

CONSUMER ADVISORY COMMITTEE MEETING
FEDERAL COMMUNICATIONS COMMISSIONS
445 12th Street, S.W., Room TW-C305,

Washington DC

Friday, April 7, 2006

1 WELCOME AND CALL TO ORDER - Shirley Rooker

2 Ms. Rooker: I'm Shirley Rooker. I'm the
3 Director of WTOB's radio Call for Action and the
4 President's Call for Action. We're going to save
5 the introductions. We already went around the room
6 real fast for introductions. Before we do that,
7 we're glad to have Commissioner Michael Copps with
8 us this morning. And since he is here and eager to
9 speak with us, we're going to turn the program over
10 to him at this moment and then we will do other
11 business and intro's after that.

12 So Commissioner Copps, thank you so much.
13 Please join me in welcoming him.

14 [Applause]

15 STATEMENT OF FCC COMMISSIONER MICHAEL J. COPPS

16 Commissioner Copps: Thank you very much. I
17 wanted to come down and apologize for the fact that
18 I couldn't make the last couple of sessions that
19 were held because I was out of town. But I really
20 wanted to come and thank you all for a number of
21 reasons. Number one, just like I thank all the
22 advisory committees, it's just a thank you for the
23 time, and energy, and dedication, and hard work you
24 put into this effort. I'm a great believer in
25 public/private sector partnerships and this kind of

1 advisory panel.

2 When I was at the Department of Commerce in
3 the Clinton Administration, I had responsibility
4 for overseeing I think, 16 or 17 of our industry
5 sector advisory committees and policy committees
6 and all, where the private sector came in and
7 really did this same sort of thing you're doing
8 here and it was invaluable to have that kind of
9 advice when we were negotiating treaties or doing
10 things like that. And I often stop to think, what
11 if we were doing this just alone without any input
12 from those folks who are out there in the real
13 world? It would have been tough going.

14 But I'm particularly anxious to come down here
15 and thank you, because I think this has been really
16 a stellar performance by this committee. It's a
17 good and activist committee. It's tackled really
18 not only difficult, but depressing and immediate
19 problems that we, as a country need to be facing
20 right now. So, I'm happy for that.

21 I've always told committees, set your own
22 agenda. Use the Commission staff to help you, but
23 you set the agenda, you set the priorities, you set
24 the direction, and you go the road you want to go.
25 And this committee has really done that and that is

1 I think, how you can really make a wonderful
2 contribution to the Federal Communications
3 Commission, and to the public, and to public
4 policy, and serving the public interest. I think
5 the issues that you have tackled are really
6 critically important.

7 As you know, I've been involved in several of
8 them since coming here since 2001, whether it's the
9 media ownership you're going to be talking about
10 today. I don't think there's a more important
11 problem that faces the United States right now. I
12 often tell people that media ownership isn't your
13 number one concern and your number one issue. It
14 ought to be your number two concern or issue,
15 because your number one issue is going to be
16 filtered through that lense of the media, and you
17 ought to be interested in that, and I'm glad that
18 you are interested in that, and we will be
19 addressing that as a Commission at the Chairman's
20 discretion.

21 But I presume fairly soon, as we revisit the
22 media ownership rules that unwisely went through
23 displacing 2003, and finally receive their just
24 desserts and were sent back to the Federal
25 Communications Commission. From my standpoint, it

1 was kind of a check status. It was good news that
2 those rules didn't go into effect. But now, we're
3 right back where we were before and we have to have
4 the same kind of input from the American people --
5 from you. So I look forward to your consideration
6 of that issue today and your actions today.

7 Ditto on the public interest obligations of
8 the DTV transition where you already have sent some
9 recommendations to us. I was thrilled when that
10 happened because I've been saying for months, this
11 Commission has done it for years really. This
12 Commission has done a pretty good job from the
13 standpoint of dealing with the mechanics of the DTV
14 transition whether it's digital, tuners, or we even
15 tried to do something in the broadcast lag until
16 the courts told us to get out of the way on that
17 one. That it was none of our business. But I
18 think under Chairman Powell, we did a good job in
19 trying to get commitments from the broadcasters and
20 everybody carrying high definition.

21 But that one whole gigantic area -- what's in
22 this for the American people, what's in it for
23 consumers? We just ignore it. And those
24 recommendations have been around here for years,
25 and years, and years. And we finally got the

1 children's TV one up last year and got that through
2 here. And that was a good proceeding and a lot of
3 you folks helped on that. But that's only the tip
4 of it. There are lots of other recommendations
5 that were made and before we make this transition,
6 this is our chance and this may be our only chance
7 to really address this issue of what is in it the
8 public interest? And not only the American
9 consumer's need to know what the rules of the road
10 are, industry does too. So I think you do us all a
11 big favor on that. And I don't want to filibuster
12 here, but I'm so happy to see you go off and you're
13 going to have a report from your Rural Task Force
14 today.

15 We went down with Chairman Martin to Keller,
16 Texas last month and had our full Commission
17 meeting down there and he wanted us to go see some
18 of this IPT technology that's been developed by
19 Verizon and AT&T, and it's wonderful stuff and
20 we're all going to welcome having new competition
21 for the media, but you really -- you kind of wonder
22 when you leave there. You see all of this
23 wonderful technology and this very bandwidth
24 intensive, and you know high tech communities like
25 Keller, Texas are going to have that, and

1 Washington, DC's going to have that, and Chicago's
2 going to have that. How are we going to get that
3 out to rural America? And I really think -- and
4 it's not just IPT we're talking about, but it's
5 bandwidth and having access to advanced
6 technologies, and the tools of economic
7 opportunity, and the tools of education in the 21st
8 century. We could end up in the 21st century, with
9 a larger rural/urban split, a larger digital gap in
10 this age of advanced technology.

11 I think then, we head back to the base of
12 plain old telephone service and incipient broadband
13 in the 20th century. We're not talking about that
14 too much now, but we ought to be talking about it.

15 And Glen, again, I'm so glad to see you
16 talking about that. It is curious to me, we all
17 understand we live in such hugely transformative
18 times, all these technologies are migrating to new
19 tools and new services, and we're spending so much
20 time just debating whether the basic protections
21 that people fought so hard for in the 20th century,
22 whether it's consumer protections or privacy, or
23 universal service, or what have you, are going to
24 accompany this migration of technology and I would
25 hope we could get some kind of national consensus

1 on that before long.

2 But anyhow, I'll get off my soapbox. I came
3 down to say, thank you for being an activist
4 committee, for being a productive committee.
5 You're really serving the public interest and I'm
6 grateful for it.

7 Ms. Rooker: You will take a couple of
8 questions. Does anyone have questions?

9 Commissioner Copps: As long as their
10 softballs.

11 [Laughter]

12 Ms. Rooker: Does anybody have any questions
13 or comments?

14 Commissioner Copps: Another area I wanted to
15 mention, if I could just take a second, is the work
16 on disabilities. And the first speech I gave as a
17 member of this Commission was to the Deaf and Hard
18 of Hearing community out in Sioux Falls, South
19 Dakota. It's so important. I remember having
20 dinner with those folks the night before my speech
21 and I said, what's the unemployment rate amongst
22 this community? And they said, well it's like 75
23 or 80 percent. And I just kind of sat there in
24 shock, because here you had these people with all
25 this tremendous ability wanting nothing more than

1 to be productive citizens. We're getting the tools
2 now that can help make them that. We've got to
3 find a way to integrate them into that process and
4 make those tools available to them. So that's
5 another thing I'm really happy you all are
6 interested in.

7 Ms. Rooker: Well thank you so much. And we
8 do have a question. Gene?

9 Mr. Crick: One thing that we recognize -- all
10 of us here, is it's very difficult to address these
11 issues with the limited time as volunteers that we
12 have. Do you have any suggestions of this
13 committee or any of the working groups? And it's
14 not just as softball as it may seem. And it would
15 be something like, how do you manage to do such
16 wonderful work?

17 [Laughter]

18 Mr. Crick: Our question is, how could we more
19 effectively make our contributions to FCC policy
20 and say the real level of that is, how can we be
21 effective and in the sense of being influential?
22 We're going to your first question, how do we do
23 such a wonderful job?

24 [Laughter]

25 Commissioner Copps: I think some of the

1 things I talked about at the beginning and tried to
2 have something like this. You have to have
3 necessarily, a wide agenda I guess, but you also
4 have to have a sense of priorities and a sense of
5 what it is that you hope to achieve in the limited
6 lifetime that these things are chartered for. And
7 so I think, get control of your own committee, set
8 your own priorities, use the FCC staff as your
9 tool, and keep them on tap with that. And then I
10 think, put the end prioritized recommendations to
11 the committee, not 9,000 recommendations on each
12 subject, but really trying to get to the nitty
13 gritty so that they're highlighted and they make an
14 impression. And I guess all of this with some kind
15 of a public relation strategy when you come forward
16 with these things get out on the news, get up on
17 Capitol Hill, let people know you're working out on
18 these. Those are some of the things that would
19 occur to me off the top of my head.

20 Mr. Crick: I am far that, that it's
21 appropriate that if we do make public our
22 recommendations, that is actual, I mean, I don't
23 want that to be loaded question, I'm just simply
24 saying, that I don't know.

25 Commissioner Copps: I think that's right. I

1 would defer to your designated Federal Officers and
2 any legal problems that are involved in that or
3 confidentiality. I shouldn't probably opine on
4 that. But, that this is not -- this should not be
5 classified information. This is not, some of the
6 industry sector advisory committees I had at
7 Commerce, you had to get a security clearance and
8 you were dealing with secret stuff and necessarily
9 so, and that was fine or business propriety stuff
10 like, but you don't just broadcast far and wide.
11 But I think when you're dealing with important
12 public policy questions that affect each and every
13 American, because there are stakeholders in owning
14 the public airways, that there's probably more than
15 adequate ways to have strategies that would get
16 that information into the public domain where it
17 belongs so that they can help. We don't always
18 help to make the right decisions. They could help
19 us make the right decisions.

20 It was just pointed out to me that the
21 recommendations are on the website.

22 Ms. Rooker: Well thank you so much, for
23 taking the time to come and join us this morning
24 and for your nice comments. Thank you.

25 [Applause]

1 Ms. Rooker: We've also been joined by
2 Commissioner Adelstein and we're going to let him
3 go next on the agenda, if that's okay.

4 STATEMENT OF FCC COMMISSIONER JONATHAN S. ADELSTEIN

5 Commissioner Adelstein: Good morning
6 everybody. Thank you so much for having me. It's
7 really a pleasure to be here. I know that our CGB
8 does such a great job of bringing you all together.
9 Monica Desai and Shirley Rooker made time for me on
10 the agenda and for Commissioner Copps, and we
11 appreciate that. It's nice to see so many friendly
12 faces this morning, and it's good just to have you
13 here and to have your input.

14 I've got to say, that we are inundated here by
15 an awful lot of lobbyists representing special
16 interests. Some of the most powerful corporations
17 in America, with some of the best and most
18 effective lobbyist you could possibly imagine, the
19 highest paid, the one's that have been here at the
20 highest levels or in Congress and it is just
21 nonstop. And you're really the bull work against
22 just being inundated by that and making sure that
23 we represent the people that we're really here to
24 represent under the law, the public, the consumers.
25 So we need your input.

1 We appreciate your being aggressive and really
2 taking advantage of this opportunity. The CBG and
3 the Chairman have been so gracious in providing you
4 to come together, to make sure that we hear from
5 you, because it is so critical to us. I take what
6 you say with a great deal of seriousness and
7 respect because of where you come from, because I
8 know that you represent the people that I
9 represent. You represent consumers, not the
10 companies that seek to profit by taking advantage
11 of regulations or somehow moving us around in ways
12 that benefit them. I don't blame them for doing
13 that. That's their job. They're good at it.

14 But our job is to wade through all that and
15 try to get to what the bottom line effect is on the
16 American people and you're the ones who can help us
17 to wade through that and you've done that. You've
18 made some recommendations here and I want to get
19 into some of those in a minute.

20 At your November meeting, I understand some
21 very important recommendations and I appreciate the
22 hard work that you did on those in both VRS and on
23 the consumer interest obligations for broadcasters.
24 I also understand that you will consider some
25 additional recommendations from the TRS Working

1 Group and I look forward to hearing your findings
2 on those.

3 You know as well as anybody in this country
4 about how we need to implement the Americans with
5 Disabilities Act and its vision. You have
6 expertise on that, that we need to hear from. And
7 I'm also pleased that the Advanced Technologies
8 Working Group is going to be offering a
9 recommendation to clarify our closed captioning
10 rules for DTV services.

11 When it comes to DTV transition, I think we
12 can't leave anyone behind. I know Janice Schacter
13 has spent some time yesterday, talking to me about
14 her experience as a mother of a young girl with
15 some hearing impairment and how important it is
16 that this be done right. And I think we're going
17 to make sure that happens, but we need your input
18 to make sure we can do it right.

19 I wanted to get into some of your
20 recommendations just briefly on VRS and the
21 consumer interest obligations of broadcasters. I
22 know that VRS interoperability issue is something
23 that is of great importance to all of us here. I
24 know that Monica Desai and our CGB have made
25 addressing this issue a priority. These systems

1 have to be interoperable. Everybody in this
2 country should be able to make calls. Whether they
3 have a disability or not, we understand the need
4 for emergency communications. It doesn't matter
5 whether you have a disability. Everybody has the
6 same need to have that access. Everybody has the
7 same right under the law to have that access and we
8 are going to make sure that that happens. We're
9 making this a priority and actively working on it.
10 So thank you for your input on that and you can see
11 how it makes a difference here because we're going
12 to be acting on that and it is thanks in part, to
13 your efforts.

14 On the DTV obligations, consumer interest, I
15 know at your last meeting in November, you made a
16 recommendation that was extremely helpful also to
17 us. I think that it was really timely, because
18 subsequently, Congress approved the DTV deadline
19 for February 2009 and as the consumers become more
20 aware of the transition and its cost to them,
21 they're going to ask what's in it for me and I
22 think it is important that we have a good response.

23 Here at the Commission, we spent a lot of time
24 making sure that broadcasters get the spectrum that
25 they need. They've been given \$10's of billions of

1 dollars worth of free spectrum by Congress and
2 deservedly so, because they provide a wonderful
3 service. But what are we going to make sure that
4 we do to have the public benefit, as well as those
5 companies that are using that spectrum? What's the
6 measurable value to the consumer? In other words,
7 what specifically do we need to put on there as
8 they get additional capacity in response to the
9 digital transition to make sure that that
10 additional capacity comes with it? Commensurate
11 responsibilities for the public interest, because
12 after all, that's our sole interest under the law.
13 The public interest.

14 Now yesterday, I was at an unveiling of a
15 study that was very disturbing about video news
16 releases. You may or may not have noticed it. It
17 was in the press only marginally. But this public
18 interest group on behalf of the people, took the
19 effort to try to determine what was happening to
20 these video news releases. And it turned out, that
21 they found 98 instances where they were being
22 passed directly from a corporate propaganda source
23 to the American people via the public airwaves
24 without any disclosure apparently, about the source
25 of it. So it looks like a news story. It's about

1 an eczema cream. But guess who paid for it? The
2 pharmaceutical company that produces that cream, or
3 General Motors, or Daimler-Chrysler. No indication
4 to the public that these things are paid for by
5 corporate America.

6 Now there's nothing wrong with that, if they
7 want to substitute fake news for real news. If
8 they want to put on some phony thing that saves
9 them time from doing real local news, I guess that
10 is their right. But it's not their right under the
11 law, to not disclose to the public who's behind it.
12 Of course it's extremely embarrassing to disclose
13 to the public that rather than having real news,
14 they just took some clip from Daimler-Chrysler and
15 just threw it on. So maybe that's why their not
16 disclosing it.

17 But that is not what the [inaudible] asked
18 them to do and that is not what the public asked
19 them to do. So clearly, there's a role we have
20 here to make sure that this DTV transition benefits
21 the public and that we have a diversity of
22 viewpoints represented.

23 We promote civic participation. We expanded
24 local and community programming and increased
25 children's programming. So your recommendations

1 are something we take real seriously, again and
2 thank you so much for doing it. I think the
3 children's DTV compromise bodes well for the
4 Commission action on other challenging items like
5 this. We have enhanced disclosure requirements.
6 We need to act on them right away and get ready to
7 go. We need to get the public interest obligations
8 on all broadcasters, both radio and television, and
9 we have a local list in proceeding that has been
10 hanging out there for a while. We need to wrap
11 that up and we need your help on that. And now of
12 course, we have media ownership coming up, we have
13 the 3rd Circuit. It has remanded to us the
14 decision which was I think, unfortunate decision,
15 but we have an opportunity now to get it right.
16 And whatever we do, we'd better get it right
17 because the American people will care about what is
18 on their media and they need to be involved in the
19 process.

20 Again, the only standard I can tell in the law
21 as I read it, is the public interest and so it's
22 great that we hear from all the companies that are
23 affected by the regulations and that want to loosen
24 the ownership rules, and they have every right to
25 come here and to make their case as well as they

1 can. But ultimately, we have to weigh that against
2 what is in the public interest. Is their interest
3 aligned with the public, or is it different, or
4 where can we find a way that their needs are met so
5 that they can provide the service? But that
6 ultimately, our sole legal obligation to the public
7 interest is served and you are a critical part of
8 that.

9 We need to hear from you on that, whatever it
10 is you want to say, whether you think we need more
11 consolidation or less. It's just your viewpoint is
12 critical to us because you, in many ways, represent
13 the public and those are the issues that you have
14 before you today. And I really want to encourage
15 you to speak your mind, to let us know what you
16 think, to be open and vigorous in your advocacy and
17 in your recommendations, and I would invite all of
18 you, if you really want to come to my office and
19 say hi, I would love to. Janice did it yesterday
20 and feel free to come by, because we want to hear
21 from you. We hear from a lot of people, but not
22 always people representing your viewpoints. So
23 again, thank you for taking the time to participate
24 and make your contribution to this effort. Thanks
25 for having me.

1 Ms. Rooker: I think we're going to have some
2 questions. Just to remind people, put your hand up
3 and give the people in the control booth time to
4 get to you with your microphone. And we have a
5 question, is this okay? Commissioner Adelstein, do
6 you have time?

7 Commissioner Adelstein: Sure.

8 Mr. Conran: I really don't have a question.
9 I want to thank you, because I know you've made
10 yourself personally available to many of the public
11 members who, when we've come to your office to talk
12 about issues, rather than shuttling us off to staff
13 people. , I know you met with many of us on
14 occasions and I told you at the last meeting how
15 much I think it is appreciated by the public
16 members of this panel who are paying their own way
17 to come here and are not being subsidized. And you
18 have been, I think a good partner to this group.
19 You've made yourself very available, and it is very
20 appreciated, and I just wanted to express that
21 publicly.

22 Commissioner Adelstein: That's kind of you to
23 say that.

24 Ms. Rooker: And I can say, it's nice to hear
25 the affirmation of our work from you. So that is a

1 lovely thing.

2 Okay, Jim?

3 Mr. Tobias: Thank you very much Commissioner,
4 for coming and addressing that way. And listening
5 to you, I'm beginning to hear the sounds that
6 maybe, our long national nightmare of market
7 idolatry is coming to an end, and that the
8 Commission at least, might be one of the places
9 where some balance is restored between market
10 dynamics and needs of consumers of many types.

11 Specifically, and with reference to one of the
12 events -- Technology Working Group's
13 recommendations, the idea of having an ability to
14 plan for consumer issues, the specific
15 recommendation is to have a disability impact
16 statement for new technologies, products, services,
17 and features that will have an effect on
18 accessibility before they actually enter the
19 market. That is in the process of Commission
20 vetting or review.

21 I think it's a very interesting concept, but
22 it raises a larger picture for me and that is not
23 just with respect to accessability. But in every
24 way, so many of us, as consumer advocates, are in a
25 reactive mode and we needn't be. We should be able

1 to come together and well in advance of the
2 introduction of a new product or service,
3 understand and help guide the industry actually, in
4 targeting better and in providing consumer service
5 better by warning them essentially, this is going
6 to be a problematic area or this is a particularly
7 attractive proposal that will serve a market that
8 you may not be aware of. So both in the negative
9 and the positive to have a planning component, an
10 ability to get ahead of the market, and kind of do
11 some horizon scanning. And I'm wondering if either
12 currently or in any imagined real organization
13 within the Commission, that such a function might
14 be expanded?

15 Commissioner Adelstein: It is the idea. It's
16 something that you need to -- I think, give us your
17 thoughts on and after some more reflection -- I
18 mean, one of the issues is the nature of our
19 authority over equipment manufactures is somewhat
20 limited. We will work with them in terms of
21 licensing items and ensuring they don't create
22 harmful interference in the case of wireless items.

23
24 A lot of consumer products that are in this
25 field, we have very limited authority over. And we

1 have, for example, on the broadcast flag, we got
2 handed back to the court that we couldn't use a
3 broad public interest authority to try to protect
4 copyright holders and that has implications for how
5 much we can go in to. And that's an area where we
6 have some specific authority from Congress on the
7 DTV transition.

8 So more broadly, the question is, what can we
9 do and possibly ADA compliance be brought to bear?
10 I think it is something that needs a lot more
11 thought and this is good venue to try to think
12 through what we could do. Maybe instead of having
13 a requirements, we could work in some kind of
14 cooperative way with our friends in the Consumer
15 Governmental Affairs Bureau, to try to make sure
16 that these issues are thought up early in the
17 production process. That there's an opportunity
18 for input from the community that is affected --
19 Americans with disabilities -- into how these
20 products are manufactured, so that they're
21 compatible with various issues that people have and
22 so it might have to be a more informal process than
23 a formal one. But if you could help us think
24 through what we could do, both informally and
25 formally, in terms of what the limits are on our

1 authority with equipment manufactures. That would
2 be really helpful.

3 Ms. Rooker: One more question. Charles, put
4 your hand up so they'll find you.

5 Mr. Benton: Mr. Adelstein, thank you so much
6 for your most thoughtful and helpful comments to
7 us. I'm wondering, last month you gave a speech to
8 the Consumer Electronics Association, the Call to
9 Action speech, where you were pushing them to work
10 on consumer education in the face of the digital
11 transition.

12 Certainly, from the technology standpoint,
13 there needs to be consumer education. But also
14 perhaps, from the content standpoint as well. And
15 so for example, the children's rules that look as
16 though they're going to be approved now and there's
17 been an industry public interest collaborative
18 effort to work this through. I'm wondering if the
19 Call to Action could be enlarged with the Consumer
20 Electronics Association to talk, not just about the
21 technology, but about the content, and about the
22 public interest obligations, the things we talked
23 about earlier. I'm wondering if that might be
24 possible in using some of the federal money that
25 has been set aside for the education of consumers

1 about all of this to raise consciousness and the
2 opportunities for the more effective meeting of
3 consumer needs through the digital technology as
4 opposed to the analog technology. Perhaps your
5 comments about that, I would love to hear your
6 comments about that.

7 Commissioner Adelstein: Your observation
8 about the children's rules is sort of a model on
9 how we work together in cooperation with industries
10 that are affected. We've worked with the
11 broadcasters, we've worked with the networks, we
12 worked with consumer groups and we reached an
13 agreement that really was a reasonable one that
14 everybody could live with and ensure that children
15 had meaningful benefits out of the digital
16 transmission and that the urgent needs of the
17 broadcasters and the networks weren't basically
18 ignored in ways that would actually potentially
19 undercut the good product that children ultimately
20 would receive. So that was a wonderful cooperative
21 effort and to the degree we can do that, I think we
22 should.

23 The Call to Action specifically, was really
24 about real basics of making people aware that this
25 digital transmission is coming. Now that we have a

1 hard date, we have a whole different ball game. I
2 mean, it was tough to get all the different groups
3 together to communicate the single message when it
4 wasn't clear when the transition was going to end,
5 because they had different policy interests. Some
6 people wanted the transition later than others and
7 they really couldn't agree on a public message.
8 But on this one, we're really focused on kind of a
9 simple message, your TV is going to go dark in 2009
10 and here's some steps you can take to fix it. If
11 you want to buy a TV, think about going digital --
12 not analog, or here's the cost if you go analog.
13 If you can't afford a new TV or don't want to buy
14 one, you can get this box and the government is
15 providing a subsidy, and how do you educate people
16 about what their different options are, and how you
17 do that in a simple way. And frankly, that
18 particular effort is going to take a consensus
19 between consumer electronics, broadcast industry,
20 public interest groups, the government, both NTIA
21 and the FCC, and it is tough to broaden our two
22 issues that are contentious and divisive sometimes.

23
24 If we want to get that message across, because
25 we certainly don't want consumers to be surprised

1 to when they find their TV set in the kitchen going
2 dark because they were getting over the air on that
3 one. If a few million of things even go dark and
4 there's 90 million of these sets out there, we're
5 going to have some pretty angry folks.

6 And so, that's the message that we're -- right
7 now, really trying to, in a sensitive way, bring
8 together a consensus. And ideas include working
9 with CGB to get some outreach done, trying to get
10 at maybe a working group together of industry,
11 public interest advocates, and all the different
12 industry. Because there's a lot. There's
13 retailers, there's the manufacturers, there's the
14 broadcasters, there's the networks. I mean on and
15 on, there's a lot of different interest out there
16 on the corporate side and then there is the public
17 groups and the consumer reps. But everybody's
18 interest is the same on this one. That's the
19 beauty of it.

20 I think we could come up with a unified
21 message and when you talk to like advertising
22 professionals, they want to be simple, and clean,
23 and repeated a lot so that nobody gets surprised.
24 And that is kind of, I think, the goal of that one.
25 But I think there is a need for a broader effort to

1 work together, maybe not in the context, but in
2 another one to find out, how do we move forward on
3 what you call the consumer interest obligations of
4 broadcasters? And the more consensus we can reach
5 on that, I think it's in everybody's interest. I
6 think it is in the interest of broadcasters and
7 consumers that there be real benefits to the public
8 from this transition.

9 The question is, can we reach a consensus on
10 what those are or how you go about adding the
11 government role in ensuring that those benefits are
12 maximized for consumers? That is a little tougher
13 one. Because again, the policy differences might
14 make it more difficult to have a unified message
15 than they would on the consumer transition - the
16 basics of the transition. But, your thought is
17 well taken and I certainly appreciate your
18 leadership and the leadership of the whole group on
19 consumer interest obligations.

20 Ms. Rooker: Thank you, Commissioner. I'm
21 sorry, we are running late. I'm sorry.

22 Commissioner Adelstein: It's my fault.

23 Ms. Rooker: No. Thank you so much.

24 [Applause]

25 Ms. Rooker: I have a few housekeeping things

1 I have to do before we can move on to Monica. She
2 is with us and I hope she will forgive me. But I
3 do just need to tell you a couple of things. We
4 have some people who are joining us this morning.
5 Larry Goldberg and Steve Jacobs are joining us for
6 the new --- listen to this, new video conferencing
7 system which I think is partly made possible or
8 made possible by Steve Jacobs. So what you're
9 going to do, is you're not going to see gorgeous
10 pictures of us up on the screen, instead you're
11 going to see the closed captioning. I thought
12 because the two systems -- there's some problems
13 with transmitting. I don't know. Don't ask me. I
14 have no clue. We're working on it. They're
15 working on me, trying to make me understand. I
16 don't understand.

17 So I will put off my other housekeeping items
18 until we have had a chance for Monica Desai to join
19 us. Please join me in welcoming the Chief of the
20 Consumer and Governmental Affairs Bureau.

21 [Applause]

22 STATEMENT OF FCC COMMISSIONER MONICA DESAI,
23 CHIEF OF THE CONSUMER GOVERNMENTAL AFFAIRS BUREAU

24 Ms. Desai: Thank you all. It's so good to be
25 here with all of you again. And Shirley, thank you

1 so much for all you do for the committee. And
2 thank you, Scott also for just running this
3 committee so efficiently and so well. I know that
4 you all have been working very hard over the last
5 few months and the committee has never had so many
6 complex and challenging issues and recommendations
7 on a single meeting agenda. Congratulations on all
8 your good work in these various areas and I look
9 forward to receiving your recommendations.

10 CGB has been very busy since your last meeting
11 in November, so I would like to start off by
12 highlighting some of our recent efforts on the
13 consumer front, as well as report back to you
14 regarding the status of your recommendations.

15 As you know, the Commission's Disability
16 Rights office is housed within the Consumer and
17 Governmental Affairs Bureau and it's a high
18 priority for the Commission, that people with
19 disabilities get the same access to
20 telecommunications and video programming that
21 people without such disabilities take for granted.

22 I mentioned the last time that we met, that we
23 were working on establishing a video phone at the
24 Commission, a publicly available video phone. I'm
25 very glad to report, that now, we have this video

1 phone up and running. So if you would like to take
2 a look and use it, it's right outside the door.
3 Take a right up the steps and let me know. Let us
4 know what you think.

5 Last November, the committee addressed the
6 issue of blocking by certain video relay service
7 providers. I know that our Disability Rights
8 office staff found your comments to be very useful
9 and helpful in working on the proceeding. Chairman
10 Martin certainly has said publicly, that he
11 supports action on this issue.

12 And I'm sorry, I'm not able to provide a time
13 table for Commission action at this point, but I
14 know that it is something that all of the -- that
15 the Chairman and the Commissioner's are looking at
16 very closely, right now.

17 On November 30th, the Commission released a
18 Notice of Proposed Rule Making, seeking comment on
19 ways by which IP relay and video relay service
20 providers might automatically route emergency calls
21 to the appropriate public safety answering point.
22 The comment cycle on this issue has ended just
23 recently -- ended on March 8th. Because of the
24 importance of ensuring immediate access to
25 emergency services for all individuals, this is a

1 very critical issue we're working on. Just in
2 December, the Commission released an order creating
3 a Commission levels certification process for
4 common carriers to offer IP relay and video relay
5 service. This way, we hope this will stir
6 competition and increase consumer choice and
7 quality of service in those markets.

8 Our Bureau, as well as other Bureaus in the
9 Commission, are also working on other consumer
10 related rule making proceedings. The Commission,
11 through the Wire Line Bureau, recently opened a
12 proceeding to determine whether additional
13 restrictions may be necessary to protect the
14 confidentiality of customer proprietary -- certain
15 network information often referred to as CP&I. You
16 may be aware of this. This has been in the news a
17 bit. Comments in this proceeding are due next week
18 on April 14th and reply comments are due May 15th.

19 On April 5th, just two days ago, the
20 Commission adopted rules implementing the Junk Fax
21 Prevention Act of 2005. Specifically, the
22 Commission prettified an exemption to the fax rules
23 to allow fax advertisements to be sent to parties
24 within. The sender already has an established
25 business relationship. In addition, the item also

1 requires the sender of the fax advertisements to
2 provide clear and conspicuous notice and contact
3 information on the first page of a fax, which
4 allows recipients to opt-out of future fax
5 transmissions from this sender. You can pull this
6 up off the website.

7 We're also working on the issue of early
8 termination fees. As you all know, in 2005, the
9 Commission received two related petitions
10 concerning early termination fees imposed by
11 commercial mobile service -- commercial mobile
12 radio service providers on customers that terminate
13 their service prior to the expiration of a contract
14 term. In coordination with the Wireless Bureau,
15 CBG is reviewing the record and analyzing the
16 challenging issues facing the Commission. I know
17 this issue is part of one of your recommendations
18 on today's agenda, so it's very timely that you are
19 all providing us with your thoughts on this.

20 In November, you were just to take prompt
21 action on three dockets regarding the public
22 interest obligations of digital television
23 programmers. Although I can't give you a time
24 table at this point for Commission action, I know
25 that Shirley filed your recommendations in the

1 appropriate dockets and sent copies to all the
2 Commissioners. So, thank you for doing that.

3 Regarding the responsibilities of digital
4 television broadcasters however, the Commission
5 recently sought comment on the second Further
6 Notice of Proposed Rule Making, addressing the
7 joint industry advocate proposal, regarding
8 previously adopted requirements of television
9 licensee's to provide educational programming for
10 children.

11 I would also like to address an issue which
12 was raised during your November meeting. You asked
13 us to explain the role of public comments in the
14 Commission's policy making process. Comments from
15 the public are very critical to the process.
16 However, the policy making process is not driven
17 solely by the number of comments on a particular
18 issue and we're well aware that some interested and
19 effected customers may not be comfortable filing
20 comments with us. So although we constantly strive
21 to make the comment process easy and consumer
22 friendly, who for example, our ECFS Express System.
23 I want to make sure you understand that we do value
24 all the comments that we receive. We also pay very
25 close attention to comments from advocacy

1 organizations which we know represent the views of
2 many individual consumers.

3 As you know, CGB also has an important
4 outreach function. We conduct our outreach
5 primarily through our Consumer Affairs and Outreach
6 Division which focuses on broad issue oriented, as
7 well as constituents, specific consumer education,
8 and also through our office of Intergovernmental
9 Affairs which is committed to strengthening the
10 relationship with state, local, and tribal
11 governments. We collaborate on a variety of issues
12 including homeland security, broadband advance
13 services, deployment, and wireless spectrum
14 options. Since November, our outreach team has
15 continued to participate in outreach activities,
16 designed to educate and inform consumers in making
17 important choices about telecommunications and
18 broadcast services.

19 Most recently, we attended the Consumer
20 Electronics show in Las Vegas, focusing on the
21 digital television transition, and the Delta
22 regional authority information technology, and
23 policy planning conference in Jackson, Mississippi
24 where we focused on broadband deployment.

25 In February alone, we attended three major

1 tribal conferences including the United South and
2 Eastern Tribes Impact, the Affiliated Tribes of
3 Northwest Indians with Recession, and the National
4 Congress of American Indians winter session. We
5 also just conducted a meeting of our
6 Intergovernmental Advisory Committee.

7 We're also focused on outreach through the
8 web. Since its inception last May, we've had
9 approximately 5,100 subscribers to our Consumer
10 Information Registry. The registry, as many of you
11 are familiar with, allows the delivery of consumer
12 information on whatever topics an individual
13 chooses. As the agency continues to inform the
14 public about important topics such as the digital
15 transition and VOIP/911, the registry will be a
16 good tool in getting consumers information
17 effectively and efficiently. So to the extent you
18 have topics, that you think would be useful for us
19 to send updates on and would like us to send out
20 emails on, please let us know.

21 I know that you recommended that we update our
22 Consumer Education Website, particularly on DTV,
23 www.dtv.gov and so I'm pleased to report that the
24 latest version of this website went live just about
25 a week ago. And as you recommended, we have

1 included in the news section of the page,
2 information concerning the obligations of digital
3 broadcasters to provide closed captioning.

4 In addition, to get children involved, we have
5 created a DTV Deputy program, where a certificate
6 is issued online to those who successfully complete
7 a DTV quiz. We hope to reach parents with DTV
8 information through their children. We plan to
9 also work with educators in bringing the DTV Deputy
10 program to the classroom on the website.

11 We've also created a Consumer Corner with
12 frequently asked questions about DTV information
13 about what programming is available on DTV and
14 glossary of digital television terms. We've made
15 the Commission's DTV Consumer Education
16 publications easier to access by posting them on
17 the dtv.gov website. In addition, we're now in the
18 process of developing the trainer's material and an
19 outreach toolkit to help government agencies and
20 community organizations run DTV awareness programs
21 locally and provide DTV information to those
22 seeking information and services from community
23 organizations.

24 So to the extent you have suggestions for the
25 toolkit, please let us know or keep an eye out on

1 the website, once it goes live. And if you see
2 things we should be adding to make it easier to
3 reach organizations, to make the information more
4 useful to organizations, please let us know.

5 As you know, updating the site is a continual
6 process and so our goal is to stay current with the
7 latest technology and information. Again, I invite
8 you to take a look at the new rollout. We're also
9 excited to be partnering with a NARUC on two
10 important outreach initiatives, involving life line
11 linkup, and subscribership, and consumer education,
12 and enforcement of the FCC's VOIP/911 requirements.

13 As you know, that Lifeline Across America
14 initiative was launched at the NARUC summer meeting
15 and on February 7th, the Working Group launched
16 www.lifeline.gov.

17 A website on lifeline linkup that aggregates
18 important information for consumers with a special
19 section for hurricane victims, consumer advocates,
20 industry, government, and media.

21 As you know, the CGB has a complaints and
22 inquiry function as well. I think several of you
23 took a tour of our Consumer Center yesterday. We
24 are responsible for the Commission's direct
25 relationship with consumers through our Consumer

1 Center. So I want to highlight some of the
2 Center's work during 2005.

3 The Consumer Center fielded in 2005 over three
4 quarters of a million phone calls, twice that many
5 emails, also faxes, mail and web contacts for a
6 total of 2.4 million consumer contacts. One of the
7 most important roles our Consumer Advocacy and
8 Mediation Specialists -- those are the folks who
9 work in the Consumer Center or CAMS as they're
10 sometimes called, is in resolving disputes between
11 consumers and carriers. And through their hard
12 work, in 2005, over \$4 million dollars were
13 returned to consumers by the carriers.

14 Currently, we are in the process of developing
15 a revised operating system that will enable our
16 Consumer Center staff to have more readily
17 available information to assist them in responding
18 to inquiries and complaints. And that should be
19 rolling out very soon, within the next month or
20 two. And as many of you know, you can access the
21 full complaint and inquiry report on the Bureau's
22 website at www.fcc.gov/cgb.

23 Well I know we're running overtime, but I
24 appreciate having had the opportunity to highlight
25 the Bureau's and some of the Commission's recent

1 activities and the opportunity to give you some
2 feedback on the issues you raised in November. I
3 look forward to continuing to work with you as we
4 implement the Commission's strategic goals.

5 So, thank you. Thank you very much, again.

6 [Applause]

7 Ms. Rooker: Monica has agreed to take a few
8 questions from us. We're running late because I
9 got us started five minutes late today. I'm going
10 to have to be beaten with a whip.

11 [Laughter]

12 Ms. Rooker: That never happens. Debra? And
13 by the way, when you're going to ask a question,
14 please state your name first for the record, so we
15 know who's doing what. Thank you.

16 Ms. Berlyn: Good morning. Debra Berlyn from
17 AARP. Monica, I was just wondering, if now that
18 you've worked on the website for DTV transition, if
19 you've also tried to get links that lots of other
20 organizations that have good access to consumers,
21 can provide a link to your website with the effort
22 that we need to make over the next couple of years
23 towards the transition in getting education efforts
24 out there?

25 Ms. Desai: I know that we've definitely done

1 that on the dtv.gov website. On that portion of
2 the website specifically, where organizations have
3 come to us. And I'm not sure that we've done --
4 how much we have done that with other parts of the
5 website, but I think that is a good idea and
6 something to look at, especially with our
7 constituents specific -- the different constituents
8 specific efforts we have.

9 And it may make sense and you all may want to
10 think about it, is updating the section of our
11 website that is devoted to the Consumer Advisory
12 committee to make sure we have links to the various
13 organizations that are represented on the
14 committee.

15 Ms. Berlyn: Exactly, but I'm thinking of even
16 a broader reach to organizations that go beyond the
17 typical consumer groups. Social Service Agencies
18 and organizations that reach out to consumer groups
19 that really need to know about the transition that
20 are those analog consumers that really need to
21 know.

22 Ms. Desai: That's a good suggestion. Thank
23 you.

24 Ms. Rooker: Karen?

25 Ms. Strauss: I'm Karen Strauss. Here's my

1 question. Jim, before, mentioned the need for
2 disability access impact statements, preferably on
3 new technologies coming out. And Commissioner
4 Adelstein indicated, that may be beyond the
5 jurisdiction of the FCC. But one other possibility
6 and I wonder if you've given thought to this, is a
7 disability impact -- disability access impact
8 analysis of new rules coming out of the FCC.
9 Because very often, rules come out that don't
10 directly have obviously, an impact on disability
11 access such as the one's that are obvious, the
12 relay services, and captioning, et cetera.

13 But there are lots of other proceedings that
14 might have an impact, but we don't find out about
15 them necessarily, because they're not on our radar
16 screen. And I wondered whether you've considered
17 or would consider any mechanism for the Disability
18 Rights office to consider to review the proceedings
19 on a regular basis that are being developed at the
20 Commission to determine whether or not they have a
21 disability impact and to capture what needs to be
22 done before they're released?

23 Ms. Desai: That's a very good point. We
24 actually do at the Commission, have what I thought
25 had been a pretty coordination system, but to the

1 extent things are slipping through the cracks,
2 please flag them to me. Basically, usually when a
3 rule making proceeding is being discussed when
4 we're especially in the kind of embryonic stages,
5 that information is coordinated throughout the
6 Commission and very specifically, through the
7 Disability Rights office, just a flag in case
8 they're disability related issues that we not be
9 thinking about and we usually do get a chance to at
10 least have some input in that process.

11 But to the extent that you feel like things
12 have come out where you would've liked to have had
13 a little more notice, let me know because there may
14 be certain categories of things that we're not
15 thinking about and we also have a coordination
16 process through our legal advisors as well through
17 our Bureau level, legal advisors, that when they
18 meet with each other and talk about issues that are
19 coming up.

20 Ms. Rooker: Well Monica, we do thank you so
21 much for your time and your report. And again, for
22 the affirmation of what we're doing here as a
23 group. It is nice to know we're making a
24 difference and you always help us do that. So,
25 thank you.

1 [Applause]

2 Ms. Rooker: We're going to take a 10 minute
3 break and I mean 10 minutes, 10:05, back in your
4 seats, all right? And then, we will continue with
5 the order of business. Thank you.

6 [Recess at 9:55 a.m.]

7 Ms. Rooker: I have some things I need to do
8 before we can proceed. First off, there are a lot
9 of people that make this meeting possible and
10 unfortunately Betty Lewis, who is normally working
11 here working on everything, is out today because I
12 believe, she has a child with pneumonia. So we
13 send her our best. But I would like to thank Lois
14 Neeley, Rebecca Corinna , Kelly Jones, the AV
15 staff, the FCC Webmaster, all of those folks who
16 help make all of this possible. And of course you
17 know, that we have to thank Scott -

18 [Applause]

19 Ms. Rooker: - for this wonderful food. I
20 hope you had a muffin. Tom Lokowski, we thank you
21 very much for making breakfast and lunch possible.
22 And as I mentioned Steve Jacobs earlier, he and
23 Larry Goldberg are suppose to be on the video
24 conferencing. Is it working? Okay, it's working.

25 Steve, can you talk to us? Well anyway, while

1 she's doing whatever she needs to do, I also want
2 to tell you that I think the leaders of the Working
3 Groups have been doing an extraordinary job, as has
4 the whole committee. You all have been a very
5 productive group. That is tremendous.

6 We have some new people and I would like to
7 recognize them, Tony Acton is replacing Mike Del,
8 as you know. The National Association of
9 Broadcasters has a sub today. She is not here
10 right at the moment. Marsha MacBride has a sick
11 child. Dane Snowden is going to be the new ACTA
12 Representative, but he's not here today. And Lori
13 McGarry is a substitute. In addition, TCS is Myrna
14 Orlick-Aiello is replacing Dana Marlow.

15 Mr. Jacobs: I wanted to thank all of the
16 technical folks we've been working with at the FCC
17 on the online conferencing collaboration work.
18 We're just conducting a quick experiment to see how
19 it works. So my thanks to Scott Marshall and
20 everybody else. And I will standby.

21 Ms. Rooker: Thank you, Steve. We really
22 appreciate it. Then Jim Conrad, I would like to
23 thank for the effort he took in putting together
24 the visit to the Call Center yesterday. I spoke to
25 the folks there. They enjoyed it very much. So

1 that was delightful.

2 There's a sign in list passing around the room
3 and I would like to ask you please, please, please
4 to put your name on it. And if you don't sign in,
5 Scott won't know you're here and well, you'll get
6 black marks. Let me tell you, we're going to
7 forego introducing ourselves. We just don't have
8 time to do that today. I'm so sorry. But instead,
9 I will trade that off with having the two
10 Commissioners speak to us and so, I think it is a
11 good trade off.

12 What we have done in the agenda, we've added
13 time to the discussing of the recommendations.
14 After our November meeting, many of you felt that
15 it was too jammed packed and that we did not have
16 enough time to discuss recommendations of the
17 Working Groups and there is no programming for
18 today's meeting. This is all driven by input and
19 output from the Working Groups. So that just goes
20 to show you, how busy we really have been.

21 Does anybody have any -- oh, let me tell you a
22 few more things. The July 21st -- the next
23 meeting, if you have recommendations for meeting
24 for agenda items, they need to be to Scott by 1
25 June. The idea -- not the text. And November the

1 3rd will be our last meeting of this group as
2 constituted. So I believe that takes care of my
3 housekeeping. Have I forgotten anything? Okay.
4 So we're going to move right along to the
5 recommendations of the TRS Working Group, Dixie
6 Ziegler who's been the Working Group Chair.

7 Yes, Deborah?

8 Ms. Berlyn: I don't know if this is the
9 appropriate time to mention the lunch meetings.

10 Ms. Rooker: Go ahead.

11 Mr. Marshall: Yeah, a couple of the Working
12 Groups are meeting separately over lunch and I
13 wanted to give you the rooms for those two groups.
14 And the rooms would be: for the Consumer Affairs
15 Group, it is here in room B, right down the hall
16 here, to my right, room 40248. It's a straight
17 shot right out of this room. And for the TRS
18 Group, you just go out of this room, to the right,
19 up the stairs, around the corner to room 488 which
20 will be on your right. And we should have lunch
21 here, around 11:30 or so, and you would have until
22 probably 1:00 for your lunch period.

23 Ms. Berlyn: The Competition Working Group is
24 going to be meeting.

25 Mr. Marshall: I'm sorry. Thank you. It is

1 the Competition Working Group in 488, up the
2 stairs.

3 Ms. Berlyn: So it's the Competition Working
4 Group that is going meet in room 488?

5 Mr. Marshall: Right. Right up the stairs, to
6 your right.

7 Ms. Berlyn: And Jim Conrad and I -- Jim
8 Chairs the Consumer Outreach Working Group and we
9 have overlapping members. So, we're going to try -
10 - and our Working Group would like to meet for 45
11 minutes and his group is going to meet for about 30
12 minutes. So that we will give an opportunity for
13 our members to attend both.

14 And Jim, do you want to -- do you mind if we
15 start at 11:30? Is that when we're breaking?

16 Mr. Marshall: Approximately 11:30.

17 Ms. Berlyn: So Jim, should we just do it in
18 one room and that way, we would avoid that mess?
19 So why don't we just meet? We'll meet in this
20 room, the first room you mentioned.

21 Mr. Marshall: Right. Hearing room B, right
22 down the hall here.

23 Ms. Berlyn: We will just meet in hearing room
24 B for everybody at 11:30 and we'll do it that way.
25 I think that works better. So the Competition

1 Group will start and then, we'll move into the
2 Consumer Group about 45 minutes later.

3 Unidentified Speaker: The TRS Group would
4 actually like to meet for lunch, if we could just
5 meet in here at lunch time.

6 Mr. Marshall: Or you could take the other
7 room if you'd like.

8 Unidentified Speaker: Is there now an extra
9 room?

10 Mr. Marshall: There is now an extra room,
11 488, above the stairs. Do need an assistive
12 listening device in either one of these rooms?

13 Unidentified Speaker: Yes.

14 Mr. Marshall: In 488, okay. Jeff, if you
15 could help make that happen, that would be great.
16 For 488, the assisted listening device. And we're
17 all set then. All right, thanks Karen.

18 Ms. Rooker: Thank you very much.

19 Mr. Marshall: So my mistake wasn't really a
20 mistake then.

21 Ms. Rooker: Okay. Let us proceed. Now,
22 since we're not going to be able to see the text
23 that the Working Group had prepared, Dixie, I
24 think, has passed out a copy. Is that correct,
25 Dixie?

1 Ms. Ziegler: That is correct.

2 Ms. Rooker: So you have a copy of the screens
3 that you would normally have been seeing. Do bear
4 with us, because we're trying to institute
5 something new and it will be good for us all in the
6 long run. Anyway, let me turn this over to Dixie
7 Ziegler who is the Chair of the TRS Working Group.

8 DIXIE ZIEGLER, WG CHAIR

9 RECOMMENDATION OF TRS WORKING GROUP

10 Ms. Ziegler: Our TRS Working Group has been
11 very busy and I appreciate your time at the meeting
12 in November, to bring you a recommendation and we
13 have several more recommendations for today. And
14 knowing my group, we'll probably have more at the
15 next meeting and we appreciate your taking the time
16 to look at our issues and hopefully, to move them
17 forward today.

18 The first recommendation that we would like to
19 bring forth this morning, is in regards to Speech-
20 to-Speech. Speech-to-Speech is a type of relay
21 service for those who have some type of a speech
22 disability. And what happens are, there are
23 specially trained communication assistants who are
24 trained in different types of speech disabilities
25 and they basically, re-voice for the speech

1 impaired person and make that conversation then,
2 happen. So would they re-voice for the speech
3 impaired person for the standard telephone user.
4 And then the speech impaired person with good
5 hearing, can then hear directly the hearing person
6 back on the call. So it is a particular type relay
7 service.

8 One of our members, Rebecca Ladieu and I don't
9 believe she is here today, is a Speech-to-Speech
10 user and brought this to our TRS Working Group.
11 The document that you all received, prior to the
12 meeting, is marked as a Petition for Rule Making.
13 They have since found out that this committee
14 cannot advance Petition for Rule Makings to the
15 FCC. We can provide comments and offer feedback to
16 a petition that is filed, but this group itself,
17 cannot file the petition. So what we'd like to do,
18 is get your approval today and submit what you have
19 in front of you as comments. We will see if there
20 is a member within the TRS Working Group, probably
21 Rebecca, who will actually file the Petition for
22 Rule Making as an individual and then what we will
23 do, is just basically change the heading on the
24 document that you all have. Change it to comments.
25 Then submit those comments in support of this

1 change.

2 What we're asking for is to increase the
3 amount of time a CA, a Speech-to-Speech
4 Communication Assistant, stays on a call for a
5 Speech-to-Speech call. Today, the requirement is
6 for 15 minutes. All of the types of TRS have a
7 requirement. This is a rule for relay providers to
8 follow in having communication assistants stay with
9 a call for a certain amount of time. The reason
10 we're asking for the change, is that it can take a
11 bit of time for a CA to learn an individual speech
12 pattern and the change can make it very difficult
13 for communication to happen efficiently. It can
14 also interrupt the Speech-to-Speech user's
15 concentration level. It might lead to frustration
16 as a new CA has to be retrained on the Speech-to-
17 Speech users voice. Changes do not happen that
18 frequently, but they can happen from time to time
19 and we're asking that that time be increased from
20 15 to 20 minutes.

21 At this point, I would be glad to take any
22 questions. We're asking for a motion from the
23 floor to advance the document that you've all had
24 in advance. And again, we'll make it as comments
25 and not a Petition for Rule Making.

1 Ms. Kelly: This is Brenda Kelly-Frey,
2 representing NASRA. I move.

3 Ms. Ziegler: Do I call for the second or
4 Shirley, do you want to?

5 Ms. Rooker: You can go ahead and do it.

6 Ms. Ziegler: Is there a second?

7 Mr. Tobias: I second.

8 Ms. Ziegler: Jim Tobias seconds. Is there
9 any discussion on the motion?

10 Ms. Rooker: Let's restate the motion just for
11 the record, please.

12 Ms. Ziegler: Brenda, would you like me to do
13 that? I believe that motion on the floor is to
14 accept the comments as written with the change and
15 making it be comments and not a Petition for Rule
16 Making and they would be filed after the petition
17 is filed.

18 Ms. Rooker: Okay. We've not discussed the
19 recommendations and we're trying to take a vote.
20 I'm not sure we can do that.

21 Ms. Ziegler: Well I guess, discussion now,
22 then?

23 Ms. Rooker: Normally, you would have
24 discussion before you ask for a recommendation for
25 moving to accept something. So we need to go

1 backwards, all right?

2 I suggest, we just table what we have just
3 said and go forward with the discussion.

4 Ms. Bobek: Ann Bobek from NAB. Just having
5 not -- the benefit of not having expertise in this.
6 I did -- there were two errors. Line two, you
7 should spell out what CA means. This is in the
8 Petition for Rule Making. It's in the second line.
9 It says, Speech CA and just spell out that acronym.

10 The second thing is merely an extra period at
11 the end of line C. Line C, Roman Numeral I-C,
12 there's two periods.

13 Ms. Rooker: What about the content, Brenda?

14 Ms. Kelly-Frey: There's also number two on
15 the first sentence where it says, March 6th, the
16 FCC released a report. If you could just add the
17 two before the three zero's there.

18 Ms. Ziegler: Thank you.

19 Mr. Morris: John Morris with CDT. The
20 proposal seems certainly a good proposal to me, but
21 I would like to understand what the other argument
22 is. Would someone be arguing against this, perhaps
23 the facilitators themselves? Do they say that 15
24 minutes is too long, or 20 minutes is too long? In
25 other words, why is this at all an issue?

1 Ms. Ziegler: Good question, thank you for
2 asking it. As a provider, as my our company is, no
3 we do not see that this is a problem. The number
4 of Speech-to-Speech calls is the volume itself, is
5 rather low. I think that most providers would
6 agree that it's very doable. We don't anticipate
7 that there would be any disagreement from those
8 that are providing the service. A fair question.

9 Ms. Rooker: Linda? State your name.

10 Ms. West: Linda West. Dixie, my question is,
11 as I understand this right now, if a Caller
12 Assistant is working with a person, once that 15
13 minute time limit comes up, they get cut off and
14 they have to start with a new assistant?

15 Ms. Ziegler: No. That is not correct. The
16 rule today, the call does not get cut off and it is
17 not a forced change. And so for example, if the
18 Communication Assistant is available to continue
19 with a call, they will. And that is what I meant
20 when I said initially, that the change in CA's does
21 not happen very frequently. Typically, a CA stays
22 with a call from beginning to end. However, let's
23 say it's the end of a shift, or a break, or
24 something like that for a Communication Assistant,
25 it is possible that a change in CA's would be

1 needed. And before a change can be made, the rule
2 today says that you must stay with that call for 15
3 minutes before a CA can change. We're asking that
4 that increases to 20 minutes, rather than 15.

5 Ms. West: My question would be, why would
6 they even put a minimum limit on it? It seems to
7 me a CA should just stay with a call.

8 Ms. Ziegler: That is the normal practice. I
9 think these rules were put in place to protect
10 relay providers or relay users, to ensure that they
11 have as much efficiency and continuity in their
12 call as possible.

13 Ms. West: Thank you.

14 Ms. Buck: Deborah Buck. I see that the clock
15 starts ticking on the minimum of 20 minutes, when
16 effective communication has been achieved and there
17 is an attempt to clarify what effective
18 communication is, that between the parties the
19 information is accurately and impartially
20 interpreted, who ascertains whether it's accurately
21 being presented? Is it the CA or the person making
22 the call? Because I could see some challenges
23 there.

24 Ms. Ziegler: There is not clarity on this
25 particular topic within the FCC rules. And one of

1 the things I think you're going to see our group
2 come back with, is a recommendation to make this
3 area clear. That we took the opportunity and these
4 comments that will relay some groundwork for the
5 issue. To answer your question, both the
6 Communication assistant and the user are able to
7 say, this isn't working. And if it's not working,
8 a change can take place.

9 Ms. Rooker: Okay. Now we've had some
10 discussion. Do we have any other comments? Karen?
11 And say your name, please. Don't forget folks, say
12 your name. Otherwise, the record doesn't know who
13 you are.

14 Ms. Strauss: Karen Strauss. Just to
15 supplement what Dixie just said, effective
16 communication also has some history in the
17 Americans with Disabilities Act and generally, if
18 the individual cannot communicate, there's not
19 going to be effective communication. So even if
20 the CA thinks there's effective communication, if
21 the individual does not feel that there is, they're
22 going to prevail.

23 And in answer to -- I think it was Lois's
24 question, the reason for the original rule and
25 there's also a rule for text base -- TOS, that's

1 actually 10 minutes. The reason that there's no
2 requirement for CA's to stay on the full amount of
3 time, is if there were some Union and Labor issues
4 for individuals that needed to leave at a certain
5 time. For example, because if you're ready to
6 leave for the day, but you're still on and you
7 happen to get a call, or you're ready to take a
8 break, or you have a certain shift, there are some
9 Labor protections in how long you would have to
10 stay on. I mean, somebody could talk for two hours
11 and you would have to leave and so, that was the
12 origination of some limits. The 15 minutes was
13 extended. It's a little bit longer than 10
14 minutes. Again, because it was a speech disabled
15 population and this is, at this point, a non
16 controversial issue.

17 Ms. Rooker: I understand better. We did have
18 to have some discussion.

19 Ms. Strauss: Absolutely. I just wanted to
20 explain.

21 Ms. Ragsdale: One question, is there an
22 additional cost for the incremental five minutes
23 that someone would incur? And has there been any
24 demonstration that the five minutes is sufficient,
25 as deposed to coming so many years asking for

1 another five minute increment, or is the 20 minutes
2 a new industry standard?

3 Ms. Ziegler: This is Dixie. Those are good
4 questions. The way that relay service is paid is
5 on a per minute basis. So whether that whoever is
6 processing that five minutes, it is still billed at
7 the same rate. So there is no change in cost.

8 Your second question about is 20 minutes the
9 right number. That's a tough question to answer
10 and the reason that is, is because there's very
11 small volumes on this particular service and so to
12 have enough volume to indicate that 15 is right or
13 20 is right, is a little bit tough for us to do.
14 We do have the leaders and quite frankly I guess,
15 the inventor of this particular service involved on
16 the committee and he thinks that this is the right
17 number as well. So we do have some confidence that
18 at least the user community believes that is the
19 right place to be.

20 Ms. Rooker: Okay. Now we have a motion on
21 the floor to accept this recommendation as it has
22 been. Shall we go ahead and change that? And do
23 you want to add to this, as it's been modified,
24 because we changed it?

25 Ms. Kelly-Frey: This is Brenda Kelly-Frey

1 representing NASRA. I move that this document,
2 that the comments be accepted by the committee, by
3 the CAC, as modified.

4 Ms. Rooker: That's fine and we have a second
5 to that. We need a second.

6 Ms. Orlick-Aiello: I second.

7 Ms. Rooker: All for the motion?

8 [A chorus of Ayes].

9 Ms. Rooker: Opposed?

10 [No response].

11 Ms. Rooker: All right. So it has been passed
12 unanimously that we accept this recommendation.
13 Thank you very much and I believe we have some
14 other things to do.

15 Ms. Ziegler: Thank you. The next item that
16 we would like to bring forth to the committee, is
17 some recommendations to those that write orders and
18 rules for the FCC on language issues as far as, how
19 to ensure that you're including all users of sign
20 language and the different ways that sign language
21 can be used by the community. I've listed several
22 on the slide, that this was kind of a summary and
23 all of you have had, I hope, an opportunity to look
24 over the actual recommendation itself.

25 Judy Viera, on our Working Group, did a superb

1 job of putting this document together for us. So I
2 would probably turn over any questions to her on
3 this particular topic. But this is a very simple
4 request, certainly non controversial. It is simply
5 a way to make sure that we're including all of
6 those who might be making use of types of relay
7 services.

8 Are there questions or discussion for the
9 recommendation?

10 Ms. Rooker: The floor is open. Before we
11 take a vote -- okay, everybody has the documents in
12 front of them that they need to see, correct?
13 Okay. Then there is no discussion. We call for a
14 motion to accept the recommendation.

15 Ms. Strauss: So move.

16 Mr. Tobias: Second.

17 Ms. Rooker: The motion has been made and
18 seconded. All in favor say aye.

19 [A chorus of Ayes]

20 Ms. Rooker: Opposed?

21 [No response.]

22 Ms. Rooker: All right. It passes
23 unanimously. Thank you. Dixie, we're moving right
24 along here.

25 Ms. Ziegler: The next item that we would like

1 to bring forth are comments that have been drafted
2 by our Working Group in support of a petition that
3 was filed by 13 consumer organizations, asking for
4 a mandate of Caption Telephone Relay Service and
5 the approval of IP Captioned Relay Service to be
6 funded by the Interstate TRS Fund. That's a lot of
7 words there. I'll try to break it down.

8 First off, what is Captioned Telephone Relay
9 Service? It is a service for those primarily, who
10 have some hearing available, as well as the ability
11 to speak. That sums up, I guess, the majority of
12 those who use Captioned Telephone Relay Service,
13 but it does reach a broader group than that to some
14 degree.

15 Basically, it's an amplified telephone that
16 includes written word for word captions. So what's
17 happening behind the scenes, is that a
18 communication assistant is making use of Speech-to-
19 Text technology and is re-voicing everything that
20 is said by the standard telephone user. The
21 computer is trained to the communication
22 assistant's voice and that text then, appears for
23 the caption telephone user on a screen on their
24 telephone. So it's very similar to Captioned
25 Television in that sense. So the Captioned

1 Telephone user, if they have some hearing
2 available, they can hear the portions of the call
3 that they're able to hear. What they can't hear,
4 they're able to read the captions on the telephone
5 in a simultaneous manner.

6 What -- again, what we're asking the group, is
7 to allow us to submit these comments on behalf of
8 the Consumer Advisory Committee to the FCC, in
9 support of the petition that was filed by the User
10 Group. Captioned Telephone Service allows for --
11 it's a very natural conversation. The problem
12 today and the reason for the petition, is that it's
13 not a mandated service and not all states are
14 providing this service to date.

15 And in addition, some states and all states I
16 guess, where it is available, there are limits on
17 the number of people who can use the service. The
18 program is a very new program and as it got
19 started, there were limits each month on the number
20 of people who could participate and make use of
21 Captioned Telephone Relay Service. There certainly
22 has been evidence of individuals and states where
23 Captioned Telephone is not available, that those
24 individuals have been put at a disadvantage.
25 There's been a lot of comment on this petition from

1 users across the country from those who have the
2 service, who have received great benefit from it,
3 as well as from those who do not have access to the
4 service in their state, really wanting the service
5 and having a great need for this particular service
6 in their state.

7 I think at this point in time, I would be glad
8 to take questions and have discussion on this topic
9 to answer one of the questions as far as who might
10 be against this particular order. We'll just
11 anticipate that the group that pays for
12 telecommunications relay services are typically you
13 and I. We pay a surcharge either on our telephone
14 bill or through the charges that we pay for long
15 distance telephone services. And it would be those
16 programs that would be required to pay for these
17 particular -- for this particular program.

18 It's a very new service. The demand -- it is
19 a popular service. The states that have it and the
20 people that are using it are using it quite a bit.
21 There certainly could become funding concerns and
22 those who have opposed the petition up to this
23 point, have been Commissions, State Utility
24 Commissions, not every single one, but some have
25 stepped up and are concerned about the budgeting

1 constraint that this service may have in their
2 particular state. So that's the flip side of this
3 argument.

4 We do have several subject matter experts
5 here. Joe Gordon, who's been very active on this
6 particular issue is here and I'm sure, would be
7 willing to take questions, as well as Ron Bibler,
8 who has been very active on this particular issue.
9 Janice as well, and I'm sure that between the group
10 of us, we could offer up any expertise we might
11 have.

12 Ms. Rooker: As a member of the committee and
13 not as the Chair, I'm interested in you telling me
14 how it works. Who does the captioning? Is someone
15 sitting in and listening to the conversation? I
16 mean, I haven't used it, so I need to understand
17 what we're talking about.

18 Ms. Ziegler: Yes. Similar to
19 Telecommunications Relay Service, where a
20 communication assistant is involved in the call.
21 And involved, is maybe not the right word, but what
22 we like to say, is they are the conduit for the
23 communication to take place. Everything the
24 hearing person says is typed to the deaf or hard of
25 hearing person. Everything the deaf or hard of

1 hearing person types gets -- is re-voiced by the
2 communication assistant back to the hearing person.
3 What Caption Telephone does, instead of the
4 communication assistant typing that communication,
5 they make use of Speech-to-Text technology and they
6 re-voice everything that the hearing person says.
7 So it displays on a computer, which is then
8 transmitted to the CAPTEL phone for the text to be
9 viewed on the phone itself.

10 And so, the CAPTEL device looks very much like
11 a standard telephone, has a key numbering pad, all
12 of that. But then also, has a display on it so the
13 captions can be read and then the person has, using
14 the Captioned Telephone, has good speech and what
15 they're saying is heard directly by the hearing
16 person that they're having the conversation with.

17 Ms. Rooker: So it's through a system and
18 these systems are typically run by the state, by
19 private individuals?

20 Ms. Ziegler: Private and another good
21 question you're asking today. There's a sole
22 provider of this service of Caption Telephone Relay
23 Service and the name of the company is Caption
24 Telephone, Inc. They're based in Wisconsin and
25 associated with Ultratech, for those of you who

1 might be familiar with that manufacturer of
2 different devices. They are the sole provider
3 today, of this particular service.

4 Ms. Rooker: What has been the cost impact on
5 the state? Since you brought up that issue, I
6 think that might be something of interest to us.
7 Do we know and do we know what kind of volume goes
8 over these calls?

9 Ms. Ziegler: I'm not sure if I have totals,
10 as far as the total amount of captioned telephone
11 phone minutes at this particular time. Obviously,
12 we could get that information.

13 The funding impact, there are 33 states that
14 have chosen to offer this service today. Those
15 particular states have found a way to provide the
16 service. But I think that there will be some of
17 those states that will have funding concerns if
18 mandated and anybody can get the service any time.
19 One of the things that has helped the states be
20 able to implement this program, is that there have
21 been caps on how much, how many units, how much
22 service can be implemented in each month and each
23 state has a different cap to date. So that has
24 provided some funding relief to the states, because
25 they know X amount of people are going to join the

1 program.

2 I think the average -- it takes awhile to get
3 to this level, but I think the average user is
4 using the service about 150 to 180 minutes per
5 month. Now that takes awhile to get to that level.
6 I think that is over a three to six month period of
7 using this service, doesn't grow to that level.
8 And so having pretty trackable numbers and easy to
9 budget states have been able to do that and make
10 use of that information.

11 Again, I imagine that there were these
12 concerns from states, if mandated and that now
13 anybody can use the service anytime and this is
14 certainly a different market than those being
15 served by TRS today. Although, there are some
16 people who have migrated from traditional relay
17 service over to CAPTEL, but there will be new users
18 of CAPTEL service, who are not using TRS today.

19 Ms. Rooker: I would like to hear, because I
20 don't know anything about it and I'm just curious.
21 I don't mean to take up too much time.

22 Ms. Ziegler: No. You're asking great
23 questions.

24 Ms. Schacter: Janice Schacter. The practical
25 aspects of a CAPTEL service is, somebody who is

1 using a phone and slowly loses their hearing,
2 they're not suddenly going to learn sign language
3 and be able to use a relay service. So now,
4 imagine you're an older adult, you lose your
5 hearing and you want to talk to your grandchildren.
6 You can't, because you have no way of knowing what
7 they're saying if you can't hear or you might be
8 missing parts of a conversation. You might not
9 have lost all your hearing, so you might get every
10 other word, so the sentence doesn't make sense.
11 With CAPTEL -- well, I should say captioned
12 telephone allows you to fill in that missing part,
13 so if you missed that key part of the sentence, you
14 can figure out what they are saying. So you might
15 be using this to fill in some of the words. You
16 might be using it to fill in all of the words. But
17 you're a person who doesn't know sign language and
18 has basically, no other alternative.

19 I live in a state -- New York State, that has
20 no captioned telephone. So for example, my
21 daughter -- if she needs homework and she calls a
22 friend to ask about a math question, if you miss --
23 and sometimes you can figure out the context of a
24 sentence, but if you miss the plus or the minus in
25 that sentence, you've missed the whole problem. So

1 if she calls a friend and sometimes she had trouble
2 hearing on the phone, she can't always get her
3 homework because she can't hear. So I have to
4 participate in that phone call.

5 Now all right, maybe if you're young, that's
6 not a big deal. Now, imagine being asked on a
7 date, would you want your parents on the phone as
8 your being asked for a date? I mean, it sounds
9 crazy, but that is what kids have had to do, who
10 have had missing residual hearing and have no other
11 alternative and there's no choice. This is an
12 unbelievable thing. But the funding issue is not.
13 It shouldn't be a concern because no one is raising
14 funding if you sign. This should be no different.
15 It's just an alternative and why are not suddenly -
16 - not that I'm looking to take money away from
17 relay services at all, but it should be functional
18 equivalent and that is what we keep needing to
19 remember on everything we look at for people with
20 disabilities is functional equivalent and stop
21 looking at, why the money? Because otherwise,
22 we're not looking for charity, we're looking for
23 equality.

24 Ms. Rooker: Why would you not be able to use
25 a relay service?

1 Ms. Schacter: You can't sign, my daughter
2 doesn't sign.

3 Ms. Rooker: You don't have to sign to use a
4 relay service. That's why I was asking you. You
5 don't sign for a relay service, right? I mean, I'm
6 sorry.

7 Ms. Strauss: This is Karen Strauss. First of
8 all, as Janice has pointed out, many people using
9 CAPTEL are either senior citizens or children relay
10 services, you have to be able to either type or
11 sign. These people cannot do either.

12 The other thing is, that many people using
13 Caption Telephone are people that have used the
14 telephone their whole lives, especially if they're
15 senior citizens. They're not accustomed to typing.
16 They're accustomed to talking on the telephone.
17 This is the most natural means of continuing the
18 ability to talk the way they're use to.

19 The other thing is, as Janice just pointed
20 out, the Americans with Disabilities Act requires
21 that relay services be provided. There is no
22 exemption for cost. There's nothing in the ADA
23 that says you provide it, unless it's going to cost
24 a certain amount of money. You just provide it.
25 That's it. No if's, and's, and but's. It has to

1 be functionally equivalent.

2 The incredible thing about captioned telephone
3 is, that it is the most functionally equivalent
4 service for this population of users as exist.
5 Because as I've said, number one, you don't have to
6 type, use your own voice. But number two, more
7 importantly, it's the only relay service other than
8 VRS. That is in real time. When you make a
9 captioned telephone call -- well actually, let me
10 start off with relay -- text relay. When you make
11 a text relay call or a VRS call, you have to call
12 the center -- the relay center. That center, you
13 establish contact with a communication assistant.
14 That CA then, calls out with captioned telephone.
15 It's transparent. You make your call directly to
16 the other party and you're connected right away.

17 The beauty of this is that again, you're
18 having a phone call that is very similar to the way
19 you're accustomed to having telephone calls. It
20 also saves time and because it is conducted in real
21 time, remember the CA is re-voicing a Speech-to-
22 Text program, is converting that speech nearly
23 simultaneously into text.

24 That too, is saving time because if any of you
25 have ever been on a text relay call, well that's

1 true of VRS, Video Relay. But if any of you have
2 been on a text relay call, they are interminable.
3 You type to the CA. The CA then, has to speak what
4 you type, and they have to type back what the voice
5 person has said. And by the time -- as a hearing
6 person, and by the time it is your turn again,
7 you're ready to hang up. And in fact, this has
8 been a significant problem in text based relay.
9 This doesn't happen with this kind of relay. It is
10 direct, so that also saves money because it is real
11 time.

12 A few more things. The other thing in terms
13 of cost, is that there's two proposals I want to
14 make clear. There are two proposals on the table.
15 One of them is to ask that the FCC mandate
16 captioned telephone. The second one however, did
17 you already raise this one?

18 Ms. Ziegler: We have not talked about it yet.

19 Ms. Strauss: The second one deals with IP
20 relay. I'll let Dixie introduce that one, but if
21 it goes to IP Captioned Telephone, then the states
22 are not obligated to pay. Basically, it then
23 becomes a long distance service and that is
24 probably where captioned telephone is going to go.
25 So the objections that are now being raised in this

1 initial proceeding by the states, are probably
2 going to go away when it becomes an Interstate
3 service. But I will let Dixie talk about that a
4 little bit more.

5 Ms. Rooker: We have a number of people who
6 want to make comments. Joe, you had your hand up.
7 Stick your hand up.

8 Mr. Gordon: Joe Gordon. I don't think it was
9 mentioned, but already 33 states have it. I'm
10 sorry, Dixie did mention that. One of the states
11 that doesn't have it is my own state. New York
12 State. I was up in Albany three - four months ago
13 visiting with the Public Service Commission. I met
14 with two Commissioners. They were sort of -- not
15 against it, but didn't understand that well. After
16 we met with them, we sent them many letters. We
17 received communication back from the Public Service
18 Commission saying, we hear you. We're looking at
19 it. It is interesting. It looks good. It looks
20 possible. So it's important that the 17 states
21 that don't have it, in addition to the FCC having
22 this petition, that we also advocate in our own
23 states.

24 As Karen said, I'm use to a telephone. It's a
25 regular desk phone. You could turn the captions

1 off if you want to, if you're having a personal
2 phone call.

3 Ms. Rooker: So this system would work by
4 going through third person who seamlessly takes
5 what the person is responding to your conversation
6 and puts it into text?

7 Mr. Gordon: Correct. Voice recognition.

8 Ms. Rooker: All right now, wait a minute. We
9 had a hand over here first, John?

10 Unidentified Speaker: The service -- and this
11 is just my ignorance, but all of the relay
12 services, am I right in understanding that the
13 service doesn't require the telephone company to
14 actually do something, it is all a third party
15 provider that is providing that, is that correct?

16 Ms. Ziegler: It is a third party that's
17 providing the service. The telephone is purchased
18 either through an equipment program. The customer
19 has to have the telephone to make the service work.

20 Mr. Polk: But Verizon, or SBC, or whatever
21 does not necessarily need to even be aware that
22 their phone lines are using this?

23 Ms. Ziegler: No.

24 Ms. Rooker: Joel has his hand up.

25 Mr. Snyder: Joel Snyder. I'm the Director of

1 Described Media which is a service for folks who
2 are blind and low vision on television or film, but
3 I am at the National Captioning Institute, so this
4 is a marvelously interesting conversation. And
5 thank you, Dixie. And I'm very supportive of the
6 concept behind it all.

7 A couple of questions though, what is the cost
8 of the unit itself? Obviously, this is more than a
9 simple telephone. Maybe it's a telephone with
10 obviously, some sort of small screen. That's my
11 first question.

12 Ms. Ziegler: It's similarly priced to a TTY,
13 so \$400 -- \$500 dollar range, and it depends on --
14 there are equipment programs that make that
15 equipment available. It varies from state to state
16 as to the type of equipment programs that might be
17 available.

18 Mr. Snyder: I would suspect if this is
19 mandated, the cost is going to come way down.

20 Ms. Ziegler: You would think that kind of a
21 mass production would make a difference.

22 Mr. Snyder: And what is the cost right now of
23 the provision of the service? Now you have the
24 sole provider. I don't know what that does to the
25 economics of it all and that is not being -- well I

1 don't know. In the 33 states, is it being covered?
2 Is it being subsidized by those states?

3 Ms. Ziegler: The 33 states that are providing
4 the service, have funded it through the
5 Telecommunications Relay Service programs and it's
6 similarly priced in TRS. It's been in some
7 instances, it's been a little bit higher than TRS.

8 Mr. Snyder: What is that?

9 Ms. Ziegler: There's different ways to
10 measure it. Anywhere from \$1.40 to \$1.60 per
11 conversation -- minutes.

12 Mr. Snyder: Okay. And also, I just want to
13 thank you for bringing this up. Certainly and
14 Karen, for the clarification with a respect to the
15 typing. I think I just fully support the notion of
16 functional equivalence, because I think that
17 distinction is key here, that someone has the right
18 to be able to use the telephone in as closely
19 equivalent a manner as anybody else. Not have to
20 type through their conversation, or have to go
21 through something, somebody with a close as
22 equivalent as anybody else.

23 And I'm sorry, one other quick question.
24 They're using speech recognition, so I assume when
25 you say they're re-voicing, they're not -- they're

1 speaking it and a computer is recognizing the
2 speech. That is why it's being re-voiced and then
3 it becomes text?

4 Ms. Ziegler: That is correct. The CA -- the
5 computer is trained to the CA's voice and so
6 they're re-voicing and changing.

7 Mr. Snyder: So they're not using real time
8 captioner's.

9 Ms. Ziegler: That is correct.

10 Ms. Rooker: Now Joel has one point to make
11 then I promise, we'll move onto the rest of you.

12 Mr. Gordon: Joe Gordon. Joel asked a
13 question about the cost and it was said that it
14 might be a little bit higher on a permanent cost,
15 but I understand that even though it might be a
16 little bit higher at times on a permanent cost, the
17 number of minutes are less.

18 Ms. Ziegler: This is a good point that Joe is
19 bringing up and Karen touched on this too, in that
20 because the calls are more functional equivalent
21 and are faster for all of the parties involved, the
22 average call time on a CAPTEL call is about 2.4,
23 2.5 -- I'm going to use different terms now --
24 session minutes, is different ways in the industry
25 we measure calls. In TRS, the average call length

1 is about four -- 4.2 session minutes per call.

2 So on a per call basis, because of the
3 technology is quite a bit faster and functionally
4 equivalent, as Janice and Karen have explained. It
5 is more cost efficient.

6 Ms. Rooker: Okay. We're going to go down
7 here, then over here, then over here. So we'll
8 start with you. You got it.

9 Mr. Bibler: I'm Ron Bibler and I'm actually
10 on the Committee the Expertise in Captioned
11 Telephone and everyday, I use the CAPTEL. I use it
12 to receive phone calls and to make phone calls.
13 It's the most natural form of telephone for me
14 because I don't use the TTY and I don't sign. I
15 don't have -- my speech is clearer and so I used
16 captioned telephone and captioned TV all the time.

17 And the problem is, is that the 17 states that
18 don't have CAPTEL, they're going to drag their feet
19 and they will drag their feet as long as they can.
20 And what we're trying to get the committee to do,
21 is to have the FCC put a mandate out so those 17
22 states will get the CAPTEL.

23 Now there will be a cost involved because
24 there's going to be a huge volume going out there.
25 There are 1,000's of people like me that don't have

1 TTY's. They're elderly people and so forth, who
2 don't have it and with this system out there, this
3 could open up the telephone and make it much more
4 functionally equivalent for them. They're going to
5 be using the telephone at a \$1.40 a minute and the
6 volume is going to increase.

7 Now these 17 states, to give you an example, I
8 use my CAPTEL. Okay and everyone that has a cell
9 phone that works in all 50 states and you can
10 imagine taking your cell phone to a state that does
11 not allow cell phones, you have an alternative.
12 You can go to a payphone. That's the same analogy,
13 33 states have CAPTEL and 17 do not and the FCC
14 should mandate it. It's not a difficult thing to
15 do, but these states are not going to move forward
16 unless they're forced to do so.

17 Ms. Rooker: Thank you. John, put your hand
18 up there.

19 Mr. Breyault: John Breyault with the
20 Telecommunications Research and Action Center. I
21 support this motion here, but I did have a
22 question. If you could educate me, I understand
23 the TOS System if funded by line item fees on
24 consumers bills, whether they use the system or
25 not. In states that have gone to the new system,

1 have those fees increased and how much?

2 Ms. Ziegler: I don't know the answer to that
3 John, because there's a variety of factors that can
4 change those fees. It is not just the CAPTEL
5 service that is funded within that program. Some
6 states use fund equipment programs, some states
7 fund a variety of programs out of that particular
8 surcharge. And so, I don't know if any state has
9 had to raise their surcharge. Karen, do you know?

10 Ms. Strauss: I don't think -- as far as I
11 know, I don't think that has happened and one of
12 the reasons it has not happened is because
13 generally, text based relay is on the decline and
14 that is what those funds generally paid for.
15 Internet based relay, both text and video, are on
16 the upswing. That is where the bulk of the cost of
17 relay are right now. So generally, that has not
18 happened.

19 Just so you know what the surcharges usually
20 are, they average from three to five cents, to 25
21 cents at the most. We're not talking about
22 anything in order of like the subscriber line
23 charge, where it's over \$3 dollars and so they're
24 very minimal charges.

25 Ms. Rooker: We have some people down here.

1 Ms. Buck: Deborah Buck. I first and foremost
2 want to say, our organization supports this
3 servicing concept. It is valuable. It does
4 provide a fundamental right to access to telephone
5 services. We have significant concerns about the
6 administrative and programmatic aspects of a
7 program such as this.

8 I did share with the committee, with some of
9 the members on that committee, a litany of issues
10 that have been brought to our attention about this
11 service. And I feel that the FCC needs to take due
12 diligence in looking at some of the ramifications
13 of this. I think what is going to happen, it is
14 going to backfire. Not to be a naysayer, but there
15 is one consumer who had a phone cost of \$75,000
16 dollars in one year. So there are issues that are
17 underlined how this is administered, difficulty in
18 getting information from the service provider. I
19 think we are putting states in a difficult position
20 in terms of running this forward.

21 I generally support the service in concept for
22 individuals, but we need to make sure it provides a
23 quality service. Cost is not the only issue. I
24 agree with you. I'd be the first to say cost
25 should not be the barrier to someone getting

1 access. There are inherently other programmatic
2 and administrative technological issues with this
3 quality of the services. You are hooked to one
4 relay service. Many states have limitations that
5 they need to use a relay service. In their state,
6 they're going to have to change that to use this
7 one entity to do these services. The actual device
8 is tied to a serial code. The service, the cost
9 are incurred based upon the serial code of that
10 device.

11 There have been instances of people selling
12 devices over eBay and someone in another state,
13 because of the code of the device having the
14 originating state that provided it paying for those
15 phone services. Gather is a level of equity, I
16 agree it is something that should be across the
17 board in every state in the nation.

18 But I feel that the Commission has a
19 responsibility, as does this Work Group, to
20 recommend that they take due diligence and not only
21 due diligence in looking at this program because it
22 is new, but looking at what kind of monitoring and
23 oversight needs to occur. This committee has put
24 forth some other recommendations today, looking at
25 other TRS services, highlighting the need for

1 monitoring an oversight. We need to be consistent
2 and apply the same standards across the board, so
3 that everyone has quality and equitable access.

4 Ms. Rooker: You put that beautifully,
5 Deborah. Thank you very much so. We're going to
6 have to figure out how to address that when we get
7 around to recommendations.

8 Jim?

9 Mr. Tobias: Jim Tobias, Inclusive
10 Technologies. I'm going to use this as an
11 opportunity to restate what I said before about
12 being able to plan and having enough information in
13 advance. This is a classic example of being rolled
14 over by a technology that came essentially
15 unexpectedly and developed very strong, and
16 accurate, and fully, to be supported by myself and
17 this committee, Consumer Interest. I mean, I think
18 it's the height of idiocy that some many people
19 want to use this service, we've got to limit it.
20 When somebody -- you know, that is what we in
21 business call a good problem --- when so many
22 people want to use your service, you should respond
23 to them as positively and informatively as
24 possible. And certainly, cost should never be a
25 limiting factor here.

1 However, not having certain amounts of
2 information which really should have been gathered
3 now for many, many years about relay users. Who
4 are the relay users? What are their preferences?
5 What are the current patterns of operation? And
6 especially, as we have seen a decline in text base
7 relay and we know anecdotally an adoption of
8 mainstream technologies to replace or to supplement
9 the use of relay. We don't understand where these
10 users are at of the advance kind of early adopting
11 users and the large bulk of users as well. And
12 there is no reason for us not to have that kind of
13 information and to be able to use it to plan in a
14 policy setting where all stakeholders are
15 available.

16 Just to persevere a little longer, I think
17 some of the features that were mentioned as unique
18 to CAPTEL, are in fact evidently assimilable by
19 automatic relay and that is the automatic routing.
20 Because see, when you place outbound call or an
21 inbound call, there's no reason why -- and Brittan
22 has this service -- there's no reason why, you
23 can't at the user's choice, have calls
24 automatically routed through relay. So the placing
25 of the call or the receiving of the call is more

1 natural and more actually, equivalent. So there
2 are those capabilities.

3 I'm more concerned about the sole provider
4 issue and the claims of proprietary information. I
5 think we all should be concerned about that because
6 I agree with Deborah, we're risking a backlash.
7 We're risking the opportunistic Commissioner or
8 public official who says, what is this? Why are
9 we paying a \$1.40 for someone to listen to a phone
10 call and talk into a microphone, et cetera, et
11 cetera?

12 There are mainstream transcription services
13 there. Dozens of them available now, not only over
14 IP, but over a plain old telephone service where
15 you can get transcripts of conference calls. I
16 don't know what the per minute charge is on those
17 services are. I doubt that they're a \$1.40 a
18 minute. Because I think they would be pricing
19 themselves out of the market.

20 As we migrate into -- and one more little
21 minor explosion as we migrate and our users, -- the
22 users of relay service and CAPTEL, migrate and see
23 these other options for mainstream technologies, we
24 owe the public policy arena, as well as those users
25 and the other stakeholders, the broadest and wisest

1 vision of how to extend the service and yet, reduce
2 the cost. And I don't see that in the current
3 setting. Mostly, because we happen to be towing
4 around the proprietary nature of the service and
5 the equipment.

6 Ms. Rooker: I think you and Deborah have
7 raised some very interesting questions. It's going
8 to be very challenging for us to put in the form of
9 a recommendation. We have a lot of work to do and
10 we're probably going to have stop taking comments
11 and start working, unless there are some other --
12 totally other perspectives on these comments and we
13 really need to move forward in adopting a
14 recommendation. But I think we'll satisfy the
15 questions as well as the good intent of this
16 recommendation.

17 One more comment, that's it. Janice?

18 Ms. Schacter: Janice Schacter. While I agree
19 that fraud should never be tolerated, the way to
20 deal with fraud is by prosecuting it as fraud and I
21 think that is not basically a reason you cannot do
22 something because of the potential of fraud. Also,
23 I think fraud will be reduced and all of the states
24 have it and what you just described is somebody
25 taking it out from one state to another state to

1 try to deal with something. But the fraud is not a
2 reason that you shouldn't. And every year that we
3 don't have this, is another year that people are
4 kept in the dark and are basically segregated from
5 society.

6 Ms. Rooker: Janice, I'm sorry. I don't mean
7 to be rude. I understand, you're talking about
8 social issues. It is a social issue, but I'm
9 trying to get this to move forward.

10 Ms. Schacter: I know, but she raised social
11 issues and raised some very specific questions.
12 When you have everybody and you have somebody --
13 Ron Bibler sitting here, saying he's using it and
14 it is picking up. You have to understand what it
15 is like to not have any appropriate access or
16 appropriate choice and you're limited. It's very
17 easy to sit there. And let's explore, we can
18 explore for the rest of our life. But right now,
19 we can make a decision to do this and we can always
20 come back and say, you know what and expand as more
21 companies. But if we don't start an opportunity,
22 we're not giving people an opportunity to have
23 conversations like you and I have on the phone.

24 Ms. Rooker: I don't believe -- we weren't
25 suggesting we not move forward with the

1 recommendation, rather what we need to do in
2 forming a recommendation is to put in there some of
3 the concerns that have been addressed, which I
4 think are very valid. Let's discuss it.

5 I really am going to stop taking comments,
6 because we're not going to have time to fashion
7 this, if we don't.

8 Joy has a legal issue that we have to hear.

9 Ms. Ragsdale: Just one point, representing
10 NASUCA, I need more information about cost. But
11 what I'm more concerned along with that, we mandate
12 states do something if that would rise to the level
13 of federal preemption. That is not something our
14 organization has historically supported and I would
15 have strong reservations if we were asked to adopt
16 this resolution today. And I also agree with the
17 issues that Deborah Buck has already raised.

18 Ms. Strauss: The obligation would not be on
19 the states at all. The obligations are actually on
20 the common carriers, the ADA title IV places the
21 obligations to provide relay services on common
22 carriers. The states have taken it upon themselves
23 to provide relay services, as basically a favor for
24 the common carriers, but they are not -- they would
25 not be subject to these obligations.

1 Ms. Ragsdale: This is Joy from NASUCA, again.
2 The language says to mandate the states to have
3 this service used as drafted now.

4 Ms. Strauss: I will check that. If so,
5 we'll have to change it.

6 Ms. Ragsdale: It's not the -- I cannot
7 support that language. Perhaps strongly encourage,
8 but not mandate.

9 Ms. Rooker: I think I'm hearing a sense that
10 perhaps we need to go back and take into
11 consideration some of the issues that have been
12 raised before we move forward. And that is not to
13 say that this isn't very worthwhile, but I think
14 that there have been enough things brought up that
15 need to be considered in drafting something that
16 we're going to feel good about and that is going to
17 help accomplish our goals, which I think we all are
18 in agreement of the need for this kind of service.
19 I think what we are expressing are some concerns
20 that we're not addressing in the recommendations.

21 Is that a consensus of the group? I need to
22 get a feeling from you because I don't want this to
23 be my opinion. This has to be the group opinion.

24 Mr. Gordon: Joe Gordon. Why don't we test
25 your last statement by having a motion made and see

1 how the reaction to the motion is. May I make the
2 motion?

3 Ms. Rooker: Sure.

4 Mr. Gordon: I think everyone should take a
5 minute and just read these two pages if you haven't
6 done it.

7 Ms. Strauss: I don't see states written on
8 here.

9 Mr. Gordon: Especially on the first page, the
10 last paragraph, on the first page speaks to the
11 point of proprietary ownership, that has been done
12 before by government. So I make a motion that we
13 proceed and do as we request in this paper, to send
14 the comments from this committee to the FCC in
15 support of the captioning telephone mandates.

16 Ms. Rooker: I'm sorry. I don't quite
17 understand. Are you saying we recommend we submit
18 it as written?

19 Mr. Gordon: Correct.

20 Unidentified Speaker: Second.

21 Ms. Rooker: People are going to second that
22 motion, all right.

23 Joel?

24 Mr. Snyder: The sense I was getting from you
25 Shirley, and I would have to speak against the

1 motion as Joe has proposed it and seconded. The
2 sense I was getting from you Shirley, is that given
3 the discussion and the sense that I expressed
4 earlier, I asked some specific questions to get a
5 sense of some detail that spoke I think, directly
6 to the kinds of questions Deborah raised and were
7 raised by the gentleman that spoke after there -- I
8 don't have your name, I'm sorry -- that I think,
9 yet to the fact that we need some more information
10 about the practical implementation of the mandate.

11 I am absolutely in favor of the spirit of this
12 proposal. But I'm real concerned about how we put
13 forward this recommendation and we need more than
14 just what we have been able to discuss today, in
15 order to put forward a recommendation that has the
16 kind of credibility that the FCC will respect.

17 Ms. Rooker: One of the things and let me just
18 say this as a member of the committee, one of the
19 things that I'm hearing from the committee, is that
20 we're doing to be very divided if we have to vote
21 on this right now. To my mind, and again, this is
22 not as your Chair, but to my mind it is more
23 effective if we can put together a proposal that
24 will have our general support rather than having a
25 large number of people who are not going to vote

1 for a proposal.

2 Now I don't want to take away Joe's right to
3 make a motion and have it accepted and voted on.
4 That is not what I'm trying to do. I'm talking as
5 the Chair now. But I have a sense that there are
6 so many issues that are not covered in this, that
7 perhaps it would be more effective for us to do a
8 rewrite of it.

9 Ms. Strauss: I have a solution. Let me
10 explain where this is. Procedurally, a Petition
11 for Rule Making was filed, the FCC released a
12 notice asking the public whether or not it should
13 issue a Notice of Proposed Rule Making on this. So
14 the FCC has not even down to the stage of being
15 able to ask the questions that Deborah suggested.

16 I would like to move. I don't know whether
17 the other motion is still open, but if we can once
18 it's closed, I would like to move that at least
19 this committee agree to recommend that the FCC go
20 ahead with a Notice of Proposed Rule Making on
21 caption telephone.

22 It doesn't necessarily ask for an endorsement
23 by this committee of Caption Telephone. That would
24 possibly come later with some of these suggestions
25 that have been raised. But it just asked the FCC

1 to proceed with a caption telephone rule making.

2 Ms. Viera: Second it.

3 Ms. Rooker: I'm losing my gavel and my law of
4 order.

5 Mr. Gordon: I withdraw my motion.

6 Ms. Rooker: Joe withdrew his motion. So what
7 Karen has on the floor, is that we simply recommend
8 to the FCC that it go ahead with the Proposed Rule
9 Making. We're not making any other kind of
10 statements at this point. Now let me just follow
11 up and ask you would the committee feel that it
12 would be advisable that in fact, we address the
13 other issues in a later proposal?

14 Ms. Strauss: That is what I would recommend.

15 Ms. Rooker: So we're accomplishing, that's a
16 great solution Karen. John, you have a comment?

17 Mr. Morris: I'm very concerned, because as I
18 understand it, we have not even begun to discuss
19 the Internet Protocol, part of this whole
20 recommendation. And I have a very broad number of
21 questions to try to understand that. So I'm not in
22 support of even a recommendation that the FCC
23 should go ahead on that part of this issue. I
24 don't have a position. I don't understand the
25 first issue, but it seems reasonable to me. But

1 the second issue raises a whole lot of concerns and
2 I don't understand that yet enough to vote for even
3 a recommendation on that.

4 Ms. Ziegler: And maybe just to further this -
5 - this is Dixie Ziegler - to further this
6 compromise, maybe what we need to do is simply just
7 forward if we have consensus on the Proposed Rule
8 Making for the CAPTEL piece and bring IP back for
9 another discussion.

10 And I would like to offer, I think it would
11 help our Working Group in a huge way. For those of
12 you that have concerns, Deborah, Jim, and whoever
13 has concerns on these committees, could you please
14 put those in an email and send them to me, so that
15 our Working Group can begin to address the concerns
16 that any member has on this committee in regards to
17 this issue, so that we are prepared to have that
18 information for you at the next meeting? And I
19 think you all have my email address and we would
20 very much appreciate hearing your specific concerns
21 so that we can address them. And as you can tell,
22 we have many consumers who feel so strongly about
23 this issue and we want to be as proactive as we can
24 be in pushing it forward and giving you all the
25 comfort needed to do so.

1 Ms. Rooker: Jim has a comment.

2 Mr. Tobias: Jim Tobias, Inclusive
3 Technologies. My comment is, it is exactly the
4 piecemeal consideration of the various items that
5 you might consider under the umbrella of relay, or
6 text and speech conversion services, or whatever.
7 It's the piecemeal view on that that holds us back.
8 And I don't mean this in the sense of, I think it
9 is a disservice to all of the stakeholders, the end
10 users, the carriers, the equipment manufacturers,
11 mainstream, as well as assistive technologies not
12 having an ability to plan both for current and near
13 term and long term services for the populations who
14 are currently using any of these services or who
15 may be projected to need to use these services, is
16 exactly what holds us back. So I don't know where
17 to go with that as far as a recommendation. I
18 don't think the FCC wants to set up a research arm
19 on TRS and all other stuff.

20 Ms. Rooker: Is there a way to make our
21 recommendation more inclusive so that we address
22 some of the issues you're raising?

23 Mr. Tobias: I like the word. I don't know.
24 I'm not a wordsmith of those kind of
25 recommendations, but that I think, should be our

1 goal. If we can communicate that to the
2 Commissioners.

3 Ms. Rooker: Let me ask you, since there is
4 such a divergence of opinion and concerns here.
5 Would it be reasonable for us to delay any kind of
6 decision until the next meeting? At that point, we
7 would be prepared to discuss many of the issues
8 that have been raised and have more details and
9 facts, and it's going to mean Jim, that you and
10 Deborah both are going to have to give a lot of
11 input to the TRS group. I don't know if you're
12 both on it or not, but we need to hear from you.
13 We need to hear from John and his issues, so that
14 we can try to put these into some form.

15 I kind of think you have a point Jim, in terms
16 of it being a piecemeal. That is not a good way.
17 That is not good for us. It doesn't look very
18 organized on our part, so I kind of have that
19 sense. I also know that this is very passionate
20 and very important issue I think, for all of us
21 that we have a common goal here. I think perhaps
22 the way to get there is different. So do we have
23 some thought on this? Daniel, I haven't heard from
24 you yet. Let's talk.

25 Mr. Phythyon: Dan Phythyon. My suggestion

1 offline to Karen and now my suggestion to the
2 group, is in effect the recommendations should be,
3 the Commission needs to commence a rule making, a
4 broad comprehensive rule making on the very
5 important issue of caption services. In crafting
6 that rule making, the Commission should look at not
7 only the benefits of this, concerns about monopoly
8 providers, all the issues that have been raised, IP
9 services, as well as traditional services. That's
10 the FCC's job is to do comprehensive rule making.

11 I think the recommendation should be, kick
12 that off. this committee. The Working Group should
13 work with the staff in crafting that rule, making
14 to address all of these issues. But I think the
15 message from this group to the Commission should
16 be, it's important. Resolve these issues, examine
17 them, but start the process of making rules on this
18 very important service.

19 Ms. Rooker: Judy?

20 Ms. Viera: I would like to speak in favor of
21 Karen's proposal, her motion that at this time, we
22 ask the FCC to act on the petition that has already
23 been filed I believe, several months ago. And
24 also, a report on a number of data that is
25 available from individual states that's already

1 established a Telecap service. And also, NECA --
2 the National Exchange Carrier Association be
3 reimbursed for or pay for the inbound services and
4 that they also collect the data on the cost of
5 these services. And I would like to mention also,
6 the addition of possible internet relay regarding
7 CAPTEL and that would encourage or promote
8 competition for service.

9 And I am a caption telephone user myself. I
10 love it when I'm able to speak directly to my
11 grandson and allowing him to hear my voice. I like
12 to be able to make -- to have that option available
13 for everyone. For everyone one who benefits from
14 it and also use VRS and TTY as well. It just
15 depends upon the circumstance for myself. But the
16 point is, the option to match the need of the
17 consumer and I would like to encourage support for
18 the proposal that is currently on the floor.

19 Ms. Rooker: You're not really making a motion
20 Judy, you're simply supporting the motion that
21 Karen made, is that correct?

22 Ms. Viera: I'm sorry, would you repeat that
23 please? Yes. I did second the motion.

24 Ms. Rooker: You're not making a separate
25 motion, now.

1 Ms. Viera: I'm sorry. I'm seconding Karen's
2 motion and I want to see it get to a vote.

3 Ms. Rooker: All right. Jim?

4 Mr. Tobias: Jim Tobias. I don't want to
5 delay on this. I would like to act on this and
6 whoever I guess, it's Karen's motion, if you would
7 consider Dan's language as a friendly amendment to
8 the motion, indicating that we have the support of
9 the committee to review the positive elements and
10 the potential jeopardies. I'm fully in support of
11 that.

12 Ms. Strauss: I have no problem with that. I
13 just want to note the petition was filed on October
14 31st of last year and nothing's been done with it.

15 Ms. Rooker: I understand. Okay. Let me just
16 make this suggestion, can we have some of you put
17 your heads together over lunch and come up with a
18 recommendation that is using the language that Dan
19 suggested? Would you be willing to do that?

20 Ms. Kelly-Frey: I'm confused. There's
21 already a motion on the floor that has been
22 seconded. I think it is time for a vote. I really
23 do. We've got a motion and we've got a second.

24 Ms. Rooker: All right. Let's restate the
25 motion. You have a good point, Brenda. Karen's

1 motion was -- can we read that back? Karen, why
2 don't you state it again?

3 Ms. Strauss: That the FCC go ahead in
4 instituting a Notice of Proposed Rule Making on
5 Caption Telephone Services and that my motion be
6 amended. And Dan, why don't you finish the second
7 half?

8 Mr. Phythyon: Dan Phythyon. That the
9 Commission commence a comprehensive rule making to
10 address all aspects of Caption Telephone Relay
11 Services as quickly as possible, or commence a rule
12 making and everyone has their rights to file
13 comments, raise objections, what have you.

14 Ms. Rooker: Okay. That's a good compromise.
15 Do we get that? So we have a motion on the floor.
16 Do we have a second to the amended motion and a
17 vote? Let's take a hand vote, if you don't mind,
18 so that we can be sure we're not missing anyone who
19 is for the proposal.

20 [A show of hands.]

21 Ms. Rooker: Opposed?

22 [A show of one hand.]

23 Unidentified Speaker: I abstain.

24 Ms. Rooker: Okay. So then it will go forward
25 with the language that has just been suggested.

1 Now, are we about finished? I've got one more
2 person on the agenda. But, you know what? This
3 has been a very healthy discussion and I think it's
4 been very good for us.

5 Ms. Ziegler: We do have one more
6 recommendation that we have brought forth for your
7 consideration today. I would appreciate everyone's
8 feedback on the previous item.

9 The next item is in regard to rules that have
10 recently been released by the FCC. Monica
11 referenced them this morning. Recently, an order
12 has been released allowing VRS and Internet
13 Protocol providers to certify as eligible for
14 reimbursement from the Interstate TRS Fund.
15 Previously, companies had to either be a carrier or
16 had to be certified under a state TRS program to
17 receive reimbursement. Now companies who are not
18 typically common carriers or have certified under a
19 state program, are eligible for funding, pending
20 certification from the FCC. And this particular
21 order released by the FCC, list out ways what you
22 have to do and approve in order to become
23 certified.

24 What our comments are asking, is that the FCC
25 take a stronger role in oversight and enforcement

1 of their own rules. The recent order did very
2 little. They very little referenced to either
3 topic and today, enforcement begins with a consumer
4 complaint. So it's very much reactive, rather than
5 proactive and our TRS Working Group is wanting to
6 add the FCC take a larger role in that process as
7 far as oversight and enforcement.

8 In the next slide, if you're following with
9 me, what we're asking is that we file these
10 comments so they encourage the FCC to among other
11 things, establish accountability among all of the
12 VRS and Internet Relay providers. And we gave
13 several detailed examples within our comments of
14 what we're looking for. More monitoring, increased
15 reporting, better access to consumer complaints,
16 penalties, increased performance standards, and the
17 like throughout our comments.

18 I think one of the things we have been working
19 with in TRS Working Group, is that the group
20 representing -- the whole group feels very strongly
21 that rules without any type of enforcement, are
22 just really suggestions. And I think that
23 certainly -- I think this is a very proactive,
24 consumer oriented filing to ask the FCC to do a
25 better job of ensuring that the rules are being

1 followed with pretty quantitative and pretty good
2 suggestions as far as to what we want them to do in
3 an act, or at least offering up in our comments as
4 options on how the FCC might better do oversight
5 and enforcement.

6 Discussions or questions on this item?

7 Ms. Rooker: Okay. If there's no discussion,
8 then do we hear a motion to accept the proposal?

9 Ms. Buck: So moved.

10 Ms. Kelly-Frey: Second.

11 Ms. Rooker: All in favor, say aye.

12 [A chorus of Ayes].

13 Ms. Rooker: Opposed?

14 [No response].

15 Ms. Rooker: Okay. That was approved. Okay.

16 Ms. Ziegler: Shirley, thank you. And thank
17 you to all of you. I didn't anticipate we would
18 take that much time. I apologize that we did, but
19 I do appreciate the discussion and do please, send
20 me the concerns you have on caption telephone.
21 It's something we're going to work very hard on
22 over the next few months and the sooner I receive
23 all of your feedback, the more time we have to
24 address it and be prepared for our next meeting.

25 Thank you for your time and consideration.

1 Ms. Rooker: Thank you, Dixie. You did an
2 excellent job on this and yes, I do think it is
3 important that we keep this communication open,
4 because I think many of you have addressed issues,
5 while we're all in agreement on the end results.
6 So anyway, okay.

7 We have one more agenda item. Gene Crick is
8 going to talk about the Rural Working Group. They
9 don't have a proposal today, but he's going to give
10 us an update on what they have been doing.

11 GENE CRICK

12 REPORT RURAL WORKING GROUP

13 Mr. Crick: In a shameless attempt to
14 ingratiate myself, I want to keep this short. I am
15 the head of the Rural and Under Served Working
16 Group, which is actually a very good group. We
17 have had a lot of interaction. That said, we
18 recognize these are such complex and difficult
19 issues, that we're going to need wider input from
20 all parties concerned to be able to bring forward
21 anything approximating simple solutions. I thought
22 about telling you I had a clear one page document
23 of answers, but I left my only copy on the plane.
24 But I didn't think anybody would buy that story.

25 So anyway, simply put and succinctly put,

1 we're attempting to identify the challenges and
2 this is a report to the committee on that process
3 because it seems to me, that an important part of
4 resources and solutions brought to bear are
5 outreach, and awareness, and input among all
6 stakeholders. Specifically, including consumers.

7 A third aspect of it is, wider resources
8 available to the consumers in terms of explaining
9 the issues and getting people involved. Then from
10 that, we think that the Working Group, and the CAC,
11 and the Commission as well, will have a much better
12 chance of bringing forth policies that reflect all
13 concerns. Because I think we -- everyone,
14 recognize that to come in and advocate some policy
15 from a strictly advocacy viewpoint, is not our best
16 use of mission. We certainly have to maintain the
17 principles that we advocate. But on the other
18 hand, have to have successful solutions. We're
19 going to have to have an awareness of all the
20 factors involved. That's kind of a biggie. It's
21 not easy for me, because I missed three quarters of
22 it. But in this particular case, I've spent enough
23 time on the street corner. It's been raining a
24 lot. I recognize it might be time for us to try to
25 work for some real cooperative efforts.

1 So that brings us to two points I wanted to
2 report on today, because this is not a set of
3 recommendations. You'll notice I have in fact,
4 emailed our report to every member of the
5 committee. But that's deliberate. It is not a
6 document to be worked on today, but more correctly,
7 it is a process that we are attempting to use our
8 own tools. The one's which we advocate for more
9 effective use of our time and efforts. So, I've
10 emailed as I said, each committee member, the
11 online location, a URL of a set of evolving notes
12 that is to become incorporated and you see, I want
13 to make it very clear. So there's not
14 recommendation online, there is a set of notes and
15 basis for discussion that are online. As you have
16 a chance, take a look. If you're interested, if
17 there's an aspect of it, give a comment. But I
18 don't expect you to follow the iterative process as
19 we developed small changes and so forth. Instead,
20 just give us your best thoughts on those areas
21 where you see great concern.

22 And another point is, that I have come to
23 recognize based upon a recent teleconferences and
24 within the Working Group, I have come to recognize
25 that I have not fully appreciated the importance of

1 the evolving universal services role in Rural and
2 Under Served. I mean, I knew it intellectually,
3 but it is fundamental. And so, be looking for a
4 greater discussion of and questions about the
5 actual universal service obligation.

6 I'm not even necessarily going to say what it
7 ought to be. I have my views. You have your
8 views. That sort of thing, we just want to
9 understand what it is more accurately and what it's
10 becoming.

11 And again, trying to shamelessly suck up to
12 Shirley, I will leave it at that, unless any other
13 member of the Working Group Committee has an
14 addition to make. We expect to make a
15 recommendation and in fact, this is our plea for
16 agenda time in the July meeting.

17 Ms. Rooker: All right. So noted. Lunch has
18 not arrived yet. Scott is going to find out why.
19 But in the few minutes that we have, Jim, would you
20 be willing to tell us a little bit about your day,
21 yesterday when you toured the Call Center?

22 Before we do that, Charles, you have a
23 comment?

24 Mr. Benton: Yes. Charles Benton, a member of
25 the Rural and Under Served Working Group, and a

1 late fan of Gene's here. I wanted to make two
2 quick comments following your remarks, Gene. We at
3 the Benton Foundation and especially now with
4 Gloria Christani who's over here and our new
5 President we're very proud of, are joining us, are
6 going to be working in the Universal Service area
7 as the next priority for us, especially next year.
8 But starting the process now and we want to work
9 closely with Gene and the Working Group on Rural
10 and Under Served populations.

11 If their needs are not about Universal
12 Service, we're not sure what Universal Service is
13 all about. So there's \$7 billion dollars now being
14 spent in Universal Service funds and one of the
15 very interesting questions is, is that money being
16 used in the most effective and equitable manner?
17 And so there are some very big questions here and I
18 have to say, I have found the discussion that we
19 just had in the last hour and a half, absolutely
20 fascinating because the TRS and Disability Access
21 folks -- and I don't know much about this, I'm just
22 a real amateur in understanding these issues and
23 problems, but they have been at -- I mean, it's
24 Universal Service for Disabled People, is really
25 what this is about in a sense. And I think the

1 general population has got to learn a great deal
2 from the Disability Access and TRS folks as we
3 think about Universal Service for everyone. I just
4 think there's a lot of lessons to be learned here
5 and I'm as fascinated by this discussion. I
6 thought it was a really great discussion and a very
7 good resolution.

8 And Shirley, you're fluctuations about
9 postponement and closure, but the way we finally
10 wound up at the end here, I think was wonderful,
11 because it was process. It was a process move. So
12 I just think there are some very exciting
13 opportunities here, and I'm looking forward to
14 working with Gene and the Group on this.

15 Ms. Rooker: It was an excellent one and my
16 fluctuation is what I was hearing from the
17 Committee and not me, personally. But your right,
18 it was fascinating and I think it was very good for
19 all of us. We learned a lot. I certainly learned
20 a lot this morning.

21 Now one other thing, has everyone signed in?
22 Has anyone not signed in? Otherwise, you don't get
23 that huge paycheck we're going to send you.

24 [Laughter]

25 Ms. Rooker: Surprise, it's not April Fool. I

1 missed it by a few days. Jim's going to take a few
2 minutes, because they have to get -- lunch is here,
3 but it's not set up yet. And tell us, because I
4 think all of us have had an interest in the
5 Consumer Center and we've made recommendations in
6 the past on the way they were doing things, and
7 they've been very receptive, and I think in making
8 a lot of changes in the way they were handling
9 consumer calls and so on.

10 What did you see, Jim?

11 Mr. Conran: I'm Jim Conran. As Shirley said
12 yesterday, nine of us went and met with the
13 Consumer Inquiry and Complaint Division's Susan
14 Perrin who is the Deputy in that particular office
15 and her boss who is the Chief Steve Eber, joined us
16 as well as two of the front line supervisors and we
17 had an opportunity to go through the complaint and
18 take process. Which while we talk about a lot of
19 policy and clearly, the Commission is concerned
20 about setting public policy, kind of where the
21 rubber hits the road, is when a consumer has a
22 problem and they're trying to resolve it and they
23 look to government to provide to them the support
24 that they cannot give themselves, so they help them
25 cut through the red tape of dealing with a large

1 bureaucracy. Which of course many of the
2 telecommunications companies are mammoth and they
3 sometimes can lose touch with individual consumers.
4 So it was very interesting to see the process.

5 The volume of complaints that come in or
6 inquiries, it's not just complaints and how they
7 process that and track that. I guess a couple of
8 key points that came out of our discussion
9 yesterday and the staff was very receptive. I
10 didn't find them in anyway defensive. They
11 answered a lot of questions. A lot of them were
12 due to our ignorance. Some were things that from
13 our experience, working outside of the Commission
14 and speaking different languages, I think the
15 dialogue was very helpful and they were very
16 receptive.

17 I think our mission, it's changing and at the
18 end of this month, two different computer systems,
19 they've been using two track and they're going to
20 have that as one system, which I think will allow
21 them to capture more information and handle it more
22 efficiently. Clearly over the years, they're
23 seeing greater influx of information coming in
24 online, theirs is through correspondence and direct
25 calls.

1 For many people, you may not know that
2 probably the least effective way to communicate or
3 at least, the slowest is by direct mail and that is
4 because of security purposes. Direct mail does not
5 come directly to the FCC. It has to go through a
6 sanitation and cleansing process in whether you're
7 writing a Commissioner, a member of Congress, or
8 any federal government agency. Due to the problems
9 of terrorist problems, mail just doesn't make it
10 that quickly. So the best way is to go online.

11 We talked about in language, primarily Spanish
12 is being used, but there is receptivity and in
13 trying to find out how they might use adjunct
14 services to be able to have other non English
15 speaking consumers communicate directly to them.
16 And coming from the state that I do, in California
17 we have so many different languages spoken. And
18 clearly, many consumers that do not speak English
19 or Spanish are using non profits to help
20 communicate on their behalf to the government
21 agency. So how they can, as one of these other
22 issues we're talking about with us and deaf and
23 disabled services, how we can directly communicate
24 to the Commission is something that I found the
25 staff to be very conscious of and aware. Clearly

1 like any government agency, there are resource
2 allocation problems and they're trying to match the
3 needs with the resources. But the conversations I
4 think, were very fruitful.

5 One of the issues we raised and whether the
6 Consumer Outreach Committee wants to deal with this
7 in a more formal manner was - and Shirley, you can
8 appreciate this, for all the work you've done at
9 Call for Action -- a lot of information is coming
10 in and the Commission is using it, but what about
11 other government agencies?

12 For instance, I would submit to you that 150
13 calls from California probably doesn't mean a lot,
14 but 150 calls coming from Delaware probably does.
15 So in that process of the information the
16 Commission is looking at, is that getting into the
17 hands of other government agencies, whether they be
18 state attorney's general, or a public utility of
19 service commissions, or is information coming that
20 they say you know, this is something the FTC needs
21 to have and the dialogue between those agencies
22 talking to each other, to make sure that
23 information is coming in a timely manner, as they
24 take the same information and share it with
25 carriers. If X, Y, Z carriers all of a sudden,

1 there's a regional issue where a lot of questions
2 are coming in or complaints. Clearly, the
3 companies would be wise to want to know that as
4 quickly as possible, so they can say, do we have
5 regional problem, is there a systematic problem?
6 And so that is one of the -- I think, things that
7 came out of yesterday's discussion, is how do we
8 take this wealth of information coming in here and
9 get it in the hands of other government agencies so
10 they can be efficient in dealing with consumer
11 inquiries.

12 Then concluded by visiting and watching one of
13 the CAM's, who not only takes information, but can
14 serve as a mediator between different private
15 sector companies and the consumer in dealing and
16 trying to reconcile complaints. And I have to say,
17 I'm use to seeing a lot of intake sweatshops and
18 the conditions that the employees work under was
19 really, I think very complimentary to being
20 productive workers. Nice big work spaces with a
21 level of sound proofing, so you don't hear
22 overlapping conversations as any of us who call and
23 800 number, you can hear sometimes three or four
24 conversations in the background.

25 The CAM that we met with seemed very

1 conscientious and knowledgeable about what she was
2 doing and her needs. So I thought it was a good
3 dialogue. It was nice to actually see where the
4 rubber hits the road sometimes. The policy issues
5 - and if any of my colleagues were there, had
6 something that I've left out or they would like to
7 add, I think that would be very good. I see Debbie
8 has her hand up over there.

9 Ms. Berlyn: Debbie Berlyn. I have a question
10 Jim. I was only able to stay for a part of the
11 program yesterday and I have a question about the
12 volume of calls at the FCC is currently handling
13 the volume of complaints. I should say not calls
14 because they handle them in different ways. As the
15 FCC and Congress are increasingly moving to a
16 national standard, a national consumer protection
17 rules, and having more and more complaints go to
18 the FCC, rather than to local and state
19 authorities, how is the FCC doing in terms of
20 handling the volume of complaints? Do we have a
21 sense of -- they're sitting there and the phone's
22 not ringing, or is there a large volume, is the
23 volume increasing?

24 And a follow up question, do consumers know to
25 contact the FCC? Are we getting the word out to

1 consumers?

2 Mr. Conran: Debbie, those are all great
3 questions. I don't have an answer for all of them.
4 When the call volume is pretty significant, I think
5 the number was 7,000 a month. Was it a year? But
6 70,000 was a monthly intake unit. The lag time
7 that was coming in was about 30 seconds for a call
8 to be answered. So I think -- and there were some
9 days higher, some days lower, sometimes the inquiry
10 level is based on stories in the media and
11 orchestrated campaigns which are not negative but
12 an interest group has an issue and that's one of
13 the ways they track to the Commission. So I think
14 there's still significant call volumes and one of
15 the things I've always seen is these calls are not
16 necessarily just complaints, but they're
17 opportunities for either the Commission or the
18 industries being regulated to do a better job by
19 understanding the consumers better.

20 They're working on better ways of tracking so
21 consumers can follow up if they feel that their
22 complaint has not gone into this black hole in the
23 sky. So they're looking at how to constantly fine
24 tune the system and I don't think this will be the
25 only time we'll talk to them, because I think we've

1 got a lot of food for thought, things that we need
2 to digest and as a committee, probably talk about
3 some more. Call volumes, I think are probably
4 pretty consistent annually. Again, there are these
5 spikes.

6 The Janet Jackson issue, a couple of years
7 ago, raised obscenity to a higher issue. I ask
8 issues like (inaudible) they're being talked about
9 and a lot of media people are calling, just asking
10 about information. So I think they are seeing
11 things all across the board. And if possible,
12 maybe at the next meeting we invite them to come in
13 and do a group presentation to the entire group.
14 Because clearly, we do not ask about a lot of
15 issues about accessibility for people who have
16 difficulty with communications. We did just talk
17 about language types of issues.

18 Ms. Rooker: Okay. We have one more question.
19 Joy? Or comment.

20 Ms. Ragsdale: This is Joy from NASUCA. Deb,
21 you have worked with NASUCA, so I think I
22 understood where your question was going.
23 Specifically, we do not ask if they had staffing
24 resource issues. As the request has been for the
25 FCC to handle more and then that ties back to the

1 federal preemption issue I have raised before, but
2 they do use contracting services and I believe they
3 gave us a number between 61 and 80, which was a
4 combination of FCC staff, as well as contractors.

5 Yesterday was a slow day, that we happen to
6 have gone upstairs. The calls were coming in a bit
7 slow. But as Jim had said, depending upon what is
8 hot in the public and that generates the volume of
9 the calls that they receive.

10 They also have a lot of valuable tools
11 available to them, where they can push a button and
12 generate letters that go out instantly to kind of
13 record the information and steps that are taken.
14 That is generated and goes straight to the consumer
15 on an immediate basis.

16 And I think they gave us the date of April
17 24th, where they're going to combine their two
18 systems. And with that, consumers will then start
19 to get a tracking number that is automatically
20 populated in the system. So if the consumer needs
21 to call back, they're then able to track the status
22 of their complaint. So they have a lot tools and
23 they were available to meet with more members and
24 they were open to give more tours. And the
25 gentleman that we met with, has replaced Martha

1 Conti who retired, and so it is a good idea, Jim,
2 to invite Steve. And what's his last name -- Eber,
3 to come here and reestablish that relationship with
4 us.

5 Ms. Rooker: Well that's great. Lunch is
6 here. We will be back at the table at 1:00. Thank
7 you very much for a good productive morning.

8 [Lunch recess at 11:50 a.m.]

9 Ms. Rooker: It's work time. You've actually
10 had five minutes extra and I don't usually do that.
11 Can we please ask you to take your chairs? I would
12 again, like to thank Tom and AOL Time Warner for
13 the wonderful lunch. Sandwiches were excellent.

14 [Applause]

15 Ms. Rooker: Okay. We are moving ahead, we
16 have the recommendations of the Media Working Group
17 and Dennis Moynihan is going to be the presenter.
18 Where are you Dennis? There you are. And he's
19 sticking his hand up so he has a microphone that is
20 live, we hope.

21 DENIS MOYNIHAN

22 RECOMMENDATION OF MEDIA WORKING GROUP

23 Mr. Moynihan: Hello. Welcome back from lunch
24 everyone. Thank you and also, hello to all of
25 those who are listening to the web stream or are

1 participants who are using this wonderful
2 experimental video stream, today. I want to thank
3 the members of the Media Working Group as well, to
4 invite people to join the Media Working Group.

5 As you will see from our recommendation, we
6 expect there to be a lot of activity in the field
7 of media ownership rule making, in coming months.
8 This advisory, which we hope you've had a chance to
9 review, was principally promoted, written by
10 Charles Benton. I want to thank him for the
11 stellar job. It is a very -- just a great
12 informative read, rich with history and
13 recommendations, very prosaic. So Charles, thank
14 you very much. And I'm sure the collective wisdom
15 here can even improve upon it, if it need be.

16 I won't go too far into it, just to state that
17 in response to the FCC's Rule Making activities in
18 2003, we saw a procedure that essentially left out
19 -- largely left out the public. And as we are the
20 Consumer Advisory Committee and consumers very
21 often identify themselves as the public as well, we
22 want to make sure there is consumer input and
23 public input to this year's coming around of Rule
24 Media Ownership Rule reviews.

25 To that end, this recommendation includes

1 essentially, procedural recommendations to the
2 Commission. There aren't any specific
3 recommendations on media ownership rules. This
4 very detailed recommendation includes
5 recommendations to the Commission on how to go
6 about involving the consumer and public sectors in
7 the coming around of media ownership rules.

8 We hope that the lessons learned from 2003,
9 where literally millions of people responded to the
10 rules, where federal lawsuits were filed, and
11 Congressional activity was prompted. We hope that
12 we can avoid this kind of unnecessary expense of
13 time energy resources in opposing rules that are on
14 their face, largely unpopular to the public and
15 unhelpful to the consumer.

16 And so with that, we have proposed simply this
17 recommendation, which we would like the Commission
18 to consider a far more open and public transparent
19 procedure, as they embark upon this very important
20 and timely analysis of the media ownership rules.
21 I did want to invite Charles Benton to comment
22 briefly, as he has many decades of experience in
23 this and is its principal author.

24 Mr. Benton: Thank you very much, Dennis. I
25 just want to add that and give credit to Kevin

1 Tagline who has been on our staff now for coming on
2 10 years and who is the author of the
3 Communications Headlines, which is a daily service
4 which summarizes the consumer press everyday on
5 consumer issues and policy in particular, and that
6 Kevin took the lead in drafting this, essentially
7 process oriented a four page piece on media
8 ownership.

9 And as you will see, on page 2 of this, the
10 four bullet points are really focused on what we
11 felt might be a more constructive procedure from
12 the FCC perspective, learning lessons from 2003.
13 And then, 11 questions that are in the bullet
14 points thereafter in the next two pages, that are
15 related questions and questions that have come up
16 in relation to ownership issues and have been
17 raised by various FCC Commissioners. So this is
18 not doing this ex cathedra.

19 Now we research the questions that have been
20 raised at the Commission and therefor, these are
21 related issues that are all pretty basic questions.
22 So that our effort here, was to in working with and
23 under Dennis' leadership, I tried to put forward a
24 process that would contribute to the FCC's role in
25 leadership on the media ownership issues, which

1 they most certainly will be addressing in the very
2 near future when there are five FCC Commissioners.

3 Mr. Moynihan: So with that, I would like to
4 open it up to the floor for discussion with your
5 permission, Shirley.

6 Ms. Rooker: Go right ahead.

7 Mr. Moynihan: If anyone has anything to add
8 to that?

9 Ms. MacBride: Marge MacBride with the NAB.
10 Let me begin by saying, that NAB and its members
11 continue to embrace the obligation to serve the
12 public interest, and the service to our local
13 communities, and all members of our local community
14 is the life blood of our business and we look
15 forward to continuing our dialogue with the
16 Commission and with Congress, to review the scope
17 of commitments made by broadcasters to serve the
18 public interest.

19 Let me repeat, broadcasters understand and
20 embrace their responsibility to the viewing and
21 listening public. Indeed, any local station that
22 drifts away from its localism and its strong
23 commitment to community service, does so at its own
24 peril. Because of this commitment to the public
25 interest and it would be not object at all to a

1 call from this committee to urge the FCC through
2 its rule making process, to commence a proceeding
3 on broadcast ownership that seeks to involve
4 consumers as a part of a transparent process,
5 intended to develop a full and fair record on which
6 the Commission can make reason judgements. Indeed,
7 as your documented acknowledges, two and a half
8 million people gave input in 2003. That strikes me
9 as including a lot of public input.

10 However, NAB cannot support the presentation
11 of the particular recommendations that are made and
12 that are being considered before this committee.
13 Now though, I believe the effort was honest, I
14 think the product here in nonetheless, flawed.

15 As a baseline objection, the document fails to
16 acknowledge the significant service of public
17 broadcasters already undertake, some required by
18 regulation, and many not. Take for example, the
19 heroic response to disasters such as hurricane
20 Katrina, or the more than \$9 billion in community
21 service that they provide annually for a PSA time,
22 charitable fund-raising, and disaster relief.

23 In addition, the document contains inaccurate
24 descriptions of the FCC's 2003 ownership decision.
25 The FCC did not modify the network rules and it

1 actually tightened ownership restrictions as they
2 applied to radio. It did not loosen them.

3 I believe that the report fails to present
4 accurate and balanced sides of the issue and thus,
5 it will not produce a fair record upon which the
6 FCC can rely and upon which this Federal Advisory
7 committee is obligated to provide.

8 Now, NAB would support mutual questions such
9 as, are consumer interests adequately considered in
10 the broadcast license renewal process? How have
11 technological advances and new media changed the
12 way consumers use different media and obtain
13 information? Indeed the current landscape of
14 technology is not even mentioned in the report.

15 Now, NAB would really urge that any
16 recommendation from this committee be very
17 carefully crafted to include fair and accurate
18 statements including, a correct statement of the
19 legal standard. The Commission is required to
20 follow when it evaluates its ownership rules and
21 thus, while we would like to support these
22 recommendations, we unfortunately cannot.

23 Ms. Rooker: Thank you, Marsha. I think we
24 probably need to discuss the issues one by one and
25 to find out if there are ways that we can come to a

1 resolution. And if that is not possible, then
2 certainly we will make all viewpoints known to the
3 FCC.

4 Would it be useful for us to discuss issues
5 one by one, Marsha and other people who may be
6 expressing some of her concerns? Well certainly,
7 one of the things we have to do, it is a factual
8 concern. Dennis, do you have a comment?

9 Mr. Moynihan: What are the key factual
10 errors?

11 Ms. MacBride: It indicates the FCC modified
12 the dual network rules during the 2003 Ownership
13 proceeding and it did not. Also, there is no
14 reference to the fact that the ownership
15 restrictions with respect to radio, was
16 significantly tightened as a result of the 2003.

17 And I think those are two very important
18 points. When you're trying to find a balance of
19 what it is we think the Commission needs to be
20 looking at, when it is looking at the rules this
21 time around. The one that probably concerns me the
22 most, is the standard that is being used in your
23 comments. The way that it's written, it says, in
24 1996, Congress mandated review of media ownership
25 rules, insisting that the Commission modify or

1 eliminate a rule only if doing so, is in the public
2 interest. The language actually reads, the
3 Commission shall determine whether any of such
4 rules are necessary in the public interest, as a
5 result of competition and it shall appeal any
6 regulation it determines no longer to be in the
7 public interest.

8 So this has been a point of contention at this
9 Commission. And between this Commission and the
10 courts, for some period of time as to whose
11 responsibility is it to show that it's no longer in
12 the public interest. And the way that Congress
13 read it, it is absolutely the way the Commissions
14 responsibility to show. And I'm sorry, it's
15 actually the individuals responsibility to show
16 that it's not in the public interest, because the
17 Commission cannot retain it as a result of
18 competition. If it's not and the concept of
19 competition, which goes back to the point about all
20 of the other media that are out there is central, I
21 think, to this Commission's decision about what
22 ownership restrictions should be placed on
23 broadcasters. Because broadcasters are just a very
24 small, small piece of a very large universe of
25 video content providers and now, audio content

1 providers as well.

2 Ms. Rooker: Do we have some comments?

3 Ms. Schacter: Janice Schacter. I have one
4 comment, not as to NAB's, but something that has
5 already been agreed upon, is the addition of
6 another bullet point in key procedural questions
7 not yet answered. And Charles and I have already
8 agreed upon it. How might ownership rules effect
9 the availability of closed captioning in markets of
10 all sizes?

11 Ms. Rooker: Hold that, because that's really
12 not appropriate at this point. You need to make
13 that recommendation later, that we make that
14 change.

15 Right now, we need to discuss the issues that
16 Marsha has raised, both in terms of accuracy and in
17 terms of intent of the document. And so I think --
18 but if you don't mind, we will make an amendment to
19 that later. Dennis?

20 Mr. Moynihan: To satisfy the criticism of the
21 language regarding the 1996 law, we could replace
22 the language with the language that was reported by
23 Marsha and that would hopefully, would settle that
24 issue.

25 Ms. Rooker: Okay. What about some of the

1 other issues she's raised? Charles, do you have a
2 comment? Stick your hand up. I'm going to make
3 you all learn to ask permission and identify
4 yourself, please.

5 Mr. Benton: Well in these -

6 Ms. Rooker: Charles Benton.

7 Mr. Benton: Charles Benton. In the spirit of
8 this morning's discussion, where you clearly were
9 moving to try to bring different voices together to
10 develop a consensus recommendation, I think it
11 would be very interesting and we would certainly be
12 prepared as the Media Working Group to meet with
13 the NAB and see if between now and July, and see if
14 we can't have out something that is more of a
15 consensus document. It doesn't mean we're going to
16 be able to arrive at that point, but if we do not
17 arrive at that point, we will have thrashed this
18 out to the best of our ability in the spirit of
19 compromise, to try to create a one plus one equals
20 three scenario, which is my favorite math.

21 Ms. Rooker: Marsha, how does that sit with
22 you?

23 Ms. MacBride: I think that would be a great
24 opportunity to go through these issues.

25 Ms. Rooker: It makes sense to me. Because

1 obviously, there's a lot of concern and this is a
2 very sensitive issue. And so it would do well I
3 think, for the parties to get involved in it and to
4 proceed from there. And as you say, if you can't
5 reach agreements, you can always present all sides
6 of the issue to the Commission.

7 Mr. Benton: We can say, here's where we
8 agree, here's where we don't agree and come back
9 and talk about it. In parenthesis we might also --
10 Marsha, when we meet, we might also be able to
11 revisit the public interest issues where the NBA
12 was the one no vote of the entire group. So we can
13 talk about that as well and we'll do that.

14 Mr. Moynihan: I want to encourage folks to
15 join the Media Working Group. We did have the
16 presence of a NBA representative earlier and they
17 withdrew their participation in the Working Group
18 and that might be in part why we're having this
19 conflict here, today. So I would encourage both
20 the NAB and whoever else who like to join the Media
21 Working Group, to do so and I think the procedure
22 is just to let Scott know that you would like to
23 and he will inform me.

24 Also, that the meeting that was proposed and
25 agreed to be conducted under the (inaudible) of our

1 Media Working Group so that it is reported and that
2 all members of the Working Group. Charles, is that
3 okay with you, Charles and with Marsha? And that
4 this be open to the members of the Media Working
5 Group, at least.

6 Ms. Rooker: Okay.

7 Mr. Benton: Exactly.

8 Ms. Rooker: I have one comment to make to you
9 about broadcasters and their commitment to the
10 public. Call for Action only exists because of
11 commitments, so I have a little prejudice in this
12 area. I guess I may as well tell you up front. So
13 I would like to see you all address this, because I
14 do think there is more commitment perhaps, than
15 what is being put in here. So that would be great.

16 So then what we will do is just table
17 discussion on this to move forward to a meeting,
18 perhaps meetings, between now and July. This will
19 be an agenda item in July and we'll go ahead and
20 put that on the agenda now and we'll take the
21 recommendations, the things you agree on and the
22 things you don't agree on. And that's exactly what
23 we're all about, so that all voices can be heard.
24 That is very important.

25 Now Janice, do you want to go ahead? You said

1 there was going to be an addition to the bullet
2 points and to the procedural recommendations. Do
3 you think it's a mute point to do that now, or
4 should we just wait?

5 Ms. Schacter: Janice Schacter. Charles knows
6 the paragraph, if we can just get that added in,
7 that would be terrific. And we've already worked
8 out the details.

9 Ms. Rooker: That makes sense. That makes
10 sense to me. Any other comments or concerns that
11 we need to address now, prior to the July meeting?

12 Yes, Dixie?

13 Ms. Ziegler: Dixie Ziegler. I just had a
14 quick question, is there a timing issue on this
15 that waiting until July doesn't disrupt either
16 issue or anyone's side?

17 Ms. Rooker: This is something that would seem
18 to be going on for a long time. It is a debate.

19 Ms. Ziegler: I understand that.

20 Ms. Rooker: Is that an understatement?

21 Ms. Ziegler: It does say 2006. I didn't know
22 if there was a timing thing there or not.

23 Ms. Rooker: Is there?

24 Ms. MacBride: I don't believe from the
25 comments made directly by the chairman, this will

1 move much before he has a full compliment of
2 Commissioners. And there doesn't appear to be any
3 movement on getting a full compliment of
4 Commissioners, so I do think we have time to do
5 this.

6 Ms. Rooker: Okay. Well I think that's a very
7 good resolution Charles. Thank you very much, I
8 appreciate that. That's great. So well, ha!
9 We've got time. Can you believe this? We're
10 usually so driven. I'm usually so driven by
11 looking at the clock. I cannot believe it. I'll
12 tell you what we can do, is see if we can go ahead
13 and get Steve and Larry. and if they're available,
14 we can just move right into their presentation.
15 Why don't we do that and let's just take our break.
16 Now if you don't mind, I know you just got here.
17 Be thankful I'm being generous. So why don't we
18 take a 15 minute break and be back here at 1:40 and
19 hopefully by then, we will have them on the phone.
20 And if not, we'll find something to talk about.
21 We'll make it up. We can talk about the Universal
22 Service Fund Tax, because I think we may want to
23 add that to the agenda in July. Okay, 15 minutes.

24 [Recess at 1:25 p.m.]

25 Ms. Rooker: We do have Larry Goldberg joining

1 us via teleconferencing and Steve Jacobs. Thank
2 you, Steve, for making this possible.

3 STEVE JACOB

4 RECOMMENDATIONS OF ADVANCED TECHNOLOGIES WORKING
5 GROUP

6 Mr. Jacobs: It's my pleasure. And by the
7 way, I think that Dave Brugger will be speaking on
8 Larry's behalf, unless Dave prefers to wait until
9 Larry's available at shortly after 2:00.

10 Ms. Rooker: Is that right, are we going to do
11 that? Steve, are you speaking for Dave? Do you
12 know that for a fact?

13 Mr. Jacobs: I don't know that for a fact.
14 You have to ask Dave Brugger.

15 Ms. Rooker: I think Dave Brugger is ready to
16 move. He's ready to talk about anything. It
17 doesn't necessarily have to be pertinent to our
18 meeting, but we hope it is.

19 Mr. Jacobs: I would suggest, Shirley, that
20 Dave go right ahead.

21 Ms. Rooker: Thank you, Steve. All right,
22 we're going to move ahead then with the
23 recommendations from the Advanced Technologies
24 Working Group and David Brugger is going to be
25 filling in. Larry Goldberg, our Chair, was not

1 able to make our meeting today. He's been very
2 faithful in attendance. But unfortunately, could
3 not be here and is not available right now. Is
4 that right David?

5 Mr. Brugger: That is right. He was not
6 available until after 2:00.

7 Ms. Rooker: We will go ahead and get started.
8 He can join us a little later and jump right in.
9 And we'll have to apologize to Larry, because this
10 was unanticipated that we would be starting on this
11 group so early. So anyway, having said that, I'm
12 going to turn the microphones over to David.

13 Mr. Brugger: Okay. There are three
14 recommendations from the Advanced Technology
15 Working Group. The first recommendation had to do
16 with establishing a consumer disability impact
17 statement process and a checklist for new and
18 emerging technologies. And there were a variety of
19 issues that came up involving the impact of new and
20 emerging technologies and what that was going to
21 do. And after a lot of discussion about not
22 wanting to try and handle all of these separately
23 or come up with very specific recommendations for
24 each new technology, that if there were an impact
25 statement, anytime there was a new or emerging

1 technology and sort of a checklist of the criteria,
2 that they ought to at least consider, especially in
3 terms of disclosure of what impact they would have
4 on the disabled.

5 We came up with a checklist that would apply
6 to mobile, wireless, media, telephone company
7 entering into new channel video, digital media
8 interfaces, converter boxes, and other new
9 technologies. And I can read them, or if you've
10 got them, you've already read them.

11 Ms. Rooker: Why don't we go through them?

12 Mr. Brugger: The first was to analyze and
13 clearly indicate to consumers any potential
14 degradation of existing or planned services by
15 alternate technologies or providers. And there was
16 some question about new providers coming in. Some
17 of the examples where they were coming in and that
18 If a neighbor or people saying in an adjoining
19 community may have lines changed for different
20 kinds of new services. But by then, removing old
21 lines and so on, it would disrupt or degrade the
22 services available in an adjoining community or
23 even in an adjoining neighborhood. And that people
24 ought to be protected from those kinds of changes
25 in technology being caused by somebody else. And

1 they ought to be aware if that's going to happen,
2 that A, that it is happening before they buy a new
3 technology, or that there aren't penalties for them
4 for wanting to change or upgrade their technology.

5 The second one was -

6 Ms. Rooker: Shall we take them one by one and
7 see if there's any questions or comments? That's
8 probably the easier way to do it. Does anyone have
9 any questions, comments, concerns about that?

10 Mr. Brugger: Does anybody else on the
11 committee want to talk about it on the Working
12 Group?

13 Mr. Price: Ed Price from Georgia Tech. I
14 have a general question, I think this is a great
15 idea in general, but who will do this checklist?
16 Does the FCC do it? Does the manufacturer do it?
17 Does the Disability Rights Group do it?

18 Mr. Brugger: Well it would be within the FCC.

19 Mr. Price: Okay. But the FCC would have to
20 create a new group or the officers of the hearing,
21 I guess would do it.

22 Ms. Rooker: Is there anything like this now,
23 being done within the FCC? I have to say, I don't
24 know.

25 Mr. Brugger: I don't know.

1 Ms. Kearney: I guess I don't understand, what
2 is the metric for the checklist? Is it section
3 255?

4 Mr. Brugger: I can't answer that question.

5 Ms. Kearney: I think probably, that is
6 something that would need to be answered.

7 Ms. Rooker: Do you think Larry would have the
8 answer to that?

9 Mr. Brugger: He may. But I can tell you,
10 that question didn't come up in our discussion.

11 Ms. Rooker: Julie, do you want to wait until
12 Larry joins us at 2:00? We can ask him that
13 question and then, discuss it then. He is going to
14 join us at 2:00, right?

15 Mr. Brugger: Yes.

16 Ms. Rooker: So he will be coming onboard and
17 he may well know the answer. I'm not sure what
18 exists. Now is -- I guess what I'm asking, when
19 new technology is being looked at, does the FCC --
20 do you know the answer to that, Jim? Does the FCC
21 do this kind of an appraisal of it?

22 Ms. Strauss: The FCC does not. I wasn't
23 involved in this, but it looks like it goes way
24 beyond 255 because the 5th one -- the 5th factor
25 goes into captioning, and video description, and

1 hearing, and compatibility which is beyond 255.

2 Ms. Kearney: Julie Kearney, CEA. As an
3 equipment manufacturer, a lot of these rely on
4 standards and if it is for future technologies,
5 those standards can be accompanying chip sets
6 haven't been necessarily been formulated yet. And
7 so I think it is hard, at least from my
8 perspective, to apply something to a technology
9 that either may not yet exist, or may not have
10 appropriate standards that have been worked for
11 many months within different industries.

12 Thank you.

13 Mr. Brugger: Jim?

14 Mr. Tobias: Jim Tobias, Inclusive
15 Technologies. I was passing the baton over to
16 Karen, because I think it is exactly parallel to
17 her very valuable recommendation this morning, that
18 there be some overall Commission oversight for all
19 proceedings and what the implications would be for
20 disability and accessibility. And I think this is
21 kind of related to that.

22 My own comment on this is that although I
23 think it is a great idea, and it is certainly in
24 line with what I said before about getting the
25 early warning on things, and to knowing in advance,

1 it takes an extremely negative view on new
2 technologies. Which, is really counter-intuitive
3 and counter-reality, I might say.

4 Mr. Brugger: You mean, this does?

5 Mr. Tobias: Yes. In other words, it talks
6 about what is going to reduce accessibility, what
7 is going to jeopardize accessibility, and obviously
8 as the regulatory body of the Commission, their
9 first focus might want to be on where there are new
10 jeopardies. But I think, there would be some
11 benefit even within the perspective of serving
12 consumers with disabilities about what new
13 opportunities these technologies offer.

14 So, for example, five -- 10 years ago, when
15 wireless text messaging was first arising, we might
16 have had a recognition, an indication, gee, this is
17 about brand new way of communicating in text and
18 it's a mainstream way with a wide range of
19 equipment. The wide range of network services that
20 essentially duplicates and supplements, and in many
21 ways, surpasses traditional TGY.

22 So is there something that we can do aside
23 from general stakeholder information? Something
24 that the Commission might want to do, to fold these
25 new opportunities into the kind of protected and

1 regulatory classes that it already has.

2 Mr. Brugger: I don't think it was seen that
3 way. I think the whole idea here, was not to set
4 new standards for technology and so on, but was
5 simply to disclose good and bad degradation
6 enhancements. Opportunities have let any new
7 technology was going to have for the disabled, it
8 wasn't -- I mean, I hear what your saying, and
9 that's to me, 50 percent of it. The other 50
10 percent is well, are there no opportunities? It's
11 just to disclose to the consumer what those new
12 technologies can and can't do, what good they will
13 do, what they may not encompass in terms of the
14 capabilities of the technology.

15 Mr. Tobias: I'm reading your comment to you
16 say you consider that a friendly amendment because
17 I think as written, it only talks about the
18 downside of new technologies.

19 Ms. Rooker: That's an excellent point.
20 Certainly it seems to me, that its something that
21 can be rephrased.

22 Mr. Brugger: It wasn't intended that way.

23 Ms. Rooker: To reflect that there is positive
24 developments there, that the benefits can be passed
25 on to consumers. Yes, Laurie?

1 Ms. McGarry: Laurie McGarry, CTIA. One thing
2 that might help me a little bit, are there some
3 examples that the group looked at that you could
4 share? It might help illuminate for me a little
5 more, the spirit of what you're trying to get. I
6 know you mentioned technologies that can come into
7 a neighborhood that might have a resulting negative
8 effect in another part of the neighborhood, but
9 whether were there other examples of where you
10 cited a new technology having a negative effect,
11 that might fall into this category?

12 Mr. Brugger: I would have to ask others on
13 the group to speak to that.

14 Ms. Rooker: Okay. Ed, you go first.

15 Mr. Price: Ed Price, Georgia Tech. I was at
16 the meeting last week on broadband over power
17 lines, which they have some in Europe. It
18 interferes with X-10, a lot of cases which people
19 like disabled people, use X-10 for home control.
20 So if your neighbor gets broadband over power line,
21 it may knock out your home control system. So
22 that's just one example of an FCC regulated service
23 that could have an unintended consequence. Of
24 course, that is not a service really coming out in
25 the U.S. yet, but give it a year or two. And I

1 think the classic example is analog to digital cell
2 phone transition with hearing incompatibility.

3 Mr. Bibler: I think I have two examples of
4 new technology that might not have happened before.
5 The Video iPod. We've seen our kids run around
6 with Video iPod's and now they're downloading and
7 the Video iPod may not support captions. It should
8 be able to support captions.

9 Another example would be, I just got a new
10 high def television and I just got a new DVD
11 player. And so I found out, that my new cable with
12 my new interface -- high definition interface, it
13 erupts the captions. So I can't see the captions.
14 I can see the sub titles. And the comment was, we
15 made a mistake but that they acknowledged it, but
16 the new technology does not support captions. So I
17 think with the Advanced Technology Group, we hope
18 the FCC will have something so the new technology
19 doesn't give us a lower standard than what we had
20 before.

21 Ms. Rooker: Good comment. Let's go to the
22 end of the table.

23 Mr. Salter: Harold Salter. Just with
24 reference to the impacts of new technology -

25 Ms. Rooker: I don't think your microphone is

1 on yet. Stick your hand up.

2 Mr. Salter: With reference to the impact of
3 new technology, I think it is important to know,
4 even on something such as broadband over power
5 line, the FCC already had recognized some of the
6 interference, potential interference aspects of
7 that, with other new technologies such as Ultra
8 Wideband. I think considerable time and attention
9 goes into what the potential interference impacts
10 may be.

11 I just want to address one other remark that
12 was made with respect to the transition from analog
13 to digital wireless. With respect to hearing aid
14 compatibility, the FCC changed the hearing aid
15 compatibility rules. Specifically, to make note of
16 that change for instance, on February 17th, 2008
17 which is the analog transition date, 50 percent of
18 all handsets will have to be hearing aid
19 compatible. So I would just urge that there may be
20 a number of things going on right now that take
21 notice of these issues.

22 Thank you.

23 Ms. Rooker: Thank you, Harold. Claude?

24 Mr. Stout: I'm Claude Stout. I was very
25 excited about the consumer disabled statement there

1 because of the jammed packed deaf and hard of
2 hearing consumers have exposed a lot of frustration
3 with the new technologies that's been introduced
4 over the last few years. The VRS providers turnout
5 the video. Devices which are not compatible with
6 other providers and then the result is, you get
7 that particular device but you don't have access to
8 other video providers. And then in addition to
9 that, people are using a specific device, could not
10 have peer to peer chat with other people using a
11 different video device or devices.

12 And more interesting is, that one company who
13 provided a specific device had each consumer sign a
14 statement taking ownership responsibility for that
15 device. So a lot of things in the fine print, that
16 consumers were not aware of how restricted some of
17 those agreements are. And so, that consumer device
18 impact statement I think is very important that
19 they're bringing up, so the consumer knows what
20 they're getting into. And that empowers the
21 consumers once you give them the information.

22 So the FCC has responsibility for this kind of
23 thing. I think the office of Engineering and
24 Technology here at the FCC, should be looking and
25 reviewing at all of these new technologies that are

1 being developed and ask them all the hard
2 questions. Who is the engineer? You know, we get
3 all excited and get carried away with this new
4 technology, but ask, are they disability friendly?
5 Who is going to win? Who is going to lose with
6 this new technology that is being developed and
7 introduced?

8 Ms. Rooker: Karen?

9 Ms. Strauss: Karen Strauss. Ron, can you
10 just get Ron's attention? Ron, the DVD you have is
11 in violation of FCC rules. You should file a
12 complaint.

13 Mr. Harold: The petition to require hearing
14 incompatibility for a digital wireless phones was
15 filed in 1995. It took 13 years for this to
16 happen. As you said 2008, it's going to be 50
17 percent, so that's too long.

18 Another example is, in the 1960's, AT&T's --
19 all of its standard phones were hearing
20 incompatible for analog regular. That's all we had
21 then and they decided to change the composition of
22 their handsets to make them lighter and more tamper
23 resistant. And as a consequence, took away hearing
24 incompatibility for wire line phones and it took 20
25 years to get that back.

1 So these are all three examples. One more is
2 graphical interfaces blind people. When computers
3 were first becoming popular, they had no problem
4 reading text. Then graphics became much harder to
5 be able to, because screen readers couldn't read
6 graphics. And so, here's four examples, where if
7 somebody had been minding the store at the
8 beginning and checking to see whether something was
9 accessible before it got out, then the design
10 could've been changed at the outset and it would've
11 cost a lot less than retrofitting later on. So it
12 really happens all the time.

13 Ms. Rooker: I'm learning a lot today. We
14 have from our teleconferencing, Steve. It takes a
15 few seconds. We're beaming him in.

16 Mr. Jacobs: I don't think Wayne has a
17 microphone and he is going to have to call in on
18 this line. I will let him know.

19 Ms. Rooker: I'm not sure what that was all
20 about. That was Steve Jacobs speaking. Who is he
21 calling?

22 Mr. Jacobs: This is Steve Jacobs speaking and
23 Wayne Castle does not have a microphone in the room
24 and I will have him call in on this line, so that
25 he can ask his question.

1 Ms. Rooker: Okay. So he will call in, so we
2 can continue discussion right now. Okay, fine.
3 We've had some interesting comments on this.
4 Probably I think, one of the things I hear you
5 saying, is there is a need for this. But then I
6 also hear you saying, that this statement is so
7 negative that it shouldn't be just reflecting on
8 possible things that could go wrong, but that there
9 are positive impacts from technology as well. So,
10 do we want to make changes to this as we go
11 through? Does someone want to suggest that we put
12 more positive language in there? Or, what is your
13 sense? It's your committee. David?

14 Mr. Brugger: I don't know if Jim can tell me
15 if words will do this? In other words, if you said
16 to establish a consumer disability impact statement
17 on service enhancements, or changes, or degradation
18 so that you take into account the full panoply of
19 what the possibilities are.

20 Mr. Tobias: Jim Tobias, Inclusive
21 Technologies. I think it would be very easy to
22 change these from potential degradation to
23 potential impact. The second one, since you can't
24 just change to impact, because it says if there's
25 going to be impact, how can consumers switch to an

1 alternate provider at comparable cost and function,
2 et cetera, et cetera, et cetera? So it may be that
3 it just needs to be reduced a little bit.

4 And just something in one of the initial
5 paragraphs, changing degradation to impact, either
6 positive or negative, on accessibility.

7 Ms. Rooker: So taking out the word
8 degradation where it's used and putting impact,
9 because degradation does -- it is a negative. So
10 would that be -- that would be a solution.

11 I believe we have Wayne Castle on the phone.
12 Wayne, are you there?

13 Mr. Castle: Yes. I am here. And I did have
14 a microphone. But anyway, I don't know why it
15 wasn't working.

16 Ms. Rooker: Do you have a comment for us?

17 Mr. Castle: Yes. And I believe I may not
18 have heard quite the last exchange. But I wanted
19 to suggest that one of the things we talked about
20 on this impact statement, was what happens when a
21 particular service that people are relying upon,
22 especially ones where they rely upon for life
23 things like phone service, when any of those
24 services get negatively impacted by some new
25 technology and the example was, cellular phone

1 service, that degraded horribly when antennas were
2 reconfigured to focus more on a high growth
3 business area and left out the neighborhood, so it
4 got weaker signals.

5 And then at the same time, the increase in the
6 number of new applications on the cell phones, like
7 internet, cameras, music that consume more
8 bandwidth and more irregular patterns which would
9 mean that the person's phone subscription may go
10 from five bars, to one bar, or no bars, and drop
11 calls and be very unreliable.

12 The discussion that we had was, if a new
13 technology maybe didn't anticipate it was going to
14 have that kind of impact, but once it did show up
15 as having that impact, the consumer needed to have
16 some sort of remedy like getting out of the
17 contract without a termination fee, or any sort of
18 penalty.

19 We understand that within the last few weeks,
20 there have been petitions in front of the FCC to
21 remove that requirement, to essentially lock in the
22 consumer to be obligated for those penalties. But
23 anyway, that was one example I wanted to raise that
24 was related to the consumer and disability impact
25 statement.

1 Thank you.

2 Ms. Rooker: Thank you, Wayne. Does anybody
3 have any comments? Deborah?

4 Ms. Berlyn: I think Wayne is talking about
5 the second point. And our language, we had an
6 ongoing debate about how to word that second point
7 and I'm not sure the language we left with, that
8 there was complete agreement by the Working Group
9 on this second point. I'm sorry to say that it
10 came at a point when I was very busy and I just saw
11 the exchange back and forth, and I don't know
12 whether Larry is on yet or not, but I'm not so sure
13 we had agreed upon this language or not. Maybe
14 someone else in the Working Group could help me out
15 here by saying, was there final agreement on this
16 language or not? Because the last I had seen, we
17 were still debating and I wasn't sure we had
18 agreed.

19 Mr. Brugger: Debbie, there was not final
20 agreement by the committee, because we didn't have
21 time at the point at which this came up. And what
22 Larry said was, it can be amended here as we
23 discuss it, if that was necessary, and if this
24 language was not adequate.

25 Ms. Berlyn: Thank you.

1 Ms. Rooker: Yes?

2 Ms. Bobek: Ann Bobek from NAD. The basic
3 question, is this checklist something the FCC would
4 post on its website so consumers could access it
5 and say, I'm going to purchase a home system. I've
6 got BPL in my neighborhood and how do I avoid
7 interference? Or is this something that before
8 technology is authorized, the FCC would go through
9 a series of checklists? That's my question, number
10 one.

11 Number two is just kind of a practical
12 concern. The example of BPL was used, but you
13 know, you really don't often know how services that
14 are occupying an adjacent spectrum act with one
15 another until they are actually out in the market
16 place. And I'm not quite sure how effective the
17 FCC, on a prospected basis, is going to look at my
18 technology and say how for example, the Commission
19 is considering unlicensed devices in the unused
20 portion of the TD broadcast bands. We may not know
21 how they interact with each other until they're
22 actually deployed.

23 So I guess, I don't know how checklist -- a
24 prospective checklist would address that or if
25 there are ways we can kind of retool this to say,

1 how do we empower consumers once technology
2 changes, or evolves, or in maybe ways to mitigate,
3 maybe as BPL is deployed these questions come out,
4 or for unlicensed devices. And how do we empower
5 consumers to know where the current state of
6 technology evolution is? Because let's be candid,
7 it takes the Commission a long time to get through
8 these issues to begin with and to try to keep up
9 with our technologies and how they interact with
10 each other is nearly an impossible task.

11 But if there is some way to even have a
12 central clearing house for the FCC or at least, a
13 line of communication and say, I'm experiencing
14 problems in X, Y, Z. Is someone else having this
15 problem? That would be useful for consumers rather
16 than, just a prior to deployed, did you think about
17 these three things? And I think the more you can
18 empower consumers about what it is they're
19 purchasing and how what benefits and negatives may
20 be out there.

21 But again, maybe six months from now, you have
22 a new -- I don't know about you, but I go through a
23 cellphone about once every eight months, because I
24 keep leaving them out in the rain.

25 Ms. Rooker: We will get you an umbrella for

1 your cellphone.

2 Ms. Bobek: It's about how do you empower
3 consumers to make the choice as they switch
4 services and I don't know that that necessarily the
5 FCC should take the lead on it at the outset. But
6 maybe there's a way they could facilitate to make
7 sure that all of us have been put into that
8 process.

9 Ms. Rooker: Good comment. David?

10 Mr. Brugger: Again, this had to do with
11 disclosure. We know that there are a lot of
12 engineering tasks, just like they were done with
13 DTV in terms of reception, inner cities, and so on.
14 And the question is, there's a lot of things they
15 do know. We'll never answer all the questions they
16 don't know. That will come through special uses.
17 But the point is, that when they go through all of
18 the engineering, forming new technology, there are
19 things they know that it will do and that it will
20 not do. And the point is, is that if there is no
21 checklist for disability, than is anybody even
22 thinking about it or thinking of making public,
23 what they do know? And the point is, to get
24 disclosure on what is known, so that the consumer
25 can have as much information as possible, to make

1 an educated choice about whether they are going to
2 purchase one technology or the other.

3 As you say, technology moves so fast. We will
4 never be able to catch up with it. But the point
5 is, there are a certain set of things that they
6 know, based on the engineering testing that goes
7 into it.

8 Ms. Rooker: Ann?

9 Ms. Bobek: Just to follow up and to use the
10 DTV as an example, we've already transitioned to
11 digital in terms of our transmission, it's the
12 receivers and Julie's folks over at CEA that are
13 continually improving that service. So the
14 Commission has sort of already looked at the
15 opportunity to look at the impact on pros and cons.
16 And on our service to the disabled and the entire
17 community, for us, that horse has already left the
18 barn. But if you're looking at how receivers are
19 improving, again, maybe there's a way the
20 commission could be proactive in at least educating
21 consumers. I just sort of think of this as sort of
22 not only what is deployed in terms of new
23 technology, but it is the new devices that are out
24 there. And that's something that -- it could be
25 many years from when the Commission has first

1 examined it. I think if you're going to have
2 checklist, it has to be a living and breathing
3 document so it is continually empowering the
4 consumer with choice.

5 Mr. Brugger: We would hope that it would be a
6 living document.

7 Ms. Rooker: Judy?

8 Ms. Viera: I just wanted to add that it is
9 almost impossible for consumers to know what type
10 of interference there might be while shopping for
11 equipment, because it doesn't show up in the store
12 and it's not until you take things home and then
13 start to use them, that you find out that type of
14 thing. So I wanted to emphasis that it's important
15 to have an opportunity to make an informed decision
16 when you're out there shopping, so that the value
17 of that type of a statement for the consumer is
18 really pretty significant.

19 Ms. Rooker: Okay. Jim?

20 Mr. Tobias: Jim Tobias, Inclusive
21 Technologies. I'm not sure this is germane to
22 the Commission's work, but I want at least the
23 committee members, to be sensitive to the fact that
24 we should be talking about technologies that are
25 not necessarily restricted or even directed towards

1 Telecom, or video, or what have you. But that
2 might appear as components within a telecom or
3 video player device in the future.

4 I'll give you an example, talking about
5 electronic paper, like a flexible display, this
6 will certainly show up in devices that are covered
7 by the Commission's rules. But you won't know that
8 it's in one of those devices until the company
9 comes forward with a product that it intends to
10 have certified and that is already too late.

11 So the stand that we need to do, is over the
12 horizon, is beyond the purview of specific
13 Commission actions. And again, I don't know how we
14 have any effect on that, but we have to be
15 sensitized to that rather than waiting for a
16 submission that is looking for licenser.

17 Ms. Rooker: All right, Ed?

18 Mr. Price: Ed Price from Georgia Tech. In
19 our dealings with industry, and particularly with
20 the Telecom industry, and with the cellphone
21 industry, what they're saying is we want our
22 products to be fully accessible. We need more
23 information from consumers, and disabled, and
24 disability groups, and engineers on how to do that,
25 because the 255 rules are relatively vague. There

1 isn't any kind of a document that you can get that
2 says, these are the features you need to include in
3 your phone to make it fully accessible. There a
4 few. But we need, as consumers, to provide the
5 information early on to manufacturers and help them
6 make their products compatible, because the cost
7 for re-mediation later, are enormous.

8 I'm sure that T-mobile and the other carriers
9 are sort of fortunate adding TTY compatibility to
10 the cellphone network and the manufacturers are now
11 trying to make them hearing aid compatible. If
12 these things that are thought about when the
13 digital telephone systems were being implemented,
14 it could've saved \$10's of millions of dollars.

15 Ms. Rooker: Okay. All right. Do we have a
16 sense? Comments have been made about the second
17 paragraph where Debra wasn't sure that was the
18 language that was agreed upon. Do we need to
19 rewrite that now? Should we rewrite it? Should we
20 go back to the committee with it? I'm hearing
21 people saying it should go back to the committee.
22 So does that preclude us? I don't think that
23 precludes us discussing the other issues, then you
24 can come back with another recommendation.

25 Mr. Brugger: It does not.

1 Ms. Rooker: So have we discussed these roll -
2 - of course, we've talked about customer service
3 and choices. I think that has been included in the
4 discussion, has it not in the things we have been
5 talking about? What about number four, the impact
6 on the privacy impacts on consumers? We haven't
7 touched on that issue, so should we go to number
8 four? I think that would make sense, right? I'm
9 trying to keep you all awake.

10 Mr. Brugger: Are there any comments about it?

11 Ms. Rooker: What about number four? Do we
12 have any concerns or questions about that, or
13 comments? Okay. Then we want to move to number
14 five. Number five, we have questions. Yes?

15 Mr. Freiermuth: Scott Freiermuth with Sprint
16 Nextel. I think on number four, it just seems to
17 be -- I'm just curious as to how practically this
18 would work. And in fact, I have concerns about the
19 practicality of most of this but probably four, in
20 particular.

21 Ms. Rooker: Your question is how number four
22 would work in terms of whether you not determine
23 whether how you can determine whether or not there
24 are privacy implications?

25 Mr. Freiermuth: Correct.

1 Ms. Rooker: David, do you have any questions
2 on that, or maybe what we need is clarification
3 here. I'm not sure. I guess you're asking how it
4 would be done?

5 Mr. Freiermuth: Yes. It's written to say,
6 identification of potential privacy impacts on
7 consumers for all text, voice, and video. Who does
8 this identification? Is the FCC doing it? Is it
9 the technology manufacturer?

10 Mr. Brugger: The assumption here, is that the
11 FCC would do it in terms of asking the question of
12 the manufacturer of the technology and asking
13 questions about the effects on privacy, what the
14 capabilities of the equipment are or are not.

15 Ms. Rooker: I think Larry may have just
16 joined us. Is that you, Larry?

17 [No response].

18 Ms. Rooker: We heard the little beep, beep
19 that said someone was dialing in. I guess not.
20 Okay. So, do we feel that that needs to be a
21 little more specific, a little clarified, or what
22 is the sense? Perhaps this is something that if
23 we're going to redraft recommendation number one,
24 then perhaps that should also be asked for input on
25 members of the Working Group or the general

1 committee for comments on number four as well.

2 Mr. Brugger: If there are specific questions,
3 as he had, maybe he could submit those to our
4 committee and ask your specific question so we can
5 deal with them.

6 Ms. Rooker: That's a great idea. And issue
7 number five, identification of support for a lack
8 of accessibility for people with disabilities.
9 Again, I guess the question is, how is that
10 accomplished? And perhaps, with the phrasing could
11 be a little bit differently, in that it doesn't
12 indicate a list, but it says -- well, no. I don't
13 want to try to do that, never mind.

14 Mr. Brugger: I think we would need to know
15 more about how those processes work within the FCC
16 in order to come up with that kind of information.

17 Ms. Rooker: So can we just table draft
18 recommendation number one for revision and taking a
19 closer look at it? Tom -- and Tom paid for lunch.
20 We have to let him talk.

21 Mr. Wlodkowski: The question I have in this
22 recommendation from an industry perspective, is
23 it's all well and good to say that the FCC should
24 review these products and identify these issues.
25 But who certifies the reviewers? How do we have

1 some sort of indication of what the baseline,
2 knowledge, or expertise of these people who would
3 be reviewing the technologies or products would be?

4 I think we've got to get to that level of
5 understanding before making some type of
6 recommendation like this. Because that could be a
7 concern.

8 Ms. Rooker: Tom, perhaps that is one of the
9 questions that should be asked of the Working Group
10 to be considered in terms of drafting this
11 recommendation. Good question.

12 Okay, all right then. Let's move on to
13 recommendation two, to see how we feel about that
14 and whether or not, we want to take action on it.
15 David, do you want to go over that?

16 Mr. Brugger: Again, this had to do with
17 converter boxes and especially since the government
18 is going to make quite an investment in them for
19 basic converter boxes and that is to initiate a
20 proceeding to determine what the capabilities of
21 digital to analog set top boxes will be using the
22 vouchers and the subsidies that the government is
23 going to provide. So that there's some sense that
24 those boxes would at least pass through the
25 captioning, video description, and other kinds of

1 services that disabled people are now capable of
2 receiving.

3 Ms. Rooker: David, you left off a critical
4 part of this and that is, are the instructions
5 going to be understandable?

6 [Laughter]

7 Mr. Brugger: I won't have any personal
8 comments about instructions you get with
9 technology.

10 Ms. Rooker: This seems fairly straight
11 forward. You're asking the FCC to make sure that
12 what is being bought out there, is going to work.

13 Mr. Brugger: And that they're at least going
14 to get the basic services that are now required of
15 broadcasters and people are doing captioning, or
16 descriptive video, or other kinds of things at
17 least that that will be at least, passed through.
18 Especially since my understanding, is they're
19 looking at a \$40 dollar box in terms of the subsidy
20 at least, \$40 dollars subsidy.

21 Ms. Rooker: So are we talking about the
22 burden on the manufacturer to prove that what
23 they're doing works? That are making these
24 converter boxes?

25 Mr. Brugger: Well that they will at least

1 pass through the captioning and other things that
2 are now available for the disabled.

3 Ms. Rooker: That makes sense. Julie?

4 Ms. Kearney: Julie Kearney. Right now, the
5 jurisdiction of the converter box issue resides
6 with the National Telecommunications Information
7 Agency at the Department of Commerce, NTIA. They
8 will be opening a proceeding within the next few
9 months and NPRM to ask the public what the
10 converter box is, what functionality, how do they
11 distribute the coupons, that there are a whole
12 panoply of issues that will be in that NPRM. And I
13 would recommend that this is not a recommendation
14 that needs to go to the FCC, but for this group to
15 be actively engaged in the rule making process at
16 NTIA, at this time.

17 Ms. Rooker: Would that be appropriate for the
18 FCC to be involved with that agency?

19 Ms. Kearney: Individual members of this group
20 can be involved.

21 Ms. Rooker: That's an excellent suggestion.
22 David, what do you think about that? That it not
23 actually -- this is something that is not within
24 the jurisdiction of the FCC.

25 Mr. Brugger: Well we just felt that it needed

1 to be dealt with and we weren't aware, at least it
2 didn't come up in our discussions, that NTIA was
3 going to be doing this. And as a matter of fact,
4 it was my understanding that NTIA got the money,
5 but they didn't get any of the language they needed
6 instructing them on what they should do either in
7 terms of education or the use of the subsidy. And
8 that there is somebody working on that language to
9 get that in the legislation to try and give NTIA
10 some guidance.

11 Ms. Rooker: Ann has a question.

12 Ms. Kearney: Just to follow up to David's.
13 Julie Kearney. That is why the NTIA is opening up
14 a rule making, because they need direction from the
15 public, the manufacturers, the broadcasters, and
16 all of the interested stakeholders.

17 Ms. Rooker: Ann?

18 Ms. Bobek: Ann Bobek, NAV. Perhaps we can
19 read tool -- the recommendation if it's necessary
20 and you need to go forward. The same curves the
21 FCC to work closely with NTIA. In its proceeding -
22 - the NTIA proceeding, on how to go forward in
23 terms of set top boxes and I just want to reiterate
24 that the broadcasters have made efforts to make
25 sure that digital converter boxes are accessible to

1 all consumers, because you guys are truly our bread
2 and butter for over the air.

3 So we are working with another trade
4 association, the Association of Maximum Service
5 Television and a couple of Julie's members, LG and
6 Thomson to explore this, but should the set top box
7 look like what should be its capabilities is very
8 particular enhancements are that would be good or
9 bad and how that would interface with the NTIA
10 which is frankly, chart with putting a simple box
11 out there. In fact, the Congressional language
12 directing us to go to the DTV transition February
13 17th, 2009 and cut over, really does ask for a
14 fairly simple box. So I encourage all of us to be
15 diligent in looking at NTIA's efforts and to have
16 participation in that.

17 And perhaps, as soon as that comes out, it is
18 incumbent upon us as broadcasters and I'm happy to
19 help spread the word and so is Julie, to let the
20 group know when that set is in play, how we can
21 then go forth and proceed and have participation by
22 all folks here.

23 Ms. Kearney: Julie Kearney, CEA. Thanks Ann.

24 I have one more follow up. I'm not an engineer,
25 but I did want to point out, one of the goals of

1 the converter box is to maintain the existing
2 functionality of legacy TV's. For it to pass
3 along, the same things you would get it basically
4 squeezes the digital signals and capabilities
5 through analog output. Those are big words for me,
6 but I do want to assure you that the needs of this
7 group, are certainly ones that are not going to be
8 lost by my members and by Ann's members.

9 Ms. Rooker: Thank you, Julie and Ann. Joel
10 had his hand up.

11 Mr. Snyder: I was noting Joel's matter NCI,
12 just emphasizing the last few words of the
13 recommendation, accessibility of the user
14 interface. I just had noted it initially and so I
15 wanted to make that point. When I noted it there,
16 I'm just sort of reemphasizing it. In other words,
17 it is not a matter of simply passing through the
18 captioning and the description, that the box itself
19 has to be accessible. The user interface itself,
20 has to be able to be used by people who are blind.
21 We brought it up at the last meeting with respect
22 to DVD players, which the FCC does not have
23 jurisdiction over, but if we're going to talk about
24 set top boxes, the user interface has to be
25 accessible.

1 Ms. Rooker: Thank you, Joel. Joe?

2 Mr. Gordon: Joe Gordon. I have a question.
3 I don't think it really can be answered. I have
4 been speaking over the last months -- many months
5 to certain groups of senior people. They already
6 have two boxes on their TV sets. A box for in
7 cable provider and a box for the decoder. They're
8 old television sets, but there's a big population
9 out there that has two boxes. Will they be able to
10 have a third one?

11 Ms. Rooker: Who knows.

12 Mr. Gordon: Just something to think about.

13 Ms. Rooker: That's an interesting comment,
14 exactly. Well since it turns out that in fact, the
15 whole issue of the converter box, this is really
16 not within the FCC venue, should we just -- David,
17 do you have a suggestion on this?

18 Mr. Brugger: To pick up on Ann's suggestion,
19 is it the wish of the group to at least say,
20 encourage the FCC to work with the NTIA proceeding
21 to determine the capabilities?

22 Ms. Rooker: I think that's sound like an
23 excellent suggestion. We're amending this to say
24 that we asked the FCC or suggest that the FCC
25 encourage the FCC and that's a very positive word,

1 I like that. Encourage. Okay. So we've got a
2 suggestion for recommendation. Number two, do we
3 hear somebody making the motion to accept that, to
4 vote on it?

5 Ms. McGarry: I'll make the motion.

6 Ms. Kearney: I'll second.

7 Ms. Rooker: We have a vote, all in favor say
8 aye.

9 [A chorus of Ayes].

10 Ms. Rooker: Opposed?

11 [No response].

12 Ms. Rooker: All right. Thank you very much
13 and we'll move on to draft recommendation number
14 three.

15 Mr. Brugger: As the Commissioner this morning
16 mentioned, he was glad to see that we were going to
17 deal with the clarification of some of the closed
18 captioning rules and a lot of these came from --
19 not only from the group, but questions that Larry
20 says keep coming up, both to his operation as well
21 as to the FCC, and they are basically just asking
22 for clarification from the FCC based on questions
23 that come up where stations and video production
24 people simply don't know how to deal with it, or
25 whether the rules and regulations apply.

1 And the first one has to do with digital
2 broadcasting in multiple channels of broadcast
3 stations and whether they're going to be considered
4 part of a primary broadcast channel of the station,
5 or treated as separate channels. Especially, if
6 they divided up some stations and they have three
7 or four channels. Instead of the HD in terms of
8 digital.

9 Right now, a person does not have to, or an
10 organization does not have to caption a program if
11 the caption expense is in excess of two percent of
12 the gross revenues and I guess the question is,
13 about two percent of gross revenues apply to the
14 full revenues of the main channel or if it's
15 divided up into four channels and each one has its
16 own revenue source, will that apply to each of the
17 individual channels?

18 And it's just a question out there that
19 stations are asking and do not have an answer for,
20 at this point.

21 Ms. Rooker: Do we have any discussion on
22 this? Ann?

23 Ms. Bobek: Ann Bobek from the National
24 Association of Broadcasters. I think from my
25 perspective, some of these questions are already

1 answered and they're fairly clear on the rules, but
2 I understand why there is some confusion out there
3 as to what is an individual channel. How do you
4 group stations? Do you do it by the channel? Do
5 you do it by the licensee holder? Do you do it by
6 the group owner? I do hear these questions and so
7 I do recognize that there may be some confusion as
8 to the roles and to the extent the FCC can give
9 further guidance. I think broadcasters are all for
10 that.

11 I don't have an objection. I think it is
12 pretty clear from the rules. It's on a per channel
13 basis, and the two percent applies to each channel,
14 and that is simply how the rule is written now.
15 The question is, you go back to the Commission and
16 say, is that an appropriate measure? I think
17 that's another step. But to the extent that there
18 -- may be perhaps CGB could, they have an excellent
19 closed captioning website portion. Perhaps this
20 could be something we could encourage them to have,
21 a frequently asked questions section and maybe,
22 clarify that way rather than, go through the owners
23 process of rule making and maybe they would be able
24 to clarify this in simply, a frequently asked
25 question provision. Because there's lots of

1 frequently asked questions. The number one
2 question I got all last fall was, I have a local
3 church service, do I have to caption that or does
4 it fall into the locally produced programming with
5 no repeat value. The answer to that, which would
6 actually be FCC provided is, no and that is what
7 the Commission is vetting through several 100
8 provisions for undue burdens. So maybe pro-
9 actively, some of these questions could be posted
10 at the FCC's (inaudible) proportion of their CGB
11 website.

12 Mr. Brugger: Is that all of them or just the
13 first one we dealt with?

14 Ms. Bobek: I can't speak to Video on Demand,
15 we don't have that, but perhaps it's something we
16 could ask the CGB who has province of the
17 captioning to take a look at and see if there could
18 be quick answers to these questions. Can we get
19 more information out there and encourage them to be
20 a central clearing house for information? They
21 may already have clearly, ideas on how to answer
22 these questions and I can't speak to their decision
23 making process on yes or no for all of these
24 questions. But certainly, we would encourage them
25 to provide clarification for these. Not

1 necessarily through rule making, but it may be easy
2 for them to just simply post in a frequently asked
3 question.

4 Mr. Brugger: So is your recommendation to go
5 to Monica Desai with this, as opposed to the FCC?

6 Ms. Bobek: I think we could recast it and
7 say, that we think the FCC, through the
8 Governmental Affairs Bureau could clarify and we
9 encourage them to post such a clarification on the
10 FCC website. It could be as simple as that. They
11 may have a better idea how to clarify it. I'm just
12 throwing that out as one possibility.

13 Mr. Bibler: What I'm hearing, is now I've
14 started getting high definition television, now
15 HDTV is over the air broadcast. NBC, ABC, CBS they
16 are doing 100 percent caption. No problem with
17 that, but the problem when we're picking up the
18 broadcasters like from W Television, and E, and all
19 of those, the question is with these networks
20 because the HD is not being captioned and so we get
21 digital television, we have five more Discovery
22 channels. All of those are captioned but the high
23 def are not captioned.

24 We have approached Discovery and say they are
25 exempt from providing captions because of the three

1 year rule, which is true. But the broadcasters
2 have been around for years. And so, Discovery
3 comes out as well as USA, the FCC ought to provide
4 them with clarification. The devil is not in the
5 network, they should provide the captions after
6 January 1st, 2006.

7 Now Mark Cuban has two networks out there,
8 NHDTV and up until September, they were exempt
9 because they were three years old. Now, he does
10 understand that as of September, he is no longer
11 exempt. But, as we see more and more cable
12 channels switch to high network, are they a new
13 network and do they get a three year exemption? We
14 say no and the FCC has actually come to our Working
15 Group to ask for some direction, which is what
16 we're trying to give them.

17 Ms. Rooker: Claude?

18 Mr. Stout: I understand what Ann is
19 suggesting here with these questions, that they be
20 moved on to the website. But I have to kindly
21 disagree. If you recall, this is a very advanced
22 technology group and the discussion that they came
23 up with, did not answer these questions. Here as
24 committee, we are here to approve their suggestions
25 or recommendations to the FCC and ask for them to

1 deal with the CGB, if that is the correct office,
2 the one with the Media Bureau and so forth, to give
3 us answers. We have to refer back to them because
4 we don't have clarification to these questions or
5 clear answers to these questions.

6 I want to know in terms of the FCC, in terms
7 of the petition four or five other national
8 organizations, plus TBI presented questions in
9 terms of caption quality issues, in terms of
10 programming. It's very important, that if the
11 people here at the table, this afternoon, the CAC
12 recommend this to the FCC, that they come back to
13 us, the FCC, at the next meeting and give us
14 answers to some of these questions that we can't
15 sum up to. So that way, we'll be able to advise
16 well.

17 We have questions. We need answers. And I
18 don't want to go through our web posting. That
19 doesn't work well. I want -- because these are
20 policy issues, I want to appropriate FCC people to
21 be here to help us.

22 Ms. Rooker: So are you thinking that what
23 would be appropriate for us to bring some people in
24 from the FCC to address these issues on the closed
25 captioning?

1 Mr. Stout: It doesn't have to be several
2 people. It just has to be one person and an expert
3 on this issue. Have them come or give us a report
4 with the answers to the questions if they can't
5 come, but just give us the information. It's
6 obvious that the Working Group is needing this
7 information and the person involved with this, Mr.
8 Larry Goldberg is one of the top experts from WGHB.
9 Al Boston has been in the captioning field for
10 years and years. He's a member of that group and
11 if he's raising these questions, we don't need to
12 doubt his expertise or his knowledge. He's raising
13 these questions and it's very clear, he doesn't
14 have the answers.

15 Mr. Goldberg: This Larry here. I'm back.
16 Thank you for those kind words. Who was just
17 speaking?

18 Ms. Rooker: That was Claude Stout speaking.

19 Mr. Goldberg: Thank you, Claude.

20 Ms. Rooker: Are you an expert Larry? Can you
21 answer it?

22 Mr. Goldberg: If Claude says I am, then I am.
23 Yes. I agree with what Claude said and that is
24 many of us and even the FCC staff are looking for
25 clarity on some of the nuances of the captioning

1 rules. The FCC couldn't answer everything when
2 they wrote their report and order. And their order
3 on reconsideration and so many in the field are
4 asking these questions.

5 Ms. Rooker: So do you think it would be
6 useful, Larry, to have the FCC come in and discuss
7 it?

8 Mr. Goldberg: Yes. Though I wonder if the
9 FCC could even address it sooner than our next
10 meeting.

11 Ms. Rooker: Well perhaps we could submit
12 these questions to the FCC and get them distributed
13 -- answers distributed by email.

14 Mr. Goldberg: Absolutely. There's so many
15 people asking these questions. We all need to be
16 empowered to be able to answer them.

17 Ms. Rooker: Then can we take that on as one
18 of our missions? And David, could we get you to
19 give these -- well, Scott has them. If we would
20 just go ahead and submit them to the FCC for
21 answers and then they come back to us via email.

22 Mr. Brugger: I don't see anything wrong with
23 us. I don't think it's up to us to tell the FCC
24 which department, or which people, and so on should
25 answer these questions. All we're asking for is

1 clarification. Somebody there has to decide how
2 they want to do that and who the person is to
3 answer them.

4 Ms. Rooker: Okay. That works for me. Ann?

5 Ms. Bobek: Ann Bobek, NAB. I certainly don't
6 have any objection to that or directing the FCC. I
7 was just trying to get at the quickest way to get
8 the answers to the questions. And I often use the
9 example, in the tower construction notification
10 database that the FCC just established for tribes,
11 they're very responsive in terms of giving
12 information via the website, just so it's broadly
13 disseminated and everyone can have access to it.
14 But if it makes more sense to have an email
15 distribution so we can get answers to these
16 questions, I fully support that as well.

17 Ms. Rooker: Well then, let's take that on as
18 our challenge to get the FCC to provide us answers
19 and hopefully within the next few weeks, get the
20 email distributed. Janice?

21 Ms. Schacter: Janice Schacter. Is it
22 possible once we get the email from the FCC and we
23 get clarification, and then there may be some
24 tweaking that is needed and we can post it onto the
25 website, so that is available for anyone who needs

1 it, but it will allow us to do any tweaking that
2 might need to be done.

3 Ms. Bobek: I can't speak for the FCC since I
4 don't work here, but those are all reasonable
5 requests. And the question is, how expeditiously
6 can they act on our request? But certainly, I
7 think if you say the sooner, the better. I share
8 the same concern. If you wait until July, it may
9 slip until November and here we are, without
10 answers. So to the best that they can answer the
11 questions posed before them in an expeditious basis
12 and get it out to as many as possible, I certainly
13 think we should encourage that.

14 Ms. Rooker: Scott says we will try to do it.

15 Mr. Brugger: Do we need anything formally
16 done to make that happen? Scott?

17 Ms. Rooker: Let's make a recommendation.
18 Let's make a recommendation. Dan, why don't you
19 make the recommendation?

20 Mr. Frohriep: This is Greg Frohriep from CWD.
21 Somebody came in here with a lot of questions, it
22 seems and we're trying to figure out what the rules
23 say and things like that. Like Ann said, like they
24 told her, the three year exemption from the
25 Discovery Channel, but in other ways they're saying

1 that if you've got a new network that is set up
2 like a PAX network or something, they've got a
3 three year exemption from captioning. So we
4 understand that.

5 But the Discovery Channel, I'm surprised they
6 would say something like that and the HD
7 captioning, a three year exemption until 2009 for
8 captioning for this digital content. That still
9 leaves me hanging, because I have Dish Network and
10 it's 100 percent digital. So does that mean all
11 those programs and (inaudible) those are all new
12 networks just because they're digital? So does
13 that mean I have to call and say, I need to change
14 to analog so I can captions? That seems silly to
15 me. We need to make sure that people are following
16 100 percent captioning rule. Who does it apply to?
17 Only analog people, only digital channels? It
18 needs to be clarified, I think.

19 Ms. Rooker: That's an excellent point. Can
20 we put that in Scott, as a part of the request for
21 whether or not how it impacts? If I understand it,
22 you're saying that for a regular channel that
23 currently provides closed captioning and if you go
24 for an analog and you go to high definition, does
25 that mean that you're not going to get that

1 captioning? Good question. So then, let's put
2 that as an additional question to add. Can we do
3 that David? Would that be all right?

4 Mr. Brugger: Sure.

5 Ms. Rooker: Joe?

6 Mr. Gordon: Joe Gordon. The way I understand
7 the rules of the digital channel passes through a
8 program that is captioned. On an analog channel,
9 they have to give you the captions.

10 Ms. Rooker: Let's get clarification. Good
11 idea. Good suggestion. Okay. So then what we
12 will do, is we will take draft recommendation
13 number three with the addition of the suggestion on
14 the analog versus digital closed captioning. We'll
15 add that and then submit this to the FCC for
16 answers to be distributed to us by email ASAP, all
17 right?

18 So now we have a recommendation. We're making
19 that recommendation, right? So we've got to have a
20 motion to make the recommendation and a second to
21 it. So you make the recommendation, David.

22 Mr. Brugger: I so move.

23 Mr. Stout: I second.

24 Ms. Rooker: All in favor?

25 [A chorus of Ayes].

1 Ms. Rooker: Opposed?

2 [No response].

3 Ms. Rooker: All right. Karen is opposed to
4 it.

5 Ms. Strauss: Yes. I can't agree to it.

6 Ms. Rooker: You're entitled.

7 Ms. Strauss: I can explain, if you want.

8 Karen Strauss. I know the discussion is already
9 closed, but in my opinion, there is no question
10 that that is not a new station. First of all, also
11 it's a four year exemption, but there is no
12 question in my mind at all, that if you go from
13 analog to digital, that you have to still be
14 providing a service and I'm a little bit afraid
15 that the FCC may decide it the wrong way and that
16 is my only concern. Because I can't fathom a
17 different interpretation. It just would not make
18 any sense.

19 Mr. Goldberg: Karen, this is Larry, I would
20 agree with that. But there's the issue of the
21 multi tasked standard digital services being
22 provided by many broadcasters.

23 Ms. Strauss: That's a different issue.

24 Mr. Goldberg: That is what does need clarity.

25 Ms. Strauss: That part, I do agree, it needs

1 clarity. But that's okay, it's already been
2 decided. You can move on.

3 Ms. Rooker: All right. So that completes the
4 three sets of recommendations. I believe that is
5 all from the Advanced Technologies Working Group.
6 Is that correct?

7 Mr. Brugger: Yes.

8 Ms. Rooker: Goodness, this has never happened
9 to us before. We are usually running so late and
10 so tight. I don't know, does anybody want to tell
11 war stories or should we go home? Now we do have
12 some people who want to make comments from the
13 public.

14 Jim Tobias wants to make a comment, but he's
15 not in the room right now. All right, we can get
16 rid of him real fast. He left.

17 Let me finish. It's Friday afternoon folks.
18 I can't talk, the committee business. Gene, do you
19 have a comment, or a question, or whatever?

20 COMMENTS FROM THE PUBLIC AND WRAP-UP

21 Mr. Crick: I will amplify an earlier
22 invitation to all the members of this CAC
23 membership, to participate and to share in some of
24 those resources we're building. As I say, the
25 information has been mailed to you. But we would

1 very much like to get your input whether you're a
2 member of the Rural and Under Served, or the
3 Competition Group, or anybody else. We would like
4 to get membership input from the other groups.

5 It's recognized no person can participate in
6 every group that might be of interest to him or
7 her, but if we can open a little bit by using some
8 of our tools, so we can get some benefit from the
9 expertise of others, who can at least come by
10 online and offer some guidance, than I think we
11 would be the better for it.

12 So again, I'm hoping that each of you who have
13 some thoughts, will help us share on that.
14 Particularly on that issue of making workable
15 recommendations, making recommendations that don't
16 overlook some major factor just because it is one
17 of which we are unaware. So again, that is just
18 an invitation to us all.

19 Ms. Rooker: Thank you, Gene. We appreciate
20 that and again, we would like to say how marvelous
21 it is to see the Working Groups with so much work
22 product coming out of the groups. It's just great.
23 It really is. I think we've had fabulous
24 discussions today. I think we've all learned a
25 great deal and let's move forward and move on.

1 Now, just a reminder, the July 21st meeting
2 date, if you want agenda items, it doesn't have to
3 be formalized, but if you want to make suggestions
4 to Scott, recommendations for agenda items by 1
5 June. Please, I know that's early but we need to
6 do that. Does anyone have an issue with CAB's or
7 have we determined it's just easier to out front
8 and hail a cab or go to the hotel?

9 Unidentified Speaker: Never having been here,
10 which way is the hotel?

11 Mr. Marshall: I will give you instructions.

12 Ms. Rooker: Do we have any other unfinished
13 business before the committee before we move into
14 the public? No. Okay. I think we've done a good
15 job. We should all pat ourselves on the back.
16 Thank you all, very much.

17 Okay. We're going to open our comment up to
18 the public and I think we have some people who want
19 to comment. We have two of you, okay.

20 Mr. Cotler: Good afternoon. Since I'm
21 standing between you, and cabs, and your hotel, I
22 will be very brief. My name is Andrew Cotler. I'm
23 the Associate General Counsel with the Association
24 of Public TV Stations. Thank you for giving me the
25 opportunity to speak with you today.

1 You've heard from Commissioner Adelstein this
2 morning regarding the importance of consumer
3 education surrounding the DTV transition and the
4 need for a broader effort and a unified message.
5 And despite a DTV transition that's been ongoing
6 for nearly 10 years, and despite the increasing
7 consumer interest in digital TV devices, there is
8 still considerable consumer confusion about this
9 issue. For instance, who needs to convert, why do
10 you need to convert, when and where does this
11 occur, even what equipment can consumers presently
12 have?

13 For instance, some recent polls indicate that
14 a significant number of consumers think they
15 already have HD, but they don't. And indeed, if we
16 exam the DTV transitions already underway in Great
17 Brittan and in Germany, one of the lessons we
18 learned that there needs to be a unified,
19 consistent, and widely distributed message to
20 consumers that reaches broadcasters and consumers
21 where they are. This bears repeating and I will
22 repeat to you. Unified, consistent, and widely
23 distributed message to consumers that reaches them
24 where they are.

25 Incidentally, I've written an article on this

1 and published it in a legal journal called, A Time
2 Life Perspective. I have a few copies on the red
3 table. It compares Great Brittan and Germany, and
4 draws lessons for what we can do here in the United
5 States for consumer education, among other things.

6 Public TV stands ready to offer it's expertise
7 in local public interest coalition building and
8 outreach to help address this issue and you may ask
9 why public TV? That's a very good question.

10 There's essentially three reasons why. First
11 public TV stations have the historical capacity to
12 build coalitions and to accomplish outreach. We've
13 done this in the past and we're continuing to do
14 this in a variety of issues like Alzheimer's, death
15 and dying, race relations, and literacy, and so on.

16 The second is more public can be as essential
17 to this effort is that they have an effective track
18 record of local outreach through a variety of
19 means. Not just PSA's, Public Service
20 Announcements, and not just website announcements,
21 but convening town meetings, the use of community
22 groups, the use of advocacy organizations, and
23 affinity groups like Rotary clubs for instance,
24 that kind of thing. Schools and educators as well.
25 The key, as I mentioned before, is to reach people

1 where they are and to invite them to become active.

2 Thirdly we also have an inherent interest in
3 this issue, because over the air viewers are more
4 likely to be public TV viewers, we've discovered
5 this. In fact, I'm one of them. I'm a public TV
6 viewer and an over the air viewer. You will see
7 from the letter that has been distributed to you
8 and if you don't have a copy of that letter, come
9 see me. I have extra copies. That we have in
10 place, a growing coalition of diverse industry and
11 consumer interest ready to work cooperatively with
12 the FCC, and NTIA, and the public sector to get
13 this job done.

14 On behalf of the 355 local community oriented
15 public TV stations in this country, thank you for
16 the opportunity to address this committee.

17 Ms. Rooker: Thank you. And we have another
18 comment.

19 Ms. Tristani: Thank you. Good afternoon.
20 This is a little high for me.

21 Ms. Rooker: We can hear you.

22 Ms. Tristani: My name is Gloria Tristani and
23 I'm now the President of the Benton Foundation, so
24 I'm here with Charles Benton today. For those of
25 you who don't know me, I was also an FCC

1 Commissioner from 1997 to 2001.

2 So most of the issues you have been
3 discussing, are somewhat familiar to me and
4 actually, a lot of them I feel very passionate
5 about. So it's been very hard for me to sit back
6 there and just listen. But the first thing I
7 wanted to say, is I want to commend you for the
8 work you're doing. It is absolutely critical to
9 the Commission and it is critical to the American
10 people because what I can tell you from my four
11 years on the Commission, is that more often than
12 not, we did not hear from the consumer interest.
13 We were bombarded with lobbyists, well meaning
14 lobbyists, who had every right to lobby us. But
15 consumers don't have the resources to bombard this
16 Commission with information. So that is very
17 critical. So I want to particularly commend the
18 citizen members of this committee. That is the
19 first thing I want to tell you.

20 The second thing I would like to say, is that
21 I was impressed by your level of expertise,
22 knowledge, and interest that you bring to these
23 issues, and your willingness to discuss issues even
24 when they were sometimes very controversial, and I
25 applaud some of the ways you've compromised. But I

1 do want to say, that don't make the perfect the
2 enemy of the good, because a lot of these issues,
3 if you hold back and you know the FCC takes its
4 time to act, they will never get done. So I was
5 thinking, for example, about -- help me, the
6 captioning and I was thinking the people that I
7 think in my view, from the way you described it,
8 benefit the most are a lot of the elderly who have
9 lost their hearing. Because they're not going to
10 learn how to type. And I'm thinking, well by the
11 time you decided whether this should be mandated, a
12 lot of those people aren't going to be around to be
13 able to use it. I mean, seriously. I'm thinking
14 of my father who's 86, who can't hear very well.
15 He will never admit it. He won't use a hearing aid
16 but he would be able to read the screen. So it's
17 valid that you think about this thoroughly and that
18 you try compromise to the extent you can, but don't
19 make the perfect the enemy of the good.

20 A third point -- I'm sorry, I was an FCC
21 Commissioner, so I have to give you my advice.
22 I'll remind you what Commissioner Copps said this
23 morning, that media is critical to everything you
24 do, so if it's not your first issue, think of it as
25 your second and most important issue. And DTV

1 transition is very important, media ownership is
2 critical, and public interest is absolutely
3 something that should be in your mind. If all of
4 this DTV transition, with all of the investment
5 that companies and consumers are making, what are
6 we going to get out of it? Some beautiful, pretty
7 pictures that some of us might be watching and
8 understanding? Is that all that it's suppose to be
9 about? I don't think so.

10 A last point and this comes just as again,
11 from observing you today and hoping that it will
12 help your process along. There were times when
13 we're sitting here that I think there was, at least
14 in my mind, there was some questions. I think, a
15 lot of you had questions or what's the state of the
16 law? What can the FCC do or not do? And I would
17 think it would be very helpful and I think this
18 committee should demand that you have the FCC
19 personnel present throughout the day, that can
20 help. You might want to have an engineer here when
21 you're discussing some of the issues, you might
22 want to have a lawyer who is acquainted with these
23 issues. Not to say an opinion, but to give you
24 advice on this is the current process, and this is
25 how the FCC -- I think that would help move along

1 some of these discussions, and I think it would be
2 very, very helpful and there are plenty of good
3 experts here at the FCC, that could help you with
4 that. That's just a little bit of advice and
5 that's all I have to say. And again, I commend
6 you. I commend you for doing this work.

7 [Applause]

8 Ms. Rooker: Okay. Do we have any other
9 comments from the public?

10 [No response].

11 Ms. Rooker: Well if not, then I think we are
12 about ready to stand to adjourn. Do I hear a
13 motion that we adjourn?

14 Mr. Crick: So moved.

15 Unidentified Speaker: Second.

16 Ms. Rooker: Anyone opposed?

17 [No response].

18 Ms. Rooker: I take it we're all in agreement.
19 Thank you all so much. It's been a wonderful day.

20 [Whereupon at 3:00 p.m., the meeting was
21 adjourned]