

CGB

Connector

Consumer & Governmental Affairs Bureau

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Winter Watch

by K. Dane Snowden, Chief, CGB

In this issue of the *Connector*, you will find articles on a wide range of topics, which reflect the broad range of CGB's responsibilities.

The Winter *Connector* features an article on the Commission's ongoing proceeding to address its 1992 telemarketing rules. Judging from the number of comments the Commission has received, this is a proceeding of tremendous interest to consumers, who have really taken advantage of the rulemaking process to make their voices heard.

Since 1992, the Commission has received many consumer complaints about unwanted and uninvited calls from advertisers and telemarketers. As a result of these complaints, the Commission initiated a proceeding requesting comment on the possibility of updating its rules. Our article in this issue is especially important because it explains your rights as consumers, as well as explaining how you can file a complaint for a telemarketing incident.

Public comment on the Telephone Consumer Protection Act was enhanced by the launch of a more consumer-friendly version of our Electronic Comment Filing System (ECFS), which we call *ECFS Express*. *ECFS Express* (<http://gulfoss2.fcc.gov/ecfs/Upload>) allows members of the public to comment electronically on Commission items without previous knowledge of docket numbers. Both ECFS and *ECFS Express* are maintained by CGB's Reference Information Center (RIC).

The behind-the-scenes work of the RIC is highlighted in this issue. One of the Commission's most important functions is simply providing information to anyone seeking it, and that's where the 33 staff members of RIC come in.

The RIC staff is responsible for keeping and retrieving all sorts of documents relating to the Commission's work, including license files (broadcast, cable, wireline and wireless carriers, satellite and earth stations), rulemaking and docketed files, and non-docketed files. Their work has recently been increased by the many Slamming Reports filed by carriers and made available to the public.

In addition, we want to introduce our Disability Rights Office (DRO), which was created as a Task Force and has become a driving force to ensure that persons with disabilities can take advantage of the telecommunications revolution.

The article will tell you about DRO's work in the area of Telecommunications Relay Services, closed captioning, and hearing aid compatibility. Some of you have family members who may have speech and hearing difficulties. This article will give you some idea of how the FCC operates to promote everyone's access to basic telecom services.

Further, the Consumer/Disability Telecommunications Advisory Committee recently held its final meeting of its first two-year term. With its new Charter, which became effective on November 18, the Committee changed its name to the Consumer Advisory Committee (CAC) to more accurately reflect the scope of its responsibility. The article on the changes in CAC will explain the group's new charter and its membership.

All in all, I think you'll find that CGB has been very active in promoting consumer interests, and it promises to be still more active in the future. I hope you enjoy this issue of the *Connector* and hope that you'll contact us with any questions or ideas you may have concerning our commitment to serve consumers.

For more information about the
Consumer & Governmental Affairs Bureau,
visit our Web site at:
www.fcc.gov/cgb

Telemarketing Rules - Update

We have all had our dinner interrupted by an unwanted telephone call from a telemarketer. For some time now, CGB has been hearing from hundreds of consumers that these calls can intrude on their privacy. They want some action and they are getting it from the Commission.

On September 12, 2002, the Commission asked for comments on how the FCC's 10-year-old rules on telemarketing and junk faxes might be changed to reflect the changes in marketing and technology. The response has been tremendous. We have received well over 6,000 comments from individual consumers, states, companies, telemarketers, and associations. We are particularly gratified with the enormous number of comments from private citizens. The comment period has closed and now the Commission will decide what changes are appropriate.

The current FCC rules implement the Telephone Consumer Protection Act (TCPA) of 1991. The TCPA was created in response to consumer concerns about the growing number of unsolicited telephone marketing calls to their homes and the increasing use of automated and prerecorded messages.

The FCC's rules prohibit telephone solicitation calls to your home before 8:00 am or after 9:00 pm, local time, and require that a telemarketer provide his or her name, the name of the company for whom the call is being made and a contact for the person or company.

In addition, you can instruct the caller to put your name on the company's do-not-call list. If you get another call from the company after this, you have some recourse. Consumers have a private right of action in state courts to (1) stop unlawful conduct and (2) either recover actual monetary loss stemming from the violation or receive up to \$500 in damages for each violation, whichever is greater. This amount may be tripled if you are able to show that the caller willfully and knowingly violated do-not-call requirements.

While the FCC may not award monetary or other damages, it can give citations or fines to those violating the TCPA or other FCC rules regarding unsolicited telephone marketing calls. Complaints should be sent to the CGB Consumer Centers by e-mail (fccinfo@fcc.gov) by the Internet (www.fcc.gov/cgb/complaints.html), by telephone 1-888-CALL-FCC (1-888-225-5322) voice, 1-888-TELL-FCC (1-888-835-5322) TTY, or by mail: Federal Communications Commission, Consumer & Governmental Affairs Bureau, Complaints, 445 12th Street, SW, Washington, DC 20554.

Reference Information

The Reference Information Center (RIC), located on the Courtyard level of the building, was created when FCC relocated to the Portals in 1999. It is the official Commission custodian for designated records, as well as the “face” of the FCC for researchers, paralegals, academics, attorneys and other members of the public who come here to do research and obtain record information on applications, formal and informal proceedings, and FCC programs and activities.

The RIC also is responsible for managing and maintaining the Electronic Comment Filing System (ECFS). This system, which allows comments to be filed with the Commission from remote locations, as well as viewed from remote locations, facilitates public participation in Commission proceedings

Each of the 33 staff members in the Center works a two-hour shift at the counter assisting walk-in customers each day, or answering phone inquiries from the public. Staffers also respond to requests from the public to locate file data, or for information not available in the Center. The RIC staff researches the request and retrieves the material for the customer.

New services provided to the public by the Center include FCC Form 478 and Slamming Reports from carriers. These reports are filed directly to the Center via e-mail or fax, and made immediately available to public researchers within a day of the filing. The broadcast ownership data from 12 reports issued by the Media Bureau are installed on 5 computers in the Center. RIC counter staff ensures that the public has access to these databases. Each Friday, RIC staff assists the Media Bureau with file maintenance of the Engineering File Room on the 2nd floor.

The RIC provides important services both to Commission staff and the general public. Next time you are on the Courtyard level heading for lunch, drop in and see what an enormous operation this is.

Staff Profile

One of the FCC’s “faces” in the Reference Information Center (RIC) is



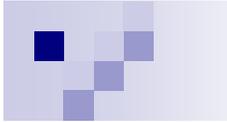
Dana Butler. [Dana V. Butler](#)

Dana has worked at the FCC since August 24, 1988.

She started at FCC as a Personnel Clerk in the Associate Managing Director for Human Resources Management in the Office of the Managing Director (OMD). In OMD she performed data entry and verification of the centralized payroll system for all Commission employees.

She began work in RIC in August 1996 as an Information Technician and in 2001 was promoted to an Information Specialist. In this capacity Dana uses experience gained from her work throughout the RIC to serve customers who visit requesting information services or files. Dana says, “I enjoy helping people and this job gives me a great opportunity to do that.”

Dana is a native Washingtonian and a graduate of Parkdale High School. She has two children, 11 and 15.



Disability Rights Office

CGB's Disability Rights Office (DRO) began as the Disability Issues Task Force in 1995. In 1999, the Task Force blossomed into the Disability Rights Office, housed in the former Consumer Information Bureau. Led by Chief Pam Gregory, and with additional staff to fulfill its mission, DRO focused on ensuring that persons with disabilities – particularly hearing and speech disabilities – could readily access, and fully enjoy, telecommunications and media technologies. When the Commission reorganized in the spring of 2002, DRO became one of the policy offices in CGB.

In the fall of 2002, DRO again underwent some changes. Pam Gregory, Chief of DRO since its inception, became Special Advisor to the Chief, with the goal of spending more time with her husband, two year-old twins, and two Boston Terriers. Tom Chandler became the new Chief of DRO, and Cheryl King became Deputy Chief. Tom came to DRO from the Litigation Division, Office of General Counsel. Prior to joining the FCC, Tom was an appellate attorney in the Department of Justice's Civil Rights Division, where he handled a number of high profile cases under the Americans with Disabilities Act. Cheryl came to DRO from the former Cable Services Bureau, where she worked on a variety of issues, including pole attachment rulemakings and enforcement.

The Disability Rights Office currently has eight attorneys and five staff members to handle its busy workload. Among other issues before it, DRO is currently reviewing states' recertification applications for all state TRS programs. Current certifications expire on July 26, 2003. DRO is also actively involved in closed captioning issues, and is tracking the work of a newly established industry association made up of captioning providers.

Other important matters on DRO's radar include hearing aid compatibility and implementation of "Section 255" which requires telecommunications services and equipment to be accessible to persons with disabilities, if readily achievable. DRO also continues to address new TRS matters, often resulting from advances in technology, under the statutorily mandated "functional equivalency" standard. DRO is also seeking to enhance its coordination of disability matters with other federal agencies. Further, DRO staff meet frequently with industry and consumer representatives, as well as attend meetings and conferences on telecommunication access issues, to both stay well-informed of current issues and concerns, and to share with others the work of DRO.

CGB Chief K. Dane Snowden has stated, "DRO, as the Commission's policymaking body on disability issues, will continue to ensure that the voices of people with disabilities are represented and that all Americans can enjoy the benefits of the telecom revolution." To that end, DRO continues to strive to be a strong legal and policy office addressing these issues.

CGB Represented at National Congress of American Indians Meeting in San Diego, CA

CGB representatives recently spoke at the National Congress of American Indians (NCAI) annual meeting in San Diego, CA.

NCAI is the oldest and largest inter-tribal organization in the United States, and serves as a forum for consensus-based policy development among its membership of over 250 tribal governments. The meeting was attended by Deputy Bureau Chief for Outreach and Intergovernmental Affairs Kris Monteith and Attorney Advisor/Liaison to Tribal Governments Geoffrey Blackwell.

Blackwell spoke and moderated panels on “Creating Tribal Telco’s” and “Joint Venture Partnering” at a breakout session on the telecom and information technology issues. These breakout sessions were attended by approximately 100 persons. Monteith provided a federal report at the NCAI’s Telecommunications Subcommittee meetings. Monteith and Blackwell discussed telecommunications issues and recent Commission outreach and releases with the tribal representatives. Jeffrey Steinberg, of the Wireless Telecommunications Bureau, also spoke at the conference.

Getting Connected Isn’t Only About the Link-Up and Lifeline Programs

Being able to provide thousands of low-income consumers with information about telecom programs that could help their quality of life was an opportunity we could not pass up. And so, on October 17, 2002, CGB was pleased to participate in the District of Columbia’s Joint Utility Discount Day (JUDD).

Each October, the DC Office of the People’s Counsel joins with local utility companies to cosponsor JUDD. Over 4,400 low-income consumers attended this year’s event, where company representatives accepted applications from eligible consumers for electric, natural gas, water and telephone service discount programs.

Key to the Commission’s participation was discussing its Universal Service Low Income Fund Programs, Link-Up America (Link-Up) and the Lifeline Assistance Programs (Lifeline). Link-Up and Lifeline offer discounts on initial telephone hook-up charges and monthly basic service fees, respectively.

While the Bureau inaugurated a campaign in July 2002 called “**Get Connected: Afford-A-Phone**” (www.fcc.gov/cgb/getconnected) to promote subscribership in these two programs, this was the first time we addressed such a large group of likely qualified consumers. The FCC’s booth was staffed by CGB’s Geoffrey Blackwell, Patricia Chew, Dan Rumelt, and Janice Wise.

CGB took the lead in planning and implementing the FCC's observation of the fifth annual National Consumer Protection Week (NCPW) by posting a series of consumer tips on the Commission's Web site. NCPW ran from February 2 through 8 and the FCC posted a different tip each weekday.

This year's NCPW theme, "Information Security: Putting the Pieces Together," focused on practical steps consumers and businesses can take to manage their personal and sensitive information wisely and help minimize its misuse. The FCC's tips addressed those issues and included: Customer Proprietary Network Information (CPNI), Caller ID, Telemarketing Scam, Subscriber Privacy, and How to Complain to the FCC.

- Customer Proprietary Network Information (CPNI)
<http://www.fcc.gov/cgb/consumerfacts/phoneaboutyou.html>
- Caller ID
<http://www.fcc.gov/consumerfacts/callerid.html>
- Telemarketing Scam
<http://www.fcc.gov/consumerfacts/telemarketscam.html>
- How to Complain to the FCC
<http://www.fcc.gov/consumerfacts/complaintfile.html>

For more information about
National Consumer Protection Week
visit our Web site at:
www.fcc.gov/cgb

Consumer Advisory Committee

On November 8, 2002, the Consumer/Disability Telecommunications Advisory Committee of the Federal Communications Commission held its final meeting of its first two year term. Although much of the Committee's term was spent orienting Committee members and establishing appropriate operating procedures for the Committee, the CDTAC held six productive meetings, and participated in FCC rulemakings regarding various topics within the charter's purview. In addition, the Committee has supplied a strong voice on some very important issues affecting consumers (e.g., access to emergency information by people with disabilities and implementation of Section 255 of the Telecommunications Act, which requires telecommunications products and services to be accessible to individuals with disabilities). The Committee also considered the pending biennial review of the media ownership rules and the Telephone Consumer Protection Act rulemaking.

With its new Charter, which became effective on November 18, 2002, the Committee changed its name to the Consumer Advisory Committee (CAC) to reflect more accurately the scope of its mandate and activities. Since individuals with disabilities are themselves consumers, the name change will eliminate confusion as to the Committee's scope, which encompasses all consumers, including under-emphasized constituencies such as underserved populations (e.g., tribal nations). Lastly, the new name highlights the ultimate goal of the Committee – to advise the Commission on matters pertaining to all consumers. Removing the word "Telecommunications" from the name of the Committee recognizes that the Committee deals with issues other than those related to telecommunications. For example, the closed caption rules which the Commission implements, pertain to material that is broadcast or carried on a cable or satellite system.

The Consumer & Governmental Affairs Bureau has solicited names of new members and the new CAC will be in place for the April 25, 2003, meeting. Meetings of the CAC are also scheduled for July 11 and November 20, 2003. Members of the Committee will be recognized experts in their fields and represent organizations from the consumer, disability, tribal and industry sectors, as well as those under-represented constituencies.

For further information about the CAC, please contact Scott Marshall, Consumer and Governmental Affairs Bureau, at 202-418-2809 or e-mail at smarshal@fcc.gov.

Staff Profile



Scott Marshall

Scott is an attorney with CGB and the Commission's Designated Federal Officer to the Consumer Advisory Committee, as he was to the CDTAC since its inception. Prior to joining the FCC in May of 2000, Scott served as the Vice President for Governmental affairs for the American Foundation for the Blind in Washington, DC. He has also worked for the American Association for Retired Persons where he managed a lobbying team dedicated to consumer issues. He has served on several advisory committees, most recently for AT&T, before coming to the Commission.

Scott is a 1976 graduate of the Harvard Law School and is licensed to practice law in New York and the District of Columbia.

Consumer Tips



Your Telephone Company and You: What Do they Know and How Do they Know It?

They know a lot about you. They know what numbers you call, the frequency of your calls, how you use your subscribed services, and other information about your telephone usage. Who are we talking about? Your local, long distance or cellular telephone company knows all of these things about you. The data collected by the companies is called Customer Proprietary Network Information (CPNI) and, under the law, telephone companies must protect this information.

How do telephone companies use this information?

For products and services you already have, companies may use CPNI without your permission to market upgrades or changes. However, a telephone company must obtain your approval to use or to share with its affiliates or third parties your CPNI to market services and products that you do not already receive from that company or third parties.

How do telephone companies obtain approval to use this information?

There are two ways telephone companies can obtain your approval. One way is to send you a notice informing you that the company will use (and/or share with its affiliates or third parties) your CPNI to market telecommunications products and services that you do not currently subscribe to, unless you tell the company not to do so. This is known as the “opt-out” method because your approval is assumed unless you “opt-out” of the company’s use of the CPNI.

The second method is known as the “opt-in” method. Under the “opt-in” method, the company will not use or share with its affiliates or third parties your CPNI to sell non-telecommunications related products and services that you do not currently use, unless you expressly give the company your permission to do so.

You can control the way telephone companies use CPNI by: a) reading your telephone bill and other notices you receive from your telephone company; b) determining if your company is using the “opt-in” or “opt-out” method; c) deciding if you want your telephone company to use, or to share with its affiliates or third parties, your CPNI to market services; and d) making your choice clear to your telephone company.

Keep in mind that these rules apply to ALL telephone companies: local, long distance and cellular. You must make your decision known to EACH company regarding the use of your CPNI.

For more information about Customer Proprietary Network Information contact the FCC's Consumer Center at 888-CALL-FCC, or (TTY) 888-TELL-FCC. Or, you may e-mail us at fccinfo@fcc.gov.

For more information about
Customer Proprietary Network Information,
visit our Web site at:
www.fcc.gov



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**Federal
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**Consumer &
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Raquel Hutson

Tammy Love, Susan Benjamin and Barbara Jewell

Lisa Braxton and Eric Garmage

Rudy Bandong, Chris Reider and MeLissa Askew,

Regina Bromery

Robin Jackson, Diedreann Tilly,

Marion Garrison and Thomas Butler

Not Pictured:

Bill Cline, Mary Jane Herbert and Tamara Baxter