaints  
11 of indecency.

12           Okay, the second bureau is the Enforcement  
13 Bureau, which is the primary enforcer of the  
14 Communications Act as well as the Commission's rules

15 and orders. Now, it resolves complaints by carriers  
16 against carriers, by customers against carriers, as  
17 well as complaints regarding spectrum interference,  
18 radio transmitting towers, and media programming.  
19 Among -- and again, the EB may handle consumer  
20 complaints. Normally, though, it will just handle a  
21 complaint where there's been a pattern of abuse by a  
22 particular carrier. So it may go after a particular  
23 carrier if it has received thousands of complaints of  
24 slamming or cramming. But in many cases it's  
25 Consumer and Government Affairs Bureau that will

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1 handle the individual complaints and try to help  
2 consumers.

3           Okay, the International Bureau, it  
4 regulates international satellite and  
5 telecommunications services and it also represents  
6 the Commission on satellite and international matters  
7 at domestic and international conferences. So that  
8 the people in IB that will work with the ITU and the  
9 World Radio Conference. Okay, then there's a Media  
10 Bureau. It regulates and licenses among other things  
11 AM and FM radio, and television broadcast stations and  
12 it also regulates cable operators and providers of  
13 direct broadcast satellite service, which is, you  
14 know, the satellite based digital TV.

15                   The Wireless Telecommunications Bureau  
16 regulates fixed and mobile, one-way and two-way,  
17 terrestrial wireless communications including those  
18 provided by cellular and PCS phones, pages and two-way  
19 radios. Okay, and then finally the Wireline and  
20 Competition Bureau regulates telephone companies that  
21 provide intrastate telecommunications services to the  
22 public using wire-based transmission facilities.  
23 Okay, so any questions so far? Yes? No?

24                   Okay, well, now, let's talk a little bit  
25 about the typical organization of the Bureau. The

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1 Bureaus are headed by what is called a front office.  
2 And a front office is, of course, run by the Bureau  
3 Chief and he is assisted by, in general, two or more  
4 Deputy Chiefs and various associate and assistant  
5 Bureau Chiefs. Each Bureau will also have a Chief of  
6 Staff. It will have Legal Advisors, a Chief  
7 Economist, a Chief Engineer and then administrative  
8 staff. And here I'm over-generalizing a bit, but in  
9 most cases the Bureaus will be, as I said, be broken  
10 down into divisions and typically, they will have a  
11 Policy Division, a Licensing Division and an Industry  
12 Analysis/Technical Division that contains Economists  
13 and Engineers.

14                   Okay, there are also 10 offices that

15 provide specific types of support to the Commission  
16 and to the Bureaus. I won't take time now to go over  
17 all of them but I will mention three. The first is  
18 Office of Engineering and Technology. It allocates  
19 spectrum for non-government use and it provides expert  
20 advice on technical issues before the Commission. It  
21 also is involved, for example, in testing Part 15  
22 devices that use unlicensed radio spectrum. We also  
23 have the Office of General Counsel of which Paula, who  
24 spoke with you last, was a staff member and the Office  
25 of General Counsel serves as the Commission's lawyer.

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1 It provides legal advice to the Bureaus about the  
2 legality of proposed policies and the litigation risks  
3 posed by particular proposed policies. It provides  
4 legal advice, as well, to Commission staff, to insure  
5 that they comply with all the ethics rules that are  
6 contained in federal statutes and I'll mention those  
7 a little bit later, and it defends the Commission with  
8 the Commission's decisions are challenged through an  
9 appeal before the Federal Courts.

10 And then finally, there's the Office of  
11 Inspector General, which conducts and supervises  
12 audits and investigations relating to the operations  
13 of the Commissions. And obviously, we staffers hope  
14 that we don't have to deal a lot with the Office of

15 Inspector General. Okay, and then, of course, I'm in  
16 the Office of Strategic Planning and Policy Analysis  
17 which tends to develop -- helps develop a strategic  
18 plan that identifies short and long-term policy  
19 objectives and we occasionally or quite frequently  
20 write working papers on issue of interest to the  
21 Commission.

22                   Okay, now in addition to these Bureaus and  
23 Offices, which are contained here at this  
24 headquarters, there are also a number of FCC Field  
25 Offices. There are three Regional Field Offices, 16  
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1 District Offices and nine Resident Agent's offices and  
2 don't ask me where they're located because I'd never  
3 be able to remember. I used to co-teach this with  
4 someone and he had a much better memory and would try  
5 to quiz the staff and they were never able to get them  
6 all, so I don't feel that bad about it.

7                   Among the Field Offices is the -- among  
8 the most important are the Gettysburg, Pennsylvania  
9 Field Office, which runs the FCC's Consumer Call  
10 Center. It's the one that receives calls from  
11 consumers and try to answer common questions and it  
12 processes many types of applications and applications  
13 fees and certain filings. And another important Field  
14 Office is the Laurel, Maryland Engineering Laboratory,

15 which performs technical studies and manages the  
16 equipment authorization program. So for example, when  
17 manufacturers want to offer devices that use a radio  
18 spectrum such as -- and these range from cordless  
19 telephones to garage door openers, to remote controls,  
20 those devices have to be certified so that we can be  
21 sure that they don't exceed power limits and cause  
22 unnecessary interference. Okay. So, questions on  
23 that? I know I'm sort of ripping through this a bit  
24 but I do encourage you to ask questions here.

25 Okay, now, let's talk a little bit about

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1 the decision-making framework. There -- in general,  
2 there are two basic types of proceedings that the  
3 Commission conducts. The first is what we call  
4 general rule-making proceedings. These are of a  
5 quasi-legislative proceeding and they can be initiated  
6 either through a petition for rule-making filed by any  
7 interested party or they may be initiated by a mandate  
8 contained in a statute passed by Congress. For  
9 example, when Congress passed the 1996 Act, it  
10 included a provision requiring the Commission to  
11 implement rules for the Act within six months of  
12 passage and that ended up creating a huge burden on  
13 the Commission but a huge boon for telecom lawyers  
14 and, in fact, the '96 Act was nicknamed the Full

15 Employment for Lawyer's Act of 1996. Okay, and then  
16 finally, the FCC can start rulemaking proceedings on  
17 its own motion, so those are the three ways we can  
18 initiate a rulemaking proceeding.

19           The second major category of proceeding is  
20 adjudications and this covers quite a broad range of  
21 issues. They include petitions for waivers where a  
22 company will come in and ask for relief from or waiver  
23 of a particular Commission rule. It includes  
24 applications for licenses or for the transfer of  
25 license. If a party seeks to transfer a spectrum

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1 license from one firm to another, it has to gain prior  
2 approval from the Commission. It includes complaints  
3 filed either by customers or carriers. It includes  
4 requests for declaratory orders and then it also  
5 includes enforcement actions that are initiated by the  
6 Enforcement Bureau. So if the Enforcement Bureau  
7 finds a pattern of misconduct by a particular carrier,  
8 it can initiate an enforcement action.

9           So how -- for these types of proceedings,  
10 how do they progress? Well, there is always an  
11 initiating document and these can be, in the case of  
12 a rulemaking, it's started by a Notice of Proposed  
13 Rulemaking, also called an NPRM, or it can be  
14 initiated in the case of adjudication, by the filing

15 of a Petition for Waiver or an Application for a  
16 License Transfer or the filing of a complaint. Once  
17 that initiating document has been released or  
18 sometimes as part of the initiating document, the  
19 Commission will issue a public notice seeking comment,  
20 and this public notice will basically establish  
21 deadlines within which interested parties must file  
22 comments and replies. It will give instructions  
23 about, in some cases, if there are page limits on the  
24 comments and how they should be filed so that they can  
25 be properly included within the public record. And so

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1 we then go through the period where the comments and  
2 replies or in some cases, Petition to Deny, are filed  
3 and then as Paula suggested, we then normally have a  
4 period within which interested parties can come into  
5 the Commission and talk to either staff or the  
6 Commissioners or the Commissioners' staff. And under  
7 the APA, there are protections to insure that this  
8 remains an open process. So when Paula talked about  
9 the ex-parte rules, and I won't go over the details  
10 now, but basically, they require anybody the comes  
11 into advocate a position about an open proceeding  
12 before the Commission must, within 24 hours, file a  
13 written document in the public record that describes  
14 with whom they met, the subject matter that they

15 discussed including the basic arguments that the party  
16 made, and if the party submitted any written  
17 materials, those written materials must be included in  
18 the ex parte rules.

19                   And these are important, because this  
20 protects integrity and the openness of our process.  
21 So staff has -- frequently will remind parties, when  
22 they come into talk that these ex parte filings must  
23 be submitted and I encourage you, if you are in that  
24 situation, to do so. Yes.

25                   MS. SCHACTER: I have a question on that.

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1 If you're on the Committee and you're on a Committee  
2 that's dealing with a topic, but then within your  
3 position of a job you also want to deal with that  
4 topic, can you file -- can you file an ex parte -- can  
5 you file papers on that topic even though you're on a  
6 Committee but it's also part of your job? Do you  
7 follow what I'm saying? So for example, captioning is  
8 foreign to me. There's right now a petition before  
9 the FCC on captioning. So if I want to be on a  
10 Committee regarding captioning, but as part of my  
11 position, I want to also file papers separately, can  
12 I do that or is that a conflict?

13                   MR. STOCKDALE: I think you should ask  
14 Paula about that.

15 MS. SCHACTER: Okay.

16 MR. STOCKDALE: I don't think that there  
17 is a problem about that, but Paula is -- I always  
18 defer to our Office of General Counsel.

19 Okay, now, any other questions about ex  
20 parte rules, by the way, that I won't be able to  
21 answer?

22 Okay, so we then have ex parte meetings  
23 and during this period of ex parte meetings, the staff  
24 is simultaneously reviewing the record and by the  
25 record, we mean all the pleadings and ex parte filings

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1 that have been submitted by interested parties with  
2 respect to a particular proceeding. And the  
3 Commission, in recent years, has made significant  
4 efforts to try to make this public record more public.  
5 So for example, in many major proceedings, we will  
6 post all the comments on our website, so that you can  
7 actually go to our website and click and if you have  
8 a printer with a lot of paper, print out all the  
9 comments you receive and get a sense of exactly what  
10 the parties are saying.

11 So the Commission will review this record  
12 and these records can get quite large and the Telecom  
13 Act implementation proceeding, I think, was 17,000  
14 pages. In a recent proceeding, I think they hit

15 40,000 pages of documents, so it's quite large. And  
16 the Commission staff reads this and based on the  
17 record, prepares options memos and recommendations  
18 which are then reviewed by Branch Managers, if there  
19 are any or Division Managers and once those are  
20 approved, they're then sent up to Bureau Front Office.  
21 And once sort of a decision has been made about how  
22 the Commission should act, the staff then starts  
23 drafting the order and again, this is done primarily  
24 by the lawyers but there are also engineers and  
25 economists that actually learn to write like lawyers,  
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1 pity them, and they can frequently write major  
2 portions of the sort of technical or economic aspects  
3 of proceedings. And these are then, again, reviewed  
4 by Branch and then Division Managers and ultimately by  
5 the Bureau Front Office.

6 And, once it's gone through that process,  
7 it then goes to the Chairman's office for review and  
8 once he has reviewed it and approved it or issued any  
9 evidence that he wants, it will then be distributed to  
10 the other Commissioners. Now, it turns out that there  
11 are basically two ways that Commission items may be  
12 adopted by the Commission. They may be adopted on  
13 circulation or at an agenda meeting. Every month the  
14 Commission has a meeting and it will address and vote

15 on certain items at that meeting. Where an item is  
16 slated to be voted on at a Commission meeting, a  
17 Sunshine Notice will be issued generally a week before  
18 and that Sunshine Notice basically, ends the period  
19 within which parties can go and talk to staff and  
20 Commissions. Now, I'm over-simplifying a little bit  
21 but the general idea behind that is that it prevents  
22 any of the parties from sort of getting in last minute  
23 sort of ex partes that other interested parties don't  
24 have time to respond to.

25 Okay, so once it's gone up for -- to the

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1 eighth floor, and by the way, if you look at our  
2 elevator, one of the reasons we have all these other  
3 floors like MA, TW and CY is so that we can have the  
4 top floor being 8 as it was when we were over at 1919  
5 M Street. So once it goes onto the eighth floor, the  
6 Chairman and the Commissioners will vote on it and  
7 they may simply vote to approve it. They may dissent  
8 or they may concur in part, dissent in part, and then  
9 they may issue a separate statement. In some cases,  
10 there will be -- and you may hear this if you listen  
11 to Commission meetings, they will -- the Bureau will  
12 ask for post-adoption edits that allows final changes  
13 to be incorporated. After the voting, the  
14 Commissioners prepare their separate statements and

15 then it's released.

16 In the case of rulemakings, that order,  
17 once it's been released, must then have a summary  
18 published in the Federal Register. So the rules can't  
19 be effective until the summary has been published in  
20 the Federal Register. Okay, so let's talk a little  
21 bit about what's required by these reports and orders  
22 and I mention this just because you may wonder when  
23 you read some of our orders why they're so darn long.  
24 And the reason is, we try to write them so that they  
25 won't get reversed if people appeal them to Federal

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1 Courts. And there are a number of requirements we  
2 must meet. First of all, we must explain and justify  
3 the Commission's decision based on the public record  
4 and public policy factors. We can't rely on any data  
5 that hasn't been included in the public record.

6 Second, we must address all significant  
7 issues and particularly we have to address all issues  
8 that the Commission rejects. So if parties raise  
9 arguments that we decide we don't agree with, we've  
10 got to explain why we disagree with an argument or  
11 else we risk reversal. We must follow precedent, the  
12 Commission's past precedent, or we must explain why  
13 we're deviating from it. And we must explain why  
14 we're being consistent with the governing statutes and

15 case law.

16                   There's another requirement which is, and  
17 again, this is to insure the openness of our  
18 proceedings, is that our orders can only include  
19 subject matter that was identified in the Notice of  
20 Proposed Rulemaking or what was called -- is a natural  
21 outgrowth of a proposal contained in the notice. And  
22 then, as I indicated before, a summary of all the  
23 Commission's orders relating to rulemakings must be  
24 published in the Federal Register. Questions? Yeah.  
25 I hope I can answer this one.

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1                   MS. VIERA: Yes, I'd like to ask you a  
2 question regarding to the extent to which our election  
3 of officials, for example, within the U.S. Senate and  
4 whatnot, how that influences the decisions within the  
5 Commission.

6                   MR. STOCKDALE: Well, on member of  
7 Congress, both Representatives and Senators can also  
8 make their views known and if they file letters, those  
9 will be placed in the public record as well. In some  
10 proceedings, members of Congress and members of the  
11 House and Senate may take quite an interest in what  
12 the Commission is considering and we may receive  
13 literally hundreds of letters. In fact, early in my  
14 career here, at one point, we were receiving so many

15 letters that I had to respond to personally that was  
16 a significant distraction from the proceeding. But,  
17 you know, they make their opinions known and we will  
18 consider them as we consider comments from any  
19 interested party.

20 MS. VIERA: My second question is -- I'm  
21 sorry, I should have said my name. My name is Judy  
22 Viera. With the FCC, sometimes they send the staff  
23 out into the field to do fact-finding on their own.  
24 And does that happen and how do you cover the comments  
25 that might apply?

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1 MR. STOCKDALE: Well, unfortunately  
2 Kathleen seems to have disappeared here because I  
3 think she has more experience with this than I. I  
4 guess you need to distinguish what kind of fact-  
5 finding you're talking about. There are certain  
6 situations where, for example, Commission staff in the  
7 field offices may go out and investigate complaints  
8 about pirate radio or radio interference or that kind  
9 of thing and in those cases, they will simply prepare  
10 a report and send it on to the Commission. But there  
11 have been other times where Commissioners have  
12 actually gone out and sort of held public meetings  
13 where they've invited the public to come in and  
14 present their views. And my understanding is that

15 those public meetings, there is a transcript that is  
16 kept and prepared to record the views expressed.

17 Yes.

18 DR. MITCHELL: Hi, my name is Helena  
19 Mitchell, and I can address that a little bit also.

20 MR. STOCKDALE: On, okay.

21 DR. MITCHELL: I served eight years with  
22 the Commission and --

23 MR. STOCKDALE: Thank you. I can use all  
24 the help I can get. Thank you.

25 DR. MITCHELL: And you're absolutely

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1 right. And the third way is sometimes the Commission  
2 would hold general forums or workshops in the field.  
3 In that case, sometimes it has to do with the upcoming  
4 potential rulemaking. And again, a transcript would  
5 be taken and it would be part of the process of what  
6 you're talking about where it goes back and the staff  
7 reviews it and if there's what they consider to be  
8 relevant quotes or relevant comments, it gets  
9 incorporated into the rulemaking.

10 MR. STOCKDALE: That's right, thank you.  
11 That's an important clarification. Yes. I can't see  
12 your name but do ask your question.

13 CHAIR ROOKER: Stick your hand up,  
14 Charles. They didn't see you. Thank you.

15 MR. BENTON: With an agency of 2,000  
16 people --

17 CHAIR ROOKER: Put your hand up again. I  
18 don't think they -- your mike is not on yet. They  
19 have to be able to identify you from the control room.  
20 It's just a logistical thing. There they are. All  
21 right.

22 MR. BENTON: With an agency of 2,000  
23 people --

24 CHAIR ROOKER: Still haven't got it. Is  
25 it okay? Go ahead. No, no, no, go ahead.

0147

1 MR. BENTON: With an agency of 2,000  
2 people and our reporting to the consumer and  
3 Government Affairs Bureau which is one of six bureaus,  
4 I'm sure you and I know Shirley wants us to make the  
5 maximum contribution we can make. And so, what I'm  
6 kind of wondering about is, how we can most  
7 effectively interact with the bureaucracy here without  
8 -- I'm being descriptive, not punitive in that term,  
9 but how we can be most effective in giving advice that  
10 is needed by the Bureaus, let alone the Commissioners.  
11 And I'm just wondering from your point of view in the  
12 Office of Strategic Planning and Policy, who -- with  
13 all these folks, if you were us, what would you do to  
14 have our advice coat for the most and be most helpful

15 to this large Agency?

16 MR. STOCKDALE: Well, I mean, I think that  
17 there are many in this group who have had considerable  
18 experience working with the Agency and working with  
19 Agency staff that is associated with the group but in  
20 most cases, I think it is quite easy to identify the  
21 relevant bureaus and divisions that are dealing with  
22 particular issues and then you can interact with them  
23 and at the appropriate time, you can also go to -- you  
24 may want to talk with Commissioners. Now, I can see  
25 someone that wants to help me out again, so please do.

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1 MR. MARSHALL: Scott Marshall. Don,  
2 you're absolutely right and one of my jobs in  
3 supporting the Committee is to make sure that the  
4 recommendations of the Committee, first of all, if  
5 there is an open docket, that they get filed as an ex  
6 parte communication just like anybody else's comments  
7 would be with respect to that proceeding. And I work  
8 with Shirley to make sure that happens as soon as you  
9 make a recommendation. And beyond that, I also make  
10 sure that that recommendation gets transmitted to the  
11 appropriate staff who happen to be working on the  
12 particular effort. That's sort of a more informal  
13 communication.

14 Chairman Martin eluded this morning to the

15 possibility of having recommendations actually sent  
16 directly to the Commissioners and we'll have to figure  
17 out a mechanism for doing that or work those details  
18 out but heretofore, this is the way we've made sure  
19 that the Committee's views are known to the right  
20 people here. Does that help?

21 MR. STOCKDALE: Thank you, that helped me  
22 a lot. Your question, though, reminded me of one  
23 other thing that I forgot to say that I think is  
24 probably worth mentioning which is that the  
25 Commission, in recent years, has taken advantage of

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1 new technology, not only to make it easier for  
2 interested parties to read all the comments in ex  
3 parte filings that people have made in particular  
4 records, but they've also made it easier for parties  
5 to file comments. So we now have an electronic filing  
6 process that is really quite simple and it is intended  
7 to sort of make it easier for a broader range of the  
8 public to express their opinions on particular  
9 proceedings. Any other questions? Yes.

10 MS. FORLANO: Laura Forlano, NYC Wireless.  
11 Are there any cross-cutting task forces or initiatives  
12 that include members from all the various Bureaus or  
13 is most of the work done within the Bureaus?

14 MR. STOCKDALE: That's a very good

15 question. Over time we have, where appropriate,  
16 created numerous multi-bureau or inter-bureau task  
17 forces and working groups to address issues across  
18 boundaries. So, for example, we had an inter-bureau  
19 group on broadband. We had various inter-bureau  
20 groups on I think it was spectrum, thank you. Can you  
21 remember some of the other -- the Spectrum Policy Task  
22 Force was one of the broadest and largest groups we  
23 had. Oh, yes, I can't believe I forgot that since I  
24 was involved in most of them. The other thing is that  
25 where we do have to approve a merger, we generally

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1 will create an inter-bureau working group that is made  
2 up of people from the Bureau, whether it's wireless or  
3 wireline, people from the Office of General Counsel  
4 and staff from Office of Strategic Planning and where  
5 appropriate we'll even bring in experts from the  
6 Office of Engineering Technology or other officers and  
7 Bureaus to help us.

8                   And so it's quite common. We do it where  
9 we think it will help our decision making process and  
10 I think that they're generally a very useful and  
11 important and increasingly important form of  
12 organization. Yes.

13                   MR. JACOBS: This is Steve Jacobs and I  
14 think Charles Benton's question could maybe be

15 answered in another way. And I just say this based on  
16 having served one two-year term on the first Consumer  
17 and Advisory Disability Council, whatever. I think  
18 that the way that we can most effectively influence  
19 change is to come up with credible reasons for making  
20 change that are well-documented, well thought through,  
21 demonstrate we're building alliances, realize that  
22 we're all never going to agree on any one thing but  
23 primarily have compelling arguments and if there are  
24 economic reasons supporting them, put those forth  
25 also. Also recommend actions. It's one thing to say,  
0151

1 "This is bad and needs to be fixed," and another thing  
2 to say, "This is bad and needs to be fixed and here's  
3 what we recommend", because everything boils down to  
4 five votes, does it not? And if --

5 MR. STOCKDALE: Or at least three.

6 MR. JACOBS: Well, at least -- well, today  
7 it's four but maybe tomorrow it will be five. But if  
8 we really do our homework and thing through our  
9 reports, I think we stand a greater likelihood of  
10 making a difference than if we focus on differences.

11 MR. STOCKDALE: Oh, I would not disagree  
12 and I think that your comment would be good advice to  
13 any party that files comments before an agency  
14 proceeding. I mean, staff is always looking for help

15 and the more that parties that comment can provide  
16 clear explanations of the problems, provide economic  
17 and legal rationales for why they support a particular  
18 proposal and sort of come up with a proposal that  
19 appears reasonable and feasible in terms of  
20 implementation and cost, then it's going to carry a  
21 much greater influence with the staff. So I think  
22 that you're absolutely right on that.

23               Okay, let me go briefly on, and I want to  
24 talk a little bit about external influences and when  
25 I talk to the new employees, I do talk about the

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1 external stakeholders because it's important -- I  
2 think it's important for staff to be aware of and  
3 sensitive to these stakeholders. Now, I guess first  
4 the question is, well, what is a stakeholder? Well,  
5 it turns out this term was first coined in 1956 in a  
6 Stanford Research Institute memo but then it was  
7 subsequently adopted by some management professors and  
8 it's come to refer to any person, entity or group that  
9 may effect or may be effected by a particular policy.

10               So, for example, it includes consumers who  
11 may be effected by policies the Commission adopts and  
12 in fact, if you look at our statutory mandate, you  
13 know, it is a public interest and consumer interest  
14 that we're supposed to serve, so we're very cognizant

15 of that. We're -- another stakeholder group is  
16 Congress which clearly can effect us both through  
17 legislation, through oversight hearings and through  
18 appropriations, the Courts, which if we don't do our  
19 homework and if we don't follow all the requirements  
20 that I listed before it may reverse us. There are  
21 also interested industry and other interested parties  
22 who both may effect and may be effected by our  
23 policies.

24                   We also work with other government  
25 agencies and this includes federal agencies like the  
0153

1 Department of Justice. We work with them on mergers.  
2 They, at times, have filed comments in our proceedings  
3 and during the 271 process, which is a process under  
4 which the Bell Operating Companies sought authority to  
5 provide interlata long distance services, the  
6 Department of Justice, under the Statute was required  
7 to give its opinion on each application. And we work  
8 with them, the Federal Trade Commission, the National  
9 Telecommunications and Information Administration  
10 which, by the way, manages government controlled  
11 spectrum and the State Department. And of course, as  
12 I mentioned earlier, we also work all the time with  
13 the states and various state regulators, in some cases  
14 with municipal authorities.

15                   And for certain proceedings we will create  
16 what is called a Joint Board, made up of both FCC  
17 Commissioners and Commissioners from state and public  
18 utility commissions that will then examine an issue,  
19 make recommendations to the Commission which the  
20 Commission will then consider and issue a final order.  
21 And then, of course, as I also mentioned when we were  
22 talking about the international bureau, we frequently  
23 deal with international organizations as well,  
24 particularly the ITU and, of course, we must deal with  
25 the press and we try to be clear in our explanations

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1     of the actions that the Commission adopts.

2                   Okay, now what are the checks on the FCC  
3 authority? Well, there are basically two. The first  
4 is the check provided by judicial review. Any party  
5 to a proceeding that disagrees with a Commission  
6 decision, basically can appeal it and as some of you  
7 who have been involved in Commission proceedings may  
8 know, most major Commission decisions are appealed.  
9 In general, they're first appealed to the intermediate  
10 Federal Courts of Appeals. In some cases, those  
11 decisions can be appealed to any of the Courts of  
12 Appeal. In others it must go to the District of  
13 Columbia Court of Appeals. And after they've made a  
14 decision, then parties may seek review by the Supreme

15 Court. That is not automatic.

16 In addition, there's also legislative  
17 review and oversight and this can be direct. Congress  
18 can pass legislation, as the number of amendments I've  
19 mentioned suggests, they have frequently done that in  
20 the past and they're certainly considering amendments  
21 in a number of areas right now, and they can also be  
22 indirect through their authorizing committees and  
23 Appropriations Committee.

24 Okay, and finally, I just -- I realize I'm  
25 over time so I won't spend much time on this but I

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1 just wanted to assure you that there are -- we, FCC  
2 staff, are also subject to a number of federal rules  
3 that are intended to protect the integrity of the  
4 Commission processes or any executive agency process  
5 and these include financial restrictions. We can't  
6 hold financial interest in entities we regulate. It  
7 includes restrictions on employment of close  
8 relatives. It includes limits on gifts from outside  
9 sources and of course, prohibition on bribery and  
10 there are also employment restrictions. So there are  
11 restrictions if you're coming from the outside and  
12 joining the Commission, and you've previously worked  
13 for a firm that is regulated by the Commission, you  
14 will be restricted in what proceedings you can handle.

15                   If you're looking to leave the Commission,  
16 and you're talking to potential outside employers or  
17 you've been approached by an outside employer, you  
18 can't be involved in any proceeding that might effect  
19 them. And if you do leave, you can't immediately go  
20 back and advocate on proceedings you were involved in  
21 right before. And these -- I actually spend much more  
22 time on this when we're talking to the new employees  
23 because these are extremely critical. Some of them  
24 actually can involve criminal violations and the FCC,  
25 in particular, the Office of General Counsel, has

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1 ethics trainings programs that repeatedly drill into  
2 us these rules and then they remind us by sending us  
3 ethicsgrams reminding us of these rules as well.

4                   And so we should be well warned. In any  
5 case, that's the general overview. I apologize for  
6 having gone over but I hope it gives you some sense of  
7 the Commission and I hope you have an enjoyable and  
8 productive meeting.

9                   CHAIR ROOKER: Thank you so much, Don.

10                   (Applause)

11                   CHAIR ROOKER: We would like to get copies  
12 of your PowerPoint presentation if you don't mind for  
13 the Committee members. We've had requests for it.

14                   MR. STOCKDALE: Yes, it was delivered.

15 There should be copies.

16 CHAIR ROOKER: Great, that would be  
17 wonderful. Thank you ever so much. We appreciate  
18 that. We're going to take a very short break. I want  
19 you back here in 10 minutes. Ten minutes, did you  
20 hear that, 10 minutes? Thank you.

21 (A brief recess was taken.)

22 CHAIR ROOKER: Hello everyone. I have a  
23 couple of items of business to take care of. I need  
24 to know who wants a cab after the meeting? Wait a  
25 minute, Scott has a suggestion.

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1 MR. MARSHALL: Regarding cabs, it might be  
2 easier for you just to go out the Maine Avenue  
3 entrance of our building which is one floor below us  
4 here, and take the bank of elevators just sort of  
5 behind me and just go out that door and make a right  
6 and go down about three driveways to the back end of  
7 the Mandarin Hotel. They have a doorman and there's  
8 cabs there all the time. And I think it would be  
9 probably more reliable and quicker than our calling  
10 cabs and them not showing up and --

11 CHAIR ROOKER: Besides, if you haven't  
12 seen the hotel, you should.

13 MS. KELLY-FREY: I was also going to say,  
14 does anybody want to car pool, come find me

15 afterwards. I'm going to Reagan National after this.  
16 I don't mind if we want to car pool it, too. Find me  
17 afterwards.

18 CHAIR ROOKER: Okay. So now -- yes,  
19 that's fine with me. I think that makes more sense  
20 because we had some trouble with the cabs. Now, if we  
21 have someone who has a vision problem that needs a  
22 cab, we probably need to give you some special  
23 consideration. Joe?

24 MR. GORDON: Scott, can you tell us again  
25 how to get to the Mandarin Hotel?

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1 MR. MARSHALL: Okay, yes. Okay, you go  
2 one floor down from here. You take the west bank  
3 elevators which are sort of behind me, up the stairs  
4 and behind me. And go out the door there and turn  
5 right and there are like three driveways and then the  
6 back entrance of the hotel will be on your right. You  
7 go in there, that's their conference center. You take  
8 one floor up in the hotel via escalator and then  
9 there's the main lobby and the doorman and all that  
10 stuff. I get cabs there every day. It works out  
11 pretty well. Was that clear or muddy or?

12 MR. GORDON: No, no, that's great.

13 MR. MARSHALL: I'll walk you over, Joe.

14 (Laughter)

15 MR. MARSHALL: For a blind guy, I always  
16 give you good directions. Have I ever misled you?

17 CHAIR ROOKER: The Mandarin Oriental is a  
18 beautiful hotel.

19 MR. MARSHALL: Yes, but it's probably  
20 pretty pricy if you were going to stay there.

21 CHAIR ROOKER: I think it's very pricy,  
22 very pricy. Okay, so we've taken care of the cab  
23 issue. And I do want to, before we get into the  
24 discussion of our working groups, Charles Benton, who  
25 is a new member of our group, has a citizens guide

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1 that he just wants to take a couple of minutes and  
2 tell you about it. Stick your hand up, Charles, so  
3 they can find you.

4 MR. BENTON: I must be in a blind spot  
5 here. Okay, there we go. Thank you so much for the  
6 couple of minutes and I will stick to it. You have  
7 before you and I am especially grateful, Shirley, that  
8 you allowed us to pass this out, a Citizen's Guide to  
9 the Public Interest Obligations of Digital Television  
10 Broadcasters. It's a big mouthful. You've got to  
11 take a deep breath before you get all that out in one  
12 -- at one time.

13 I want to just give you a little  
14 background. This, in effect, is an update of the PIOP

15 report, do you remember the Public Interest  
16 Obligations Presidential Commission that was -- that  
17 met with 22 members in '97/'98 and made its  
18 recommendation in December of '98. So this really is  
19 an update of that report and it's -- it comes at a  
20 very propitious moment. It's very relevant for right  
21 now because these issues have not been settled. You  
22 heard this morning, Commissioner Adelstein was saying  
23 that this has been on the docket for five years and  
24 not dealt with and I think it's fair to say and I was  
25 talking with, by sheer chance sitting next to Valerie  
0160

1 from the NAB that if the broadcasters had really face  
2 up to helping to define the public interest  
3 obligations that they were willing to accept, that  
4 they probably would have had a majority vote on the  
5 multi-task must carry (ph) , so I mean, it comes at a  
6 very interesting time. These are not defined as --  
7 the country moves from analogue to digital and what  
8 we've done in this, as you will see going through it  
9 quickly is we've focused on the children, on  
10 electoral -- public and electoral affairs, on  
11 diversity, on emergency services and disability  
12 access, all things that are non-controversial as  
13 accepted and important services for making TV more  
14 valuable.

15                   There's in fact, we're very proud of this  
16 section, why Public Interest Obligations are important  
17 for broadcasters. This should be win/win. This is  
18 not the citizens' interest, versus the broadcasters'  
19 interest. This is all together and it's win/win and  
20 we need to look at it that way and that's what this  
21 guide -- that's the spirit of this guide and the  
22 spirit of consensus that you're trying to build here  
23 and common ground. We're trying to find common ground  
24 and that is what this is all about. And we've got at  
25 the very end of it, putting it in context, that's

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1 really the ownership and concentration of media trend,  
2 that context and the technology context, obviously.

3                   And then getting involved is how to get  
4 involved in the organizations that are resources on  
5 tap, and then the end notes that prove this is not  
6 just a lot of hot air. So we're backing it up with a  
7 lot of hard facts. And the inside back cover, very  
8 interesting, Bill of Media Rights, the public interest  
9 community has gotten together on this in the past six  
10 to nine months and 140 organizations have signed onto  
11 to this Bill of Media Rights with a membership of 20  
12 million people. So for once we have a set of core  
13 documents or principles on what the public interest  
14 community is looking at, the Bill of Media Rights.

15                   So I hope this is of interest, that it  
16 will be helpful to the working group on broadcast and  
17 media. And we also included our 2004 annual report  
18 because many of you may not be familiar with Benton.  
19 We've been around since 1981. We're the only  
20 foundation that's focused on communications and the  
21 public interest. No one else is doing that. And I  
22 am very proud of the fact that Kevin Taglang, who is  
23 here and over -- Kevin stand up, is the editor of  
24 Headlines, Communications Headlines, which is a daily  
25 service that tracks the consumer and trade press every  
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1 day on policy developments and you can subscribe to it  
2 for nothing. The website is headlines@Benton.org and  
3 if you're interested, we can get you on the list and  
4 you can get Headlines, Communications Headlines every  
5 day. It's been going on since 1998 and so it's a  
6 widely respected service.

7                   Anyway that's the background and I  
8 appreciate your giving me the time to just give a  
9 little background about the report and about the  
10 Benton Foundation.

11                   CHAIR ROOKER: Thank you.

12                   MR. BENTON: We're proudly a part of this  
13 group here and we'll do everything we can to be  
14 helpful.

15                   CHAIR ROOKER: We also have this on a CD  
16 for people who -- the printed version is not  
17 accessible, so it is available to anyone who would  
18 want it. Thank you ever so much, Charles.

19                   Now, let's move onto that very important  
20 part of this day and that is the establishment of the  
21 working groups. These are really the heart and soul  
22 of what we do and interesting to learn about the fact  
23 that we cannot have a quorum on any one working group,  
24 so we're going to have to be certain that we don't  
25 exceed the numbers that we may need, but at any rate,

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1 what I would like first off to ask you, if you have  
2 any questions before we start discussing specific  
3 working groups and signing up membership.

4                   And perhaps the most efficient way for us  
5 to do this is to just try to structure them now,  
6 although I'm not sure that's going to work too well  
7 with this size group. So what we may do, Scott and I  
8 haven't really discussed that aspect of it, is the way  
9 we're going to get you signed up. Do we want to do  
10 that today, Scott, do you think, or should we just  
11 structure the groups and then get people to sign up  
12 electronically?

13                   MR. MARSHALL: I think we could do both,  
14 actually.

15 CHAIR ROOKER: Get it done today, okay.

16 MR. MARSHALL: If you want to get some  
17 volunteer interested in each group or a group that's  
18 not even specified in the idea sheet, we can certainly  
19 get that together.

20 CHAIR ROOKER: I do have a suggestion for  
21 one new group already.

22 MR. MARSHALL: And then if people want to,  
23 you know, sign up after the fact, that's fine, too.  
24 And I'll circulate a list of these. And then you're  
25 going to make the Chairman appointments subsequently.

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1 CHAIR ROOKER: Right, right.

2 MR. MARSHALL: Okay. All right, I mean,  
3 that's fine. Whatever you want to do, that's fine  
4 with me. I'll just disseminate the list.

5 CHAIR ROOKER: We have -- so far, I think  
6 we had one, two, three, four, five, six working groups  
7 that were established during our last session, our  
8 last charter and we have had a suggestion for an  
9 additional one and I can just tell you what that is.  
10 That would be a working group to deal with issues of  
11 rural access and the under-served urban population.  
12 And a number of people have expressed an interest in  
13 that working group. And we can change the title of  
14 that. I'm just putting down the concepts within the -

15 - yes.

16 DR. MITCHELL: I only see five.

17 CHAIR ROOKER: You know, what, you're  
18 right. I don't count very well either.

19 DR. MITCHELL: That's okay. I just wanted  
20 to make sure I wasn't missing something.

21 CHAIR ROOKER: No, you were right. Now,  
22 this is just ideas, yes, Dixie? Scott said he was  
23 drinking when he wrote the list.

24 MS. ZIEGLER: There were actually six.  
25 Telecommunications Relay Service had its own working

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1 group last time around.

2 CHAIR ROOKER: You were -- were you a  
3 subdivision or were you a working group?

4 MS. ZIEGLER: I think we were all our own  
5 working group, were we not, Brenda?

6 CHAIR ROOKER: See, I was right to begin  
7 with.

8 MS. ZIEGLER: It was six.

9 CHAIR ROOKER: I must have known that.  
10 Thanks, Dixie. And did you all feel that you wrapped  
11 it up, or do you want to continue?

12 MS. ZIEGLER: Speaking as a committee  
13 member, I think we want to continue.

14 CHAIR ROOKER: Okay, what was the title of

15 it?

16 MS. ZIEGLER: I think we were the TRS  
17 Working Group; is that correct, Brenda?

18 BRENDA: That's correct.

19 CHAIR ROOKER: Okay.

20 MS. ZIEGLER: Telecommunications Relay  
21 Service.

22 CHAIR ROOKER: Right. Well, you were  
23 actually your own working group, right? Yeah, because  
24 we do have a Disability Access Working Group but did  
25 you find that you all worked together or how did that

0166

1 work?

2 MS. ZIEGLER: We had -- the TRS Working  
3 Group solely met on TRS related issues and I think we  
4 were more effective to deal with that and having its  
5 own working group.

6 CHAIR ROOKER: Not a problem. I don't  
7 have a problem. Debra?

8 MS. BERLYN: Debra Berlyn from AARP.  
9 There was another working group which we added rather  
10 late in the game last time, which was the Competition  
11 Working Group.

12 CHAIR ROOKER: Oh, yes, okay, that's  
13 right, that is the sixth one that I was counting.  
14 Right, that was with you, you were on that right, uh-

15 huh.

16 MS. BERLYN: Yeah, so we can bring that up  
17 for discussion to see if we want to include that as  
18 well.

19 CHAIR ROOKER: Right, right. One, two,  
20 three, four, five, six. Six, I've got six. Now,  
21 seven. This is a game that I'm not going to play.  
22 When I ran out of fingers, I stopped. All right,  
23 let's just go through -- yes.

24 MR. NAKAMURA: Ken Nakamura from Nextel.  
25 Just looking at this list of possible working groups,  
0167

1 some of them seem very broad. I'm wondering if there  
2 is a possibility for sub-working groups or anything  
3 like that.

4 CHAIR ROOKER: Yes. Actually, that's a  
5 very perceptive question because that's exactly what  
6 happened. There were sub-groups within the group, so  
7 yes, and that -- because there was special interests  
8 within those broad categories. Absolutely.

9 DR. MITCHELL: Hi. I'd like to make a  
10 suggestion. The one that says Broadband and Internet  
11 Working Group, maybe that could be renamed Advanced  
12 Telecommunications or Technologies, like some of us  
13 had discussed and that way you could include anything  
14 that's not in that area right now, instead of being

15 Broadband Internet, which is kind of --

16 CHAIR ROOKER: Why don't we wait till we  
17 get to that and then we can discuss whether that's too  
18 broad or whatever? Joy? Stick your hand up so they  
19 can see you.

20 MS. RAGSDALE: I think we had Modernizing  
21 the FCC that was part of the Consumer Affairs but then  
22 eventually they kind of --

23 CHAIR ROOKER: Did they become?

24 MS. RAGSDALE: Yeah, so I don't know if  
25 you want to --

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1 CHAIR ROOKER: It's not me. It's you all.  
2 It's what you want to decide that you want to  
3 establish as working groups. I don't really have any  
4 -- you know, any feelings one way or the other. Well,  
5 why don't we go through and let's take the list. I  
6 think you -- do they have the list in the same order  
7 I do? I guess. The Disability Access Working Group  
8 is --

9 MR. MARSHALL: The Competition Policy --  
10 Competition Policy, that came in after.

11 CHAIR ROOKER: All right, and the one you  
12 suggested, Joy, was what? What did you say?

13 MS. RAGSDALE: Modernizing the FCC.

14 CHAIR ROOKER: Okay. Okay, all right,

15 well, let's just go ahead and discuss -- start out  
16 talking about Disability Access Working Group. There  
17 were some of you who were on that group from the last  
18 session. Do you want to make any contributions or  
19 comments on it or whether it needs to be changed,  
20 whether you want to continue it? What do the rest of  
21 you think about it? Yeah.

22 DR. MITCHELL: I guess my question goes  
23 back to the comment there about the TRS Working Group  
24 and TRS wasn't here. So are we suggesting that that  
25 comes out of this group to be a separate group?

0169

1 CHAIR ROOKER: It was a separate group,  
2 yeah. Yeah, we'll get to that after we do Disability  
3 Access. We'll talk about the TRS Working Group since  
4 they seem to feel it should continue as an independent  
5 working group rather than as a subsidiary because  
6 sometimes you can get more done if you groups are not  
7 too large. Claude, you had a question? Claude, do  
8 you have a question?

9 MR. STOUT: (Inaudible)

10 CHAIR ROOKER: Put your hand up before you  
11 start using the mike, so they know you're going to do  
12 it. Not Claude, but you, you with the microphone.  
13 Way to go, thank you. Hello, you're there. No, give  
14 him a minute.

15 MR. STOUT: (Through an interpreter)  
16 Okay, there we go. Okay, thank you very much. My  
17 name is Claude Stout and I'm speaking of the  
18 Disability Access Group, Work Group. And I'm with  
19 some people that suggest that we have that working as  
20 their own group and I think that's the way meet that  
21 concern, if we keep TRS still and Disability Access  
22 Work Group but understand that I want to make sure  
23 that the TRS has a valued sub-group in that Disability  
24 Access Work Group and the reason is, is because here  
25 at the FCC we have a Disability Rights Office and that  
0170

1 working group is a general work group and Disability  
2 Access Work Group can work well with the Disability  
3 Rights Office and that would be a great resource for  
4 the people that work in that group.

5 CHAIR ROOKER: I'm a little dense because  
6 it's late in the day. Are you saying that we should  
7 keep the Disability Access Group and have TRS as part  
8 of it or are you saying they should be two separate  
9 groups? I'm sorry, I didn't understand that, Claude.

10 MR. STOUT: (Through Interpreter) No, the  
11 first part, yes.

12 CHAIR ROOKER: Keep the Disability Access  
13 Group, right, with TRS in it, is that the suggestion?

14 MR. STOUT: (Through Interpreter) Yes,

15 that's correct.

16 CHAIR ROOKER: Yes, okay. All right, I  
17 have -- you know, that's up to you all. You can --  
18 I'm not making the decision for you. Larry?

19 MR. GOLDBERG: There are lots of separate  
20 issues within that Disability Access Working Group,  
21 you can just see on this list and probably a dozen  
22 more, so it's very likely that that working group is  
23 going to need to split up into many sub-groups to  
24 really be effective on working on these issues.

25 CHAIR ROOKER: Okay.

0171

1 MR. GOLDBERG: So I don't if it really  
2 matters whether it's separate or together, but if it's  
3 going to be long, they should immediately look at the  
4 obvious fact is there are some people that have to  
5 separate and deal with the other issues.

6 CHAIR ROOKER: The one issue that we get  
7 into is whether or not a group is going to have so  
8 many issues that they can't make recommendations to  
9 the Committee. And so when you start getting more and  
10 more hierarchy, that's what occurs. I mean, that's my  
11 one thought. Maybe smaller groups could be more  
12 effective. I don't know. What do you think? Tom?

13 MR. WLODKOWSKI: It seems as I look at  
14 this list here, particularly if I look at the

15 Disability Access and I look at the Broadband and  
16 Internet, there's accessibility issues in a lot of  
17 these groups. And so would it be better for, you  
18 know, kind of a subgroup to deal with Disability  
19 Access across, you know, most of these major core  
20 groups? I mean, I'm a new member, you guys can tell  
21 me how it's worked, but the Telecommunications Access  
22 and the Disability Group certainly may deal also with  
23 issues that are coming out of the Broadband and  
24 Internet Group, for example.

25 CHAIR ROOKER: Okay, Jim.

0172

1 MR. TOBIAS: Jim Tobias. Yeah, I think I  
2 want to hark back to what I was saying before about  
3 our method of work, that if we're going to be doing  
4 this in face-to-face meetings, then we're going to be  
5 limited as to how many groups we can participate in.  
6 If, however, most of the work is done between  
7 meetings, we have no such limit, or at least we're  
8 less limited.

9 CHAIR ROOKER: Right.

10 MR. TOBIAS: Another way to focus this,  
11 because I think in addition to what you said, Tom, all  
12 of the issues permeate all of the current groups. You  
13 look at these, and there are privacy issues. There  
14 are, perhaps, indecency issues. There are, you know,

15 security issues, accessibility issues, across all of  
16 the platforms and services that we're talking about.  
17 So it might be better if -- or one way to structure it  
18 would be to focus on recommendations and draft a  
19 relatively large number of recommendations that then  
20 could be debated or discussed on their own merits  
21 without having necessarily a home for them as long as  
22 we're capable of supporting an open dialogue like  
23 that. If groups come up with recommendations, they  
24 can then clear them from their agenda and on to the  
25 committee as a whole for consideration and passage.

0173

1 I know one of the downsides of our  
2 practice in the first cycle was we kind of waited to  
3 get our recommendations in absolutely perfect, you  
4 know, word order. And that was a big waste of time  
5 because we wound up with this big clump of things to  
6 discuss and debate at the very last meeting. So  
7 rather than that, let's try to process them throughout  
8 and I think the Commissioners would be happier to  
9 receive them that way.

10 CHAIR ROOKER: You're absolutely right,  
11 Jim. I think we're trying to figure out what we were  
12 doing for the first couple of meetings when we  
13 initially started under our charter. But there's no  
14 reason why all of these things can't happen. Charles,

15 mike, please. Put your hand up, please. They can's  
16 see you. You have to give them a minute.

17 MR. BENTON: I did with the other hand.  
18 Okay, great. I'm impressed by the fact that 20 of our  
19 55 members are in the Disability Group Area. It's a  
20 powerful and big group and perhaps, and especially the  
21 idea of whether the TRS Working Group should be a  
22 separate group now or a sub-group, it might be  
23 valuable to leave this over for the discussion of the  
24 people interested in Disability Access to figure this  
25 out and decide what they feel is the best structure

0174

1 where they can make some impact. I mean, the idea is  
2 making an impact here and not deciding this now, but  
3 having a decision that comes from that group and made  
4 to us or that works out with you, so that they decide  
5 but they have time to think about it and talk among  
6 themselves.

7 CHAIR ROOKER: I have no problem with  
8 that. The only thing you have to keep in mind is that  
9 we have a meeting in November. Our goal between now  
10 and then is to have you organize very fast, so that we  
11 can get recommendations from the groups. So if that  
12 could be done in a timely fashion, but it seems to me  
13 that there can be -- we could establish a Disability  
14 Access Group and that what would be what you would be

15 suggesting and let the people within that group decide  
16 how they want to reorganize. That's fine with me.  
17 You can set up subgroups within the group.

18 MR. BENTON: Or ask for a separate group,  
19 either one.

20 CHAIR ROOKER: That's exactly right. The  
21 only thing is, that I'm emphasizing is the time frame  
22 that we have to work under, that we want to make  
23 certain we're getting it done and we get it done in a  
24 timely fashion. What's your thought, Scott?

25 MR. MARSHALL: I think that --

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1 CHAIR ROOKER: I seldom give him a chance  
2 to talk, so --

3 MR. MARSHALL: Yeah, I think that's the  
4 issue is being able to divide that group into  
5 subgroups or into a separate working group, if that's  
6 what you want to do, on a particular topic, you know,  
7 as rapidly as possible, so you can start processing or  
8 developing ideas for recommendations, not that every  
9 group, and we don't have every group, having  
10 recommendations on every agenda. But certainly, you  
11 know, we usually like to have two or three at least  
12 for each meeting, recommendations from the working  
13 groups.

14 So that having been said, if we were to

15 get volunteers for a Disability Access Working Group,  
16 then would you be able to come to closure about how  
17 you wanted to divide yourself and whether there was --  
18 I hear people saying they want a separate working  
19 group on TRS. Are there -- you know, can that be done  
20 fairly quickly so that we can move on?

21 CHAIR ROOKER: We have a comment from  
22 Dixie.

23 MS. ZIEGLER: I just have a -- this is  
24 Dixie Ziegler. I just have a quick logistic question.  
25 If the sub -- if we have sub-groups under the working  
0176

1 groups, does the whole entire working group have to  
2 approve whatever the sub-group has done before it  
3 comes to the CAC?

4 CHAIR ROOKER: Yes, and that's the issue  
5 that I have with having a large group that's divided  
6 into sub-groups.

7 MS. ZIEGLER: Yes.

8 CHAIR ROOKER: I think you are effective  
9 if you can have a working group on your own that can  
10 report directly to the Committee. You get out the  
11 layers of, forgive me, bureaucracy.

12 MS. ZIEGLER: Yes.

13 CHAIR ROOKER: So, I tend to believe that  
14 that's the more effective way but then that's not my

15 choice. I think, perhaps, what we should do instead  
16 of spending so much time on it, is to get a sense of  
17 vote. First off, perhaps we should say, do I hear a  
18 motion that we establish a TRS Working Group?

19 MS. KELLY-FREY: This is Brenda Kelly-  
20 Frey, was the former contact person for the TRS  
21 Working Group and I know that we have a lot of  
22 business that we have not completed. We have a lot  
23 more work to do and I propose -- I make a motion that  
24 we keep it as a separate group.

25 CHAIR ROOKER: Second? Just hold your

0177

1 hand up if you second it. Okay. Let's hear the ayes  
2 on that vote.

3 (Aye)

4 CHAIR ROOKER: Nays? I believe the vote  
5 carried, so we have established a TRS working group.  
6 All right, well done. That's number one, thank you  
7 very much. Okay, Gene.

8 MR. CRICK: Gene Crick, TeleCommunity  
9 Resource Center. A question related to what we  
10 discussed earlier, Shirley, and that's in trying to  
11 figure out the logistical realities of working within  
12 groups of the CAC. What would be the anticipated  
13 number of physical meetings? I'm simply trying to  
14 assess, you know, a time commitment. What would be an

15 anticipated number of physical meetings of a working  
16 group of the CAC?

17 CHAIR ROOKER: Probably none outside of  
18 this committee. You would do it --

19 MR. CRICK: You would --

20 CHAIR ROOKER: -- by -- you would do it  
21 depending upon the abilities of your committee to  
22 either do it by computer, voice or whatever the best  
23 means.

24 MR. CRICK: That's right.

25 CHAIR ROOKER: But there's seldom ever a  
0178

1 face-to-face meeting between our regular committee  
2 meetings. Once, yes. Some people here are local.

3 MS. RAGSDALE: And then we met with staff,  
4 too, so there was a lot of physical --

5 CHAIR ROOKER: Joy is saying that their  
6 working group did meet with FCC staff and the  
7 advantage that they had is that a lot of them are  
8 local, but I do believe that much of that could be  
9 done via technology that Jim Tobias and Steve Jacobs  
10 are going to develop for us. I'm putting the burden  
11 on you guys. You're making me look like a techie.  
12 I'm not a techie. All right, okay, so we have  
13 established the TRS Working Group. We're looking at  
14 other disability areas, disability access areas. Do

15 you feel that we should further divide that group into  
16 smaller groups?

17                   Okay, since you all are quiet on that, I'm  
18 assuming that you don't. So do we want to -- oh,  
19 first, before we -- well, let's go ahead and decide  
20 that and then I'll go back and get members for the TRS  
21 Working Group. Do we want to establish a Disability  
22 Access Working Group? We do? All right, do I hear a  
23 motion to that effect?

24                   All right, we have a motion and it's  
25 seconded and Ayes, please, hands?

0179

1                   (Ayes)

2                   CHAIR ROOKER: Okay, nays? All right, the  
3 motion carries. All right, let's go back to the first  
4 TRS Working Group and people who think that they would  
5 like to be a member of that group, would you please  
6 put -- yeah, Rich?

7                   MR. ELLIS: It might make sense just to  
8 pick the groups first and then go back and put the  
9 members in them.

10                   CHAIR ROOKER: Oh, okay, that's a good  
11 idea. Let's do that. I like that better. All right,  
12 so we've got two groups established and Richard  
13 suggestion was, he normally buys lunch, but he makes  
14 good comments, that we go ahead and establish the

15 working groups and then you can decide which one or  
16 ones you want to participate on. I think that does  
17 make sense. Okay, so we have a Disability Access  
18 Working Group. Consumer Affairs and Outreach, do you  
19 feel that this is something that we want to do? I see  
20 a lot of heads saying yes. Okay.

21 Do I hear a motion to that effect? Go  
22 ahead, John, you want to comment?

23 MR. MORRIS: The question of mine, John  
24 Morris, I just want to understand the different  
25 categories and to me, the outreach to under-served

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1 populations seems very similar to deployment of  
2 broadband and the affordability of broadband. I mean,  
3 they're both concerns about reaching out beyond, you  
4 know, suburban White America which has whatever it  
5 needs. So I'm just trying to understand, are those  
6 really two separate things that should be dealt with  
7 in separate groups or, perhaps, should there be a  
8 deployment working group? I'm asking that. It's not  
9 an issue that I'm personally, you know, aggressively  
10 focused on but I'm just trying to understand the  
11 different categories.

12 CHAIR ROOKER: Right. I think you're  
13 going to find that in many of these groups there's a  
14 lot of overlap. And I think there are some

15 predominant issues that could fit into probably a  
16 number of the groups. So how we -- yeah, Joy, you  
17 have a comment on that?

18 MS. RAGSDALE: John, you raise a good  
19 point because we tried to split up the needy and  
20 under-served populations from that group. It just  
21 never happened, so that was a suggestion because the  
22 people in that group did not have the expertise to  
23 address those particular areas in the rural area.

24 CHAIR ROOKER: So, okay, yes.

25 DR. MITCHELL: That brings up another

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1 question because one of the break-outs that you had  
2 suggested was rural access and under-served  
3 populations.

4 CHAIR ROOKER: Right.

5 DR. MITCHELL: And I notice that's in the  
6 Consumer Affairs and Outreach Working Group. So are  
7 we still talking about breaking that out as a separate  
8 item?

9 CHAIR ROOKER: That was the request that  
10 I had. I mean, that's up to you all to decide whether  
11 or not you want to do that. That was the discussion,  
12 that it become a separate group because I do think  
13 they have some very specific issues that --

14 MS. VIERA: Hi, yes, I think we need to

15 acknowledge some of the overlap. As someone was just  
16 mentioning before, maybe one committee was planned to  
17 merge or interact with another group on common issues.  
18 For example, the TRS and the Broadband IT, I think  
19 that there are some times when they'd be working  
20 together instead of separately.

21 CHAIR ROOKER: I think you're absolutely  
22 right. And what does occur, there's some predominant  
23 interest in a group and then there's many other  
24 interests that are -- go across two or three groups.  
25 So I think in the past what we've done is that we've

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1 set up listservs for each working group. If you want  
2 to share in other working groups, even though you may  
3 not want to be a participating member, you could be  
4 put on the mailing list, so there's no restrictions  
5 and it -- much of it is done by e-mail, so we would be  
6 happy to do that. That wouldn't be a problem, would  
7 it, Scott?

8 Yeah, so if you want to serve on one group  
9 and you want to know what's going on, on the others so  
10 that you can work with them, if necessary, we'll be  
11 happy to make that information available to you. So  
12 does that answer -- okay, sure, okay, Mike.

13 MR. DUKE: I'm going to ask the new  
14 members on the Committee to please turn their head and

15 not follow the bad example I'm about to set but I have  
16 to bail out early. Shirley and Scott know this. I  
17 would like very much to work with the Disabilities  
18 Access and Homeland Security Committees again. I'd  
19 prefer not to Chair, but I don't mind working on  
20 either or both. And I'll see you in November.

21 CHAIR ROOKER: Thank you, Mike. It's  
22 delightful to see you. Okay, yeah, Steve, you have  
23 a comment?

24 MR. JACOBS: This is Steven Jacobs. And  
25 I thought I'd make a suggestion of something that's  
0183

1 actionable, something that we could all take with us  
2 and act on after we leave this meeting because  
3 generally talking about sending each other e-mails,  
4 it's going to take a lot of reading to assimilate  
5 everybody's opinions and it may be kind of unwieldy.  
6 If somebody is willing to provide as a donation online  
7 captioning -- as I mentioned before, what we would be  
8 willing to do is absorb the cost, which is not going  
9 to be small, to set up online conferencing for  
10 everybody, where we can drop in, talk to each other,  
11 meet, do presentations.

12 I'm not suggesting this is the only  
13 effective way to interact. Jim made a good point,  
14 that a lot of interaction is going to be reviewing

15 documents and all. Online conferencing might not  
16 necessarily lend itself to that, but upon leaving this  
17 meeting, I will send everyone an e-mail. What you'll  
18 need to do is send me an e-mail back with the user  
19 name and password you'd like to use. I'll set up an  
20 account for you, send you instructions and then set up  
21 a weekly online meeting so that you can kind of get  
22 used to the infra-structure and then it's yours to  
23 use. It's very convenient, it will be free. It uses  
24 voice-over IP. You don't have to spend money on long  
25 distance phone calls. I'll do that; however, in order  
0184

1 to make the infra-structure accessible to people who  
2 prefer to use captioning, I just simply can't afford  
3 to absorb that cost in addition to the conferencing.  
4 So, I just throw this out to whoever has that as a  
5 resource or has the ability to influence that resource  
6 for a few hours a week. I think that we can really  
7 pull something together and from a mail meeting room  
8 we can have breakout rooms and get organized that way.  
9 It's just an offer I'm putting on the table.

10 CHAIR ROOKER: Well, you're very generous.  
11 Let's see if we can get someone to meet that, Steve.  
12 Thank you. Yes.

13 MR. BURPEE: Yes, this is Brent Burpee  
14 with Sprint. The FCC does have access time on

15 conferencing today and I don't think that it's any  
16 additional cost to the FCC, and I'll get with you  
17 after this meeting to tell you more about it.

18 CHAIR ROOKER: And captioning, too?

19 MR. BURPEE: It's equipped with online  
20 captioning, yes. (Inaudible) I'll discuss the  
21 details. Technically no, it's not for free but it is  
22 a service provided to the Federal Government for that.

23 CHAIR ROOKER: Well is there some way that  
24 we can get some of our captioning members involved in  
25 this, too?

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1 MR. BURPEE: Sure, I'd be happy to discuss  
2 it. I don't want to take up everybody's time about  
3 it, but we can talk about the technicalities about  
4 that after this.

5 CHAIR ROOKER: Okay, Scott's suggesting  
6 that we do some sort of a meeting next week to talk  
7 about how we can do this.

8 MR. MARSHALL: How to do this. Exactly,  
9 we're not going to solve it here today.

10 CHAIR ROOKER: Right, you and Scott can  
11 meet. I'm not going to be available next week. And  
12 Brent, that would be great. Okay, and then we can let  
13 you all know what's come out of it. Jim, do you want  
14 to be a part of that, too, Jim Tobias? Okay.

15 MR. MARSHALL: Anybody else?

16 CHAIR ROOKER: Okay, thank you. Thank  
17 you, Steve, that would be great if we can do that.  
18 Okay, going back to the Consumer Affairs and Outreach  
19 Working Group, do you have any comments or questions  
20 or suggestions? Oh, I'm sorry. I don't look over at  
21 you. I don't like you all over there.

22 MR. JOHNSON: Bob Johnson with Consumers  
23 First. Madam Chairman, I'm not sure if there's a  
24 motion on the floor but just to move this along, as I  
25 understand it, the Outreach Working Group and its role  
0186

1 in outreach to under-served populations in the  
2 previous iteration of this committee performs much of  
3 the same duties as the proposed Rural Access Urban  
4 Issues. Is that --

5 CHAIR ROOKER: I'm not sure that that's  
6 totally accurate. The Consumer Affairs Group did a  
7 lot of different things. They worked with the FCC in  
8 terms of their consumer response. They worked with  
9 them on the website. They did a lot of different  
10 things. I'm not sure that they were -- that they did  
11 all that much on the Rural Access.

12 MR. JOHNSON: Well, and that was my point,  
13 I guess. What I would propose is kind of sub-dividing  
14 this second bullet point committee into a Consumer

15 Affairs Committee and an Outreach to an Under-Served  
16 Populations Committee that would include the issues of  
17 rural and urban issues as well as Native American  
18 issues.

19 CHAIR ROOKER: Okay, so we would have two  
20 groups, two working groups.

21 MR. JOHNSON: You'd have two groups and  
22 the Consumer Affairs would deal with just consumer  
23 affairs and Outreach would deal with under-served  
24 populations and the particular issues associated with  
25 them.

0187

1 CHAIR ROOKER: Okay. Joy?

2 MS. RAGSDALE: The Consumer Affairs still  
3 was separate from the Outreach.

4 CHAIR ROOKER: Right, that's what we're  
5 proposing.

6 MS. RAGSDALE: However, so we don't want  
7 to take Outreach from the Consumer Affairs, at least  
8 I don't, but have another working group that deals  
9 specifically with Rural and Native Americans because  
10 we did not touch upon them at all in any capacity. So  
11 we don't want to limit our outreach just to the Native  
12 American and rural areas, because we still were  
13 working with outreach in the general population, if  
14 you understand.

15 MR. JOHNSON: I think we're saying the  
16 same thing.

17 CHAIR ROOKER: I think you are saying the  
18 same thing. You're talking about outreach in the  
19 general sense. He's talking about it in a very  
20 specific sense, right. I don't think we're at  
21 counterpoints at all on that. Okay. All right, so  
22 what we've got proposed here is that we have two  
23 working groups -- I'll come back to you in just a  
24 minute.

25 That we have a consumer affairs and

0188

1 outreach and rural access and underserved urban  
2 populations as two separate working groups. Gene, you  
3 have a comment?

4 MR. CRICK: Just the clarification you  
5 were making because again, what it is that we are  
6 proposing is what, for want of a better term, is  
7 Universal Broadband Access Group. Now, clearly the  
8 work to be done there is the underserved markets.

9 CHAIR ROOKER: Right.

10 MR. CRICK: But again, you know, as we've  
11 all decided, it's going to include outreach and so  
12 forth but we don't want to -- you know, we don't want  
13 to tread on Consumer Affairs and so forth, but again,  
14 we --

15 CHAIR ROOKER: You wouldn't be, I don't  
16 believe.

17 MR. CRICK: Okay, no, it's just that we  
18 have some sort of a Universal Broadband Access Working  
19 Group, whatever name and scope everyone feels best.

20 CHAIR ROOKER: And your input can go into  
21 them on those issues. Rich?

22 MR. ELLIS: And just to clarify, when  
23 you're talking about outreach, I think you're talking  
24 about two different things. You're talking about  
25 information and I think you're talking about

0189

1 deployment and I think that Rural Committee can do  
2 both of those, but I just want to make sure that --

3 CHAIR ROOKER: I think you're absolutely  
4 right. Okay, yes.

5 MS. EFURD: Laura Efurd with the Community  
6 Technology Foundation. I just want to make sure that  
7 if we do a separate committee with the Rural and  
8 Underserved Communities that we look at a broad range  
9 of underserved communities, not just the rural areas,  
10 but inter-city, urban and --

11 CHAIR ROOKER: We did.

12 MS. EFURD: -- as well as language  
13 minorities and maybe even seniors. Okay, thanks.

14 CHAIR ROOKER: Okay, we can make that

15 broader to say underserved populations. Okay, and  
16 that can include a number of those things, a very good  
17 point. Okay, Charles.

18 MR. BENTON: Charles Benton. These groups  
19 are generally sorted out by media. If we start, if we  
20 really start carving this out by populations, I mean,  
21 the -- the comment was just made about universal  
22 broadband access, both broadband and certainly digital  
23 television, the -- serving the under-served population  
24 is the central potential of the new media and if we  
25 put the under-served populations off in a separate

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1 group, all the people that are concerned about the new  
2 media want to served the under-served population and  
3 that's where universal service comes in, so it all  
4 does -- I mean, the structure here is quite important.  
5 We're either going to be media sorted our or we're  
6 going to be end user population sorted out but I'm not  
7 sure that trying to do both those things is a good  
8 idea.

9 CHAIR ROOKER: Well, I think what the  
10 issue is that they've found, that there were -- in the  
11 under-served population, there were some very specific  
12 issues that did not cross over into the general  
13 population. And I believe and would I be correct in  
14 saying, Gene, that those are the issues that they want

15 to address?

16 MR. CRICK: Absolutely, the question is  
17 the platform for the deployment of. In other words,  
18 I don't in any sense quibble with the media and  
19 contents and so forth things, but simply put, we lack  
20 platform access to all those services and that's a  
21 very narrow and focal point, if you want to put it  
22 that way. Now, there's one reason because I did not  
23 want to transgress the charter of the Committee,  
24 that's one reason I clarified it. It may seem that  
25 was a microphone problem but I wanted to clarify that

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1 with Chairman Martin and so forth this morning.

2 MR. BENTON: And how can we be most  
3 effective within the structure of the FCC, that's all  
4 we have to think about, the structure of the FCC  
5 rather than just meeting our own needs.

6 CHAIR ROOKER: I'm not sure how important  
7 the structure of the FCC is. I don't see that. That  
8 has not been an issue that we've raised before and it  
9 certainly didn't undermine our effectiveness. What we  
10 did was to identify issues and present them to the  
11 Commissioners. The structure of the FCC didn't seem  
12 to have anything to do with it quite honestly. Would  
13 you say that's correct, Scott?

14 MR. MARSHALL: Yes, because when Chairman

15 Powell had some broad-brush priorities that spanned  
16 across bureaus, and I suspect, you know, that's going  
17 to happen again, we'll have broad-brush priorities  
18 much in the same way that you're developing these  
19 groups that span across bureaus.

20 CHAIR ROOKER: And the other thing that we  
21 should keep in mind is what we're establishing here is  
22 a working guideline. We're trying to come out of this  
23 meeting today with some structure that will facilitate  
24 our getting started. That doesn't mean that these  
25 groups are going to stay the same. There's going to

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1 be a lot of fluidity, if that's the word, within the  
2 groups, so that what we're trying to structure is a  
3 starting point for a very large group of people. So  
4 with that in mind, we have a proposal that we have a  
5 Consumer Affairs Outreach and we have a Rural Access  
6 and Under-served Population Working Groups. Do I hear  
7 a -- or did we vote on this already?

8 MR. MARSHALL: No.

9 CHAIR ROOKER: It's late in the day. A  
10 motion that we accept it? Second? And all Ayes?

11 (Ayes)

12 CHAIR ROOKER: Okay, Nay? It's carried,  
13 okay. All right, then we go to the Broadband and  
14 Internet Working Group. Here again, of course,

15 there's a lot of things to talk about in that one.  
16 Larry, you were very, very -- you chaired it the last  
17 time. What did you think?

18 MR. GOLDBERG: I remember, of course, we  
19 finished it all up by taking on digital television.

20 CHAIR ROOKER: There you go.

21 MR. GOLDBERG: So --

22 CHAIR ROOKER: You didn't have much to do,  
23 did you?

24 MR. GOLDBERG: It was a catch-all. It was  
25 miscellaneous. Honestly, there are lots of issues

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1 around broadband and it, again, cuts across everything  
2 else. It's disability access, it's outreach to under-  
3 served, it's rural, it's all of those.

4 CHAIR ROOKER: Right, right.

5 MR. GOLDBERG: So if we're going to talk  
6 about broadband and Internet, I guess maybe we need to  
7 focus on what you want to deal with on that area. We  
8 can say we'll establish one and decide later what our  
9 hottest priorities are.

10 CHAIR ROOKER: I think that's probably  
11 what we're going to --

12 MR. GOLDBERG: We're going to be touching  
13 other groups but clearly those who want to -- many of  
14 us will be on many groups.

15 CHAIR ROOKER: That's right. That is  
16 right. I expect that. Yes. Walter.

17 MR. CASWELL: Yeah, Wayne Caswell.

18 CHAIR ROOKER: Wayne, I'm sorry. I got  
19 the first initial right.

20 MR. CASWELL: From my perspective I think  
21 one of the most important things that the Commission  
22 can do on broadband is to change its definition of  
23 broadband and its objective for broadband. Definition  
24 of 200 kilobytes in any one direction is not even  
25 medium band. And it isn't going -- it doesn't support

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1 today's application, much less tomorrow's. But the  
2 objective needs to be not just universal availability  
3 or affordable availability. It needs to be adoption  
4 and what that means is that the -- in order to have  
5 adoption, you know, people subscribing, it needs to  
6 have a value that justifies its cost. And when we  
7 compare the value of broadband in our nation, versus  
8 some other nations who are way, way behind, in order  
9 to catch up, the only way to do that is with a broader  
10 objective. So that would be one of the things that I  
11 would personally like to see added onto this  
12 particular subcommittee.

13 CHAIR ROOKER: You can add anything you  
14 want. I mean, that's the beauty of what we're doing

15 is that we're here for ideas from you. That's -- this  
16 is the whole purpose.

17 MR. CASWELL: And let me just comment on  
18 some other things that maybe ought to be added on just  
19 to spur ideas for some other people, is because a lot  
20 of discussion going on right now is the role of  
21 Federal Government versus State Government versus  
22 Local Government in the deployment of broadband, and  
23 I think that this committee can make some strong  
24 recommendations to the FCC on that.

25 Also related to how do you meet those

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1 objectives, and I think you hit on it a little bit is  
2 the -- let's call it the remissioning of Universal  
3 Service Funds. USF has been defined as phone service  
4 and I think really what we're looking at, as we, you  
5 know, convert voice data and everything, is reapply  
6 the mission of USF to broadband.

7 CHAIR ROOKER: Well, I think you've just  
8 set an agenda for the -- thank you, Wayne. Yes,  
9 Laura.

10 MS. FORLANO: Laura Forlano. I just  
11 either wanted to propose a separate working group or  
12 perhaps -- I just wanted to throw it out there to see  
13 whether it should be separate or together with this  
14 one, something on spectrum policy and it would be a

15 cross-cutting group that would deal with, obviously,  
16 digital television and low power FM and unlicensed  
17 wireless and those areas. So if there was enough  
18 interest perhaps it would be separate or it could be  
19 a sub-section of this broadband group.

20 CHAIR ROOKER: What does the group think?  
21 Should that be a separate -- give us your name.

22 DR. MITCHELL: Helena Mitchell. I agree  
23 with Laura but I would propose to rename that working  
24 group to just say Advanced Telecommunications or  
25 Advanced Technology --

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1 CHAIR ROOKER: Yes, that's what she said.

2 DR. MITCHELL: -- and then everything  
3 would fall under it.

4 CHAIR ROOKER: All right, so now tell me  
5 again?

6 DR. MITCHELL: Just advanced technologies  
7 working group. What about that, Larry, Wayne? That  
8 would allow us to do the other things, like 3G2?

9 MR. CASWELL: Yeah, actually, I would  
10 argue that we ought to separate our transport versus  
11 services. And Advanced Telecommunications Services  
12 includes the IP television, voice-over IP, video  
13 conference, distance learning, telemedicine sort of  
14 thing. And when you're looking at the infrastructure,

15 that's wireless, power line, DSL and cable, fiber  
16 optics and so I would tend to look at that separately.  
17 So the transport, you could put in the argument of who  
18 plays the regulatory role? Is it federal, state or  
19 local?

20 I tend to think that the services  
21 themselves you want to deregulate, but you -- you  
22 probably want to treat the services separate from  
23 transport, and so I would see them as two separate  
24 committees.

25 DR. MITCHELL: I think if you just divide

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1 one committee within that subcommittee, they can make  
2 that decision themselves.

3 CHAIR ROOKER: Larry, you've been on this  
4 one, what do you think?

5 MR. GOLDBERG: (Inaudible) -- sometimes  
6 you can't -- to make the statement who we should  
7 delineate the services, we could have a six-year  
8 argument about that one right there but let's talk  
9 about it in the committee and talk about how to break  
10 it up there.

11 CHAIR ROOKER: Sure. Okay, so I think the  
12 idea here is we're going to change this working group  
13 to be called advanced technologies. The group itself  
14 would decide how it wants to divide itself or if it

15 needs to split off and become a separate group. But  
16 we'll leave that decision up to the group itself. So  
17 we have a proposed -- do we have a motion for the  
18 Advanced Technologies? Yes, John. Second on that?  
19 Second, and do we have "ayes"?

20 (Aye)

21 CHAIR ROOKER: Nos? Okay, so we now have  
22 working group number five. Okay. Media and  
23 Broadcasting, do you have any comments, questions,  
24 concerns, thoughts? Debra?

25 MS. BERLYN: Is this one that we've had

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1 before?

2 CHAIR ROOKER: No, this is new.

3 MS. BERLYN: Oh, this is a new one.

4 CHAIR ROOKER: Right. Do we have some  
5 interest in this? Yes.

6 MR. ZANONI: Lou Zanoni. I would like to  
7 include a localism issue along with the competition  
8 and media ownership. Any interest in that?

9 CHAIR ROOKER: You're talking about for  
10 the media and broadcasting?

11 MR. ZANONI: Yes.

12 CHAIR ROOKER: You're talking about that  
13 as an issue within that working group?

14 MR. ZANONI: Correct.

15 CHAIR ROOKER: Yeah, that's not a problem.

16 MR. ZANONI: Would that be a subcommittee  
17 or a subgroup?

18 CHAIR ROOKER: That would be up to the  
19 group to decide.

20 MR. ZANONI: Okay, those would be issues  
21 that would be discussed within the group.

22 CHAIR ROOKER: Remember, you, as a group  
23 decide what you're going to discuss and how you're  
24 going to organize yourself.

25 MR. ZANONI: Okay.

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1 CHAIR ROOKER: So do we have interest in  
2 forming a working group on this? I see heads nodding  
3 yes. Okay. All right, so do I hear a proposal that  
4 we set it up? Charles. Okay, and second, we've got  
5 a second over here. Ayes? Discussion, Larry? We  
6 always like discussion.

7 MR. GOLDBERG: The media and broadcasting  
8 seems to be a little contradiction when they're  
9 talking about television, cable, satellite. So it's  
10 not just broadcasting. So it seems like maybe it's  
11 Just Media Working Group.

12 CHAIR ROOKER: Media Working Group,  
13 gotcha. Okay. All right, so we're going to call it  
14 the Media Working Group. We've had a motion and

15 seconded. Do I hear a vote? Ayes for the group?

16 (Aye)

17 CHAIR ROOKER: No? Okay, that's number  
18 six. You all are going to be busy. Homeland  
19 Security, this was something that we established late  
20 on in our last charter and Mike Dude, who has left,  
21 chaired it very graciously. We had some presentations  
22 on it. It seemed to be something that was of great --  
23 pardon me, and recommendations as well. It was  
24 something that was very -- we actually even had a  
25 summit, a day-long summit on issues of access in

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1 emergencies for people with disabilities, which is all  
2 part of the Homeland Security. Do we have any  
3 thoughts on that working group? Do we have interest  
4 in it? I think we definitely have interest in it.  
5 Okay, do we have any comments on it? Yeah, okay,  
6 Elizabeth?

7 MS. DAVIS: Elizabeth here. Okay, now  
8 this is my area of interest. I would just point out  
9 the obvious too. In looking at the groups as they  
10 were laid out before we started to make some cuts and  
11 rearrangements, I circled points within the other  
12 groups that this also overlaps. So here again, is  
13 another opportunity where it might be a category that  
14 would partner with or work on discernible pieces with

15 other groups on a specific issue.

16 CHAIR ROOKER: I think that makes sense.

17 MS. DAVIS: And I would want to make sure  
18 we would recognize that because this is going to be a  
19 rather large piece of a pie.

20 CHAIR ROOKER: I don't think there's any  
21 group here that doesn't overlap with others. I mean,  
22 there's lots of overlap, but we have to have some sort  
23 of a division and you're absolutely right, Elizabeth  
24 and thank you for pointing that out. Okay, do we have  
25 a motion that we have a Homeland Security and a second

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1 on that motion? Second, and do I hear an ayes on it?

2 (Aye)

3 CHAIR ROOKER: Opposed? Okay. Number  
4 seven. All right, Competition Policy, don't ask me  
5 what that means. Debra can tell us.

6 MS. BERLYN: Debra Berlyn, AARP. We  
7 started this working group into the second year of our  
8 last CAC and we got kind of hung up on issues and we  
9 actually didn't come out with any recommendations. We  
10 had some good discussions. I think actually, I was  
11 thinking that this might take on a slightly different  
12 life at this point. I think what we got hung up on  
13 last time was the training review proceeding and it  
14 was just perhaps we were too narrow in our focus.

15                   I still believe it's kind of in my blood,  
16 that competition is very much in the interest of  
17 consumers and should be an issue that we talk about in  
18 this committee. I think that now at this point,  
19 there's interest in so many different sectors of the  
20 industry, in competing with others and what  
21 implications does that have for consumers, what are  
22 the benefits, what are the costs, how do we balance  
23 that. I think it would be of interest to continue  
24 that discussion in this committee.

25                   CHAIR ROOKER: Lou?

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1                   MR. ZANONI: Lou Zanoni. Doesn't that  
2 fall under the Media Ownership of what now is the  
3 Media Working Group?

4                   CHAIR ROOKER: Debra is shaking her head  
5 no and I bow to her expertise on that. I really don't  
6 know.

7                   MS. BERLYN: It's got more -- I think this  
8 is a much broader issue than that. I think what we're  
9 talking about is insuring for consumers that there's  
10 competition in every service area. So we have now a  
11 time when the Bell companies are interested in  
12 providing video, the cable companies are interested in  
13 or are already pursuing telephony services, wireless  
14 companies' interest, et cetera. So it crosses, I

15 think every industry sector.

16 CHAIR ROOKER: Okay, yes, comment,  
17 Kathleen? Put your hand way up. They have to be able  
18 to see you. Right, stand up and shout.

19 MS. HAM: Hello. I'll just talk loudly.  
20 I think what Debra is talking about is inter-modal  
21 competition and you know, and actually, I'll tell you,  
22 these working groups can all become silos if you're  
23 not careful. I think we're all sort of talking about  
24 the fact that they cross over and so forth, and so  
25 competition is what brings a lot of these different

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1 services together in a world where platforms are  
2 starting to compete with one another. I know that's  
3 certainly a big issue for us for T-Mobile, competing  
4 against Wireline and so forth.

5 You're also in a period of consolidation  
6 going on in the marketplace and that's also a very  
7 important competitive issue. So I can see -- I see  
8 exactly what Debra is getting at. I think it is very  
9 important.

10 MR. JOHNSON: Bob Johnson, Consumers  
11 First. It's our core issue, so I would certainly  
12 agree it needs to be elevated.

13 CHAIR ROOKER: Okay.

14 MR. BREYVAULT: John Breyault with TRAC.

15 Following up on the previous few comments, might I  
16 suggest that the Competition Policy Working Group be -  
17 - have changes -- well, the addition of its name to  
18 Competition Policy and Convergence Working Group  
19 because that's really what I think we're talking about  
20 here.

21 CHAIR ROOKER: Okay, Competition -- say  
22 that again.

23 MR. BREYAULT: Competition Policy and  
24 Convergence Working Group.

25 CHAIR ROOKER: And Convergence. Does that  
0204

1 -- is that okay? I mean, does that bother anyone?  
2 Carolyn?

3 MS. BRANDON: No, it doesn't bother me,  
4 per se, but now I'm confused because I thought the  
5 convergence is one of the primary issues we would be  
6 talking about under advanced technologies. So  
7 competition to me cuts across all the technology,  
8 platforms and services, a slightly different issue  
9 from what are the issues that arise from converging  
10 technologies.

11 CHAIR ROOKER: Okay. Does that -- okay,  
12 all right, so we'll drop that and we'll go back to  
13 Competition Policy. Gene?

14 MR. CRICK: Just clarification, just a

15 clarification question. And that's among these groups  
16 we're talking about, using as an example, where would  
17 issues of CLECs and ISPs, where would they fit into  
18 these? I mean, I have no horse -- I mean, I have no  
19 argument to advance but I wanted to understand that  
20 because I know that issues of CLEC and ILEC  
21 relationships, things like that, would they fit in --  
22 I presume in the competition -- anyway, I'm asking.

23 MS. BERLYN: Debra Berlyn. I have an  
24 answer others may want to add to but I think that it  
25 depends on what the issue is involved with CLEC/ILECs

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1 and we have to look at this from the consumer  
2 perspective as well. We're looking at how this  
3 impacts consumers, not now particular industries are  
4 effected by competition.

5 CHAIR ROOKER: Okay, does that answer your  
6 question, Gene? I don't know if I can give you an  
7 answer.

8 MS. EFURD: Laura from Community  
9 Technology Foundation. So in the Competition Policy  
10 Work Group would you -- would it be possible or one of  
11 the potential issues looking at some of the mergers  
12 between the telecommunications companies as well as  
13 the -- as well as, I think what was brought up earlier  
14 around like the Adelphi/Time Warner/Comcast issue?

15 CHAIR ROOKER: She doesn't know.

16 MS. EFURD: Okay.

17 CHAIR ROOKER: Go to the Community side,  
18 I mean, if you want to join that, that's a great  
19 suggestion. Do we have any other comments on  
20 Competition Policy? All right, then do I hear a  
21 motion that we establish this? A motion, second and  
22 all ayes?

23 (Aye)

24 CHAIR ROOKER: Opposed? All right, so  
25 we've got number eight. Okay, now the biggest

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1 challenge that we have, do we have any other working  
2 groups that -- Modernizing the FCC, that was something  
3 that we worked on. The FCC wants to hear us telling  
4 us to modernize them?

5 DR. MITCHELL: My comment is under  
6 Consumer Affairs and Outreach, you have the Commission  
7 rules of its participation in the FCC rulemaking  
8 process and that's what you're really talking about  
9 modernizing, is the whole process of filing before the  
10 Commission and doing other things. So how is this  
11 different?

12 CHAIR ROOKER: Don't ask me. I'm not  
13 making the choices here. Joy?

14 MS. RAGSDALE: Well, it was in that group

15 but the way they operated, it seemed they came within  
16 their own overtime, but because they dealt with  
17 Section 508 and 504, Compliance, then it also was part  
18 of the Disability Access Working Group. But that's  
19 how it evolved.

20 CHAIR ROOKER: So we don't see that we  
21 need a modernizing the FCC, per se, because a lot of  
22 the things we're going to talk about would be, right,  
23 right. Okay. All righty. Do we have suggestions for  
24 other working groups? Gene?

25 MR. CRICK: This might be a procedural

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1 question that might effect it for you and for Scott,  
2 two parts. One, I'm presuming that we've cleared the  
3 issue of electronic interaction and we don't have any  
4 issues of quorum and that sort of thing for these, but  
5 my other question was, is there any merit in the  
6 possibility -- let's say that two groups are  
7 considering a single issue. You know, let's say that  
8 they issue -- you know, name anything that might  
9 overlap. Is there any merit in possibly being aware  
10 of the other and having those interested from both  
11 groups agree? Does having essentially a  
12 contemporaneous meeting, does that give us any meeting  
13 regulation issues?

14 CHAIR ROOKER: You're talking about

15 through e-mail or communication? As I understand it  
16 from Paula, the only time you run into an issue is if  
17 you are actually having a live everybody getting  
18 together discussion, whether that's over the  
19 telephone, over the computer or however, then you run  
20 into quorum issues that you can't have 26 people or  
21 whatever it is, 27, 28 people in the meeting at one  
22 time.

23 MR. CRICK: That was -- because that  
24 harked to the issue of having teleconferences earlier.  
25 I don't want to get in -- I don't want to --

0208

1 CHAIR ROOKER: Well, I think we'd have to  
2 see that we manage that in a fashion that it would not  
3 violate the quorum rule. Rich and then Jim.

4 MR. ELLIS: Something tells me that if you  
5 have more than 26 people on a conference call, there  
6 will be volunteers to leave the call.

7 (Laughter)

8 CHAIR ROOKER: I think you're right. Jim?

9 MR. TOBIAS: Yeah, Jim Tobias. Just, you  
10 know, going back again in my perseverating manner to  
11 the asynchronous processing issue that, you know, I  
12 think we will have similar recommendations from groups  
13 that are, you know, on different plains in the  
14 organization. And so a transparency is important.

15 You know, everyone should be aware of all of the  
16 recommendations or topics being discussed by all of  
17 the groups, and I for one, am going to encourage  
18 groups that I'm part of to begin with draft  
19 recommendations, even if they're only straw men, so  
20 that it's a way of focusing their own work and calling  
21 the attention of others to what's under discussion.

22 CHAIR ROOKER: I think that's very valid,  
23 Jim, and I think I said earlier, one of the things  
24 that I would suggest is we're setting up lists for  
25 people, for each working group. And if you want to

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1 get the information on another working group, you  
2 don't have to be a part of it. You can just say you  
3 want to be on the listserv and you can be added to it,  
4 so that you'll know what they're doing and if your  
5 working group, if it coincides, then you can, you  
6 know, put together your energies. The synergy would  
7 be even greater. So that would be -- there's not a  
8 problem with that.

9 I think the problem we're going to have is  
10 getting ourselves organized in the next five minutes.  
11 If it's all right with you, I'd like to start that  
12 process because we also have to have public comment.  
13 Let me just ask here, do we have people here who want  
14 to make public comment? Okay, can we just take the

15 moment and let Annette speak and then we'll go back to  
16 getting you signed up for the working groups, because  
17 I'd like to get as much of this done today as  
18 possible. Annette, so you can go ahead, if you would  
19 do that, please.

20 MS. BANGOR: Hi, Annette Bangor with MCI.  
21 I just wanted to follow up to the conversation on the  
22 working groups, if it's possible to have volunteers  
23 from the public, I'd be happy to --

24 CHAIR ROOKER: Absolutely, absolutely.

25 MS. BANGOR: -- I'd be happy to be on the

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1 Consumer Group, the Consumer Education Group and  
2 certainly the Competition Group.

3 CHAIR ROOKER: The Consumer Affairs Group  
4 and the Competition Policy?

5 MS. BANGOR: Yes, thank you.

6 CHAIR ROOKER: Yes, indeed. As a matter  
7 of fact, we invite people to participate in these  
8 groups who are not members of the committees. We've  
9 found that very valuable information came in to the  
10 working groups through those sources, so that worked  
11 out very well for us. All right, do we have any other  
12 comments from the public? Thank you, Annette, we're  
13 delighted that you're going to be with us.

14 Okay, then I think we can move on to

15 getting ourselves organized. Let us just start with  
16 Group Number 1, the TRS Working Group. I'm going to  
17 ask that the people who are interested in that, let's  
18 just go around the room and you'll give us your names  
19 and we'll start over here in the corner, whoever is  
20 interested. All right, we've got Brenda. Just shout  
21 it out because we're going to have a terrible time  
22 dealing with the microphones.

23 MS. KELLY-FREY: Brenda Kelly-Frey.

24 CHAIR ROOKER: Brenda is interested, who  
25 else? Let's just proceeding down here, who else wants

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1 to be on the TRS Working Group. Okay, we've got Gwen,  
2 and Claude, all right, now wait a minute. We had  
3 Brenda Kelly-Frey, Gwen, is it Gwen -- Judy, I'm  
4 sorry. Judy, and what is your name, please? I can't  
5 see it, Ann-Marie and is it George? George? Greg, I  
6 got the first -- I'm good at first initials. And  
7 Rebecca Ladew, Dixie Ziegler, we got Claude, Cheryl  
8 Moose, Jim Tobias, moving around the room, Brent --  
9 Brent Busbee, is that correct? Did I get that name  
10 right? Burpee, excuse me, I got the initials right.  
11 I'm getting better. Anyone else?

12 All right, and Larry -- Steve Tobias --  
13 it's getting late in the day, Jacobs. Wayne -- oh,  
14 behind me. Pam Stewart and Clayton Bowen. Now, we're

15 going to circulate this through e-mail and if we've  
16 missed you, we do apologize. And you're Janice  
17 Schacter. Let's take the people who want to be  
18 members, all right? If you want to share in their  
19 information, that will be a different sign-up. But  
20 right now, we're just going to put people who want to  
21 be members, okay? And we do apologize, as I said, if  
22 we miss you. We're going to send an e-mail list  
23 around. Don't be offended if we don't spell your name  
24 right. I can't even get my own right. Dixie.

25 MS. ZIEGLER: I volunteer to chair.

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1 CHAIR ROOKER: Love you. Dixie Ziegler is  
2 chairing it. Thank you.

3 Okay, the Disability Access Group, okay.  
4 All right, we're going to start around the room. All  
5 right, Debra Buck, Steve Jacobs, Helena Mitchell,  
6 Janice Schacter, she says she'll chair it, Judy, it's  
7 Judy and Claude, okay, Tom -- Claude, it's Judy,  
8 right, is that her name? Judy, Tom from AOL. Joe  
9 Gordon is volunteering twice, he's got both hands up,  
10 Ann-Marie, Greg, Jim Tobias, Cheryl, Dana Marlowe,  
11 Jack, Joel Snyder, okay, Charles Benton, Brent Burpee,  
12 I'm doing better, and Carolyn Brandon, oh, Larry  
13 Goldberg, Kathleen Ham. Anyone else? All right, did  
14 you get all this, Scott? We hope. Scott does it, I

15 know Scott does it.

16 All right, Consumer Affairs and Outreach;  
17 okay, we've got John Cole, Joy Ragsdale, Mike  
18 DelCasino, Janet, Janice, I need to see it in print.  
19 I am so bad, I have to see it. I can't see this far.  
20 Girl, is that a sign you're holding up? Janice, and  
21 then we have Linda West, Anna-Marie, Linda West, Ron  
22 Jones, Mark Pranger, John Ruscilli, Kent Nakamura,  
23 John Breyault, Debra Berlyn, Carolyn Brandon, am I  
24 going too fast? He's good. Jim Conran, Kathleen Ham,  
25 Rich Ellis, Clayton Bowen and Charles Benton. Okay,  
0213

1 that was Consumer Affairs and Outreach, right?

2 MR. MARSHALL: Just a comment from me.  
3 I'm going to do the list initially of CAC members for  
4 each one of these groups. And the people that aren't  
5 CAC members, then if they could then just contact me  
6 and then we'll add you to the e-mail discussion list  
7 and all that sort of stuff.

8 CHAIR ROOKER: The only person so far is  
9 Annette and Clayton. Oh, that's right, okay, Pam, did  
10 we get Pam? Okay, that's right. Okay, however you  
11 want to do that.

12 All right, the Rural Access and Under-  
13 served Populations, okay, we're going to go around the  
14 room. Dan Phythyon, Joy Ragsdale, Laura -- I'm sorry,

15 what's your last name, Laura, Efurd, Linda West, Ron  
16 Jones, Lou Zanoni, Charles Benton, Wayne Caswell, John  
17 -- it starts with an S, John, God, I've lost it.

18 Thank you, I'm halfway there. Debra Berlyn, Carolyn  
19 Brandon, and Laura Forlano, and Gene Crick, and Vernon  
20 Jordan. Okay, all right, you all are doing great.

21 Advanced Technologies? Okay, all right,  
22 Dan Phythyon, John Cole, Joy Ragsdale --

23 MR. MARSHALL: Slow down a little bit.

24 CHAIR ROOKER: No, Joy Ragsdale, Dennis  
25 Moynihan, Helena Mitchell, Judy and I don't know your

0214

1 last name, I'm sorry, okay, Tom, Laura Efurd, Steve  
2 Jacobs.

3 MR. MARSHALL: Hang on one second here.  
4 Okay, go ahead.

5 CHAIR ROOKER: David Brugger, Ron Jones,  
6 John Ruscilli, Wayne Caswell, Larry Goldberg, Debra  
7 Berlyn, John Morris, Tamara Closs, Carolyn Brandon,  
8 Charles Benton, Jim Conrad, and Laura Forlano, sorry,  
9 Kathleen Ham --

10 MR. MARSHALL: I'm sorry, Laura Forlano  
11 was not --

12 CHAIR ROOKER: No, she is.

13 MR. MARSHALL: Okay, and Kathleen --

14 CHAIR ROOKER: Ham, Loretta Polk and Rich

15 Ellis. Wow.

16 MR. MARSHALL: That's enough to get broken  
17 down into subgroups.

18 CHAIR ROOKER: Whoa, okay, we need to do  
19 that Media, the Media Working Group. Okay, here we  
20 go, Dan Phythyon, Dennis Moynihan, David Brugger.

21 MR. MARSHALL: Hang on one second. Okay,  
22 go ahead.

23 CHAIR ROOKER: Julie and I've forgotten  
24 your last name, thank you.

25 CHAIR ROOKER: Julie, right?

0215

1 CHAIR ROOKER: Julie, uh-huh. Lou Zanoni,  
2 I can't see it. Valerie, Charles Benton.

3 MR. MARSHALL: Okay, hang on one second.  
4 Okay, go ahead.

5 CHAIR ROOKER: John Stensgar, I'm close,  
6 Larry Goldberg, Debra Berlyn --

7 MR. MARSHALL: Sounds like a law firm  
8 here, I'm sorry Berlyn.

9 CHAIR ROOKER: This is the title for a law  
10 firm, John Morris, Loretta Polk. All right, did we  
11 get everyone?

12 MR. MARSHALL: And again, if we've missed  
13 you or you have a change of heart or you want to add  
14 yourself, we can always do that later, too.

15 CHAIR ROOKER: Homeland Security. All  
16 right, Elizabeth Davis, Brenda Kelly-Frey, Deborah  
17 Buck, Joy Ragsdale, Helena Mitchell.

18 MR. MARSHALL: Hang on one second here,  
19 okay.

20 CHAIR ROOKER: Tom -- I forgot Tom's last  
21 name. Sorry, Tom, Wlodkowski, John Gordon, Rebecca  
22 Ladew --

23 MR. MARSHALL: Hang on one second,  
24 technology burp. Hang on one second here. Just a  
25 moment and I'll be with you momentarily.

0216

1 CHAIR ROOKER: Did you get Rebecca?

2 MR. MARSHALL: I got Tom and who's after  
3 Tom?

4 CHAIR ROOKER: Joe Gordon, and then  
5 Rebecca Ladew, Dana Marlow, Wayne Caswell, John  
6 Stensgar, did I get it right, Stensgar, good Lord.  
7 Larry Goldberg. I should know that, John. That's a  
8 shame. John Morris, Tamara Closs. I think that's it,  
9 okay. All right, that was Homeland Security.  
10 Competition Policy. All right, here we go; John Cole,  
11 Dennis Moynihan, Joy Ragsdale, Mike DelCasino, Linda  
12 West, Ron Jones, who is -- oh, Mark Pranger is back  
13 there in the corner. Hi, Mark. John, what's your  
14 last name? Ruscilli, I'll learn it, I'll learn it.

15 John, okay. Charles Benton, Debra Berlyn, Gene Crick,  
16 John Stensgar, hot dog, Carolyn Brandon, Jim Conran.

17 MR. MARSHALL: Hang on one second. Jim  
18 Conran in absentia?

19 CHAIR ROOKER: Yeah, Kathleen Ham and Rich  
20 Ellis. Wow. Okay, wow, you've done yeoman duty  
21 today, folks, I have to tell you. Yeah, what a group,  
22 I'm so thrilled. This is wonderful. Now, we have a  
23 few more things that we need to comment on. Our next  
24 meeting is Friday, the 18th of November, same time,  
25 same place. And I can promise you, it won't be as

0217

1 hot. I'm seeking -- remember I talked about lunch and  
2 somebody paying for it. If you'd like to come up to  
3 me quietly afterwards or shout it out right now, I'd  
4 be most grateful if someone is willing to underwrite  
5 luncheon and our little breakfast, please. Oh, great,  
6 thank you, Carolyn, I love that.

7 Thank you, thank you, okay, CTIA is doing  
8 the food for our next meeting. Unless there is some  
9 compelling ideas or questions or concerns -- John?

10 MR. COLE: I have a comment or suggestion.  
11 I already get two, 300 e-mails a day and so showing  
12 all the listservs I might be interested with  
13 overlapping issues and stuff, I was wondering if  
14 perhaps the Chairs of each working group when they're

15 chosen or designated that perhaps maybe bi-weekly or  
16 monthly they could send an update or short report to  
17 maybe Scott and he could distribute it to everybody on  
18 the CAC and that way it would be easier to follow  
19 along or see what issues are coming up that you may be  
20 interested in and want to receive e-mails about.

21 CHAIR ROOKER: They may say that you can  
22 do the work rather than them, John. I don't know. I  
23 can't answer that question right now. You want the  
24 chairs to do the work, John. Okay. I get hundreds  
25 upwards of e-mails a day, too. Joy?

0218

1 MS. RAGSDALE: When do you want the chairs  
2 designated and notified?

3 CHAIR ROOKER: We're going to talk about  
4 that and discuss that this week. Yeah, we're going to  
5 try to get that done right away. Dennis?

6 MR. MOYNIHAN: Can you just describe the  
7 basic responsibilities of the chair?

8 CHAIR ROOKER: It's to run the meetings,  
9 to facilitate and really to be on top of it, to make  
10 sure that things are getting done, to do whatever  
11 record keeping is necessary, to make sure that  
12 discussions get written up, what else, Scott?

13 MR. MARSHALL: Yeah, write the  
14 recommendation as if the committee was making it,

15 mediate the fights, there you go. Talk to me in a  
16 nice way. No, I'm kidding, but also the other thing  
17 is to present the recommendation to the committee as  
18 a whole or have someone in your group do it when it  
19 comes time to present.

20 CHAIR ROOKER: Do we want to go ahead and  
21 just ask people if they want to chair the committee?  
22 All right, now we've gotten some volunteers for  
23 chairs. Elizabeth Davis has volunteered to chair the  
24 Homeland Security. The Disability Access, I  
25 apologize. Janice, not Janet, and Claude, okay.

0219

1 Well, we'll ask him.

2 MS. SCHACTER: We'll ask him. I think  
3 it's hard to co-chair and I'm hoping that -- I would  
4 not be interested in co-chairing, I'd rather just he  
5 do it because I just think it just becomes real  
6 complicated. But I would hope the committee would  
7 keep in mind that I'm the only person on the entire  
8 committee of the CAC that represents the interests of  
9 children and it's a forgotten area and when  
10 considering captioning, that the committee should keep  
11 in mind that children have emerging learning skills  
12 that are forgotten and that the quality of captioning  
13 effects a child who's learning to read and that there  
14 are many committees with adult interests in mind and

15 that I'm the only person in each committee  
16 representing children.

17 So I'm hoping when someone is picked, just  
18 to keep that in mind.

19 CHAIR ROOKER: Okay, thank you. The  
20 Consumer Affairs and outreach, we have a ton of people  
21 on that committee. If you don't want to choose  
22 yourself, we'll make some choices. We can do this as  
23 well and ask you to chair it. Maybe we should just go  
24 ahead and let it -- yeah, I think we probably should  
25 just go ahead and recess because some of you have

0220

1 planes to catch, I know and I don't want to put you  
2 under tremendous pressure. What we will do, Scott and  
3 I will meet and we'll make some recommendations.  
4 We'll ask you if you're willing to serve and if you  
5 aren't, we'll find somebody else, kick you out, you  
6 know, I mean -- look, I want to thank all of you.

7 It's been an absolute delight to meet you.  
8 I'm thrilled and excited at the energy that I see in  
9 the committee. I look forward to working with you and  
10 remember, I only run the meetings. That's all I do.  
11 I'm not very much of an expert on anything, so I'm  
12 just mean. That's why they've got me here. Thank you.

13 MR. MARSHALL: Thank you everybody.

14 CHAIR ROOKER: Thank you very much. We

15 will see you in November and we'll be talking before  
16 then. Thank you so much.

17 (Whereupon, at 4:04 p.m. the above  
18 entitled matter concluded.)

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