

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of:)
)
CONSUMER/DISABILITY)
TELECOMMUNICATIONS ADVISORY)
COMMITTEE)

Federal Communications
Commission
445 12th, Street, S.W.
Washington, D.C.

Friday,
March 15, 2002

The parties met, pursuant to notice, at
9:10 a.m.

BEFORE: SHIRLEY ROOKER,
Chair

SPEAKERS:

MICHAEL POWELL, Chairman
JEFFREY CARLISLE, FCC
PAMELA GREGORY, FCC
NARDA JONES, FCC
MARSHA J. MacBRIDE, FCC
BLAISE SCINTO, FCC
BOB SEGALMAN, California Department of
Rehabilitation, Sacramento, California
JENIFER SIMPSON, President's Committee on
Employment of Peoples with Disabilities
K. DANE SNOWDEN, FCC
THOMAS WYATT, FCC

ATTENDEES:

RAYNA AYLWARD
Mitsubishi Electric America Foundation

APPEARANCES: (Continued)

ATTENDEES:

LEE BATEMAN (via teleconference)
Hewlett-Packard Company

BRENDA BATTAT
Self Help for Hard of Hearing People

CLAY BOWEN
National Association for Relay Administration

ANDREA BRUNS
National Cable Television Association

JULIE CARROLL
Information Technology Technical Assistance
and Training Center

ROBERT CHROSTOWSKI
Telecommunications Industry Association

KATE DEAN
Telecommunications Research & Action Center

MICHAEL DelCASINO
AT&T

RICHARD ELLIS
Verizon Communications

LARRY GOLDBERG
WGBN National Center for Accessible Media

JUDITH HARKINS
Gallaudet University

STEVE JACOBS
IDEAL at NCR

VERNON JAMES
San Carlos Apache Tribe

MATT KALTENBACH
Ericsson Inc.

KAREN FULLUM KIRSCH
National Association of Broadcasters

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APPEARANCES: (Continued)

ATTENDEES:

JEFFREY KRAMER
AARP

NANCI LINKE-ELLIS
TRIPOD Captioned Films

MILTON LITTLE, JR.
The National Urban League

MARIE LONG
Rainbow/PUSH Coalition and Citizenship
Education Fund

PAUL LUDWICK
Sprint Corporation

SCOTT MARSHALL
Federal Communication Commission

KEN McELDOWNEY
Consumer Action

BELINDA NELSON
Gila River Telecommunications, Inc.

SHELLEY NIXON

KATHLEEN O'REILLY, Esquire

SUSAN PALMER
Cingular Wireless LLC

DAVID POEHLMAN
America Council of the Blind

REFUGIO ROCHIN
The Smithsonian Institute

SHIRLEY ROOKER
Call for Action

LAURA RUBY
Microsoft Corporation

APPEARANCES: (Continued)

Attendees:

PAUL SCHROEDER
Alliance for Public Technology

BOB SEGALMAN, Ph.D.

CLAUDE STOUT
Consumer Action Network

JIM TOBIAS
Inclusive Technologies

MICAELA TUCKER (via teleconference)
Nokia

ANDREA WILLIAMS
Cellular Telecommunications & Internet
Association

P R O C E E D I N G S

1

2

(9:10 a.m.)

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MS. ROOKER: I would like to thank you for joining us today. We have a packed agenda. It's important that we get started early.

6

7

8

We have two people joining us on a conference line today, Lee Bateman from Hewlett-Packard and Micaela Tucker from Nokia. Welcome.

9

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13

I would like to welcome some new members, Kate Dean from TRAC and Marie Long from the Rainbow/PUSH Coalition. Roger Craft, believe it or not, is snowed in. He's with the Communications Services for the Deaf, and he is snowed in. It's hard to believe.

14

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I would also like to take this opportunity to thank Andrea Williams for pitch-hitting for me at the November meeting because I came down with a fierce cold and you really did not want me here.

18

19

20

I would like to also remind you that we are being telecast, so don't do anything to embarrass your mother, and don't wave at her.

21

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25

I would also like to turn it over just for a few minutes to Scott for some logistical information

MR. MARSHALL: Good morning, everyone.

Could we test the phone line? Do we have that working? Can we bring it up for just a second, Jeff?

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1 Do we have anybody on the phone line yet?

2 MS. TUCKER: Yes, this is Micaela Tucker.

3 MR. MARSHALL: Hi, Micaela. Good morning.

4 MS. TUCKER: Good morning.

5 MR. MARSHALL: Is Lee there?

6 MR. BATEMAN: This is Lee.

7 MR. MARSHALL: Oh, terrific. Okay, we will stop
8 periodically to make sure that you are able to participate
9 in the meeting, and we are glad that you are there.

10 Just a couple logistical issues. Right behind me
11 and through the doors to my left are the rest rooms,
12 straight down and a left, and the men's and the ladies'
13 rooms will be on your left.

14 Also, in the main corridor outside of the
15 Commission meeting room you will find pay telephones. And I
16 wish you a good meeting.

17 MS. ROOKER: Thank you, Scott.

18 Before we start, I would like to recognize Barbara
19 Douglas who is the chief of staff for the Consumer
20 Information Bureau. Barbara is joining us this morning.
21 Where are you, Barbara?

22 Hi, there. You are lucky, you are seeing the back
23 of my head.

24 Serving on this committee has given me an
25 opportunity to meet some very interesting and dedicated

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1 people, and no one has been more supportive or encouraging
2 than Dane Snowden. You have seen the results of his concern
3 about our committee. He has written a letter to us
4 expressing his support and encouragement for us. He has met
5 with me in a number of conference calls and personal
6 meeting. And I would like to thank him for that.

7 Dane joined the Commission last year, in June, and
8 he must be doing something right because within a few days
9 he is going to have increased responsibility of policy-
10 making and intergovernmental affairs.

11 So, Dane, we welcome you, thank you, and welcome
12 to this morning's meeting.

13 (Applause.)

14 MR. SNOWDEN: Thanks, Shirley. It was kind of
15 odd, I wasn't expecting that introduction. When you said
16 you wanted to talk about something, it was me, so I
17 appreciate that. We missed you at the last meeting.

18 I want to say my personal welcome to all of you.
19 We enjoy hosting this meeting each year, and it's a
20 pleasure, excuse me, each quarter, and it's a pleasure to
21 have you all come back with us every single quarter.

22 One of the things I wanted to remind everyone
23 about is the microphones. In each meeting I notice there is
24 some confusion about how they work. As soon as you begin
25 talking, give it a second for it to pick up. So it will

1 catch all once you start talking, but know that that's how
2 it works.

3 As Shirley mentioned, there are some first time
4 visitors here, and I want to welcome all of them to joining
5 us for the CDTAC meeting today.

6 And also, Shirley mentioned the letter that I
7 sent. We are very eager to give information back from you.

8 The past couple of meetings that I have sat in on, I
9 noticed that you let us do most of the talking, and while we
10 enjoy doing a lot of talking, we also do enjoy doing a lot
11 of listening and getting recommendations from you on various
12 issues.

13 I know the agenda for this particular meeting is
14 very, very aggressive, and we hope that what will come out
15 of that is recommendations from this body as to what the
16 Commission should be doing and what actions we should be
17 taking.

18 So we are very eager to have your input on issues
19 of concern, issues of interest, or anything you think we
20 should know, and that's vital to us by having you all serve
21 on this committee.

22 As Shirley mentioned, the agency has gone through
23 a major reform, and my bureau particularly is picking up new
24 responsibilities, and we are very excited about that. I'm
25 not sure if I am doing something right or if the Chairman

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1 just wanted to make sure I had enough work to do. Either
2 way, we are picking up more policy role here at the
3 Commission.

4 In your packet, you will see information that
5 talks about the changes that are going on within this
6 particular bureau, and I have a before and after slide for
7 you so you can look at that at your leisure.

8 I want to say or pass on best wishes from
9 Commissioner Martin, Commissioner Avernau and Commissioner
10 Cupps, who all cannot be with us today, but I am happy to
11 say that I have just see that he walked in, and Chairman
12 Powell is here, so I am going to cut my remarks short and
13 turn the podium over to our Chairman, Chairman Michael
14 Powell.

15 (Applause.)

16 CHAIRMAN POWELL: Sometimes I feel like I am at a
17 podium nonstop. I have given people opening remarks. And
18 so what I felt I would do, particularly since this group
19 meets consistently, but in frequently, having this
20 opportunity let me just say whatever Dane said about the
21 reform, I echo. It is an important transformation, and I
22 think the consumer element is going to get significantly
23 more responsibility and being more much more deeply
24 integrated into policy-making generally, and I think that's
25 a very good thing.

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1 And given that this is a critical advisory
2 committee to his organization in that effort, I think
3 hopefully we will be in a more consistent way able to
4 integrate those views and concerns in the early stages of
5 policy development rather than treating these sets of issues
6 as completely separate and distinct in all our lobbying, and
7 in some sense it's even for attention. So I think that's a
8 good thing.

9 But what I thought I would do is rather than give
10 you lots of warm remarks and thank you for your service,
11 which I do, of course, I thought I would let you have the
12 opportunity to ask me any questions about the direction of
13 the Commission, things that are going on, concerns or issues
14 you have, maybe for the next 10 minutes before I have to go,
15 so that you get the most useful use of your time while I am
16 here.

17 Does anybody have anything they want to start
18 with? Yes, sir?

19 MR. TOBIAS: Hi. Your views on digital divide are
20 well known.

21 CHAIRMAN POWELL: They are?

22 MR. TOBIAS: Well, they are often --

23 CHAIRMAN POWELL: I never assume they are well
24 known. They are well written about, they are accurately
25 done.

1 MR. TOBIAS: Well, then let me get down to the
2 specifics.

3 With respect to people with disabilities, there is
4 a large concern that the issues faced by those consumers are
5 not affordability issues principally; they are issues of
6 technical access and information about the accessibility of
7 those services.

8 How do you see, and I'm not asking you to micro
9 manage the Disability Rights Office, how do you see digital
10 divide issues playing out with respect to accessibility?

11 CHAIRMAN POWELL: Well, that's a great question.

12 The extent to which those are -- the most pointed
13 one are technical ones, it's important that through the
14 Disability Rights Office and groups like this you help us
15 understand at the early stages what kinds of technical
16 problems and limitations they are.

17 Then we can make, once we have an appreciable
18 understanding of that, we can start to figure out where and
19 what appropriate way do we at least at a minimum raise those
20 concerns with companies and industry segments. Some places
21 where we might have -- you know, often we don't have that
22 much jurisdiction over technical issues. But to the extent
23 that we do, we can raise them in the context of that forum.

24 I think, as we have on occasion, for example, in
25 the context of things like the technical standards for

1 navigation devices in cable, or to the extent that there are
2 issues about wireless handsets that fall into the
3 jurisdiction, to the extent that we are considering
4 something like E9-1-1 that might provide an opportunity to
5 raise a policy question about a disability concern,
6 particularly with a technical foundation.

7 One of the things that is so valuable about a
8 group like this and the Disability Rights Office is those
9 things will, let's be honest, be not known or overlooked,
10 not because of a lack of interest, but because of a lack of
11 understanding if those groups don't help surface what those
12 issues are, and mostly important, surface them at an early
13 and anticipatory stage before, you know, the things are
14 built and we are trying to go against the grain of decisions
15 that have already taken place, investments that have already
16 taken place, or trains that have already left the station.

17 But I know even in the five years that I have been
18 here at times those issues do get surfaced, and they do get
19 plugged into the considerations of standard setting when we
20 have sufficient fair warning about them.

21 MS. ROOKER: Would you please identify yourself,
22 please identify yourself when you ask a question.

23 MR. GOLDBERG: I'm Larry Goldberg from the
24 National Center for Accessible Media, WGBH in Boston.

25 I know you have a great deal of interest in new

1 technologies and emerging technologies, and the FCC has
2 taken a wonderful leadership role in assuring that the
3 legacy technologies, good old television, is nicely
4 accessible.

5 Do you have thoughts or vision on how new
6 technologies, for instance, like broadband, can also be
7 assured to be made accessible for people with disabilities,
8 particularly by close captioning?

9 CHAIRMAN POWELL: In my own view, you know, first
10 of all, I would love to see television not be perceived as
11 just a technology of the past. I mean, I think that if it
12 is, shame on the government for giving free spectrum or \$70
13 million to an industry to do nothing other than replicate
14 television as it was in its current form.

15 You know, my view is there really is a
16 technological revolution, and every industry got a little
17 slice of the digital pie, and the one that belongs to
18 broadcasters is digital television. And you know, if you
19 are going to really realize the promise of the media, you
20 know, something creative and synergistic coming out of that
21 that is really important both, I think, to the future and
22 health of that industry, but I also think for consumer
23 value.

24 I mean, if you are just giving me prettier
25 pictures of the Brady Bunch, I'm not that interested. But

1 if you find new, and your organization, by the way, I think
2 is leading the way. I mean, I think a lot of stations as
3 PBS have taken that challenge quite a bit more seriously
4 than commercial providers.

5 I am very excited about the internet as an
6 empowering medium generally, and I think particularly for
7 the kind of concerns you raise for this reason.

8 The IP protocol, the ability to essentially have a
9 layered architecture that provides for theoretically an
10 infinitely amount of innovation in software, I think
11 suddenly starts to challenge the traditional difficulties
12 associated with -- kind of tying back to the other question
13 -- of always fighting about hardware.

14 Hardware is always a problem in some sense because
15 it changes quickly, product production cycles. Once
16 investments are made there are some -- nobody wants to do it
17 again until the next product cycle. Products aren't,
18 sometimes aren't revised for three to five years.

19 Software, being a lot more malleable, applications
20 being a lot more malleable, it seems to me we have an
21 opportunity to leverage the nature of that infrastructure if
22 it's sufficiently -- you know, if it follows the kind of
23 traditional internet model, and use software-based
24 applications to empower devices in ways that were difficult
25 when you had really had to hard-wire a device's

1 functionality.

2 So just like the computer becomes an entirely
3 different thing when networked, I think so do any number of
4 devices running sufficient amount of power and sufficient
5 number of sophisticated -- sufficient amount of
6 sophisticated software can potentially be used. And we have
7 only seen, I think we have only scratched the surface in
8 that stuff.

9 You know, you look at Windows. There are sort of
10 efforts. You will get McIntosh operating systems, and I see
11 you running them. You know, there are beginning -- you
12 know, there have been some minimum experimentation with
13 having functionality built into the computer through the
14 software that aids in disability issues.

15 My children, interestingly enough, love on their
16 McIntosh playing with -- it talking to them, which is built
17 as a disability feature into the Mac operating system. But
18 they will turn it on and it will talk to them, and they
19 think that's kind of neat.

20 I think that that's just the beginning because we
21 need to connect that then to the greater world. I think it
22 helps break up the insulation that I sometimes hear echoed
23 in the concerns of the -- you know, our thing works, but we
24 are being isolated from the greater part of the population.

25 And I think if you can network devices and take

1 advantage of the power of the software and then plug into
2 the world, it could really be an order of magnitude
3 improvement in peoples' lives. And it's the one reasons, I
4 think, this country really ought to dedicate itself to
5 getting those infrastructures out there and getting the
6 services available.

7 And you know, I am not talking about businesses.
8 I'm talking about getting them available to real people at
9 homes and houses, because I think that then we can -- then
10 the race begins. Then the software people, application
11 providers can begin to assume you have things and make
12 things for you.

13 Yes, ma'am.

14 MS. O'REILLY: My name is Kathy O'Reilly.

15 There is that frustration not only by persons with
16 disabilities when market forces are not providing technology
17 that is accessible, but even a broader frustration of
18 technologies that are not being developed, and that is a
19 reminder that certainly in the last 30 or 40 years when
20 market forces have not been there to provide certain safety
21 devices or certain products the United States government, in
22 its role is often the largest consumer of certain products
23 and services had been a very effective stimulus to those.

24 Some of the safety standards in the seventies,
25 truck standards, even the old typewriter standards largely

1 got in place when the federal government, more often than
2 not the defense department, said we are not going to go out
3 and buy something in the marketplace unless it meets a
4 certain standards, and that is what forced industry to
5 develop it.

6 And I am wondering if you think that the United
7 States government, as a consumer, has a role to play in
8 stimulating the entry into the market of various products
9 that market forces are not presenting. And if you think
10 that is appropriate, whether you have or would consider
11 using your good office to share that with OMB, GSA, justice
12 department, looking at antitrust restrictions as another way
13 to ensure that what consumers want and need are going to be
14 provided when the market won't do it.

15 CHAIRMAN POWELL: Yes, yes, yes, and yes. There
16 is nothing about what you said I don't 100 percent agreement
17 with.

18 MS. O'REILLY: Is there in place any task force
19 that the FCC is part of that has that sort of as their focus
20 and could receive recommendations from this committee about
21 certain technologies that we would at least like the -- that
22 collaborative to look at as to whether or not the absence of
23 those make it an appropriate item for government purchase to
24 develop those standards, those specs?

25 CHAIRMAN POWELL: I'm not sure. I will give you a

1 couple of suggestions so that we pursue together just off
2 the top of my head.

3 While we have some intersection, I think, with the
4 governmental entities that are established for standards
5 under the Americans With Disabilities Act, for example, that
6 we have an official role with respect to some capacity in
7 that regard, one, that could be explored.

8 Two, though, I think, for example, at least as I
9 read it, the administration is contemplating their own
10 broadband policy and their own thoughts about stimulating
11 development in technology. I think that's an important
12 endeavor for you all and as a community for us to intercept
13 with.

14 For example, I mean, the press releases that I am
15 reading talk a lot about government using its authority on
16 the demand side for services and goods, and having a
17 component like that built into that policy would be very,
18 very useful, and I would urge, and, you know, I will make a
19 foray as well to Nancy Victory at NTI in the commerce
20 department.

21 But I think in many ways it's very, very important
22 to get those issues into the commerce department which is,
23 in essence, the president's technical advisors and broadband
24 and telecom policy advisors.

25 We are a very important part of that, but we are

1 an independent agency, and just like what people think, the
2 White House doesn't call and say, so what should be our
3 broadband policy. They call Nancy, and they ask Secretary
4 Evans to develop those things. And I think we need to make
5 sure you are getting your voices effectively into that line
6 of policy development as much or more as this one as well.

7 And so I think you could probably, one, I raise
8 those issues with her, and two, I think this group can talk
9 about how to provide greater input to their processes where
10 a lot of that is being developed. GSA, who is the legal
11 purchasers of stuff for the United States government, et
12 cetera, et cetera.

13 MS. ROOKER: One last question.

14 CHAIRMAN POWELL: Yes, sir?

15 MR. McELDOWNEY: Hi. Ken McEldowney, Consumer
16 Action.

17 We have been studying telethon rates since the
18 break up of AT&T. And given the recent trends in telethon
19 and cable industry to the mergers in cable and the long
20 distance companies losing 15 to 20 percent of their revenue
21 every year, we are very concerned in terms of whether two
22 years down the road there is going to be a portable voice-
23 grade telephone service for low and moderate income
24 consumers.

25 I am wondering whether or not you see an

1 additional regulatory role that may be needed at the state
2 and federal level to ensure that voice-grade customers
3 continue to get affordable service given the changes that
4 are taking place in those two industries.

5 CHAIRMAN POWELL: Yes, I actually -- I actually
6 do. One, I think that the universal service partner isn't
7 going anywhere. I don't think, despite some of the sort of
8 things I see that, oh, my God, this is going to happen, that
9 is going to happen, it's going to be undermined, I don't
10 believe that at all.

11 One, I know that we're not going to let that
12 happen to the extent that we can reach it.

13 Two, if you look at some of the proceedings we are
14 doing, we are doing at least two major proceedings looking
15 at the issues associated with charges on -- yesterday, just
16 yesterday at the open agenda meeting we voted items to
17 explore, questions about line item proliferation and how
18 those counts are calculated on consumer bills, which has a
19 consumer cost effect. There is another item that's similar
20 about collection, contribution factors and how to measure so
21 that we ensure that there is a right balance between making
22 sure the fund is sustained and not having consumers bear too
23 much of the cost of that. So those are two major items.

24 We also, even in the broadband item, which gets
25 all this negative attention, and it is a major section,

1 probably more ink dedicated in that item to an evaluation of
2 universal service in a broadband environment than any other
3 subject matter, including the open suggestion, which I will
4 reiterate, either that I wouldn't hesitate to consider the
5 extension of universal service contribution obligations on
6 other classes of carriers who do not pay them now.

7 You know, we openly considered whether, for
8 example, cable services, we have already said, I think, that
9 cable services providing telephone will have to contribute.

10 We may consider seriously whether for the provision of
11 broadband cable modem services, or other information service
12 providers will have to contribute.

13 And I think that shows that we are very sort of
14 guarded about what the impacts of changes in the marketplace
15 will be on sustainability of universal service which is, in
16 essence, the affordability of service.

17 The other thing though we have to be cognizant of,
18 I mean, you know, part of my job which stinks is you really
19 are always trying to find balance. We have a huge problem
20 in the telecom sector right now. It is steeply depressed.
21 Now, we can trivialize that if we want to, but it is
22 becoming a no joke, serious problem in the telecom sector.

23 And oh, by the way, we're not just talking about
24 the small clique entrepreneurs anymore, you know, and some
25 people can be dismissive and say, oh, well, their business

1 bombed. You know, we are talking about Quest and Global
2 Crossing, and World Com in the newspapers yesterday. I
3 mean, they are the big guys, but there is another thing they
4 are, which is they are the common carriers of last resort
5 for hundreds of people in rural and midwest America.

6 And it is a capital crisis, and at some point the
7 government is always struggling with the balance of
8 decisions between, yes, rates want to be low, but if there
9 begins to be serious capital liquidity challenges and
10 service starts to suffer, you know, that's what we'll start
11 to complain about.

12 I mean, there is never any clean answer to that
13 other than to say you're always trying to adjust the ballast
14 of these issues to ensure that consumers are not paying more
15 than their fair share, but that there is enough viability in
16 the economic models for these carriers to sustain themselves
17 in a way that most importantly improves the quality that
18 people have become accustomed to.

19 And I'll tell you, I find this very, very
20 difficult to do. But I also have to be candid and say but
21 consumers are an important part of that economic equation,
22 and you know, they can't be completely off the table for the
23 consideration of what the right economic model, because when
24 they are you get the California energy crisis, in my
25 opinion. You run the risk of removing a variable that is

1 essential to any economic system.

2 And so yes, there will be price pressures. There
3 will also be countervailing efforts to limit them.

4 It's interesting, consolidation, which, you know,
5 I don't -- I don't ever take a value proposition on. It can
6 be good or bad. It depends on what we are seeing. I think
7 the phone industry is sort of fairly matured in how much
8 consolidation before I start getting a lot more nervous.

9 But on the other hand, you can -- you know, if you
10 really understand the pressures that are being put by Wall
11 Street for more consolidation in order to improve the
12 fundamentals of a balance sheet, and you know, a lot of
13 times I think, oh, this is just Wall Street guys who want to
14 make money, but sometimes when you look at it you realize
15 there are some questions at least.

16 Every analyst I read says the biggest problem and
17 the big -- you pointed out the long distance companies --
18 excess capacity. You know, we think it's not competitive
19 but in capital terms they think it's higher competitive, and
20 the price wars are killing them. AT&T's revenues dropped
21 global crossing, the big long-haul carriers have had steady
22 declines because of -- you know, we say that three-quarters
23 of the fibers in the United States aren't lit. I didn't
24 mean to give you economics.

25 One last and we're done. One more? Is that

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1 alright with you, Ms. Rooker? I'm sorry.

2 MS. ROOKER: Absolutely.

3 CHAIRMAN POWELL: Okay.

4 MR. JAMES: Good morning. Vernon James, San
5 Carlos Apache Tribe.

6 You were talking about the affordability of
7 telecommunications in rural America, and there is spectrum
8 that is going to become available in the TV broadcast
9 spectrum, and set aside for wireless.

10 Now, rural America is served by small CLICS --
11 ILECs, I'm sorry. And we need to make sure that these ILECs
12 have the opportunity to be it for this spectrum so that they
13 can provide services.

14 My request to you is to support those rural ILECs
15 so that they can get a piece of this spectrum so that they
16 could provide affordability of wireless services in rural
17 America.

18 Thank you.

19 CHAIRMAN POWELL: No, we -- that's a good -- you
20 know, that's a very good point. We do take cognizance of
21 those challenges. Indeed, I am trying to remember which
22 proceeding, but just a few weeks ago we adopted auction
23 service rules for band of spectrum, and cut it in a certain
24 way to make it really much more viable for rural interests
25 by geographic distinctions.

1 And I remember the policy debate was a conscious
2 decision to use this as an opportunity to improve
3 availability for rural and more remote providers because we
4 were going to design the jurisdictional limitations, and the
5 other service limitations in a way that would really give
6 them an advantage in the auction over larger carriers who
7 are much more interested generally in nationwide spectrum,
8 large geographic area blocks. That's the spectrum they tend
9 to have the highest interest in, for good reasons.

10 A lot of those smaller carriers you are talking
11 about don't have that scale, don't have the scope, and don't
12 even have that interest. They don't want to be a nationwide
13 carrier. They might want to serve, you know, Pine Ridge, or
14 some more limited geographic scope.

15 So sometimes we do have that obligation, and I
16 think that we have released on it a couple of times
17 recently, and I am sure whenever that spectrum comes back
18 on, I'm not holding my breath, it will be any day soon, when
19 it does come back on I'm sure those same kinds of
20 considerations would be made as to how to issue it.

21 Thank you all for indulging me. Have a good and
22 productive day, and we look forward to working with you.

23 MS. ROOKER: Chairman Powell, thank you.

24 (Applause.)

25 MR. SNOWDEN: I know we are running a little bit

1 behind but I wanted to just let you know that one of the
2 things that we were talking about earlier was we want more
3 recommendations from this committee. And as we go forward,
4 the Chairman has outlined five priority areas which I know I
5 think you have all received, but I will just reiterate them:
6 broadband deployment; media ownerships; spectrum
7 management; accomplishment policy; and homeland security,
8 and the side issue of digital television.

9 If there are issues that the Chairman has outlined
10 for the agency as a priority that you all want to make
11 comments on and give us advice, please take that up as one
12 of your agenda items in future meetings. So we encourage
13 you to give us information. We encourage you to participate
14 and continue to give us good advice as we move forward.

15 And if there are any questions for me, I will be
16 happy to take them. But if not, I will turn it back over to
17 Ms. Rooker.

18 (No response.)

19 MR. SNOWDEN: I'm not fool, I'll get off the
20 podium. Thank you.

21 MS. ROOKER: Thank you so much, Dane.

22 (Applause.)

23 MS. ROOKER: I would like us to go over a few
24 business items here. We have a very busy agenda. There
25 will not be break-out sessions, but rather there will be

1 opportunities for questions and answers after each of our
2 speakers, and then at the end of each of the sessions there
3 will be an opportunity for us to discuss and come up with
4 recommendations and so on.

5 I would just like to emphasize what you have heard
6 from the Chair of the Commission and from Dane Snowden, and
7 that is that we have been assigned a role to speak as a
8 voice to the FCC, and I think this is our opportunity.

9 As far as today's meeting is concerned, I am
10 hoping we will come out of it with some consensus that we
11 can put together as a report to the FCC. I would like to
12 just say that this is our chance to speak on behalf of our
13 constituents, and I think it's very important that we do so,
14 and that we present recommendations.

15 Now, I would like to also thank some people whose
16 tireless efforts have made this meeting possible, and of
17 course, the first person on the top of my list is always
18 Scott Marshall. Need I say.

19 I also want to thank Suzanne Perrin, and
20 particularly for Arlene Alexander and Solina Griffith who
21 have been here rather late several night putting together
22 things for this meeting.

23 Suzanne Perrin's staff, many of them we just --
24 there are just too many of them to mention, but thanks to
25 all of them.

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1 Brian Millen is responsible for doing an
2 outstanding job on the rail production. I would like to
3 thank you.

4 Also, I ought to note we are going to defer the
5 approval of the minutes for the November meeting until the
6 June meeting because they were late coming out. So I don't
7 think that we are going to have time to do that.

8 I would like to go around the room and very
9 briefly just say who you are and your corporation, please,
10 or your association, or why you are here, briefly, briefly.

11 Let's start with Vernon James.

12 MR. JAMES: Good morning. Vernon James, San
13 Carlos Apache Tribe.

14 MS. LINKE-ELLIS: Nanci Linke-Ellis, TRIPOD
15 Captioned Films.

16 ANDREA WILLIAMS, Cellular Telecommunications and
17 Internet Association.

18 MR. POEHLMAN: David Poehlman, American Council
19 of the Blind.

20 MR. ELLIS: Rich Ellis from Verizon.

21 MS. CARROLL: Julie Carroll, the Information
22 Technology Technical Assistance and Training Center.

23 MS. RUBY: Laura Ruby, Microsoft.

24 MR. TOBIAS: Jim Tobias, Inclusive Technologies.

25 MS. PALMER: Susan Palmer, Cingular Wireless.

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1 MS. NELSON: Belinda Nelson, Gila River
2 Telecommunications.

3 MS. NIXON: Shelly Nixon.

4 MR. SCHROEDER: Paul Schroeder, Alliance for
5 Public Technology.

6 MR. BOWEN: Clay Bowen with the National
7 Association of Relay Administration.

8 MS. AYLWARD: Rayna Aylward with Mitsubishi
9 Electric America Foundation.

10 MR. CHROSTOWSKI: Bob Chrostowski, Elexa America,
11 and representing TIA, Telecommunication Industry
12 Association.

13 MS. BRUNS: Andrea Bruns, NCTA.

14 MR. GOLDBERG: Larry Goldberg, WGBH National
15 Center for Accessible Media.

16 MS. HARKINS: Judy Harkins, Gallaudet University.

17 MR. KRAMER: Jeff Kramer, AARP.

18 MS. O'REILLY: Kathleen O'Reilly. I am a public
19 agency attorney representing various consumer groups.

20 MR. DelCASINO: Mike DelCasino, AT&T.

21 MR. ROCHIN: Refugio Rochin, Smithsonian
22 Institute.

23 MR. McELDOWNEY: Ken McEldowney, Consumer Action.

24 MS. DEAN: Kate Dean from TRAC.

25 MR. LITTLE: Milton Little, the National Urban

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1 League.

2 MR. SEGALMAN: Bob Segalman. I am here thanks to
3 AT&T.

4 MS. KIRSCH: I am Karen Kirsch. I'm with the
5 National Association of Broadcasters.

6 MR. KALTENBACH: Matt Kaltenbach, Ericsson.

7 MR. WHITE: (Not on microphone.) Andy White --
8 Incorporated. I am representing -- Network --

9 MS. BATTAT: Brenda Battat with Self Help for Hard
10 of Hearing People.

11 MR. JACOBS: Steve Jacobs, IDEAL at NCR.

12 MR. MARSHALL: Scott Marshall, FCC.

13 MS. ROOKER: And I am Shirley Rooker with Call for
14 Action.

15 Thank you for being here. I would also like to
16 thank Cingular Wireless and Susan Palmer for making
17 breakfast and lunch possible today. Thank you. We shall
18 eat.

19 Let's move right along to our agenda items.

20 Homeland security has become such an important
21 topic in the wake of the 9-11 terrorist attacks, and it's
22 something that many of you requested be addressed by this
23 committee. In response to that interest, we are very
24 pleased to have the Chair of the Homeland Security Policy
25 Council within the FCC as a feature speaker today.

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1 In fact, Marsha MacBride is not new to this
2 committee. She has been very helpful in the past, speaking
3 to us at our second meeting, and giving us insights into
4 Chairman Powell's priorities for the FCC.

5 Please join me in welcoming Marsha MacBride, Chief
6 of Staff to the Federal Communications Commission.

7 (Applause.)

8 MS. MacBRIDE: Well, it's a pleasure to be again,
9 and I am wearing a different hat today. Last time I came
10 and talked about priorities and the Commission's agenda, and
11 now I'm going to talk as chief of or chair of the Homeland
12 Security Policy Council.

13 The policy council was formed after September 11th
14 to really re-energize and focus the Commission's efforts on
15 its rules and regulations that deal with public safety,
16 national security, preventive and restorative measures by
17 all of the various industries that we are regulating.

18 The policy council is made up of senior members
19 from each of the bureaus, some of which you will hear from
20 today, and I want to take this moment to introduce Jeff
21 Carlisle who is from the Common Carrier Bureau. He is the
22 senior deputy there. And I also want to take a moment to
23 introduce Linda Blair, if she will stand please, who is my
24 deputy on this, and obviously the one who does all the work.

25 The policy council is made up of senior members of

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1 each of the bureaus because the purpose of the policy
2 council is to help the policy council learn what each of the
3 bureaus identify as their major challenges in the area; help
4 us be kind of headlights for what we should be doing,
5 prioritize, make sure the Commission is addressing all of
6 these various issues; and to try and coordinate those
7 efforts so we are moving forward; and also, to be honest
8 with you, drive the process a little bit and have somebody,
9 and a group of people sitting there, well, we've got to get
10 this done, we've got to get this done.

11 The purpose of it, as I said earlier, is to
12 continuously review our rules across all of the various
13 areas, and we, in addition to that -- you know, I'm going to
14 talk about some examples of things that we have worked on
15 already and what we are going to be working on.

16 The other purpose of the Homeland Security Policy
17 Council, and another role on the chief of staff side, is to
18 coordinate very closely with other government entities. As
19 you probably notice, we have a lot of government entities in
20 Washington right now dealing with homeland security. We
21 have the Office of Homeland Security. We have the Critical
22 Infrastructure Protection Board, and we many, many
23 proliferations of other organizations under those, many of
24 which all deal with the industry in different ways. And so
25 we are working very hard just to coordinate it and work with

1 them.

2 When the Chairman and I, when he was a
3 commissioner, he was a defense commissioner, and did Y2K,
4 and for 18 months I actually assisted him on that effort.
5 Now you can kind of understand the purpose of the hat shift
6 here. And we worked very closely with industry to try and
7 organize our efforts, to try and get the industries that
8 rely on telecom, like the banking industry, the energy
9 industry, have them be knowledgeable about what the industry
10 was doing to get ready. And we really developed a lot of
11 close working relationships which are all in place for this
12 effort.

13 And it has been actually easier this time around
14 because it's not so new to the types of groups of people
15 that we interface. And I am very pleased to say that a lot
16 of the other safety groups I go around to, I walk into a
17 room and it's like, ah-yes, I just was sent back two years.

18 We are all still here doing the same thing. But there is a
19 great benefit to that, and I think we have got a lot started
20 right away.

21 One of the things that we did was re-charter the
22 NRIC, our Network Reliability and Interoperability Council,
23 and put in their charter a very, very strong emphasis on
24 homeland security.

25 What is different about Y2K and now is that we --

1 in Y2K, we had owned -- the FCC really owned a piece of the
2 industry and getting information out as to their
3 preparedness. This time around, these are defense-related
4 issues. These are first responders, homeland security
5 issues. And so the jurisdiction, to my mind, is more
6 separated. That's why we need to work very closely with our
7 executive side people who are really the focus of, boy, if
8 there is an emergency, they are the ones that are on the
9 front lines, their communications that we are trying to
10 facilitate.

11 But on the other hand, the industry itself has
12 clients and the people that rely on them that want to know
13 information as well. So we have put most of the charter as
14 best practices. We have asked them, the industry, to work
15 with itself to come up with and identify vulnerabilities but
16 to basically give us a list of best practices for their
17 systems, both on a preventive measures and then also
18 restorative measures.

19 And I think we will see, we have a very short time
20 line for most of those things. We are asking for full sets
21 of complete recommendations by the end of this year. And
22 then the next year a lot of our focus will be then taking
23 that information and trying to get it out to the communities
24 in terms of local communities, and local telephone
25 companies; making sure that they are talking to each other

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1 in terms of access, making sure telephone people have access
2 to the sites where there is damages; making sure that
3 electric companies and telephone companies on a local level
4 are all talking to each other about what their personal
5 needs are; talking to each other about how to prioritize
6 what goes on; prioritization itself, which is something that
7 the Commission has long been involved in, will change very
8 much on the nature of the emergency.

9 An infrastructure emergency, which is what you
10 would have in New York, requires a very different level of
11 priority restorative services than say a tele-medicine
12 level, or one that involved a biological scare of some kind.

13 So we really have to think, and unfortunately,
14 it's very frightening when you go to some of these groups,
15 and they sit and talk about their worst case scenarios, and
16 I know now more than I ever wanted to know, but that is kind
17 of what we have to do. We have to be constantly sitting and
18 thinking. We have to think and then try to figure out what
19 is the likelihood of that, and what do we have to build into
20 the networks and the systems, and the communities in order
21 to make sure that we can very quickly respond.

22 The toughest, and I also want to say that we are
23 doing this also on the media side, which is new. We are
24 creating a new FACA, like yours, for the -- and it's called
25 the Media Reliability and Security FACA. And the purpose of

1 that is to really focus on media-related things.

2 Communities rely very much on information flow.
3 We have the Emergency Alert System which is clearly a very
4 important system, but in some ways one of last resort. When
5 people want to know information, they want it from their
6 radio, they want it from television, and television, again,
7 is delivered to a large number of people via cable or via
8 satellite. This is a network. And any one of the pieces
9 that drops down during the course of this could cause quite
10 a bit of panic and maybe undue and unnecessary panic because
11 people are used to being able to turn on their television,
12 getting their local broadcast station, getting a cable
13 network to give them information about an emergency.

14 So we are trying to get them altogether to think
15 about how can they best on the local community side as well
16 as in the big cities protect against having, they said, that
17 could be prevented not happen.

18 For instance, in New York, we lost a tremendous
19 number of network television feeds. But fortunately, most
20 of those networks were cabled by hard cable to the local
21 cable system. So if you had cable, you were still getting
22 information from your local broadcasters on the local issues
23 that were going on there. And I think that's a very
24 important thing to continue to happen.

25 What is the corollary to that in a small market,

1 what is a corollary to that in places where there are lots
2 of facilities that are co-located, what measures should be
3 taken. And those are the kinds of things that the media
4 group will be working on.

5 And I think, to the extent that there are issues
6 which I think Jeff is going to talk a little bit more about,
7 about communications, these are both places where I think we
8 will be reaching out. We will be bringing groups from yours
9 into our working groups on these, and we can try and help
10 and facilitate information because obviously information
11 flow to the community, so media representative is extremely
12 important, and part of what we are trying to figure out how
13 to build into and have it be systematic for the groups that
14 actually provides the services.

15 One of our most immediate challenges, as you can
16 probably guess, is in the wireless area. We actually have
17 pretty good reports, not perfect by any stretch, but pretty
18 good reports about interoperability among safety providers
19 in New York City because we have taken a lot of measures
20 over the last years to get it there.

21 But homeland security offers kind of a different,
22 a different challenge in that it used to be if you had local
23 providers or local responders and then you had FEMA, those
24 were kind of your two levels, and they have been working
25 together a long time. They were working during Hurricane

1 Andrew, and all of these areas. That's where they have been
2 very used to working together.

3 But when you have something like happened in New
4 York you have your first responders, you have your county
5 responds, you have your state responders, and then you have
6 your federal responders. That's a lot of people that all
7 need to be able to talk to each other at one time.

8 So it's presenting kind of a new challenge. It's
9 one of the areas that we have been looking at in wireless
10 has been this priority access service, and how you give a
11 small number of the federal, the outside ring, whether they
12 be through the FBI or otherwise, an ability to get
13 information and get communications into the very center of
14 what's going on, and then in fact out again, especially in
15 something like this where we had it happen in two separate
16 cities, and we're looking at, okay, where else might this
17 happen, what else do we need to do. That has got to come
18 out to the federal level, and information that they have has
19 to come out to the federal level very quickly, and then back
20 in again.

21 So these are some challenges the wireless industry
22 is facing, the federal government is facing, and priority
23 access service on wireless, which is something that has been
24 used on the wire line systems for a long time, is one step
25 or one area in which we can try and facilitate the ability

1 of communication systems to prioritize national level users
2 who really need to talk to people on the ground.

3 The other one that we're really looking at is an
4 area in which we have been wringing our hands now for many,
5 many years, we have made some small incremental steps, it
6 will continue to happen, we issued an order yesterday asking
7 about some very major reorganization plans for the 800
8 megahertz band where a lot of providers are now buying
9 equipment for, and we are very anxious to try and move in
10 that direction too to try and bring some cohesiveness to the
11 bands and limit interference that's occurring that we didn't
12 anticipate, and that's a very important piece because that's
13 first responder, second responder rings, and those two
14 really have to be very highly coordinated.

15 And the other thing that we are doing is looking
16 for other places like 4.9 gigahertz where we can offer
17 broadband capacities on a wireless basis, so we can -- and
18 there are a lot of wireless companies that are doing some of
19 thing where we can actually offer a fire fighter on the
20 screen of a PDA or a hand-held device that would put up on
21 it immediately a plan of the building or other types of
22 information that would be coming from another source and
23 getting it directly.

24 And so there is a lot that technology offers for
25 homeland security, and we are just trying to make sure that

1 we have an environment here that facilitates the development
2 of the products and obviously their use.

3 The CIB and Dave's group is a very important piece
4 of the homeland security task force that Barbara Douglas, in
5 the back there, is their representative. And one of the
6 things that I alluded to before that is going to be very
7 important is the forwarding of information out and back.
8 Homeland security by its very nature is a local issue
9 because that's the first responders, that is who has got on-
10 site responsibility for what's happened.

11 So we, as you can probably tell, are trying to
12 develop things at the federal level that we can push down to
13 be helpful on the local level. We also need to know what
14 the local level is doing, and having that back up. We are
15 working very closely through Barbara with the Governor's
16 Association, the LSGAC, and anybody else, the states, that
17 we can find that is doing homeland security because as you
18 and as they sit and look at what their needs are then we can
19 be told what they are, and they can kind of be built into
20 what we are doing.

21 Also, once we get this information, then we can
22 kind of get it out again. And the second year, because it's
23 a two-year charter, will very much be focused on, okay, we
24 have got all this good information. Now let's do something
25 with it. Let's get it out to the communities. And

1 obviously the roles that the federal advisory committees
2 such as yourself play in that is extremely important.

3 So I won't take up anymore of your time. I just
4 kind of wanted to give you a big picture view of what the
5 council is doing, and also so you can be thinking about how
6 you want to have inputs into that, and how you can bring to
7 us information about what your communities or constituents
8 may be doing and thinking about, their priorities on
9 homeland security because we are working with a clean slate
10 here to a certain degree. We really are open to trying to
11 coordinate this in areas in which we traditionally, as well
12 as in areas in which we have not traditionally been
13 exercising this kind of authority.

14 So thank you very much.

15 MS. ROOKER: Do you have time to take a couple of
16 questions?

17 MS. MacBRIDE: Yes.

18 MS. ROOKER: Do we have questions?

19 MS. MacBRIDE: Yes, Susan.

20 MS. ROOKER: Susan.

21 MS. PALMER: I am Susan Palmer with Cingular
22 Wireless.

23 We have been actively engaged in the issue of TTY
24 access, and E9-1-1. One of the things that has happened is
25 we have done probably the best in the end testing around

1 emergency services through the PSAPs, and I know that FCC
2 doesn't have authority over the PSAPs.

3 We have been very concerned about what we found.
4 There is over 7200 PSAPs, there is almost 40 different types
5 of vendors for TTY equipment.

6 When we have done testing, we have gotten
7 everything from -- we do -- the PSAPs do regular testing
8 with voice just as they are supposed to do -- all the way to
9 let me find the TTY. Oh, how do I plug it in? How do I
10 operate it?

11 This is a serious concern for anyone who is using
12 a TTY as a life line, and especially when it comes to
13 homeland security types of things, the need for emergency
14 services. We find this very disturbing, and we are
15 wondering if there is a role that your organization can
16 play, perhaps an interagency role, to bring awareness about
17 this issue.

18 MS. MacBRIDE: I do think so. We have another
19 FACA that deals -- that is mostly the public safety
20 operators themselves, and obviously, there is a little
21 cross-pollenization of some of these issues with that group,
22 I think would be very beneficial. But we are very aware of
23 the fact that all of the things that we can do at the
24 federal level will only work as well as the local level set
25 up, and that's an issue that we are bringing to the

1 attention of the homeland security office, as well as others
2 in Washington who have money, and can maybe help look at the
3 need for this type of equipment to be in the local area.

4 But we are very -- you know, that is a stumbling
5 block for all of the policies in the federal level, and I do
6 think that we are focused on that, and to the extent that we
7 should be more or can be focused on that, especially with
8 particular issues on TTY, we ought to be doing it.

9 MS. PALMER: There is a lot of equipment also
10 that's dated. There is equipment that the vendors are no
11 longer in business and there is not systems to --

12 MS. MacBRIDE: Well, one of the things that is
13 very nerve-wracking, to even the groups, the public safety
14 groups, is their equipment is not as up to date as it
15 possibly could be, and that causes interference problems,
16 and it is not the most efficient way to use this especially.

17 So we are looking at it, they are too, but it does
18 come down to money.

19 MS. ROOKER: One more question.

20 MR. CHROSTOWSKI: I have a question. Bob
21 Chrostowski, TIA.

22 The issue of testing is alone as far as TTY
23 wireless. From the standpoint of the wire line community
24 and as states have laws regarding compliance with the
25 Enhancement 9-1-1 usually testing takes a more important

1 requirement as businesses, for example, their support of the
2 law. The states need to be assured that when 9-1-1 is
3 dialed, the call is connected.

4 MS. ROOKER: Thank you. Thank you so much for
5 being with us, Marsha.

6 MS. MacBRIDE: You're welcome. Thank you very
7 much.

8 (Applause.)

9 MS. ROOKER: And next we will be hearing from
10 Jeffrey Carlisle, who is the Senior Deputy Chief of the
11 Common Carrier Bureau. Jeffrey joined the FCC last year.
12 Prior to that he was in private practice and law.

13 Good morning.

14 MR. CARLISLE: Good morning. Thank you very much
15 for having us here. After Marsha's very broad look at the
16 waterfront, I am tempted to say I have nothing to add.
17 However, I do.

18 Before I sort of launch into it, just a brief
19 summary of what the Common Carrier Bureau's role is right
20 now, and some of the specific issues that I understand you
21 have asked about.

22 I thought I would relate an anecdote which was
23 related to me a couple of weeks ago by a very close friend
24 of mine who is an executive at Verizon.

25 Everybody has their 9-11 stories, but I thought

1 this was particularly -- it illustrated a lot of the issues
2 that we are dealing with when on 9-11 there were a large
3 number of people in the midtown Verizon building who were in
4 a conference room, and saw the second plane go into the
5 World Trade Tower.

6 About 25 executives from Verizon then went
7 downtown because Verizon has an emergency operation center
8 near to where the World Trade Center was. By the time they
9 got down there, they walked into the emergency operation
10 center, and there was a -- they got there shortly after the
11 south tower fell. They walked in and there is a -- one of
12 the engineers was on the phone, was on his cell phone, "I
13 can't get dial tone on floor 70 through 80 in the south
14 tower. What's going on? Why can't I get a dial tone?"

15 These guys are underground and in this operation
16 center they don't know what has happened. And somebody had
17 to go up to him, shake his shoulders and say, "There is no
18 south tower, and you don't understand."

19 And he dropped his phone, his mouth fell open, and
20 that was just the start of what then became about a two-week
21 look, even to the present day, effort by Verizon to keep
22 service going in downtown.

23 I guess this illustrates a couple of things.
24 First of all, before 9-11, we really didn't have a role in
25 sort of contemplating these unthinkable events. We had a

1 role but it was really driven home to us that day that if we
2 were really going to be able to do our job to serve the
3 public interest, that we were really going to have to figure
4 out what we could appropriately do. There is an immediate
5 impulse to do something, that you have to do something. But
6 what's our appropriate role, and especially given that there
7 were a whole bunch of other federal agencies out there that
8 have a certain amount of jurisdiction over this, as well as
9 state and local agencies who are quite often in the front
10 line when a national security emergency occurs.

11 And the second thing I think it illustrates is the
12 need for the FCC to really be the catalyst for working with
13 industry and the end users on these issues. We can't do it
14 alone, and there are a lot of tremendously committed people
15 in industry and among consumer groups who are interested in
16 these issues who can contribute to the debate and who we
17 need in the debate, and providing input, and that we can
18 learn from.

19 So that being said, what's our role? What does
20 the Common Carrier Bureau do with respect to the homeland
21 security?

22 As Marsha mentioned, if a national security
23 emergency actually happens, there is a whole bunch of first,
24 of front line agencies out there. The Common Carrier Bureau
25 is not the agency that is on the front line immediately

1 responding to a situation that is coming on. It's the local
2 governments, it's the state government, it's FEMA, it's the
3 state emergency management agencies. It's the national
4 communications system. It's not really our role to give
5 front line people out there in handling a situation.

6 However, what we can do is act as a clearinghouse
7 for industry and end users and government to make sure that
8 the people who need to be getting information from different
9 agencies are going to the right places; that if we need to
10 get numbers set up in a switch, that the appropriate
11 companies are talking to each other, they can do that
12 through the NCS, but we also play a role because of our
13 contacts in industry.

14 The second role that we really have in a national
15 security emergency is providing waivers. Quite frequently
16 the companies that are doing the work are quite rightly
17 concerned that they may be violating various regulations.
18 When 9-11 occurred, our general message to them was don't
19 wait for the paperwork from us. Get the work done that you
20 need to get done to get service back up and running, and
21 send us a waiver and we will review it and we will catch up
22 as we go along.

23 Our real function really is much more of a long-
24 term function in terms of establishing the preconditions for
25 handling these types of events better the next time. The

1 system worked the way it was supposed to work. The
2 telecommunications service priority system, as administered
3 by the national communications system, did work the way it
4 was supposed to work. We didn't receive any appeals from
5 it. We didn't really hear any issues from any of the end
6 users or from the industry with respect to that program.

7 But are there things we could be doing better?
8 Well, yeah, there are a lot of things we can be doing
9 better, and really our job right now is to figure out what
10 the appropriate programs to put into place are so that the
11 next time something like this happens we can react in a more
12 throughout and organized fashion, not that we didn't this
13 last time, but that we can do so better the next time.

14 I guess a few of the specific issues that I
15 understood that you were concerned about were, first of all,
16 generally the need for secure telecommunications network. I
17 think the need for that is self-evident. It essentially is
18 the life line for people who need to know what's going on in
19 a crisis, is also a network that has its -- that has a
20 defined limit on capacity.

21 So you have a situation where you have thousands
22 of calls going in through bottlenecks, and at that point you
23 start having a problem of people desperately trying to use
24 this vital link in order to receive a certain amount of
25 comfort in an emergency, and not being able to use it. That

1 does happen.

2 So one of the industry standards that we could
3 look at to make sure that the network is being engineered in
4 such a way that that comfort will continue to be provided
5 through that life line.

6 To focus specifically on the security of the
7 network, there are different levels of that. Of course,
8 there is the physical security of the network. The major
9 issue that the Common Carrier Bureau has looked at -- well,
10 we have not looked at it, but it has been in the press --
11 has been co-location, for example, access of competitors to
12 the network and whether that compromises the security of the
13 network.

14 There were some statements shortly after 9-11
15 about whether there were physical -- whether the very fact
16 of access to the network by competitors compromised the
17 security of the network. We have seen this as an issue that
18 until we receive specific evidence or specific petition that
19 there is a problem, there is not -- there is not something
20 for us to do at this point. Our current standards say that
21 the incumbents can apply whatever reasonable security
22 precautions they apply to themselves to their competitors.

23 So to us, it's not a competitive issue. Security
24 of the network becomes an issue of whether industry is doing
25 what it needs to do to ensure physical security of the

1 network, or rather whether some more active role on the part
2 of the federal or state governments is required, and this is
3 something that we are hoping to explore through the Network
4 Reliability and Interoperability Council that was discussed
5 earlier.

6 I also understand that there is some concern about
7 whether the current reporting thresholds are appropriate.
8 Right now I believe the current standard is if 30,000 lines
9 are out for more than 30 minutes, we receive a service
10 outage report. This does not handle all possible outages
11 that could occur, and doesn't handle all outages that could
12 be vitally important to end users.

13 The question from that perspective, I think, is
14 not so much that the federal standards need to be changed,
15 although that is a question that can and should be asked. I
16 think the question is let's look at everybody who has a
17 stake in receiving reports of service outages and figure out
18 whose is best placed to look at that. It may be that the
19 state or local governments receive outage reports at a much
20 lower threshold, and the procedures are already in place to
21 receive those reports.

22 It may be that better coordination with the state
23 and local government is the answer to this situation, so the
24 FCC can have information about what's going on rather than
25 coming in and imposing a whole new set of federal standards.

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1 And I believe that Marsha touched briefly on the
2 9-1-1 issue in response to a question, to one of the
3 questions about working with the PSAPs. And I reiterate
4 what Marsha said. This is a situation -- there is concern
5 about that. This is something that you necessarily need to
6 deal with the state and local governments given that they
7 have the most direct interaction with the PSAPs. But if
8 there is a problem, which there appears to be with ensuring
9 that that relay service is available during an emergency,
10 then that is something that we are falling down on the job
11 if we're not actively talking with the state and local
12 government and the PSAPs and working through our backup to
13 make sure that those concerns are aired.

14 So that's sort of the high level summary of where
15 we are at the Common Carrier Bureau, and a few brief
16 comments on a few specific issues. But we look forward to
17 receiving input from all of you on these issues, and if you
18 have any questions I would be happy to take those as well.

19 MS. ROOKER: Susan?

20 MS. PALMER: I just want to make a clarification.
21 This is Susan Palmer from Cingular Wireless.

22 The relay service was not the issue. It was
23 actually the direct connect to the 9-1-1 centers of PSAPs.

24 MR. CARLISLE: I apologize. That was my mistake.
25 Sorry.

1 Rayna?

2 MS. AYLWARD: Rayna Aylward from the Mitsubishi
3 Electric America Foundation.

4 I am just curious. You were mentioning how many
5 different agencies are involved, and secondarily, and then,
6 of course, there is the homeland security office. I am just
7 curious in general of how you are -- the FCC task force is
8 relating to the other federal task force, and how it all
9 relates hopefully to homeland security.

10 MR. CARLISLE: That is a very good question. You
11 see these charts that get thrown around in the news of all
12 the federal government agencies involved with homeland
13 security, and they look really daunting and huge, and all of
14 that.

15 Well, if you actually see the interrelationships
16 between the different committees, it doesn't get any easier
17 because certain committees are talking with other certain
18 committees, which are talking with other certain agencies,
19 and there is a -- it's our job to make sure that there is
20 more coordination in general within the federal government.

21 But specifically, I think the Homeland Security
22 Policy Council has served to rationalize that process within
23 the FCC. Before, we have had different bureaus attending
24 different meetings all over Washington, somewhere in the
25 neighborhood of about -- I know I am going to get the number

1 wrong, but I heard the number -- something like 50 meeting
2 every two weeks. And there wasn't a terrific amount -- just
3 because of the volume of meetings, the coordination
4 certainly could have been better.

5 The Homeland Security Policy Council serves to do
6 that. We now have a process whereby every meeting that
7 somebody goes to there is a report that comes back to the
8 Homeland Security Policy Council and is shared with all the
9 members. So if there is a discussion, for example, of some
10 sort of physical security standard in a conference all the
11 way over on the other side of time in a committee I have
12 never heard of, I can at least take a look at that and say,
13 okay, I have somebody who knows about that, and can have
14 input into that process.

15 So within the FCC, we have tremendously improved
16 the amount of coordination we are able to do with the other
17 agencies in a relatively short period of time.

18 In terms of how we interact with the other groups,
19 I would have to say that with regard to communications that
20 is still developing. The Office of Homeland Security is --
21 it has looked at some physical infrastructure issues. The
22 Critical Infrastructure Protection Board, Richard Clark's
23 group, has been look at cyber security issues.

24 We are here to provide input to the debate, and I
25 know Marsha frequently is in contact with the leadership in

1 those groups to make sure that they know we are here as a
2 resource and that we can provide the input.

3 MS. ROOKER: Thank you so much.

4 MR. CARLISLE: Yeah.

5 MS. ROOKER: I really appreciate that. We are
6 going to have to move on. I think I am going to have to
7 close up the questions. If you are going to be around for
8 awhile, you are welcome to stay.

9 MR. CARLISLE: I may have to go upstairs but I
10 will try to come back.

11 MS. ROOKER: All right. Thank you so much,
12 Jeffrey, Jeffrey Carlisle.

13 (Applause.)

14 MS. ROOKER: Joining us next to talk about the
15 FCC's position on homeland security is Pam Gregory. She is
16 the Chief of the Disability Rights Office, to the CIB. She
17 has been with the FCC since 1966.

18 (Laughter.)

19 MS. ROOKER: You weren't even born -- 1996, excuse
20 me.

21 (Laughter.)

22 MS. ROOKER: Sorry, Pam. I'm just giving you lots
23 of experience.

24 MS. GREGORY: Thanks, Shirley.

25 I just wanted to kind of lay out a little bit of

1 what I'm going to talk about. I don't want to repeat Jeff
2 and Marsha MacBride. And I'm going to pull a Jeff, and say
3 I agree and I agree.

4 I do have some slides. If you can put the
5 first -- well, that's not it. Press it again.

6 I mistakenly did not give my power point
7 presentation to the audio visual people, and so we don't
8 have the audio portion, which I will explain why it is
9 significant a little bit later on. But I'm going to talk
10 basically about three things: access to emergency
11 information via television for persons who are deaf and hard
12 of hearing. Then I'm going to go to people who are blind,
13 low vision or have print disability. And the third section
14 is going to be on TRS.

15 Next slide. Next slide. Can I have the next
16 slide, please? There we go.

17 Basically, many of you know this, especially from
18 the disability community, but when the Commission
19 established rules on closed captioning, and the closed
20 caption rules really applied to regular kinds of
21 programming, and didn't account for emergencies. So the
22 Commission came out with new rules for emergencies, and
23 these rules became in effect in August of 2000.

24 We defined an emergency in a very broad term. We
25 wanted it to be broad because we knew that we didn't know

1 what could happen in the future. And we came up with a list
2 of examples so people would know are the kinds of things
3 that we were thinking about to be covered, but we
4 specifically said that this did not include everything.

5 And from this portion of the rules, when we say
6 what is accessible, we don't require that it would actually
7 be open caption or closed caption. We will accept crawls.
8 Crawls are thing that go across the bottom of the television
9 or even above it at the top of the screen, scrolls. It
10 could be a sideboard to the -- you know, maybe the screen
11 could be partitioned in half, and half of the screen could
12 be providing the emergency information. And you know, in
13 the worst case scenario, you know, you can get a poster
14 board and draw with a big, fat, thick, black marker and make
15 sure that information is accessible.

16 So we said we don't really care how it's done, but
17 we need to make sure that it's done because this information
18 is vital.

19 In terms of who is covered, we said everyone is
20 covered. Exemptions, no exemptions.

21 And this is where it actually becomes interesting,
22 when do the emergency rules apply. We said that any time
23 emergency information is provided. So that means if you are
24 watching your local news and your local news goes to late-
25 breaking news because there is a gas leak in downtown D.C.,

1 even if it's in the middle of a regular scheduled newscast,
2 that would be considered emergency information.

3 Or sometimes you can be watching television and
4 they can breaking into programming and say we have got, you
5 know, an emergency situation in downtown D.C.

6 So it's actually -- there is a lot of flexibility
7 in terms of what we consider emergency. What must be
8 provided that there is an emergency, how to deal with the
9 emergency, and some of the critical elements on what to do
10 after the emergency, like if there is a flood, where to go
11 for shelter; where to go to get some -- maybe even apply for
12 a loan.

13 And there was no phase-in period. The rules were
14 effective immediately.

15 The limitation is -- the limitation is that if you
16 have a national television, national news network and there
17 is an emergency in rural Kansas, the national news network
18 does not have to do it. It is essentially primarily for
19 local information.

20 There is another caveat that we had heard a lot
21 from people with hearing disabilities that there was a
22 concern that sometimes the emergency information would come
23 up, but it would cover the captions, or the captions would
24 cover the emergency information. So what we did was we
25 created the no cover up. That's what we call it, the no

1 cover up rule.

2 On September 11th, EAS was not activated. We
3 heard some very good things from the National Association of
4 the Deaf, Telecommunications for the Deaf, Incorporated.
5 There was a great article in the New York Times. I don't
6 know if any of you read that. But if you want a copy of
7 that, I can provide you a copy.

8 We did hear about some problems in some
9 communities. One person filed four complaints. I think it
10 was in Kansas, and it wasn't on the eleventh. It was
11 related to Anthrax scare perhaps a week later.

12 Behind the scenes the captioners really, really
13 worked hard. One captioner, Polly Medler, with National
14 Caption Institution worked an eight-hour shift which was
15 really, really kind of dangerous for your body. But she
16 knew the line, the phone lines for shorts were valuable, and
17 she didn't want to risk to hang up and pass it on to another
18 captioner because she was afraid the next caption may not be
19 able to get a phone line, and it was tough because, you
20 know, there was a whole new vocabulary for all of us.

21 The next part of my presentation, the next slide,
22 I wanted to go over fairly quickly because basically what we
23 did in the video description rules, we kind of copied and
24 pasted as much as we could for access for people with wide,
25 low vision or any kind of print disabilities. So actually

1 the rules are the same. The effective date was February 1,
2 2001. The definition of emergency, the examples of
3 emergencies are the same.

4 Of course, with this community what we want is an
5 oral presentation rather than a visual. Now, sometimes if
6 you are watching television, you can hear a beep, beep, beep
7 and then you get a crawl that will say "Tornado in the
8 area," you know, and basically that's what the crawl says.
9 It's typed up, but it's not oral. So if you are blind or
10 have low vision, you don't have access to it.

11 The problem that we were faced with video
12 description is video description actually is constant
13 information in the natural pauses of a presentation. If you
14 have a newscast, it tends to be full of talk. I mean,
15 that's really what they are presenting, they are presenting
16 news. If an opportunity provide an equivalent in the
17 breaks, so what we do is we require a time so people who are
18 blind or low vision, print disability, will know that there
19 is an emergency notification going on.

20 The same thing about what is covered, the same
21 thing about exemptions, and the same applications. And what
22 must be provided is the same. And the phase-in period,
23 there is none. The rules have been effective since February
24 1, 2001. The limitation is the same in terms of the
25 geographic location, and again similarly, we did not have

1 any complaints filed relating to September 11th or anything
2 after September 11th.

3 And I do want to talk a little bit about relay.
4 Relays, as many of you know, is required by Title IV of the
5 ADA, and it is required to be offered 24 hours a day, seven
6 days a week. In 2000, we had some new rules, and part of
7 these new rules actually contain an emergency component.

8 So just in case someone is out there that doesn't
9 know what a relay is, it's a way for people who use a TTY,
10 this is traditional relay. Bob Segalman is going to talk
11 about new rules and relay, how people who use a TTY can talk
12 with people who use a regular telephone.

13 So the first leg of the TTY user goes to the CA.
14 The CA goes to the pizza man, and basically you are billed
15 end to end. So here is a chart here. So I am in Rockville
16 and I want to call Bethesda. What is happening is is that
17 my Rockville call actually is routed to Baltimore where the
18 relay center is, and back down to Bethesda, but I am billed
19 as it is a local call.

20 And there are a lot of cases where someone might
21 be calling from San Francisco to Houston, but that
22 particular call is handled by a communication assistant in
23 Baltimore.

24 This is just kind of explaining a little bit about
25 the process. I guess I can see it in front of me. See how

1 the TTY user and a phone user, after seeing the middle, keep
2 pressing please. The text, the first portion is text. The
3 second portion is voice, the third is voice back to the CA
4 and the end user, it reads it on the TTY.

5 Now, by the way, all my slides are in your
6 handouts, and Brian, who made the slides, made slides in
7 some Braille too.

8 The Department of Justice came out with some
9 really interesting -- well, actually, they report some very
10 impression under outreach efforts with PSAPs under Title II
11 of the ADA, because PSAPs fall within the state and local
12 government, trying to require PSAPs to take TTY calls.
13 Originally, what was happening is in a lot of PSAPs you
14 would have one PSAP, and then they would have maybe one TTY.

15 You might have 30 different PSAP emergency call
16 taker stations, but you would have maybe one TTY in the
17 corner. So if a TTY call did come in, sometimes it's not
18 answered. Or if it was answered, the person didn't know how
19 to use a TTY. So what happened, DOJ actually required that
20 each individual station must be equipped to handle a TTY
21 call.

22 So we encourage -- encourage people, TTY users, if
23 they want to call 9-1-1 to call via TTY. Now, in some
24 instances we have heard the TTY, or the PSAP sensor, not
25 knowing what it is, and they think it's a dead call, and

1 some will hang up. So there is a need for ongoing training
2 for PSAP personnel, and it would be great if there was a
3 technology that would automatically detect a connection to a
4 TTY.

5 And TTY users are always advised to press the
6 space bar a couple of times to indicate to the PSAP that
7 there is a TTY on the line.

8 Susan Palmer was speaking about some of the
9 problems with E9-1-1/TTY capability and some of the PSAP
10 issues. I just want to remind the CDTAC that, you know, you
11 all the perfect entity to make recommendations to the FCC if
12 you want us to work with other agencies, other kinds of
13 coordinating committees. So I'm not telling you what to do.
14 I'm just saying the ears are open.

15 Just a couple more slides, and then I will take
16 some questions.

17 Now, the new rules in 2000, what we said is that -
18 - the reason I went into the billing kind of being different
19 is because when I as a hearing person, when I call 9-1-1,
20 that 9-1-1 sensor gets my ANI, they know my phone number so
21 they know the location, and if I pass out, they can still
22 send an ambulance to the right place.

23 But if I am calling on relay, what is going to
24 happen is is they are going to get Baltimore because I
25 called -- technically I've called Baltimore to make a local

1 call. So what happens is, is now the relay center is
2 required to pass that on to the 9-1-1 center, and pass on
3 the phone number so the PSAP can give the service to the
4 right people.

5 September 11th, Maryland, Maryland's governor or
6 his state employees -- Maryland had a contingency plan where
7 all the traffic ordinarily in the relay was diverted to
8 another state. And in terms of complaints on TRS related to
9 September 11th or any kind of subsequent Anthrax activities,
10 we didn't receive one.

11 Any questions? Dave?

12 MR. POEHLMAN: Thank you, Pam. This is David
13 Poehlman with the American Council of the Blind.

14 In the discussion of how to provide information
15 about emergency situations over the existing
16 interchange/education/information networks that are video-
17 oriented, it was mentioned that the DVS model was looked at
18 sort of discarded, partially at least, because if you are
19 looking at a news broadcast it's all babble, and there is no
20 retentive breath, so you can't get a word in edgewise to
21 provide the information.

22 Have there been any other models sought for this?

23 For example, would it not be prudent to have the capability
24 to receive this information through second audio, and to
25 perhaps have equipment manufacturers provide some kind of

1 special automatic activation of SAP for emergency situations
2 that a person who has a need for that type of service could
3 set on their equipment?

4 I only look at this route because I know that it
5 would -- it might possibly annoy some people and cause some
6 other possible problems if an alternative that I would
7 suggest would be employed, which would be to slightly
8 modulate downward the voice of the announcer and overvoice
9 the emergency at the same time that it's being crawled
10 across the screen, or at least as synchronously as possible
11 because as you know voice crawls, everything else runs. And
12 I guess that's what I had.

13 MS. GREGORY: Can I quote you on that voice
14 crawls, everything else runs?

15 Two points. I mean, I think that basically you
16 are asking, you know, how can we make this better. I think
17 that's basically what you are getting at. And we are always
18 open to ways to make it better. I can tell you that. I
19 mean, especially the emergency portions of the caption rules
20 and the video description rules are completely, completely
21 supported by everyone in the Commission.

22 I will say that there is a concern about going to
23 SAP, to the second body of programming channel, and the
24 reason is is that not everyone has SAP on their television
25 or VCR. Another issue is with the EAS is that we actually

1 looked at EAS and because EAS is not always activated. In
2 fact, it's often not activated.

3 For example, it wasn't activated on September
4 11th. People who needed vital information, if the
5 accessibility requirements were tied to EAS, they would
6 still be denied that kind of vital information.

7 You know, as a committee, if you all have
8 suggestions, we would love to hear them.

9 Larry?

10 MR. GOLDBERG: Just a follow-up to Dave's
11 question, maybe I should talk to him privately.

12 MS. GREGORY: Steve? Oh.

13 MR. TOBIAS: Jim Tobias, Inclusive Technologies.

14 Pam, thank you very much, and I am hoping that
15 some day we can have you come back and describe the general
16 operations of the disability rights on this.

17 MS. GREGORY: Oh, you are going to get that today.

18 MR. TOBIAS: Today? Okay, under the complaints
19 portion?

20 MS. GREGORY: Yes.

21 MR. TOBIAS: Not that I have any complaints about
22 how the office is run.

23 MS. GREGORY: Of course not.

24 MR. TOBIAS: Okay.

25 MS. GREGORY: Of course not.

1 MR. TOBIAS: But just sticking on the emergency
2 issue and kind of seconding what Susan asked about before, I
3 am concerned about whether there is a plan for E9-1-1 access
4 from text, from wireless text devices, not only for people
5 who are deaf or hard of hearing, and use them for general
6 communications, but the public at large. You know, any
7 given moment you might only have your text capability
8 running.

9 MS. GREGORY: Thank you. Thanks, Shirley.

10 MS. ROOKER: Thank you very much, Pam.

11 (Applause.)

12 MS. ROOKER: Sorry about the 1966. I am aging
13 her, aging her rapidly.

14 Now, we have a challenge. We have a short period
15 of time and we are going to have to come up with some
16 discussions or recommendations on what we just heard. I
17 will entertain ideas from the floor as to how to go about
18 doing this.

19 I would make a suggestion that perhaps what we do
20 is start out with the overview by Marsha, spend a few
21 minutes discussing that, see if we have some consensus on
22 what we want to say to the FCC, and then move on to the
23 other two speakers.

24 Is that agreeable or does someone have a better
25 suggestion?

1 (No response.)

2 MS. ROOKER: Okay, since no one is willing to put
3 themselves out here, I'm in the hot spot.

4 All right, let's take a look at the comments made
5 by Marsha MacBride. Would someone like to jump in with
6 their thoughts on that?

7 (No response.)

8 MS. ROOKER: I can't believe this is a shy group.
9 Thank you. Susan Palmer.

10 MS. PALMER: Susan Palmer from Cingular Wireless.

11 And I want to invite Claude and Brenda and a lot
12 of other people who -- I would like, and I'm not sure if
13 this is the best portion or if we should talk about it later
14 to make some recommendation about working with other
15 agencies to address TTY access at PSAPs.

16 I think that, or at least a review would -- and
17 see what can be done to improve or access across the board
18 at the public safety answering points.

19 MS. ROOKER: Well, that is certainly a very
20 critical issue. Would this be the appropriate place to do
21 that or should we do that later in the afternoon, looking at
22 the agenda? Should we do it now?

23 Well, then let's flesh this out so that we have
24 some recommendation to the FCC.

25 Judith?

1 MS. HARKINS: I have been thinking that it's --
2 it may be a good idea, and I don't know if the FCC might
3 initiate this time a federal advisory committee on this
4 because there are several agencies involved. There are
5 several industries involved. There are some 9-1-1
6 community, and of course, consumers. We have technologies
7 changing. We want to look at new technologies, look at the
8 issue of automating this process as much as possible, and
9 TRS's role. So I don't think there is any one rule patch
10 you can put on it. I think it needs to have something that
11 is significant as a federal advisory committee.

12 MS. ROOKER: So you are looking at this as multi-
13 agency with consumer representation.

14 MS. HARKINS: And multi-industry, yeah.

15 MS. ROOKER: And multi-industry.

16 Do we want to come up with this as one of the
17 recommendations that we put in our report? I think that's
18 an excellent and thoughtful suggestion.

19 Do we have that so that we can take it out of the
20 notes because I haven't really written it down completely?

21 Okay. Then would we like to vote on that, that
22 this is something that the committee is recommending? Do we
23 have a consensus on it?

24 (No response.)

25 MS. ROOKER: I don't have any objections.

1 Thank you, Judith, very succinctly put.

2 MS. LINKE-ELLIS: Comments?

3 MS. ROOKER: Comments, yes. Nancy.

4 MS. LINKE-ELLIS: I would like to bring up
5 something that is of concern. Even before 9-11, that you do
6 have your -- you do have your national security and you do
7 have your public safety. But we also design it according to
8 the immediate area impact or attack, or you know, for
9 instance, the earthquake in North Ridge in 1994, it hit
10 Season, which is where -- which is the National Center on
11 Deafness Home, which meant all the TTYs were down, all the
12 telephones were down, and there was no power. And the
13 people who needed directly to have some kind of public
14 safety interaction to get out of buildings, there were a lot
15 of people killed, I think you have to separate where the
16 actual site of the emergency is from the security issue.

17 So that I see this as kind of four-prong thing,
18 which means you might be local groups.

19 MS. ROOKER: okay, so we are adding onto this the
20 idea that this is going out to the local community as well,
21 and I believe that was one of the things that was discussed
22 is how important it was for it to come up to the feds and
23 back down from the feds. So this could certainly be an
24 addition to the recommendation on that that would be
25 explored in some depth.

1 MR. LINKE-ELLIS: The local people would make it
2 happen.

3 MS. ROOKER: That's exactly right, and that was
4 made very clear today, and I think that is a very thoughtful
5 discussion.

6 Andrea?

7 MS. WILLIAMS: I think we --

8 MS. ROOKER: Wait a minute before she says. So
9 could we put this in as a recommendation also that this be
10 one aspect of what we are recommending in terms of the
11 emergency? Okay. All right, got that? I love this.

12 MS. WILLIAMS: We should have -- well, first of
13 all, I want to make a comment, and I'm not sure how this
14 may -- well, how this will play out in terms of the FCC's
15 internal procedures, but I think this committee should
16 really endorse the role that Barbara Douglas is going to be
17 playing with the local and state governments, particularly
18 with NARU, the National Council of Mayors, because they are
19 the front line of defense on emergency preparation. They
20 are the one who give the piece of the funding they need.

21 So I think it's very important that we give
22 Barbara Douglas the support she needs to get that work done.

23 MS. ROOKER: I think that makes eminent sense. Do
24 we have any objections or discussions on that? Would that
25 be part of our recommendations?

1 Susan, you have a suggestion on that?

2 MS. PALMER: I just have one thing to add, and
3 that we have met with NENA, and I don't want to imply at all
4 that they don't care, but I think there are significant
5 challenges and I think this would go to one of the
6 challenges that they have.

7 MS. ROOKER: Okay, then that will be one of the
8 recommendations.

9 I think Vernon had his hand up next.

10 MR. JAMES: Thank you, Shirley.

11 Just a comment. We talked about 9-1-1, and we
12 take -- you know, we take for granted that 9-1-1 exists
13 everywhere. In rural America, and particularly on
14 reservations, 9-1-1 doesn't exist at all. So we need to
15 talk about communities who don't have 9-1-1, and who want to
16 develop 9-1-1 but don't know where to begin or how to fund
17 it or just anything about 9-1-1.

18 So my recommendation is that we look at rural
19 America and the absence of 9-1-1, and how to bring it about.

20 MS. ROOKER: I think that also makes eminent
21 sense. Do we have some discussion on that? If it's not
22 discussion related to this particular point, then we put
23 that in as one of our recommendations.

24 Okay. Then I believe that Larry down here --
25 David, down here, Poehlman was next.

1 MR. POEHLMAN: Dave Poehlman with the American
2 Council of the Blind.

3 I just want to go back a little bit, and endorse
4 the effort that is underway that involves the state and
5 local activities. And I believe we were asked at some point
6 in the discussion this morning to contemplate the
7 possibility of committee representation in this process.
8 And I would like to -- like to put that out for discussion
9 and maybe, you know, see if we can at least begin the
10 process of deciding how we can do that.

11 MS. ROOKER: You are absolutely right, David. As
12 a matter of fact, that was mentioned, I believe, by Jeff
13 Carlisle, that the input from this and representation would
14 be very important, and that was one of the notes that I made
15 to myself was to explore how we can facilitate that. So I
16 think that's an excellent recommendation, and we will
17 include that in our notes to the FCC.

18 Now, let me see, I think Kathleen O'Reilly was
19 probably next. I apologize if I have gotten out of order.
20 And then Rayna. Kathleen.

21 MS. O'REILLY: It involves the obvious concern
22 about what the effect is on persons with disabilities and
23 consumers generally with outages in the national security or
24 national emergency context. I continue to be concerned
25 about the ongoing outages that have been every --all over

1 the country that have nothing to do with national security
2 or emergency, and the increasing number where for hours at a
3 time thousands and sometimes hundreds of thousands of people
4 have no ability to use 9-1-1 because of an outage.

5 And although it's encouraging to hear that the FCC
6 has rechartered NRIC, one of the ongoing frustrations since
7 '91 or '92 was that the original charter had it's mission to
8 maintain reliability which if you think back to a lot of
9 technologies that didn't even exist back with the original
10 charter, that became too convenient a hook for the industry
11 to say that they didn't have to use new technologies in
12 conjunction with its service quality.

13 And so I bring up continually intense feeling to
14 this since I'm the only consumer representative on the
15 Network Reliability Steering Committee. And so gradually I
16 think that the industry has come along to understand that
17 it's got to improve network reliability, not to maintain it.

18 And so since NRIC, I am just hearing this morning,
19 has been re-chartered, I would hope there is still time to
20 urge the FCC, if they did not change the language of the
21 charter language, to talk about improving, not simply
22 maintaining that they do.

23 And that when the 9-1-1 outages are routinely the
24 result of not having followed industry-developed standards,
25 and so I think that if the FCC could be encouraged to play

1 not only the important role that they do now of having that
2 information gathered and put on their web site, and I think
3 they need to get a lot of pressure to keep it on the web
4 site because there is a lot of pressure to have that left
5 off the web site. It is our only ability to keep on top of
6 these outages, to then find out what the causes were, and I
7 think that there needs to be more and more public awareness
8 of these 9-1-1 outages that are happening all over the
9 country where life is literally at stake.

10 And so I think that there is much to applaud the
11 FCC on, but I think as a group we have an ability to ask for
12 some more.

13 MS. ROOKER: So you would be suggesting that we
14 ask them to strengthen, to look at, strengthen, reevaluate
15 and to do as much as possible to lessen the outages and the
16 impact on people who are deprived of 9-1-1?

17 MS. O'REILLY: I would be glad to develop a short
18 little shopping list for the next meeting to circulate as to
19 the more specifics.

20 MS. ROOKER: I think that's a great idea.

21 MS. O'REILLY: I would be glad to look at this
22 newly developed NRCI standard, charter. And also I think
23 both the industry and the FCC, just at the last meeting I
24 went to last week, I could be commended on one of the events
25 that I won't talk about, but I think that this is a group

1 here today that has a very, very strong stake in some of the
2 additional specific improvements, some of which we have been
3 trying to get for years, and some, I think, have taken on an
4 increased urgency because of national security.

5 MS. ROOKER: Why don't we defer this from being
6 included in our recommendations until we have a look at the
7 specific items and what you are going to put together for us
8 for our June meeting, and we could have that as a separate
9 recommendation. Would that be acceptable to you?

10 MS. O'REILLY: That would be more than acceptable.
11 Today is an opportunity to simply express the various
12 concerns and emphasis that are now being directed towards
13 national security-related outages --

14 MS. ROOKER: Right.

15 MS. O'REILLY: -- for persons with disabilities.
16 We have seen that kind of attention and focus for non-
17 national emergency and security-related outages.

18 MS. ROOKER: Okay. We will put a part of that in
19 there, but reserve in making detailed recommendations until
20 we get to after the June meeting.

21 MS. O'REILLY: Fine.

22 MS. ROOKER: Thank you, Kathleen.

23 Now Rayna, I believe, was next, was she?

24 MS. AYLWARD: I have got -- I have probably -- I
25 have already given you one comment. Let me --

1 MS. ROOKER: Bob, please.

2 MS. AYLWARD: Shirley, I really wanted to speak.

3 MS. ROOKER: Oh, you wanted. I'm sorry. Excuse
4 me.

5 MS. AYLWARD: Andrea was -- it looked like she had
6 something very, very related to what just -- the comment
7 that was just made, so I just wanted to say --

8 MS. ROOKER: Okay. Excuse me. You're next, Bob.
9 Andrea, sorry.

10 MS. AYLWARD: It's my understanding that NRIC is
11 meeting next Friday, and that, in fact, that part of that
12 meeting will be discussing the new charter. So I am under
13 the impression that there was going to be some discussion on
14 it, whether the FCC was even going to -- was going to look
15 at what the new mission should be and changed circumstances.

16 I do know that one of the things that we see as a
17 positive, in the past the level of representation from the
18 industry, not to say that staff is not adequate, but we all
19 know where the buck stops in a company. And it's my
20 understanding that NRIC will -- with respect to wireless
21 carriers will be -- members will be chief executive officer
22 on those council meetings. So I think you may see many
23 different approach and maybe some very decision-making
24 because you will have the people there who can make the
25 decisions.

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1 MS. ROOKER: You make a good point. I would hope
2 that the -- because so often the frustration is that the
3 engineers know what need to be done, they want to do it, but
4 they are not getting the answer from on top.

5 The flip side of that is I have been at meetings
6 where it's the CEOs and the lawyers, and they don't know
7 what they are talking about when it comes to what is either
8 technically needed or feasible.

9 And so I think that I would hope that NRIC at the
10 top levels as far as the FCC would recognize the invaluable
11 input and different expertise that comes from the CFO, the
12 CEO.

13 MS. AYLWARD: Right.

14 MS. ROOKER: But that if there aren't engineers
15 there who day to day know what these networks are, and know
16 what the standards are, it's a lot of wonderful theory that
17 is never going to work.

18 MS. AYLWARD: Well, Kathleen, I think I can assure
19 you from the wireless standpoint that, you know, CTIA, we
20 had dedicated an individual engineer that our CEOs are going
21 to be very, very well briefed --

22 MS. ROOKER: Right.

23 MS. AYLWARD: -- in terms the engineering aspect
24 as well as the business aspect of it.

25 MS. ROOKER: Maybe you at the break could tell me

1 more about when the meeting is and maybe I will just go and
2 talk to them myself.

3 If you want to know more about NRIC, I would just
4 let you know that their charter is on the FCC web site under
5 the Homeland Security Policy Council section. So if you
6 want to check it out, go to the FCC.gov web site. That will
7 bring that there.

8 Now, I think we have Bob.

9 MR. SEGALMAN: Thank you. One of the problems in
10 California is the 9-1-1 with people with speech disabilities
11 is that we are being told to dial 9-1-1 directly, not
12 through speech to speech. But the 9-1-1 operators are not
13 trained to deal with people with speech disabilities
14 because, because of the low call volume. So I wanted you to
15 be aware of this problem.

16 MS. ROOKER: Okay, thank you.

17 So the recommendation here is is that we have to
18 look into what can be done to facilitate access for people
19 with speech disabilities in California.

20 Is that true with other states, that we have that
21 same issue?

22 (No response.)

23 MS. ROOKER: Well, is this a follow up to him?
24 Okay.

25 MR. CHROSTOWSKI: Regarding 9-1-1, there is two

1 facets to it. There is 9-1-1 and there is Enhanced 9-1-1.
2 Does everybody know the difference between the two?

3 The difference plainly put is that with Enhanced
4 9-1-1 the public safety answering center receives
5 information on the call that identifies the caller through a
6 look-up database. When you use a relay service or any other
7 service in between, you loose the benefits of Enhanced 9-1-
8 1. Possibly that's the reason why pointing towards dialing
9 9-1-1 directly.

10 Again, with the relay service on a TTY call, there
11 is no way to identify the TTY caller because, as was pointed
12 out, the call travels a distance and then comes back.

13 The problem that is not, or that the industry
14 faced, and I can speak well for the wire line side, is that
15 the carriers themselves, the ILACs, while they are
16 responsible for ESAP support, they do not necessarily follow
17 published standards, ANSI standards that the
18 telecommunication industry develops.

19 TIA has been well involved with what the -- the
20 involvement of standards under ANSI that sets the operating
21 requirements performance and the driveability. But certain
22 ILACs do not follow the standards. They make their own
23 standards so you don't have a universal mechanism across the
24 country. That is a problem as well.

25 MS. ROOKER: Are we at the point where there is

1 something here that we can put in as a recommendation to the
2 FCC that we would want to include in our report on this
3 meeting?

4 My technology is limited so I can't really --

5 MR. CHROSTOWSKI: In that regard, the National
6 Emergency Numbering Association, NENA, is actively promoting
7 Enhanced 9-1-1 support across the United States.

8 One, they are promoting model legislation so that
9 all states are somewhat the same although they think that's
10 not achievable owing to the states' rights.

11 And secondly, NENA is going to be petitioning the
12 FCC under Part 68 to have the carriers follow specific
13 standards so that the whole package fits together.

14 MS. ROOKER: Okay. So that would be what the
15 recommendation would be, is that there would be some
16 standards set up for all the carriers so that there is
17 consistency from one area to the other which would take care
18 of the problem that Bob is asking us to address?

19 MR. CHROSTOWSKI: That would be of benefit for
20 both the users' standpoint and the manufacturers' standpoint
21 to not have to --

22 MS. ROOKER: How does the committee feel about
23 that?

24 MR. CHROSTOWSKI: -- equipment that --

25 MS. ROOKER: Do you have problems or is this

1 something that we can put in our recommendations? Do we
2 have a consensus on that?

3 (No response.)

4 MS. ROOKER: Okay, we're moving right along.
5 Thank you very much.

6 Steve.

7 MR. JACOBS: Thank you. This is more general in
8 nature recommendation to include as a recommendation -- I am
9 repeating myself.

10 Judy mentioned -- oh, by the way, this is -- did I
11 say who I am?

12 MS. ROOKER: I did, but I said only your first
13 name.

14 MR. JACOBS: This is Steve Jacobs from IDEAL at
15 NCR.

16 At a very high level it seems to make sense to
17 take a look at what is being done in mainstream industry in
18 the area of alert, and see if in any sense in any of the
19 issues we are discussing we can piggyback on what is
20 currently being done for economies of scale.

21 For example, I carry a pager that lets me know
22 when certain stocks go down or up in price. And I think
23 there may be something to say for that.

24 MS. ROOKER: Okay, thank you.

25 Now, we are getting perilously behind, close to

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1 being late, late.

2 Does someone else have further suggestions, or if
3 you want to follow up on discussion? Let's take five more
4 minutes and then we are going to take a very brief break.

5 Okay, Larry.

6 MR. GOLDBERG: I want to follow up a little bit on
7 what Pam was talking about.

8 MS. ROOKER: Let me ask first if someone has a
9 comment that would be new to what our previous discussion
10 has been?

11 All right. Yes, we do have one, and then I will
12 come to you.

13 MR. KALTENBACH: I'm sorry. I may be jumping in
14 out of turn.

15 I wanted to make a comment about the delivery --

16 MS. ROOKER: I'm not looking for comment. Are you
17 making a recommendation that we put into -- I am seeking
18 right now the things that we want to put in as
19 recommendations to the FCC. We are reserving comment time
20 for in a minute.

21 MS. KALTENBACH: I do. I feel that beyond the
22 NENA commentary that was made that we should attempt to feed
23 recommendations proactively into Phase 3 and Phase 4
24 rollouts to include disability enhancements for EAS location
25 routing, and other services that are being discussed here.

1 So as part of our recommendation, we should try to
2 proactively identify the governing activities that make use
3 of these missing features in our communication systems and
4 act upon them, hopefully with our recommendations towards
5 what features are missing from the system.

6 MS. ROOKER: Okay. Is that form that we can put
7 in as a recommendation to the committee -- to the FCC? Any
8 discussions on that?

9 (No response.)

10 MS. ROOKER: Okay. Thank you, Matt.
11 Larry.

12 MR. GOLDBERG: Larry Goldberg, WGBH.

13 I'm not sure if it's okay to skip ahead slightly
14 to a recommendation based on some of Pam's presentation.

15 MS. ROOKER: Absolutely. We are -- actually, I
16 think we are covering the whole spectrum right now.

17 MR. GOLDBERG: Okay.

18 MS. ROOKER: Because we're running out of time.

19 MR. GOLDBERG: When the captioning, emergency
20 captioning rules or access for deaf and hard of hearing
21 people were instituted we, among others, recommended that we
22 do not rely on closed captioning because, (a) not everyone
23 has or knows about closed captioning; and (b) the captioning
24 power might be out at the agency.

25 Similar issue to what Dave brought up for using

1 the SAP channel for describing on-screen information
2 provided to visually impaired people.

3 I think it's time to take another look at that to
4 study how these technologies which may be more proliferated
5 and need to look at that along with consumer electronics
6 manufacturers because there is a wealth of opportunities in
7 using the SAP channel in alternate ways than we use for
8 describing entertaining where you could have a running
9 commentary of what's going on screen for blind folks.

10 Similarly, using closed captioning, it's tough to
11 rely on that today, but I think times are changing since
12 then.

13 MS. ROOKER: So you are recommending that we now
14 have to rely on closed captioning.

15 MR. GOLDBERG: I would say it's time to revisit
16 the question as to whether the closed captioning and the SAP
17 channel could be utilized in emergency situations.

18 MS. ROOKER: Okay. Is that something that is
19 acceptable as a recommendation?

20 (No response.)

21 MS. ROOKER: Okay. Thank you, Larry.

22 Susan Palmer has -- wait a minute. Susan, are you
23 going to speak to that? Okay, thank you.

24 MS. PALMER: Okay, this is not necessarily
25 Cingular Wireless's position but mine as a consumer.

1 MS. ROOKER: Absolutely.

2 MS. PALMER: I think if we can also look at the
3 need, if there is supporting need for things on the
4 electronic side like Larry is getting to in terms of, for
5 example, Panasonic, I know, has on their remotes a SAP
6 button, so that you can toggle to that. And if we are
7 looking at alternate reasons or means for using SAP, for
8 example, let's say there is an emergency notification, there
9 is a beep, you could toggle to that and not only get
10 information described verbally, but it could be both
11 verbally and multiple languages, so you are dealing with not
12 only just the issue of information in spoken English so that
13 if you are illiterate or you can't see to get that
14 information, but you have the option for doing other things
15 as well.

16 MS. ROOKER: Okay, thank you, and I think that
17 would be -- we can add that to our recommendations.

18 Okay, we are going to limit ourselves to two more.
19 Nancy and then Paul. Okay, Nancy, Nancy Linke-Ellis.

20 MS. LINKE-ELLIS: Very briefly, and I'm not quite
21 sure how it works, but I do know that all of the relay
22 services have gotten together so that all you have to do is
23 dial 7-1-1 to get a relay call to anyone in the United
24 States.

25 I recommend that we look at the model and how they

1 created this infrastructure and see if there is way we can
2 apply it to public safety.

3 MS. ROOKER: A good suggestion. Do we have
4 consensus on that?

5 (No response.)

6 MS. ROOKER: Great. Now, we will move on --
7 Susan, if you have a comment on that? You can make a
8 comment on it, then we are going on to the next suggestion.

9 MS. PALMER: I think it may be a different issue
10 because of jurisdiction. 7-1-1 was something that was done
11 federally. The PSAP and emergency things are done at a
12 local level, so I don't think it would be appropriate in
13 this case, only locally.

14 MS. ROOKER: Okay. We will have to take that into
15 consideration in thinking about this.

16 Paul.

17 MR. SCHROEDER: Paul Schroeder.

18 MS. ROOKER: Paul Schroeder.

19 MR. SCHROEDER: I want to just add one thing to
20 Larry's comment, that it strikes me that the other place to
21 look at these issues is in digital television area, which
22 the Commission really did not look at anyway, but it
23 certainly does need to be looked at for emergency purposes.

24 MS. ROOKER: And can we add that to what Larry was
25 mentioning in previous discussion that we include digital?

1 (No response.)

2 MS. ROOKER: Okay, thank you so much.

3 I am afraid that we have just about run -- do we
4 have -- if you promise me you will be back here in five
5 minutes, I will let Clayton -- the pressure is on you,
6 Clayton.

7 MR. BOWEN: Thank you, Shirley. Clay Bowen,
8 National Association of State Relay Administration.

9 In Pam's presentation, she gave the example on
10 September 11th that even though the Maryland relay center
11 was closed they successfully transferred their traffic to
12 other relay provider centers in this section of the country.
13 While that was successful, that may or may not be true for
14 other relay centers.

15 Sprint is the provider for Maryland and they have
16 several relay centers throughout the country. There are
17 states, there are relay providers that serve maybe only one
18 state or just a very few states. If that particular state
19 had gone down, there may not have been in place to transfer
20 that traffic.

21 I am wondering if we need to consider a
22 recommendation that the FCC look at if there are contingency
23 plans for individual relay providers or between relay
24 providers that in such situations where a state served by
25 one relay provider or a relay provider serving two or three

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1 states, if there is adequate backup in a situation where a
2 governor closed that state, or if that state was unable to
3 function because of a national emergency.

4 MS. ROOKER: I think that is an excellent
5 suggestion. Do we have any problems with that or may we
6 make that part of our recommendations?

7 (No response.)

8 MS. ROOKER: Okay. I'm sorry to cut this off.
9 It's been extraordinarily interesting, but we have got to
10 run. You have got five minutes, get back here.

11 (Whereupon, a recess was taken.)

12 MS. ROOKER: Please. It's really important
13 because we have got 1966 in front of us.

14 Thank you. Please. I am sorry to cut you short
15 and I know it's interesting and great to talk to people but
16 we really do need to get back to our agenda.

17 And starting us off is that person that I aged
18 rapidly, is Pam Gregory who is Chief of the Disability
19 Rights Office, Consumer Information Bureau, and I think what
20 I didn't tell you before is she is a certified
21 rehabilitation counselor, and she also studied in Kenya. I
22 read bios. What can I say?

23 Please, Pam is about to start the program. We
24 have to get back to work.

25 MS. GREGORY: Okay, I'm going to go ahead and

1 start because I don't want Shirley to add any more years
2 onto my life.

3 (Laughter.)

4 MS. GREGORY: It's already been stressful enough.

5 MS. ROOKER: You can't afford it.

6 MS. GREGORY: That's right. Although Mark did
7 raise a good issue. I might be able to retire earlier if we
8 keep on going.

9 (Laughter.)

10 MS. GREGORY: So it does bring some joy to me.

11 I'm going to introduce some speakers on the
12 complaint process, but before I do I just want to take an
13 opportunity to talk a little bit about the Disability Rights
14 Office because I know that people, especially in the
15 disability community, have had questions about what's going
16 on in DRO. Some people have been afraid, some people have
17 just been curious, and I want to reassure people that the
18 Disability Rights Office not going away. We are here to
19 stay. We are going to be here hopefully until I retire,
20 depending on whenever Shirley decides I need to retire. But
21 we are not going away. We are here to stay.

22 And in addition to that, we have got some really
23 great news in that we are getting one senior attorney from
24 the Common Carrier Bureau who is actually a greater writer
25 and very excited to be working on disability policy.

1 And in addition to this wonderful attorney, we are
2 also going to be able to able to bring on five other
3 attorneys into the Disability Rights Office. That's a huge
4 deal.

5 (Applause.)

6 MS. GREGORY: It's a huge deal. Their names are
7 Merrill Ico. For those of you that know Merrill Ico, that's
8 right, this poor woman works so hard. I mean, she ended up
9 having to take a four-month off period. She worked so hard
10 really because she was the only attorney working. No, she's
11 not coming back. Believe me. We did her in.

12 (Laughter.)

13 MS. GREGORY: But she actually still does follow
14 the issues. So we are here to day. Some of the people in
15 the Disability Rights Office are going to be going to other
16 parts of the Consumer Information Bureau. For example, we
17 have a complaints, consumer complaints component, and I
18 don't want to steal anyone's thunder but we are going to
19 have someone from the Disability Rights Office go to that
20 area so they will be able to not only educate everyone there
21 about the disability complaints, the disability rules, and
22 have interaction with persons with disabilities, but also we
23 can learn about some of the teeth in the enforcement process
24 when we are looking at disability complaints.

25 On the other side of the bureau we are going to be

1 having a real serious, a real professional outreaching
2 education campaign, and we are going to learn disability as
3 a team to that part of the bureau, and it's something I
4 think will work out very well.

5 Susan Perrin, over there with Martha Conti, has
6 developed -- is working on some disability outreach plans,
7 and I am sure she will becoming and presenting to the CDTAC
8 at some point, asking for input on how to educate and reach
9 every single consumer.

10 One thing I do want to mention is that we do feel
11 in the Disability Rights Office that we have a problem, that
12 there is a problem with complaints in terms of complaints
13 from the disability community.

14 I spoke with Brenda Patak during the break, and
15 she was saying, you know, we do know that there were
16 complaints relating to September 11th, and we would love to
17 get them. We had one person come to the Commission and say
18 that she had a stack this high of consumer complaints
19 relating to September 11th. We haven't seen any of them.
20 We would love to have them.

21 So if the CDTAC has any ideas on how we can inform
22 consumers that we are here to take complaints, that people
23 out there have rights, and we do have responsibilities, we
24 would love to learn about that.

25 Now, I'm going to introduce you to Thomas Wyatt,

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1 and he has been here since 1966.

2 (Laughter.)

3 MS. GREGORY: No, his bio is in there, but I do
4 want to say something about Thomas Wyatt. Thomas Wyatt was
5 part of the Section 255 team. In fact, he wrote the
6 enforcement component of the Section 255 rules. He is a
7 wonderful guy. He is a beautiful writer. He took a course
8 at Trace with Dr. Brigbinder Hyden for a week with me, and
9 he is so committed to disability issues, and he is a
10 wonderful man, so we are really lucky to have him here at
11 the Commission.

12 (Applause.)

13 MR. WYATT: Well, I feel great. Pam just lowered
14 my age.

15 (Laughter.)

16 MR. WYATT: I am really happy to be here because I
17 really want to talk about the complaint process, because
18 it's a process that works well for consumers, and I will
19 give you some examples a little bit later, but we did a
20 recent internal survey that showed that approximately 80
21 percent of our common carrier consumer complaints were a
22 resolved to the satisfaction of consumers, which means the
23 consumers were satisfied with the result they received from
24 the company. I think that's a great indicator of the value
25 of the process.

1 Now, as Pam alluded to, there are some issues we
2 have, the consumers have about people that may not know
3 about the process and how it works, so I am going to talk to
4 you a little bit about how the process works.

5 And probably the most important thing I'll say
6 right off the bat is that although the process works well
7 for consumers, we are always looking for ways to make it
8 work better. And you are going to hear from Margaret Egler
9 in a few minutes about an NPRN we have underway to consider
10 some technology changes to the process, and we really want
11 people, consumers, consumer groups as interested to come in
12 and give us idea or suggestions for making it even better.

13 Now, in discussion the complaint process, there
14 are probably two key terms that most of you are probably
15 familiar with to take from the Section 255 area:
16 accessibility and usability. We really want the process to
17 be accessible and usable for our consumers.

18 Currently, we have about eight people who are
19 committed to resolving the formal complaints. These
20 individuals are located in our Gettysburg, Pennsylvania
21 office and here at headquarters. And we have some pretty
22 major upgrades underway that are designed to make these two
23 locations interact better, and we would really like to get a
24 point where we have one virtual consumer center, so all
25 these people are working together for a common cause.

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1 Currently, these staff members, we call the
2 consumer advocacy and mediation specialists, our CAMs.
3 These people are trained and equipped to receive and handle
4 just about any type of complaint. They also have -- we have
5 support staff within the bureau, for example, if a CAM needs
6 some special expertise or some assistance in resolving the
7 complaint, there are people available to assist them in
8 resolving tough issues. We call these -- this is our
9 special escalations team. In addition, the CAMs work pretty
10 frequently with other bureau and offices if they need
11 special expertise on a particular matter.

12 Generally, when complaints are received, and I
13 should say off the bat that complaints can come into us in
14 practically any form or fashion. For example, if a consumer
15 wanted to file a complaint in writing, we would receive it
16 and process that. If a consumer wanted to send us an e-mail
17 complaint, we would receive and process that. If a consumer
18 wanted to pick up the phone and call us, we would take that
19 complaint, take that information and reduce it to a form
20 that we could send it to the company involved.

21 So we really are accessible. That's why I wanted
22 to emphasis that term. The goal is to make it even more
23 accessible, and part of the concern Pat alluded to earlier
24 is that we just -- we have a sense that some people may not
25 be aware of the process because we don't get a lot of

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1 complaints from the disability community at large. That is
2 something that we would like to -- we would like to
3 understand why, and maybe working with individuals to figure
4 out if we can fix that because we really want the process to
5 be accessible, and certainly usable.

6 And the usable part of it is -- we will certainly
7 focus on that as well. We are trying to make sure our CAMs
8 are trained and equipped to deal with any type of consumer
9 complaint that is brought to the Commission.

10 There are going to be complaints that don't lend
11 themselves to an informal resolution, and maybe that's the
12 point I should make right now is that the consumer complaint
13 process is really geared towards producing a negotiated
14 solution between the consumer and the company, something
15 geared towards producing result on the merits of complaints.

16 I think that may be one of the misconceptions
17 about the consumer complaint process that many consumers
18 sometimes have. They feel that if they file a complaint,
19 then it will result in a written decision on the merits of
20 legal or factual issues by the Commission.

21 That is not what the complaint process is designed
22 for. It was really designed to produce and facilitate some
23 kind of solution which is why we have a pretty good record
24 in terms of resolving it for consumers. If we have -- if we
25 got our lawyers involved in pursuing the complaint process,

1 the companies would get their lawyers involved, and we all
2 know what would happen. The consumer would be an
3 afterthought at the end. So the government should really
4 facilitate a process that allows the consumers to get some
5 kind of satisfaction for a problem.

6 We do a really good job of that, and you know, the
7 80 percent success rate is really a good indicator. We
8 would like to be 100 percent, frankly. And so we are really
9 working to that end.

10 And I mentioned that we have technology changes
11 underway that we think will make the process even more
12 accessible and work even faster for consumers. And so we
13 are really excited about that.

14 And to give you a few more specifics about how it
15 actually works, let's say a consumer files a complaint, an
16 e-mail complaint. The goal is to take that complaint and
17 review it. If it contains sufficient information, to get it
18 into the hands of the company within 10 days. So that's our
19 goal and I think in most cases we are meeting that.

20 If someone files a complaint by any means, the
21 goal is to get it to the company within 10 days, and the
22 company is typically given 30 days to try to resolve or
23 answer the complaint. We can shorten that time frame if
24 needed. For example, if a CAM thinks there is an issue
25 involving health or safety, we will require the company to

1 respond maybe in 10 days, if not less. So the process is
2 somewhat flexible, as it should be. It's really important
3 that we can accommodate particular needs of an individual
4 consumer.

5 And I should say this because I know that there
6 are some company representatives here, and this has been my
7 experience throughout the years. The companies have been
8 very good at working with us in making sure the process
9 works in a very fair and efficient way for consumers. And I
10 know personally, I have picked up the phone with an informal
11 complaint and called the company rep, and I have gotten a
12 very quick response, a very meaningful response to the
13 complaint, and that's something that we really appreciate
14 from the industry. We would like to continue that and every
15 indication is that we will continue that. So we are really
16 excited about that.

17 There are going to be some changes, and there are
18 going to be some changes that are really geared towards the
19 accessibility point I mentioned earlier. So we want to make
20 sure that the process is accessible because we certainly
21 want more consumers to use it. That's why I keep going back
22 to the point that Pam made because, frankly, we have heard
23 anecdotally that there are a lot of complaints, a lot of
24 concerns, but we just don't see them. And so we would like
25 to figure out ways that we could facilitate that process.

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1 If the committee has ideas about how we can -- how
2 we can outreach and make the process more accessible to the
3 disabilities groups, we want to hear that.

4 I know that we have fairly limited time this
5 morning but I wanted to talk really generally about the
6 process and say that it is a good process. I have worked
7 with it since 1966 -- for a very long, and I have seen it
8 work in really good ways for our consumers. I have seen
9 some very tough issues that have been resolved. I have seen
10 companies take actions to benefit consumers without any
11 legal compulsion. I think that's really a key component of
12 the process.

13 The companies do it with us because they want to
14 do it and not because there is -- well, sometimes there is a
15 legal compulsion, but it's not always a question of legal
16 compulsion. There is an interest in resolving the issue for
17 the consumer to the benefit of the consumer, and that's a
18 process that I think is a wonderful process, and we want
19 more consumers to take advantage of it. We would like it to
20 work even better.

21 So with all that said, I will -- yes?

22 MR. McELDOWNNEY: Yes, I have a question.

23 One of the concerns I have in the past with the
24 complaint bureau was that it was not accessible to people
25 who spoke languages other than English. In the past, I have

1 heard there is one woman who spoke Spanish, but then --
2 which is on maternity's leave, there was no one.

3 So I guess the question I am having is what
4 capabilities do you all now have in Spanish and Asian
5 languages?

6 MR. WYATT: Well, with respect to Spanish
7 languages, I know that we have -- we have recently hired
8 three Spanish-speaking CAMs, and that again the CAMs are the
9 consumer advocacy mediation specialist I was referring to
10 earlier. And we recognized that there was a deficiency
11 there, and so we have made a conscious effort to try to
12 recruit and bring more Spanish-speaking CAMs in.

13 Frankly, we are also looking at other areas to
14 bring other staff that would assist with other languages.
15 We are going to do that as well.

16 So, yes, we are aware of that. That is something
17 we want to address and will address on a going forward
18 basis.

19 MS. BATTAT: I have a question. In the handling
20 of a complaint that comes in under Section 255, is a
21 consumer directed to the industry, the company, and it gets
22 resolved successfully by the company, offering the consumer
23 an alternate product. It seems to me that I -- I thought
24 that the complaint process is a way to move enforcement of
25 255 along. What it means in fact in that situation, and

1 this has happened, I have heard accounts of this, where they
2 are given an alternate product, but we're not really moving
3 on the fact that the product that they are complaining about
4 is not accessible nor usable.

5 My question is, is there any attempt by the FCC to
6 then look at the product that the original complaint was
7 made about, and ask the company to demonstrate that when
8 they were designing that product that they in fact were
9 trying to make it accessible and usable?

10 MR. WYATT: I think I can answer at least part of
11 that.

12 Now, what we do, and we are -- this part of the
13 technology changes that we have on the way. We really put
14 a lot of emphasis on tracking complaints, and to look for
15 trends and patterns.

16 For example, if we see that issue with respect to
17 a particular company, that's an issue that we flag. We will
18 be talking to our enforcement bureau colleagues about things
19 that we can do to maybe address it. So the plan is to
20 really monitor and track complaints, and not allow companies
21 to get away with quick fixes that might not address other
22 clients' concerns.

23 So that the process is structured so that we can
24 monitor and track those types of complaints, and raise them
25 within the enforcement bureau if needed to address the

1 issue.

2 In terms of the latter part of your question, you
3 were referring to enforcement action to require compliance,
4 that is something that we really go to the enforcement
5 bureau about. We defer to them on enforcement initiatives,
6 not only to facilitate resolutions and add to track the
7 complaints and bring those sorts of issues to the
8 enforcement bureau's attention, and we will continue to work
9 with them. And the goal will be to come up with maximum
10 compliance.

11 I mean, if there is -- Pam mentioned earlier we
12 have a great relationship -- when I say "we," I mean those
13 of on the front end of processing the complaints have a
14 great relationship with DRO. We interact a lot. We share
15 information. And oftentimes we rely on DRO to give us some
16 guidance on what we should do with a particular complaint,
17 whether it's elevated to a higher level or approach the
18 enforcement bureau about some possible enforcement action.

19 So the process is set up so that we can flag and
20 address those types of issues.

21 MS. BATTAT: But it seems to me if the consumer is
22 satisfied by this as a successful outcome, and there
23 wouldn't be any follow up.

24 MR. WYATT: But this is something we can go back
25 to Pam about. Pam mentioned that I worked on the 255 order,

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1 and one thing we emphasize in the order is that we would
2 address complaints, the fact that a complaint might have
3 been resolved to the satisfaction of the individual consumer
4 doesn't necessary mean that company would be off the hook.
5 So we will monitor.

6 If we get -- on an individual case basis, you are
7 probably right. If the consumer is satisfied, and there are
8 no other complaints, it's unlikely that we are going to
9 elevate that to an enforcement issue.

10 But if that consumer is satisfied and there are
11 dozens of other consumers who are not, I mean, that tells us
12 there is still a problem that we need to address, and that
13 would be the approach we would follow.

14 MS. BRUNS: This is Andrea with --

15 MS. PALMER: You know, I didn't see you.

16 MS. ROOKER: Kathleen.

17 MS. PALMER: I wondered in the chain of the
18 procedure once you have turned the complaint over to the
19 company for the 10 or 30 names or whatever, how do you track
20 what happens then? And how do you make that determination
21 that a complaint has either been resolved or satisfied?

22 My concern is very much like Paula's, that if you
23 never hear from that consumer again, do you assume that they
24 have been satisfied, or that the complaint has been
25 resolved?

1 MR. WYATT: The way the process works, when a
2 company is required to respond, they have to automatically
3 send a copy of their response to the consumer and to us.

4 Now, our CAMs will review that response, and
5 oftentimes it will be clear from the response that the
6 complaint has been satisfied. If there is any question, the
7 CAMs will pick up the phone or e-mail and contact the
8 consumer to confirm that there has been a satisfactory
9 solution.

10 If the consumer says, no, this is not what I've
11 asked for, I am really not happy, oftentimes we will go back
12 to the company, and that's the mediation aspect of the
13 process. The CAMs are trained to discern the consumer's
14 level of satisfaction and to seek further redress, if
15 necessary, on behalf of the consumer. So it's a very
16 interactive, collective process.

17 MS. PALMER: Is that a new process? Because as I
18 said at a previous meeting, in the end of 1999, and the year
19 2000, my husband and I alone filed four written complaints
20 with the FCC, and he received a postcard on one
21 acknowledging the FCC receipt. The other three, we never
22 heard from anybody. And I know there was a backlog. And so
23 when the year-end report for CIB for the year 2000 said that
24 the backlog had been cleaned up, I wasn't sure if I was part
25 of the cleanup, because you never heard from us again.

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1 Did someone conclude that our complaint had been
2 resolved, or that the carriers sent you what they told you
3 they sent us? Certainly we never heard from anyone again.

4 MR. WYATT: Well, the only thing I could say about
5 that would be speculation because I don't know the specific
6 complaints.

7 I can tell you the way the process is designed
8 now, and I regret that it wasn't designed that way at the
9 time of your complaints.

10 MS. PALMER: This is new?

11 MR. WYATT: Well, it's new in the sense -- not new
12 in the sense that the rules have changed. But in terms of
13 how correct we are with the complaints certainly has
14 changed. We are providing better training to the CAMs to
15 ensure that they can be corrected. They can identify
16 complaints that are not resolved, and to recommend further
17 actions needed.

18 And, frankly, the backlog did present some
19 problems in responding to individual complaints. But the
20 backlog has long since been resolved, and we really on a
21 going forward basis we are determining to make sure that the
22 consumers are getting satisfaction to the complaint process,
23 or at least getting some feedback on where their complaint
24 stands.

25 For example, now when a consumer wants a status of

1 their complaint, they can call the call center toll free,
2 and they should be able to get a status report right away
3 about the complaint.

4 So we try to make sure there are some things in
5 place so that we can track and monitor so the consumers
6 aren't left in the lurch wondering about what the Commission
7 is doing or not doing with the complaint.

8 But it's an ongoing process and that's why we
9 really want suggestions and ideas for improving it. We
10 don't want to hear stories like that.

11 And speaking of stories, before our bureau chief
12 leaves I want to tell a story about -- give you an idea
13 about how important you are. He mentioned at his
14 presentation earlier that he is a very busy man. I have to
15 tell you he's not so busy he can't check to see how well the
16 complaint process is working. He -- from outside the
17 Commission he has sent a couple of e-mails throughout
18 consumer centers to elicit a response. And after that he
19 brought me into his office and he gave me some good news and
20 bad news.

21 The good news was he got a pretty quick response.

22 It was, I think, a two-day turnaround in one case, and I
23 think a one-day turnaround in the other.

24 The bad news was that the response wasn't as
25 precise as we would like it to be, meaning that the consumer

1 probably wasn't given the kind of precise information for
2 that particular e-mail that we would have wanted to required
3 or expected of them.

4 So that's a training issue, of course. Margaret,
5 I keep looking at Margaret because she is one of our
6 principal trainers in the bureau. She and I spent a lot of
7 time working with the CAMs, make sure they have current
8 information about Commission requirements and policies so
9 they can pass that along to consumers.

10 So you know, we recognize that we have a ways to
11 go which is why it's great to talk to you all today because
12 if you have any ideas or suggestions on how we can improve
13 the process, and make sure that you and your husband don't
14 have to wait or wonder about what happened to your
15 complaint, that's the type of thing we want to accomplish.

16 MS. ROOKER: We have a couple of questions here.
17 Andrea, then Bob, then Paul, and then Larry, and then we are
18 going to go. Oh, gosh, we have got to get some people. Can
19 I -- Julie, you haven't a questions this morning. We want
20 to hear from you.

21 MS. CARROLL: Thank you. We hear a great deal
22 from consumers with disabilities that they are very
23 dissatisfied with the lack of progress that has been made
24 under Section 255. And as I am hearing you describing the
25 complaint process, I am wondering if there isn't some way to

1 get outside the box and improve enforcement by looking
2 beyond just the complaints that the FCC is getting.

3 There are lots of reasons why consumers don't
4 complaint, and I think one of the reasons is that consumers
5 under the Telecommunications Act don't always understand
6 what it is they can complain about. It can be a very
7 complicated process, and understanding just the regulations
8 for consumers can be very daunting.

9 The fact that you said you look at trends to
10 determine what companies that you might need to work with,
11 and yet you are getting a very low volume of complaints says
12 to me we might not be moving along the way that we could be
13 if we took some alternative approaches.

14 MR. WYATT: Well, those are very good points, and
15 again, what we are trying to do is identify better ways
16 about reaching out to consumers, and helping them to
17 understand just what their rights are with respect to
18 complaining and what they can expect in the complaint
19 process.

20 To the extent that consumers have viewed that
21 complaint process as not particularly useful, then we want
22 to change that perception. That means improving the way we
23 outreach and the information that we provide.

24 So, yeah, I think you made a very good point. We
25 want to work with the companies and the consumer groups and

1 consumers to figure out better ways of making the process
2 more meaningful to consumers.

3 MS. ROOKER: Just one quick -- let me make a
4 point. Coming around the room is a copy of the NRIC charter
5 and there are going to be Braille copies that are coming
6 shortly. It just takes a little more time to make them, but
7 they will be available for our members who need the Braille
8 copies. Sorry to interrupt.

9 I believe next in the order of business of Andrea
10 had a question.

11 MS. WILLIAMS: Well, a comment and a question.

12 First of all, we work very closely with the Thomas
13 and the wireless industry, CTIA, in terms of service quality
14 issues. And under service question, disability or
15 accessibility issues, service quality across the board. And
16 I know that one of the -- since we -- we have taken a
17 proactive approach, and I am wondering if this can be done
18 with other industries as well in terms of now that -- and I
19 can assure you that the Commission are -- they do track the
20 complaints that come in.

21 We have set up a mechanism, what I call our early
22 warning system, with respect to the consumer information
23 bureau. And basically what that is is that if CIB, for
24 example, Thomas, sees spikes in certain types of complaints,
25 he gives me a call. We have established an ad hoc service

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1 quality group within our trade association, and we then can
2 take care of things before they really become a major
3 problem.

4 And I think we have found that this works very,
5 very well on the front end. Thomas, I am very, very glad to
6 hear that we will now get complaints within 10 days because
7 one of our concerns is we had, the wireless industry, was
8 that our complaints, our customers' issues were sitting over
9 at the Commission, and if you know anything about wireless,
10 subscribers churn. They move very quickly. And 30 days in
11 the wireless world is unacceptable time frame because we
12 can't take care of the complaint.

13 This is going to be -- I just applaud you because
14 you know what this is going to mean to my members is that
15 they are going to be able to get to their customers, resolve
16 the issue much sooner rather than having an angry subscriber
17 moving.

18 But I was wondering is there a way that we can
19 sort of have an early warning system set up, not just for
20 wireless, but wire line, you know, common carrier,
21 broadcast?

22 MR. WYATT: Well, I think Dave talked a little bit
23 about the reorganization, and we will have a new unit in the
24 bureau that -- in the bureau's policy division -- that will
25 be devoted to tracking trends and provide that sort of

1 information. I can't say at this point just what it will
2 look like, but the plan is to have more people dedicated to
3 reviewing complaints and inquiries, the stats, and
4 determining trends and certainly providing early warning
5 signals to the other Commission offices.

6 Now, we would imagine that the goal would be to
7 provide that to the industry as well because I know in my
8 experience, as Andrea alluded to, the sooner we get the
9 complaint to the company the sooner it's resolved.

10 And again, I can't say enough about the 80 percent
11 resolution, satisfactory resolution rate that we found in
12 our informal survey.

13 So, yeah, I think it's important for us to really
14 be fast about getting the complaints to the companies, and
15 getting information back about how -- the types of
16 complaints that we are reviewing, particularly those that
17 raise really, really troublesome and important issues.

18 MS. ROOKER: Thank you. Let's go to Paul
19 Schroeder.

20 MR. SCHROEDER: Thanks. I want to follow on
21 Julie's question.

22 I think expectation is part of the problem, and so
23 there is a part of the Commission rules, I think it's 623,
24 and it says the Commission on its own action can take such
25 action as necessary to enforce this act, something like

1 that. You know the part I'm talking about?

2 MR. WYATT: Yes.

3 MS. ROOKER: Under what circumstances, and I see
4 that you haven't done that on 255, but if you have, it would
5 be interesting to know that, what circumstances might that
6 be contemplated because I suspect that one reason why you
7 won't hear consumer complaints in a large swath of areas in
8 telecom is just that it seemed utterly futile since there
9 are so few choices and so few expectations of accessibility.

10 And I'm not being critical here just to be
11 critical. I mean, I think it's just the reality that people
12 do use this stuff and they use it effectively within the
13 limits of their disabilities, and their abilities to
14 interact with the particular instruments involved.

15 But the fact is that there is still a lot of work
16 to be done on accessibility. So no one is going to complain
17 if they don't expect that there is really an outcome that's
18 going to be beneficial if they haven't seen what an access
19 improvement would look like.

20 So given that, under what conditions would the
21 Commission contemplate or make action on its own, looking at
22 a trend and saying, look, we are not seeing action in this
23 area?

24 MR. WYATT: Well, I don't know that I can answer
25 that very directly because there are a number of factors

1 that would go into a decision for the Commission on its own
2 emotion pursue an enforcement action. I don't think I am
3 really qualified when those circumstances might arise.

4 But I can tell you that we would look for
5 compliance, and if it's clear based on the company response
6 and the complaint that there is a significance compliance
7 issue, then we would look to pursue that.

8 If I pursue that, it wouldn't necessarily mean a
9 full proceeding, but it could be more interaction or
10 intervention by the staff.

11 The complaint process is really geared towards
12 facilitating negotiation between the consumer and the
13 company. And the staff, how it is poised, if it identifies
14 a case where there seems to be some real compliance problem
15 on the part of the company, and the staff is poised to
16 intervene, asks for additional information, make
17 recommendations, really try to promote compliance of the
18 requirements, if that fails then there are some formal
19 mechanisms at the Commission.

20 Also, our enforcement bureau is poised to work
21 with us if we identify a compliance problem that is not
22 being addressed by the company. Then we would pull them in
23 and our Disabilities Rights Office would also have some
24 input in terms of the severity of the problem and how we
25 might best approach it to effect more compliance.

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1 So it's difficult to say, to give you examples of
2 what might trigger the on our own emotion part of that rule.

3 But I can tell you that we are -- we will be proactive in
4 looking at compliance problems, and raising those if we need
5 to.

6 MS. ROOKER: Okay, thank you.

7 I think we will take two more questions. Looking
8 to this side of the room, Brenda, I think you had a
9 question, and then we will go to Bob if that's okay.

10 MS. BATTAT: If I could follow up. I think I saw
11 consumer organizations here where I say this is the tip of
12 the iceberg. There are complaints when they come to us. Is
13 it feasible that they can be channeled to you from consumer
14 organizations?

15 I mean, we try hard to education consumers through
16 our various media outlet of how to complaint. We look to
17 your page in terms of how to complain, but nonetheless the
18 complaint, the complaints come into us.

19 Is it acceptable that we just channel them over to
20 you rather than go back and say you have to re-complain?

21 MR. WYATT: Sure, it's acceptable, and we should
22 talk more about how that would work in practice because I
23 notice that in order to make the process successful if so
24 channeling it from your organization, channel some of the
25 complaints, we would be more than happy to accept them.

1 I think I want to emphasize though that the
2 process is really facilitating a solution for the consumers.

3 So we want to do the channeling in a way that consumers
4 will benefit. We don't want complaints to get lost in a
5 morass of bureaucracy by the sheer numbers. We don't want
6 really important issues to get lost in the sheer numbers of
7 complaints. But I want to facilitate accessibility to the
8 process as best we can.

9 So if you have some ideas of channeling complaints
10 through organizations, we would like to hear those, and work
11 with the organizations because we have some technology
12 systems underway, and how we set those systems into place
13 will depend on how we need to address or how we need to
14 receive the complaints. So we would be more than happy to
15 work with any groups in terms of facilitating our receipt of
16 complaints.

17 But again, I think I have to emphasize our goal is
18 to make sure that we can address them in a meaningful way
19 for consumers. So as long as we can deal individually with
20 the consumers, then we don't particularly care how they come
21 to us.

22 MS. ROOKER: Okay. Bob. We will take two more
23 questions. Jeff had his hand up. Bob.

24 MR. CHROSTOWSKI: A quick -- Bob Chrostowski, TIA.
25 A quick question.

1 The proposed rules regarding unified system, was
2 that under an NPRN or?

3 MR. WYATT: Yes, it is.

4 MR. CHROSTOWSKI: It is. And is active at this
5 time?

6 MR. WYATT: I'm sorry?

7 MR. CHROSTOWSKI: It's active at this time, it's
8 open at this time?

9 MR. WYATT: Yes, it is.

10 MR. CHROSTOWSKI: Okay, thank you.

11 MR. WYATT: And Margaret might be able to give you
12 some specifics in terms of -- I don't know whether we have
13 any dates, but I --

14 MS. ENGLE: (Not on microphone.)

15 MR. WYATT: We have. Okay.

16 MS. ROOKER: Just want to let you know that we
17 have been asked to provide a glossary of abbreviations and
18 terms that some of us don't really know, and we will work on
19 getting something out to you before the next meeting.

20 All right, Jeff.

21 MR. KRAMER: Jeff Kramer with AARP.

22 My question is, what percentage of the complaints
23 you get are complaints that are made by a consumer to you
24 initially or are they complaints that come to you after they
25 have tried to rectify the situation through carriers?

1 MR. WYATT: I don't have any precise numbers.
2 That's something I can look to see if we have that. But I
3 do know that we hear often from consumers who have gone to
4 the company, and said, well, I haven't been able to resolve
5 it. We also hear from consumers who say that, well, I know
6 that we didn't get any satisfaction at the company so I'm
7 coming to you, and nor do I think I should have to go to the
8 company to get some satisfaction here.

9 So I think we do know from some who have gone
10 there first, to the companies first, and from consumers
11 directly, and don't have any precise data. But it's
12 something that we -- we certainly encourage consumers to go
13 to the companies because that's usually where the resolution
14 takes place, but we don't require consumers, and that's
15 something that we really have been trying to emphasize
16 lately, that by no means is a consumer required to go to the
17 company before the consumer comes to us, and that's
18 something that I think there was a perception on the part of
19 some that they had to go the companies first, and I want to
20 clarify that. There is no requirement that the consumer go
21 to the company before they come to us.

22 MS. ROOKER: Thank you so much. I think you can
23 tell that there has been a great deal of interest. Thank
24 you.

25 (Applause.)

1 MS. ROOKER: Maybe I should introduce -- is this
2 Jenifer?

3 MS. SIMPSON: Yes.

4 MS. ROOKER: Hi, Jenifer. Jenifer Simpson is
5 joining us. She is the telecommunications accessibility
6 specialist with the Disability Rights Office. So thank you,
7 Jenifer.

8 MS. SIMPSON: Good morning, everybody. I am happy
9 to be here and talk some more about complaints and
10 inquiries. Thomas told you a lot about sort of the general
11 overview, but he didn't mention how many complaints come in
12 and that's tens of thousands a month.

13 But what I am going to talk to you about are the
14 disability inquiries and complaints that come in.

15 Slide, please.

16 What we have, of course, is a snapshot of the last
17 six months of last year of all the disability complaints and
18 inquiries that came in.

19 The first slide, please.

20 The report is there for July 1 through December
21 31. That's third and fourth quarter last year. We only had
22 636 inquiries, and 65 complaints by people with disabilities
23 or that were specifically related to the disability mandates
24 in the Telecommunications Act. That's a total of 701 in six
25 months.

1 As you can see, 65 complaint is, you know,
2 basically one-tenth of the overall volume. And when we talk
3 about complaints and inquiries, we are talking about two
4 different kinds of things.

5 Inquiries are those very general complaints that
6 we get like why can't they do something. A complaint that
7 is specific and get counted as a complaint is a complaint
8 against a company and a particular access barrier is being
9 mentioned.

10 We break down these complains -- well, go back to
11 the slide, please -- into three categories. It's telephony
12 there is television and there is other. In telephony, we
13 cover Section 225, which is really services, and Section
14 255, which is access, equipment and services. We also break
15 it out by wireless and wire line.

16 We also have television-related complaints which
17 are under Section 305, and that's closed caption and access
18 to emergency information, as well as video description.

19 Other is anything else you might ask us concerning
20 disability. And I'm going to go into all these categories
21 quite specifically for you.

22 Next slide, please.

23 That's a pie chart of how this breaks out. As you
24 can see, the vast majority of the disability-related
25 complaints are telephony, 54 percent; television are 14

1 percent; the other category about 32 percent; splits out
2 into 26 percent general information, and non-FCC, those are
3 referrals out to other agencies. Very often those are ADA-
4 interrelated, but I will into specifically what these
5 different categories are all about.

6 Next slide, please.

7 Telephony, wire line, we had 318 complaints and
8 inquiries. This is all the stuff we get under relay
9 services, speech to speech, video relay services. There
10 were 202 of these in relay services, 116 under Section 255.

11 And I will go into Section 255 stuff later. I'm just
12 summarizing telephony now, just wire line. Two hundred and
13 seventy-nine inquiries, 39 complaints.

14 Next slide, please.

15 Wireless, we have 79 that were disability-related.
16 Again it's broken out by the two categories under the
17 statute, Section 225, which is the relay services, and
18 Section 255, and you can see how that breaks out. Section
19 255, this is 73; relay service complaints involving wireless
20 issues were only six. Actually, that's complaints and
21 inquiries. The overall summary in this category of wireless
22 is inquires 75, complaints 22.

23 Next slide, please.

24 Television, these are the complaints and inquiries
25 about television access, closed captioning access refers to

1 the information video description, 85 inquires, 14
2 complaints, and this breaks out to 42 that were broadcast-
3 related, and 57 cable-related.

4 And by the way, when I count complaints and
5 inquiries around satellite issues, that's included in cable.

6 Next slide.

7 People tell us who they are when they contact us,
8 and it's people with disabilities and then family members.
9 it's attorneys representing the companies. It's state relay
10 service administrators, manufacturers, engineers, software
11 developers, tele company staff, utility commissions, cable
12 authorities, disability services organizations, small
13 business orders, federal and state agency staff, and a lot
14 of researchers. And we have from all the states and the
15 islands. We have heard from somebody in that six-month
16 period just about from every state.

17 We also get a lot of inquiries from foreigners
18 because they know what the U.S. has is the leader with rules
19 on disability access. And in that six-month period, we
20 heard from Canada, Denmark, Spain and the United Kingdom.

21 I can tell you we still get lots of complaints
22 from Australia -- well, actually it's more concerns or
23 inquiries about what we are up to, most of the European
24 countries and all over the world.

25 Let me tell you a little bit more about disability

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1 receipts. The disabilities involved, deaf, hard of hearing,
2 blind, low vision, speech disabilities, learning
3 disabilities, cerebral palsy, mental retardation, brain
4 injury, dyslexia, Lou Gehrig's disease, Alzheimers, mental
5 illness, autism, stuttering and anything else. This is what
6 people tell us. We don't ask. It's what you tell us in the
7 complaint. And a lot of these complaints are by a person on
8 behalf of another person. They will say, you know, I am
9 asking about something on behalf of someone with a
10 disability.

11 We also hear from a lot of elderly person, and it
12 really turns out to be a disability inquiry or complaint.
13 We also hear from disabled veterans.

14 I'm going to break down into what the Section 255
15 complaints and inquiries are all about. On the left is the
16 pie chart which shows the overall receipts. The left piece
17 was 54 and on the right-hand you can see how that 54 percent
18 breaks out. It's pretty much an even split between Section
19 255 and Section 225, which is really services this type of
20 complaint, relay services complaints that we have. This
21 both wireless and wire line.

22 Next slide, please.

23 I just want to emphasize that the Section 255
24 receipts we get, which is complaints and inquiries, is only
25 20 percent, 27 percent of what we get from the Disability

1 Rights Office, less than a third, and that was 155 inquiries
2 and 34 complaints. Complaints from them are things that
3 name specific companies, specific access barriers. Ninety-
4 five of these were equipment-related, and 94 were services-
5 related. So it's kind of an even split in Section 255
6 whether it's equipment or services-related.

7 Of this, we only served 13 complaints, that is, to
8 the companies, and seven of those remain open at this time.

9 I should note the reduced number.

10 The complaints that we have served involved issues
11 such as bills and information and alternate formats;
12 accessible wire line and wireless phone devices; a paging
13 service; equipment compatibility with TTY; directory and
14 operator assistance issues; and access to the customer
15 support centers by companies.

16 Most of the inquiries are around the point of
17 contact of the company, either the company doesn't know what
18 was this requirement is about or an individual wants to know
19 who that point of contact is at the company; or the
20 inquiries are about the rules: what does it mean, what does
21 it say, how do I get it, you know, that type of thing.

22 Next slide, please.

23 This is about relay services, that other half of
24 telephony. The complaints and inquiries is 30 percent of
25 all of what the Disability Rights Office received: 181

1 inquiries, 27 complaints.

2 We served 20 complaints; two of them still remain
3 open. Most of our complaints are around two typical issues:
4 carrier of choice with the relay service, and access to the
5 relay services using 7-1-1 simplified dialing. In fact,
6 that's the majority of the ones I have seen lately.

7 Inquiries again, all about state point of contact
8 and rules: who do I call, who do I go to, what does the
9 rule say, anything you can think of within the rules under
10 relay services.

11 Closed captioning receipts, the total is only 14
12 percent of DRO -- this is access to television. This
13 includes video description and access to emergency
14 information; 14 complaints, we served 12. When we served,
15 they are usually around access for emergency information,
16 blocked captioning. Remember Pat mentioned that earlier,
17 things blocking each other on the screen. No captioning for
18 lack of pass-through such as by the satellite providers, no
19 passing through.

20 Inquiries about who is responsible, we have people
21 complaining about say a particular TV channel, but our rules
22 say that we -- the complaint, or our responsibility is with
23 the distributor of video programming, and if the complainant
24 won't tell or can't tell, he doesn't know who it is, we
25 can't serve the complaint.

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1 We're going to go into what the other receipts of
2 the Disability Rights Office are about, and that's about 30
3 percent, and that's 205 inquiries and complaints. A lot of
4 these are complaints, but since they are other, they might
5 be sent off to another federal agency because they are very
6 likely to be ADA-related, and they really belong to the
7 Department of Justice, so we kick them over there or we tell
8 the person where to do; very nicely, of course.

9 Sometimes these complaints surrounding Section 508
10 or 504, and it's internal to the FCC. It gets handled to
11 the Section 504 office here at the FCC, or the Section 508
12 people. If it's an issue around, you know, access to
13 equipment or services, we might refer them out to a tech ac
14 program, to an equipment distribution centers, or any other
15 federal agency we have heard or know about, and I know most
16 of them so you can be sure if someone asks me I will refer
17 them off right.

18 Other FCC questions that we get from disability-
19 related folks are around TCPA, which is the
20 Telecommunications Consumer Protection Act, and those that
21 we get sent over to the other complaint service group within
22 the bureau, or it might be involving universal service or in
23 particular life-line link-up programs of universal service,
24 or they might be a mass media-related question, radio,
25 something like that.

1 The final slide I have here is basically about the
2 complaints process in general, sending by e-mail. As Thomas
3 mentioned, there is lots of different ways of doing it. You
4 can fax it. You can TTY in. You can telephone in. You can
5 mail it in, and we will take it in alternate formats. You
6 know, we have received complaints in Braille.

7 I will say that in the Disability Rights Office
8 the main method is electronic e-mail or by phone. Those are
9 the ways we typically get them.

10 And I want to emphasize that if you are going to
11 do formal complaints you have to follow the rules, and we
12 are very happy to show you how those rules work and what
13 that really means because they do differ under the three
14 sections that we are talking about, Section 225, 255 and
15 305. And there are differences, and I would be happy to
16 explain those to you for a particular complaint. But we do
17 recommend you come to us first to sort of talk about that
18 issue if you want to take it formally.

19 I hope that helps you understand what some of the
20 complaint and issues are about.

21 MS. ROOKER: I have one question. Shirley Rooker.

22 It strikes me that you don't really receive that
23 many complaints. I am a little bit surprised. And do you
24 think that's because of lack of information about the
25 service, or that everybody is doing such a good job that

1 there are no complaints?

2 MS. SIMPSON: Well, maybe the only complaint is
3 with the rules, I don't know. I think we hear from a lot of
4 people, but there are really not a -- they don't rise to the
5 level of a surveyable complaint, and I think that's a
6 critical concept that people don't really know needs to
7 occur in order for it to be registered as a complaint here,
8 which is a lot of information that the person has to
9 provide.

10 MS. ROOKER: So you do have a lot more
11 communication with people than what's reflected in the
12 statistics you have here? We are only seeing what you
13 register as a formal complaint?

14 MS. SIMPSON: That's right. No, the inquiries are
15 here counted too, the inquiries we know about in the
16 Disability Rights Office. This is what I am counting here.
17 This is just a snapshot of what the Disability Rights
18 Office has. People at other bureaus making any inquiries
19 and the rest of the consumer division may be getting
20 inquiries, but this is the snapshot of what we saw.

21 MS. ROOKER: Okay. I think we all have questions.
22 Let's see, Larry. Okay, let me get on this side. We
23 haven't had anyone from over here. Claude?

24 MR. STOUT: Thank you. My name is Claude Stout.

25 VOICE: Is your microphone on?

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1 MR. STOUT: First of all, Jenifer, I would like to
2 thank you for the information that you have shared about the
3 number of complaints thus far, that is, in the last quarter,
4 October through December.

5 And as word of mouth spreads throughout the deaf
6 and hard-of-hearing community, most of the populations of
7 the blind community as well, I am sure that number will
8 improve. But I think the FCC might consider its efforts of
9 PR.

10 For example, when you change the web site, the DRO
11 logo changed. And when we went looking for that
12 information, a customer looking based on the logo, I was
13 hearing from people who said they weren't able to find it.
14 And in fact I found that at the bottom of the screen there
15 was a footer-like information indicating Disability Rights
16 Office.

17 The e-mail address changed as well from
18 Access@FCC.gov to FCCinfo@FCC.gov, which is all well and
19 good to make those changes, but please also tell us, the
20 consumers. Let us know, the consumer organization, so we
21 can get the word out prior to the change rather than after
22 the fact because that in itself generates confusion, which
23 will result in a lower number of complaints arriving to the
24 FCC.

25 So I would encourage you to allow us to be in

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1 dialogue when these changes are being planned so that we can
2 give you feedback and let you know what ways we have
3 educated our consumers what to look for when they are trying
4 to log a complaint with you.

5 Certainly I am not saying that you need our
6 permission. But if you have our involvement, then you won't
7 see a drop in the complaints or a continuing low number of
8 complaints.

9 Now, I also would like to ask, when you respond to
10 the complaints do you keep a log or track how those
11 complaints are resolved? Are those reported then back in
12 terms of whether it was a letter, a fax, an e-mail went out?

13 And the reason I ask is based on an example that
14 came up that might illustrate this case, there was a
15 consumer who is a university student who sends a complaint
16 to the FCC, and the complaint had to do with a lack of
17 captioning for late night programming; that one week there
18 would be captioning, and then another week there was not.
19 So the student filed a complaint to the FCC, and the FCC
20 sent a consumer fact sheet on captioning, which left this
21 person a little at a loss. That wasn't a response to the
22 complaint, and it certainly didn't resolve the issue for
23 them.

24 So I am wondering what kind of training, what kind
25 of background of the folks responding to those complaints

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1 are provided with.

2 MS. HARKINS: Judith Harkins. I just wanted to
3 clarify that it was Nick at Night, not late night, because
4 the FCC might send something if it was late at night because
5 two to six overnight is exempted, but this was about Nick at
6 Night, a particular cable channel. I just wanted to clarify
7 that.

8 MR. STOUT: Thank you. Thank you, Judy.

9 MS. ROOKER: Thank you, Claude. I think that's
10 probably something we want to include in our recommendation
11 in a little bit.

12 Let's go to this end of the table. Rich Ellis and
13 then we will have David, and then we will go across the
14 room.

15 MR. ELLIS: Just to follow up on what Thomas had
16 said earlier. Rich Ellis from Verizon.

17 It's helpful to us in the industry to get some
18 idea of the complaints that are coming in. On the
19 traditional consumer side there is enough complaints so we
20 have a sense of what the topics are. On the disability side
21 there are so few complaints coming in to each company that
22 it's kind of hard to get a sense of what should be on our
23 radar screen.

24 So it would be helpful as to the complaints come
25 in to get an early warning. I may know of a complaint or

1 two that comes into Verizon, but I would also like to know
2 what's coming into SBC or other companies just sort in
3 general so that I would know that rail bills is a hot topic,
4 or cell phone. If I can get a sense of what the hot topics
5 are across the industry that would help us in each company.

6 MR. WYATT: Thank you. I want to go back and
7 maybe the question that Claude had about the student who had
8 filed the complaint and was not pleased with the response to
9 the fact sheet that was sent back.

10 I will say that something we are aware of that
11 oftentimes consumers are not pleased with the information we
12 send back, it's something we trying to improve through
13 training and other devices.

14 Also, keep in mind that our rules really ask
15 consumers to tell us what kind of relief they are looking
16 for which really helps to guide and direct the CAMs as they
17 process the complaint. For example, if a consumer says I
18 don't like XYZ, I mean, it would be fine and well, but it
19 doesn't really tell us what kind of relief the consumer is
20 looking for. So it's really important when the consumers
21 provide us the complaints that they specify the action they
22 would like to see the company take or the FCC take.

23 And I want to also clarify a point, another point
24 that was mentioned earlier. I think someone referred to
25 informal complaints.

1 Now, you have to keep in mind that the formal
2 complaint, it has a very specific connotation in our rules.

3 Formal complaints is a very different animal than the
4 informal complaint process we are talking about today. The
5 formal complaints are typically complaints filed by
6 attorneys on behalf of their clients. There are rigid and
7 formalistic procedures that we really don't -- we really
8 don't secure pursuant to that process, but we certainly make
9 consumers aware they can use that process if they want a
10 decision on the merits of the complaint.

11 But the formal complaint process, the fact that
12 it's in a letter doesn't make it a formal complaint. What
13 makes it a formal complaint is that it is filed pursuant to
14 some very formal procedures under 1.721 of the Commission's
15 rules.

16 So I wanted to really clarify that when we talk
17 about informal complaints or formal complaints we don't mean
18 complaints that are in writing as opposed to a complaint
19 that was phoned in.

20 MS. ROOKER: Thank you for the clarification.

21 Shelly.

22 MS. NIXON: How many complaints and inquiries do
23 you receive via e-mail?

24 MR. WYATT: I don't have the statistics with me,
25 but I do know we receive anywhere from two to three thousand

1 inquiries and complaints every month in e-mail, so we do
2 receive quite a bit of correspondence via e-mail. And we
3 encourage it because we our CAMs work with e-mail. It's
4 right there on the screen. They can send it around and
5 share it with other staff. So e-mail does facilitate the
6 process.

7 MS. ROOKER: We are going to have time for only a
8 couple of more questions. I apologize for that.

9 David, I think you had your -- yes, and then
10 Laura, and then we have to go out. I'm sorry.

11 MR. POEHLMAN: This is Dave Poehlman with the
12 American Council of the Bind.

13 A couple of things come to mind. It's interesting
14 to note that you receive most of your correspondence by
15 telephone and e-mail. That might explain at least some of
16 the reason why inquiry and complaint levels are "low."
17 Because there are a lot of people who would rather deal with
18 you in person but they are Omaha and you are in Washington,
19 or vice-versa.

20 So we might be able to put some kind of
21 recommendation together that would facilitate the process of
22 getting these -- getting these people to you in such a way
23 that, you know, that they could be heard, and you know, we
24 can talk about that.

25 But the question I have is, what differentiates

1 the choice of process between formal and informal
2 correspondence? Thank you.

3 MR. WYATT: Really that choice is set out in the
4 Commission's rules. A formal complaint process, we have
5 actually -- the Commission has a formal complaint process in
6 its rules that addresses common carrier complexities, common
7 carrier is filed under Section 208 of the act.

8 MR. POEHLMAN: I'm sorry. I need to interrupt just
9 a second.

10 What I am saying is how do I determine whether or
11 not I should go formal or informal?

12 MR. WYATT: Well, the formal complaint process is
13 typically -- because of the requirements typically they
14 require the assistance of attorney. It's usually something
15 that is really of paramount importance. For example, you
16 wouldn't want to use the formal complaint process to
17 challenge a \$10 bill, because there is dollars associated
18 with formal complaints. I think it's \$155 now. So it
19 wouldn't be practical to file a formal complaint and pay a
20 \$155 fee to try to get a \$10 credit for a phone bill.

21 So it's really determined by the specific issue
22 that you have that you want resolved. If you determine you
23 can get a decision on the merits of an accessibility
24 problem, for example, it might -- the best way might be the
25 formal complaint process because if you evoke that process

1 then you are sure of some procedures. You will have an
2 opportunity present evidence. You will have an opportunity
3 to seek discovery from the other side. You will have an
4 opportunity to brief issues. So it really boils down to
5 what kind of relief you are really seeking, and that process
6 will result in a decision by the Commission at some point.

7 MS. ROOKER: I think we have time for one brief
8 question from Laura Ruby.

9 MS. RUBY: I'll try to be brief.

10 I have a question for Pam and for Margaret that's
11 related to the reorganization of the DRO. Obviously, you
12 know, in industry, and at Microsoft we are all trying to be
13 proactive about addressing the needs of consumers, and in
14 order for us to do that we need to have good communication
15 and constant communication with the DRO.

16 And amidst all the sea of changes I, you know,
17 think you can continue to be our leader and our point of
18 contact. So I had a couple of questions about that. And
19 just from experience at Microsoft, we reorganize every six
20 months. And when that happens the way we all communicate
21 changes, sometimes drastically, and we have to re-educate
22 everybody on who are the communication channels and things
23 like that.

24 So my questions are: Number one, do we still
25 have -- some people have moved from DRO into a lot of

1 different places. Pam, are you still our key point of
2 contact? Do we still have direct access to you so that we
3 can come and talk with you about issues that we have, you
4 know, fairly informally so that we can be aware of what's
5 happening and your thinking?

6 And then, number two, do you have the means then
7 to pull the group back together from the outreaches of the
8 complaints department so that we can come in and do
9 educational sessions with you? Like, for instance, we want
10 to be available at Microsoft to be able to talk to you about
11 some of the new and upcoming technologies to give you help
12 with that. So do you still have the ability to pull
13 everyone back together as a group so that we can education,
14 you know, through the one point of contact?

15 MS. GREGORY: Laura, you will always have contact
16 with me, I mean always. I mean, people should feel free to
17 contact the Disability Rights Office. First of all, you
18 should know that no one has changed yet because the reform
19 has not yet happened yet. I think it's probably not for a
20 couple more weeks. So everything still is business as
21 usual. And I think that it won't be business as usual
22 because I do think that we are going to be increasing our
23 resources.

24 One of the things that we're planning on doing
25 informally -- well, let me just point to Martha Conti. She

1 is over on the far -- my far right. Martha Conti is leading
2 the bureau on education and outreach, and Martha and I have
3 been meeting on a weekly basis just to share information and
4 make sure that we are not losing anything in terms of
5 information. And we had a -- in our last staff meeting,
6 well, the last DRO staff meeting, you know, we are all
7 worried about losing -- you know, any kind of change is a
8 stressful event, we are worried about -- I'm worried about
9 not knowing about all the complaints, or you know, what it
10 is the senior groups are saying with this group, let's go
11 make a presentation.

12 So I think especially during the transition period
13 we are going to continue to have our weekly staff meetings,
14 and anyone that has -- that does disability functions will
15 be coming to our weekly staff meetings, and that's a way to
16 share information.

17 Just yesterday we met with WGBH and we had someone
18 from the DTBT, we had the mass media bureau and DRO was
19 there.

20 So I think that we're still your contact on
21 disability issues. And even if it means that we are going
22 to bring in other bureaus and offices, we will do that. I
23 don't think you are going to see a change there.

24 MS. ROOKER: Let me ask you, is this something
25 that we might want to talk about the ramifications at

1 another meeting or something, or are you going to discuss
2 that now, Margaret?

3 MS. EGLER: Yeah, I was going to -- I am going to
4 follow up and see if I can --

5 MS. ROOKER: Oh, good. Okay, great.

6 Joining is an old friend, Margaret Egler, who is
7 the Deputy Bureau Chief for Policy for the CIB. Thank you,
8 Margaret.

9 MS. EGLER: Thank you, Shirley.

10 It's a great question. I just want to follow up.
11 I think Pam did a really good job explaining what is
12 happening with the arrow.

13 And first, I just want to say how happy we are
14 that Pam will continue to run DRO. Pam is -- you know, has
15 been here since '86 -- not '66. But she has been here since
16 '96, which is significant because obviously the
17 Telecommunications Act, and so when you want to talk
18 institutional history and the ability to go back and say,
19 well, what were they talking about when they wrote those
20 rules. It's always good to have a person who helped write
21 the rules.

22 And so while we wore out Merrill Ico, we didn't
23 wear out Pam yet. And so she is here, and that's the most
24 important thing, that Pam is here, and we have that sort of
25 institutional knowledge. And we have it in a number of the

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1 other people in the current Disability Rights Office.

2 And the goal of the reform is to make sure that
3 that kind of institutional knowledge about the different
4 rule sections and the different sections of the act that
5 relate to people with disabilities is spread throughout the
6 bureau, not just in the policy context, in the rulemaking
7 context, which is what DRO does, but also in the outreach
8 context in the division that Martha is going to be running,
9 and in the informal complaints context, which is the
10 division that Jack Forsythe runs, which is overseen by
11 Thomas Wyatt.

12 So the goal here is to not have everything with
13 disabilities just in one place. It may make it easy to find
14 the eight or nine people working on it, but there are 200
15 and some people in our bureau, and we think that the
16 disabilities issues are just as important as are the
17 consumer issue, and want the people in our bureau understand
18 what you say, rules against slamming, it's also important
19 that they understand the importance of the rules concerning
20 people with disabilities.

21 So the whole point of moving some of the people
22 out of the DRO to do the outreach or the complaint function
23 was to get that institutional knowledge throughout the
24 bureau because we want the disability issues raised up to
25 the level of importance that the other consumer issues have

1 currently in the bureau. So that is why it happened.

2 As far as policy-making, I wanted to follow up on
3 what Pam said. You know, the great thing of the reform is
4 that DRO has always commented or worked on the rulemakings
5 that other bureaus have done, specifically, common carrier,
6 TRS, the closed captioning, cable, mass media, and then with
7 wireless on the different handset issues and the hearing
8 compatibility issues. And what is nice is that while some
9 of those are going to stay in their bureaus the TRS docket
10 is coming over to DRO.

11 So for the first time you will see in the coming
12 months DRO originating their own orders and being the first
13 point of setting policy because, you know, who else should
14 really be -- you know, being the first line of setting
15 policy for people with disabilities but the Disabilities
16 Rights Office, and that's why we are excited about the
17 possibility of basically doubling the number of attorneys
18 there.

19 So that's the whole sort of process, what we are
20 trying to do, and the Chairman touched on this. Consumer
21 policy will be taking, you know, a higher place and that's
22 why we are creating a consumer policy division that will --
23 well, it's a virtual division now. We already have the
24 people in place, but when the reorganization happens it will
25 be real. So we are going to have consumer policy, and

1 basically the Disability Rights Office, which will be
2 disability policy, and that's consumer disabilities which
3 are, you know, just as important as every other consumer.

4 So that's really the goal here. We are not -- the
5 goal is not to -- certainly not to make anyone worry or to
6 scare anyone, and I think part of it is because, you know,
7 as the FCC we always have to remember is that we come off
8 like a black hawk. So we inside know what we are doing, the
9 permutations. But when you look at us, it's like what is
10 that, you know. And you may hear these rumors people are
11 leaving, people are changing floors, you know, and so no one
12 knows, you know, will Pam ever talk to Suzanne again.

13 Well, I guarantee you it will happen. In fact,
14 they will probably end up being on the same floor
15 continually.

16 So there is going to be no doubt that coordination
17 will continue to happen. I mean, Thomas and I run the two
18 different sides at this point of the shop under Dane, and we
19 talk to each other what, 45 minutes. So coordination is
20 something that happens a lot in CIB. We hope to have --
21 that it will continue to happen even more so.

22 So the goal here is to raise the disability
23 knowledge throughout, and that is why we reorganized it the
24 way we did. I hope that helps.

25 So I will just jump right into what I am supposed

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1 to be talking about, which is the -- well, the acronym, the
2 NPRM. Let me just give a little, I guess, sort of
3 background on what happens.

4 As Thomas explained, you have things to remember
5 about complaints in the Commission and how the Commission
6 deals with complaints is that it's an ongoing process. And
7 CIB is a new -- obviously a relatively new bureau like the
8 enforcement bureau, we were started in 1999, and you know,
9 we will be changing our name slightly. And the importance
10 of complaints, the complaints because they provide
11 statistics has -- it has increased, especially that have
12 been in the big slamming rulemaking that you saw come out of
13 common carrier in the last couple of years, and the truth in
14 billing rulemaking as well.

15 So the place where complaints have sort of gone
16 depended on where -- who were the people found the
17 complaints against and why.

18 But as far as where we have the authority to
19 handle complaints, we will accept any complaint anybody
20 wants to file with us. You have the FCC address with the
21 ZIP code and complaints come. So we will get these kind of
22 complaints, and they can be about anything we regulate. But
23 the question is what do we do with them.

24 Well, partly, we have rules that come in under
25 Section 208 of the act, Section 208, it has to do with Title

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1 II, which is common carrier. For us, common carrier is
2 about wire line and wireless, and it's something to
3 remember. Sometimes people think common carrier is just the
4 bureau of common carrier, which, of course, is wire line.

5 But under Section 208, there is a very specific
6 process that's been created. There is a formal complaint
7 process and the informal complaint process. So there
8 remember we talk about formal complaints, and Thomas touched
9 on this, is that formal complaints -- a formal complaint
10 that is filed would be -- it's basically litigation. And
11 the vast majority of formal complaints are filed with this
12 fee and it's a carrier versus carrier. You will see that
13 orders they are done generally by the enforcement bureau,
14 and that's it.

15 And they are telecommunications carriers. You get
16 some formal complaints, people that choose to use the formal
17 process. I mean, we use that very specifically. If you
18 choose to use the formal process as a consumer, it just
19 doesn't happen that often.

20 So everything else, when we use the word
21 "informal" is -- every other complaint is considered
22 informal complaints. We just want to make that clear
23 because when we did this rulemaking that I'm going to tell
24 you about it became very clear that the people throughout
25 this Commission didn't understand the difference. I mean,

1 people thought, you know, an informal complaint is a kind of
2 matter, a formal complaint is a really matter, you know, and
3 that's really not the case. Formal complaint is using this
4 very, very specific process against the common carrier under
5 Title II.

6 Now, what Section 208 says is that the Commission
7 basically will handle any complaint that -- from anyone that
8 alleges a violation of any act or order or omission by a
9 common carrier. So to capture everything else happening to
10 common carriers, the Commission quite awhile ago set up a
11 series of rules you will find in Part 1 of our rules, and
12 basically that's the informal complaint process that Thomas
13 was telling you about.

14 Now, because it's Title II, those are just common
15 carriers. So we could get a million complaints about, you
16 know, television stations or cable stations. And unless
17 they come in under a specific process, we set aside or
18 create -- one thing was the old cable rate complaint
19 process. Those complaints will come in and basically EB,
20 the enforcement bureau will look at them because if you --
21 we will send you a fact sheet because we don't have the
22 right under the act to serve those. We only have the
23 responsibility under the act and under our rules to serve
24 informal complaints that are filed against common carriers.
25 That's the way our informal complaint rules work. Okay?

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1 Now, the exceptions, there are -- if there are
2 specific other categories, like there is closed captioning
3 complaint rules which are specific under types of complaint
4 processes, but everything else -- the informal complaints
5 that come in, if they are against common carriers, we will
6 serve them. If they are against common carriers, we get
7 them, we will probably respond to you with a fact sheet,
8 okay, if we have it, but then they are here. There is
9 nothing we can do of them.

10 Now, just as a sideline, EB constantly, the
11 enforcement bureau looks through all our complaints, whether
12 they are common carrier or mass media or cable, whatever.
13 They are constantly going through our -- going through the
14 complaints to see if there is any -- you know, if there are
15 violations of the rules.

16 So the informal complaint process works on
17 parallel track with what the enforcement bureau does, which
18 is the enforcement process, the notice of apparent
19 liabilities, looking for violations of the rules. So we
20 work with enforcement, but they are two parallel tracks. So
21 it's very possible, and this is the -- the best example is
22 the slamming -- that this is before we got the new rules in
23 that you get a lot of slamming complaints. The big
24 carriers, you know, would respond with a credit and that it
25 would all be fine, and yet we use those complaints as a

1 basis for creating the new slamming liability rules.

2 So just because carriers take care of the
3 complaints and consumers 80 percent of the time are happy
4 with it doesn't mean there aren't rule violations going on
5 that enforcement won't do something about. So it's
6 important to remember that there are two parallel tracks,
7 which is what consumer information does, and there is what
8 the enforcement bureau does.

9 Now we see the fact that (a), we can only force
10 common carriers to respond because that is the great value,
11 as Thomas pointed out, of the informal complaint process;
12 that they -- we send the complaint to the carrier, the
13 carrier must respond to us and the consumer within 30 or
14 less days, and then they respond. And generally, because
15 the majority of our common carrier complaints are about
16 billing, something is taken care of with the bill and 80
17 percent of the people tend to be happy with whatever
18 happened.

19 That's good because we get -- I guess Thomas said
20 we get like 90,000 complaints a year generally, but the
21 problem is we got a lot of complaints that we can't serve.
22 And EB can look at them and we can send a consumer fact
23 sheet, but often the consumer would like something else to
24 happen.

25 So that's the purpose of the notice of proposed

1 rulemaking that we just put out, released on February 28th.
2 And just as an aside, the question was when are the comments
3 due or something. Basically, under the law you -- the
4 comments are actually due 30 days after publication in the
5 Federal Register. It hasn't been published in the Federal
6 Register yet, which means you can file comments on it. And
7 once it's published in the Federal Register we will actually
8 have a deadline, but the docket is currently open and you
9 can file comments, and we can -- we can certainly get you
10 all the link to the item or copy the item if you want it.

11 But the docket number is CI, I think it's also our
12 first, Consumer Information Docket No. 02-32.

13 And basically what we are asking in this NPRM is,
14 well, we have got an idea here. Why don't we instead of
15 just looking at Section 208 and say that's our authority for
16 dealing with complaints, let's look at Section 4(i) and 4(j)
17 of the act, and that basically says the Commission can do
18 whatever it needs to do to conduce its affairs. That word
19 "conduce" is actually in the act. I think it's a very old
20 word. I don't know.

21 So the point is we say this might be very well in
22 the public interest that we get -- have the authority to
23 serve these complaints against anybody we regulate, and that
24 a consumer complaint should be responded to by people who
25 are enjoying the benefits of a Commission license.

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1 So this notice of proposed rulemaking basically
2 puts out to the public and to everybody who is interested
3 should we basically take the information complaint rules and
4 make them applicable to every entity that's regulated by the
5 Federal Communications Commission. That would include
6 broadcasters, cable operators, et cetera, et cetera, et
7 cetera.

8 So in a way it doesn't change much for the common
9 carrier because they are already under these rules. But for
10 the noncommon carriers, it will change things.

11 The biggest example, because another big complaint
12 category for us -- actually it's not big compared to the
13 common carrier complaints -- but one that gets a lot of
14 press is the indecency and obscenity complaints.

15 Under these proposed rules, if you write in and
16 say you don't like what was said on, of course, we will use
17 the example of Howard Stern, on the Howard Stern Show, and I
18 heard it on whatever the radio station is that's doing it in
19 the area, the FCC would take that complaint and serve it on
20 that radio station, and they would have to respond to both
21 us and the consumer with, you know, why, why did you do this
22 or why is this not a violation of the rules. But it would
23 basically give the -- give the consumer, the audience, the
24 listener the opportunity to hear from the station itself.
25 And the station, of course, is enjoying the benefit of the

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1 license to use the spectrum.

2 We think it's going to be a very good idea, and we
3 want to find out do you think it's a good idea, does anybody
4 think it's a good idea, and that's why this thing is out for
5 comment.

6 The other thing that this will do is that it will
7 allow us to track these types of complaints and these types
8 of responses as well. Because like I said, EB looks at the
9 indecency complaints, look at every indecency complaint that
10 comes in, they determine whether or not action needs to be
11 taken. You have seen that there have been some rulings in
12 the past year that they have looked at, and that track will
13 continue. This gives the individual consumer a response if
14 it's approved. Again, this is a proposed rulemaking, and if
15 the people are interested in commenting on it, and letting
16 us know, we certainly welcome that.

17 So that's the proposed rules that we are
18 currently, those are the proposed rules that we are
19 currently thinking about.

20 MS. ROOKER: All right, we have questions. Ken?

21 MR. McELDOWNEY: Ken McEldowney.

22 Margaret, I've got questions. It's a two-part
23 question.

24 The first part, is the consumer and governmental
25 affairs bureau is the new reorganization, right?

1 MS. EGLER: Is it under the new reorganization?

2 MR. McELDOWNEY: Yes.

3 MS. EGLER: That's going to be the name of the
4 bureau once the reorganization goes through.

5 MR. McELDOWNEY: Okay.

6 MS. EGLER: Which I think it's in a week or two.

7 MR. McELDOWNEY: Okay, good enough.

8 Okay, now I can ask my question. Now, I had a
9 good conversation this week with Martha Conti about outreach
10 and education, and then I look at the reorganization chart,
11 and low and behold, I find the consumer publications are now
12 directly under you as sort of a separate section of the
13 bureau.

14 Will we also be talking to folks in your side of
15 the shop too just in terms of educational stuff or what?

16 MS. EGLER: I mean, it's not a bad idea. The
17 reason we put the pub -- I don't know, does everyone have
18 the breakout of --

19 MR. McELDOWNEY: Yes.

20 MS. EGLER: -- sort of how things are going to
21 work?

22 MR. McELDOWNEY: He was in the package.

23 MS. EGLER: I'm in the middle in green.

24 MR. McELDOWNEY: Right.

25 MS. EGLER: And underneath me is Pam who is in the

1 DOL, and on the other side is Michelle Walters, who is going
2 to be running our policy division, and Michelle is the
3 publications branch. And the reason we did that was because
4 the publications, basically the first wave of what we have
5 been doing is taking all the old fact sheets that you see on
6 our web page that the different bureaus have done throughout
7 the ages, and (a) updating them, and basically getting them
8 all formatted the same way, but making sure that the stuff
9 is right and the stuff is correct and legally up to date.

10 The people in my shop under policy are lawyers.
11 So they will be reviewing those, and that's why that came
12 that way.

13 Now, as Martha will tell you, because we have been
14 sort of discussing this, one of the functions of her people
15 in the -- actually in the description of the positions -- is
16 to come up with ideas for fact sheets and brochures. I
17 mean, anybody can come to us with, oh, I think you guys need
18 a brochure of this, you should do a consumer alert on this
19 and stuff. So we will be looking to her shop to come up
20 with ideas because they have the ideas on the forums, and
21 meet with your people.

22 The key thing is that when those things are
23 actually written and produced they are coming up to policy
24 that they are correct.

25 So we are working with Martha. An example, you

1 should be doing, then Martha will work with our group to
2 say, well, I need a fact sheet on this. We are doing a form
3 on this. I can talk to Ken McEldowney, he wants more about
4 those long distance rates, and so what are we going to do
5 about that.

6 So that's exactly the right way to go, and we will
7 be coordinating with her on that. But it's basically to
8 make sure everything was legal and correct, that's why they
9 come to policy.

10 MR. McELDOWNEY: Oh, my God, it's going to be
11 written by the lawyers.

12 MS. EGLER: No, no. That's the beauty. There are
13 no lawyer in the publication branch. We did it on purpose.

14 MS. ROOKER: Margaret, thank you so much for
15 joining us this morning, and all of the people who have been
16 here. I think it's been extraordinarily interesting as you
17 can tell from the questions.

18 We are getting the point where are going to have
19 to a discussion to make some recommendations to you all, so
20 I think we can proceed with that at this point.

21 Thank you very, very much.

22 (Applause.)

23 MS. ROOKER: This has been a very interesting and
24 informative morning. I would like to just recap some of the
25 things that you all have said, and perhaps this can be some

1 of our starting point for recommendations that we would want
2 to make to the FCC.

3 First off, Thomas Wyatt came out and talked about
4 making the process of complaints more accessible to the
5 disabilities community. Would we like to put that as a
6 proposal or suggestion to the FCC that in fact that be
7 explored if it's not being done right now? What is your
8 sense on that?

9 Well, in terms of the process, the way that people
10 are able to complain. I think it relates also -- actually,
11 we probably should move on because I think there is some
12 other things that probably pertain to that. And one of the
13 things was Claude made the suggestion about when things are
14 changed, when the complaint -- anything has changed, whether
15 it's the complaint process, a web page, any identification
16 that's being changed, that there be a better notification to
17 consumers is one of the issues.

18 Do you want to comment on that, Larry?

19 MR. GOLDBERG: Yes.

20 MR. STOUT: I have a comment too, Shirley.

21 MS. ROOKER: Okay.

22 VOICE: Who said that?

23 MR. STOUT: Claude.

24 MR. GOLDBERG: This is Larry Goldberg.

25 MS. ROOKER: Oh, Claude, okay.

1 MR. GOLDBERG: And Claude and Brenda from our
2 organization are often the brunt of consumer complaints and
3 we provide caption description. We get before breakfast
4 more complaints than the FCC gets in a quarter. So it's
5 amazing to me that they are not getting those complaints.

6 I think that we might need to in some way almost
7 deputize these organizations to be able to channel these
8 complaints, even if we can proliferate this kind of
9 information to the public to try to channel all complaints
10 directly to a similar e-mail or a mailing address. We are
11 still going to get a lot of complaints because we are there,
12 we are friendly, we know the folks.

13 So I think the Commission needs a way to work with
14 the bulk of complaints the organizations is receiving them
15 to get them in and be able to work with them formally --
16 informally, whichever way you --

17 MS. ROOKER: Well, that was certainly the message
18 I heard, that they welcome this.

19 How do you, Larry or Claude, if you want to
20 address this, how do you see ways to facilitate this that we
21 can make recommendations to the Commission?

22 MR. STOUT: Certainly. One suggestion that I
23 might make is that we establish a working group of several
24 members from this body who might work with the Commission on
25 various aspects of the complaint process.

1 There are so many issues that are going to be
2 impossible for us to cover this morning in any effective
3 manner. I think it would be effective in the interim
4 between this meeting and the next meeting of the CDTAC that
5 a working group be established to work with the Commission
6 to address some of these issues because clearly the
7 Commission is enthusiastic and willing to look at ways to
8 improve that process.

9 I think that if we can establish some informal
10 communication, some means of working with the staff so that
11 we can bring more closely together the FCC goals and the
12 consumer complaints so that we can reduce those
13 misunderstandings.

14 MS. ROOKER: How do you feel, how does the
15 committee feel about that? That seems to get a general nod
16 of approval.

17 How do you suggest we go about establishing this?

18 I think it makes great sense. Do we have some volunteers?

19 Who wants to do it? Claude? Can we get somebody to make a
20 note of who, or can you -- all right, let me just see:

21 Nancy, Laura, Nancy, Laura Ruby, Rich Ellis, Paul Schroeder,
22 Larry Goldberg, Jeff Kramer, Mike DelCasino -- we are
23 getting too big here -- Ken McEldowney and Claude. It's
24 getting to be a large group.

25 Who else did I miss? Did I miss someone. David

1 and Brenda and Judy, it's the majority of the committee.

2 Does one of you want to volunteer to act as chair?

3 Andrea?

4 MR. STOUT: Certainly, I will be happy to do that.

5 MS. ROOKER: I am getting very concerned about
6 this. It's getting too large. It's getting --

7 MR. STOUT: Shirley, I would be happy to serve --

8 MS. ROOKER: We are just going to have to limit it
9 if I have to because there is too many people. It's not
10 feasible.

11 May I make a suggestion that we have
12 representatives of industry and the consumer complaint
13 groups on this committee so that we can sort ourselves out
14 that way? I'm going to have to leave it up to all. I am
15 not going to make the choices as to who is going to be on
16 it. I don't think that's my responsibility.

17 Yes?

18 MR. GOLDBERG: A lot of people volunteered because
19 I think they have concerns about a particular area, so maybe
20 we need to say what those areas of concern are. Mine
21 obviously is television --

22 MS. ROOKER: Right.

23 MR. GOLDBERG: -- caption and description. Others
24 are really concerned about 255, but maybe you don't need six
25 people about 255.

1 MS. ROOKER: Sure. Okay, I think -- can I ask
2 somebody to take it as a responsibility to --

3 MR. STOUT: Yes, I would be happy to serve in that
4 capacity, Shirley.

5 MS. ROOKER: Claude. Okay.

6 MR. STOUT: This is Claude speaking, and I would
7 be happy to serve as chair.

8 MS. ROOKER: Okay, that's excellent.

9 MR. STOUT: And if I might add an additional point
10 real quickly?

11 MS. ROOKER: Go ahead.

12 MR. STOUT: I am not entirely comfortable with
13 dividing based on consumer representatives and industry
14 representatives. If however this working group would be
15 established, I would like to have a group representative of
16 both.

17 MS. ROOKER: Okay.

18 MR. STOUT: And then if in fact we chose to split
19 out we would have that option, but I wouldn't want to split
20 out from the outset. I think it's important that the makeup
21 of this group include representatives from both groups so
22 that we can work closely together and then with the FCC,
23 with the government representatives, and really get some
24 synergy out of this.

25 MS. ROOKER: That was actually my intention if I

1 didn't state that. It was my idea that we have
2 representatives on one group from different interest groups
3 so that it's inclusive. That was my thought.

4 Thank you, Claude. You have clarified that.

5 MR. STOUT: Thank you.

6 MS. ROOKER: Just a minute, please.

7 We can't -- Scott, can you explain this, Scott?
8 Our lawyer here.

9 MR. MARSHALL: I just raise a legalistic concern
10 which lawyer are going to do. Under the FACA rules only
11 this committee as a whole is empowered to give advice to the
12 Commission. This working group could certainly come up with
13 recommendations that in turn will be provided to this
14 committee which would then communicate with the Commission
15 formally. If that's -- I think that's the way it would have
16 to be structured because this small group cannot become
17 another FACA. That would not work legally.

18 MS. ROOKER: I don't think anyone has any problem
19 with that, that it would be something within this group, we
20 would be the umbrella group for it. But at any rate I think
21 that's an excellent step forward.

22 Now the question is who is going to be on the
23 group? I'm going to have to let you all sort that out among
24 yourselves, but I don't think it's decent to have as many
25 people as who are volunteering.

1 Ken, do you have a comment?

2 MR. SEGALMAN: I have a recommendation.

3 MS. ROOKER: Okay.

4 MR. SEGALMAN: Is this the time for
5 recommendations?

6 MS. ROOKER: Yes, absolutely.

7 MR. SEGALMAN: Okay. Yeah, I would, as an
8 organization that handles dozens of Cantonese and Mandarin
9 complaints a month, I would really recommend that the
10 complaint section add to their staff include not just
11 Spanish-speaking -- whatever they are called -- CABs, CAMs.
12 CAMs, but also Chinese, Korean and Vietnamese.

13 MS. ROOKER: Yes, that was one of the notes that I
14 made, and thank you, Ken. All right, I don't think anyone
15 is going to have any problem with that.

16 Jim?

17 MR. TOBIAS: Jim Tobias.

18 We had some text that sounded like a
19 recommendation about the statistics, and I would like to --
20 although I guess she has left the room, I would like to
21 thank Jenifer for putting up those stats. I think they are
22 very valuable.

23 What I would like to see is more technical
24 specificity on them, and I am thinking especially of the
25 need for designers in industry to understand which items

1 consumers are most concerned about, so not just, you know,
2 my wireless phone, but you know, I don't have access through
3 the menu or a LCD with my wireless phone.

4 And in point of fact I would recommend that
5 somehow the complaints or inquiries be logged along with the
6 Section 255 guidelines so that for every guideline, which
7 is, you know, down to some level of technical detail, we
8 have an understanding of how many inquiries or complaints
9 have been raised. It would help in industry training and
10 awareness, and I think it would drive home Brenda's point of
11 this -- you know, this one consumer may be happy, but we
12 haven't changed how products get designed overall, and
13 that's what can be defined in that.

14 MS. ROOKER: Okay, that's a good point. More
15 detail in the statistics that are being collected on the
16 disabilities complaints. Does that do it? Okay.

17 Judith?

18 MS. HARKINS: I would like to make this comment
19 and volunteering for the subcommittee and doing so, that
20 general complaints that are not possible to resolve with one
21 company, complaints such as I can't use the menus on my
22 phone, or I can't find a phone that works with my hearing
23 aid should be counted as complaints, and should be followed
24 up by somebody who knows something about the subject matter
25 to find out more specifics about it rather than just let it

1 die, because the consumer took the time to complain, but
2 didn't know in order to be counted you had to provide a
3 great deal of detailed information.

4 I think that DRO should be people writing back to
5 them and say tell me more about what you tried, and then
6 that could be logged in as a valid complaint. But if we
7 don't follow up, we are missing --

8 MS. ROOKER: Yes, you're missing a large number of
9 people there who might be registering a complaint that's not
10 specific to a company, and that should be something that we
11 would encourage the FCC to do in terms of the way they
12 handle complaints because they are not really considering
13 that as a complaint at this point, I guess. Yes, okay.

14 All right, is that agreeable with the committee?
15 Excellent.

16 All right, Andrea.

17 MS. BRUNS: Earlier when I was asking Thomas in
18 terms of having an early warning system for industry, and I
19 think having more details in terms of where and in terms of
20 Section 255 is helpful to us, and if we can know about these
21 issues earlier rather than after, you know, you're way down
22 in the complaint process.

23 So I would recommend that if the CIB can establish
24 an early warning system and work with, you know, industry
25 associations, or you know, that would be very helpful.

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1 MS. ROOKER: That is what I heard from you saying
2 that oftentimes you didn't know that there had been a
3 complaint about a particular issue, or that an issue was
4 becoming volatile --

5 MS. BRUNS: Right.

6 MS. ROOKER: -- until it was already volatile.

7 Okay, so that would entail more response from the
8 FCC to the community, to the corporations -- industry, okay.

9 We have got a question from 1966. Yes?

10 MS. GREGORY: 1966.

11 MS. ROOKER: '66.

12 MS. GREGORY: Hi, this is Pam. I just wanted to
13 add a little clarification.

14 If a consumer calls the Disability Rights Office
15 and they say I can't find a phone that works with my hearing
16 aid, we do have a dialogue. We ask them what have you
17 tried. Sometimes we will go and we will even do some
18 research.

19 So there is -- there is a dialogue. It's not
20 just, okay, click, you know, at that point. There might not
21 be a solution out there, but there is a dialogue.

22 MS. BRUNS: Let me say that Claude or somebody
23 complained in a way that you couldn't really -- you know,
24 not you, it wasn't where else, it was the question about
25 late at night, went somewhere else.

1 And what I am suggesting is that it should come to
2 you for this kind of follow up.

3 MS. GREGORY: Right, I think that Claude's example
4 was that a person complained about lack of captioning, the
5 captioning was being stripped somehow because he knew that
6 the programming was captioned. And when he complained to
7 the FCC, he got a fact sheet. I mean, that was misread by
8 whoever took that in because it's not someone asking for
9 information, it's someone wanting to file a complaint.

10 MS. BATTAT: There is dialogue if it's a telephone
11 inquiry, but what happens if that kind of complaint comes in
12 in a letter? Do you inquire? I doubt it.

13 MS. GREGORY: No, you would not imagine the
14 dialogue that goes back and forth. I mean, it's just really
15 amazing. TTY, we call people. Most of the disability
16 complaints come through e-mail, and so that's what we mostly
17 do, but we also ask every individual what is your preferred
18 mode of communication. And if it's letter, it's letter. We
19 do that. But there does -- a lot of the results really come
20 from dialogue, whether that's through e-mail or through TTY
21 or relay or whatever that be.

22 MS. ROOKER: Okay.

23 MR. WYATT: And when Pam described the process,
24 she described as more than the complaint process. We do
25 this throughout the bureau. So that if you get someone

1 outside the Disability Rights Office, you would have the
2 same dialogue. The CAM will try to ascertain more
3 specifically what the problem is, and at the very least
4 explain to the caller or whoever -- yeah, to the caller that
5 how to go about filing a specific complaint. So our goal is
6 to make sure that we can inform interested consumers about
7 how to invoke their rights.

8 So that's something we are very, we are working
9 very hard to do, and I can tell you that I expect the CAMs
10 to do that now, and I understand they are doing it now. If
11 you call any CAM with a general problem, you should get some
12 advice about how to go about planning, and the kind of
13 information you need to provide.

14 MS. ROOKER: Thank you. All right, let's move
15 back to our recommendations.

16 What else do we have here? Jim?

17 MR. TOBIAS: Jim Tobias.

18 I knew that we will not talk about technology
19 today, and I just -- we just ran into it. I don't know how
20 the case management system works here at the FCC.

21 MS. ROOKER: I'm sorry. We are trying at this
22 point to collect recommendations to make to the FCC.

23 MS. TOBIAS: This kind of leads up to one.

24 MS. ROOKER: Oh, okay. Sorry.

25 MR. TOBIAS: Yeah, I'm not just trying to talk

1 about technology, but I can do that at home.

2 MS. ROOKER: Really, Jim? Come on.

3 MR. TOBIAS: What I am getting at is, you know,
4 let's say I am a consumer who uses captions or wants to use
5 captions. It's not necessarily the case that I am going to
6 contact the DRO. I'm going to call the broadcast bureau, or
7 you know, whatever.

8 And what I want to know is what are the plans for
9 or what's in place right now either for cross-training so
10 that all of the CAMs understand what the keywords are for
11 disability issues, or what is the ability of the DRO to
12 search through the Commission's case management database to
13 discover cases that didn't come in through them, yet are
14 disability relevant.

15 MS. ROOKER: Okay. Sure?

16 MS. EGLER: Part of the goal of the reorganization
17 is to get all the complaints into CIB basically. So we have
18 already begun discussions on those types of topics with
19 them, with the mass media bureau, currently called just the
20 media bureau, to make sure that those types of -- whether
21 it's a complaint or an inquiry, and that's a term of art --
22 get to us. And once they get to us, we are confident that
23 because of the level of training that has been happening,
24 that those complaints will be entered correctly.

25 MS. ROOKER: Thank you.

1 All right, we are running out of time rapidly.
2 Let's see if we can get -- Julie?

3 MS. CARROLL: Thank you. Julie Carroll, ITTAC.

4 I still think we are inside the complaint box, and
5 as a recommendation I would like to make is that the FCC
6 consider alternative ways of determining a noncompliance and
7 enforcement.

8 MS. ROOKER: Alternatives ways to determining
9 noncompliance?

10 MS. CARROLL: Yes.

11 MS. ROOKER: Okay. You mean other than the
12 complaint process?

13 MS. CARROLL: And going about enforcement other
14 than the complaint process.

15 MS. ROOKER: Okay. All right, does that touch a
16 nerve or anybody got any comments on that?

17 Yes, Paul? Is that your comment on that, Paul or
18 on something else? Okay, go ahead, please.

19 MR. SCHROEDER: Julie and I are communicating
20 telepathically.

21 I agree. I want to add to that that I think what
22 would be helpful is if we had the -- the FCC had the
23 involvement of its office of technology, whatever it's
24 called under a dealer, and wherever it is on the
25 reorganization, looking at trends and issues, because it is

1 right, we are obviously relying on the complaint process,
2 and it isn't sufficient, and it doesn't probably give the
3 Commission enough information.

4 So in looking at alternatives to investigating 255
5 compliance, I would urge them -- would urge the inclusion of
6 experts in the technology office in helping spot, can
7 identify trends, and also gather information for analysis
8 about what actually is occurring.

9 MS. ROOKER: Okay, that makes sense to me. Does
10 anyone have any comments or questions about that?

11 (No response.)

12 MS. ROOKER: Okay, let's move on to other
13 recommendations. Larry?

14 MR. GOLDBERG: I have one point. It seems that no
15 matter what the Commission does complaints and comments will
16 come into all different portholes at the FCC, and I think
17 like other organizations they need a way of assuring that
18 does get traded. I know it's easy with e-mail. But if it's
19 a letter -- we just heard that the ACB generated some 200
20 letters to the FCC about an issue, and they haven't been
21 seen or received by most of the bureaus. They may not even
22 be here. We don't know. So they really need a mechanism
23 for assuring timely trading of that information.

24 MS. ROOKER: I think that makes eminent sense,
25 establish procedures for doing so, to make sure that that

1 information gets to where it needs to be in a timely
2 fashion.

3 Okay, do we have any other recommendations?

4 (No response.)

5 MS. ROOKER: If not, let me just give you a couple
6 of bits of information. We are going to have a lunch
7 program so you are going to have 15 minutes to get your
8 lunch, to get back here. Dr. Bob Segalman is going to
9 demonstrate speech-to-speech communications, and I will
10 introduce him when we get back.

11 Right now we should be back here at 10 after one.

12 It means we are going to 10 minutes late. Can we be back
13 at one? Well, I don't know that we can get our lunch and be
14 back at one. Five after, you have until five after one.
15 Please, please, please, get lunch, be back here. And if Bob
16 will forgive us, we will do it, that will give us a little
17 bit of time to get some lunch. Thank you.

18 (Whereupon, at 12:55 p.m., the meeting was
19 recessed, to resume at 1:05 p.m., this same day, Friday,
20 March 15, 2002.)

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

(1:45 p.m.)

1
2
3 MS. SCINTO: -- that the digital service uses.
4 There are, I guess, currently four interfaces that are used
5 in this country, and problems tend to be -- have some
6 correspondence to what interface is being used. Problems
7 also correspond to what the design of the hearing aid or
8 cochlear implant is, what types of immunity or shielding are
9 built into the hearing aid. They also correspond to the
10 signal strength of the cell phone transmitter and the
11 distance from the hearing aid device, antenna positioning on
12 the cell phone, and also the extent of the individuals
13 hearing loss.

14 And there are some things that may mitigate some
15 of the problems that users experience. For example, there
16 can be -- with some hearing aids there may be an ability to
17 do some shielding so there is not as much electrical
18 interference, and there also may be the ability -- the
19 further that you can separate the transmitter from the
20 hearing aid that may also mitigate some of the difficulties
21 that are found.

22 And there is also anecdotal evidence, I think
23 there is anecdotal evidence that is documented in the record
24 in this proceeding so far that there are some digital phones
25 that work much better than others. But there has not been,

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1 to our knowledge -- I mean, there is little systematic
2 research to figure out what exactly what are all the factors
3 and how does that -- how does that correspond.

4 The real -- one of the real driving concerns
5 behind sort of looking at this issue is that digital
6 services are beginning to reach the point that they are
7 outstripping the analogue service. Analogue service was
8 sort of the original cellular phone service, and most of the
9 analogue carriers have switched to digital format for a
10 variety of reasons, for efficiency purposes, for the fact
11 that digital services, you can provide a number of features
12 with digital technology that aren't available with analogue
13 technology. And analogue services are therefore being
14 increasingly displaced by digital services in this country,
15 and digital service is where kind of the state-of-the-art
16 is.

17 And just a few illustrations. There is some
18 information, we do an annual competition report on the state
19 of competition in the wireless industry, and there is some
20 discussion in this competition report about sort of
21 comparison and sort of quantifying the move to digital, but
22 as of our last competition report we were reporting that
23 digital subscribers made up about 62.2 percent of all
24 wireless subscribers at that time, 67 some million wireless
25 subscribers, and among sort of major carriers they had a --

1 the majority were, vast majority of their subscribers may be
2 to digital services now.

3 Most new mobile phone sales are digital, and there
4 is anecdotal evidence, once again, I think it's some
5 anecdotal evidence that may be documented in the record on
6 this proceeding that some hearing disabled customers are
7 having an increasingly hard time being able to find, being
8 able to subscribe to analogue services.

9 There also is an ongoing FCC proceeding looking at
10 whether -- for other reasons whether the FCC rule that
11 requires cellular carriers to provide analogue services
12 should be eliminated, and so that's sort of a factor at
13 play.

14 We initiated our current proceeding based on a --
15 well, based in part on a petition from the Wireless Access
16 Coalition that actually asks us to reinstate -- this was a
17 petition in 2000 that asked to reinstate or reopen looking
18 at a petition that had been before us in 1995, and my
19 understanding is -- someone else is going to talk a little
20 bit about the background so I won't dwell on this particular
21 aspect.

22 And I think the 1995 efforts, we had a petition
23 that asked us to look at listing the exemption for PCS
24 services. I think at the time the Commission declined to
25 take that action, but convened a summit to sort of look at

1 these issues to try and reach some type, even get the
2 parties involved, parties together and try and reach some
3 kind of solution or resolution to these issues.

4 To date, there have not -- a technical standard
5 governing wireless hearing aid compatibility and sort of
6 specifying acceptable levels of interferences has not been
7 adopted or promulgated. The industry process, again through
8 this summit process, has put forward a standard that would
9 be used for measuring interference between cellular phones
10 and hearing aid devices that might be something that would
11 provide information or could potentially be used to provide
12 information to hearing aid users about what types of devices
13 might potentially work together, and that is something that

14 I think the wireless industry and wireless
15 industry, the Cellular Telecommunications and Internet
16 Association, in particular, has proposed to use this
17 standard to kind of adopt this measurement standard into its
18 voluntary certification program for cellular phones to, you
19 know, make that part of that certification program with the
20 thought that might allow end users to pair cellular phones
21 with hearing aid devices that would under the standard look
22 like they would work well together.

23 Our notice of proposed rulemaking, we currently
24 are in a -- we have issued the notice of proposed rulemaking
25 on this issue, and that was -- our notice came out last

1 November, and we have received -- our comment cycle, and our
2 comment cycle closed fairly recently, in the middle of
3 February, and essentially what we did in the notice of
4 proposed rulemaking is we sought comment, in particular, the
5 four criteria that we are supposed to analyze in making a
6 determination whether to revoke or otherwise limit the
7 exemption.

8 And in the notice of proposed rulemaking we
9 tentatively concluded, which is what we do in notices of
10 proposed rulemaking, it's when you -- you sort of make a
11 tentative finding about something, tentatively concluded
12 that the first two criteria that we are to evaluate had been
13 satisfied in light of the decline of analogue services and
14 the growing prevalence of digital services.

15 So we made the determination that under Criteria
16 No. 1 revoking the exemption would be in the public interest
17 in view of this sort of analogue to digital transition, and
18 also tentatively concluded that continuing the exemption
19 would -- could potentially prevent people with hearing
20 disabilities from using digital wireless devices which would
21 hamper their ability to work and communication in today's
22 world.

23 And as I mentioned, digital services tend to
24 provide additional features that are not available with
25 analogue service, and so, you know, you may have data

1 services, you may have features such as caller ID, short
2 messaging services, all of those type things that would not
3 be available to you in an analogue environment.

4 I think it's fair to say and I have to say I
5 personally have not had the chance to evaluate the record in
6 depth, but I think it is fair to say that there is general
7 consensus in the record that both of those criteria are met.

8 Those criteria are not what I would consider to be the
9 harder issues.

10 I think the hard issues that we have to grapple
11 with are the last two criteria, is what is technically
12 feasible for wireless services, for wireless telephones, and
13 what are the costs involved in -- you know, if we were to
14 lift the exemption and require wireless phones to be hearing
15 aid compatible.

16 And so what we did in the notice of proposed of
17 rulemaking is we sought comment, we sought to try and
18 augment the record with additional empirical data about
19 technical feasibility of compliance with the hearing aid
20 compatibility requirements.

21 And we also sought comment on whether the
22 interference measurement standard and the pairing approach
23 that had been advocated by the cellular industry would be,
24 would that be satisfactory way of resolving the issue of
25 compatibility. So you would -- you would sort of provide

1 information that would allow a consumer to potentially make
2 a better match between hearing aid devices and cellular
3 phone devices.

4 We also sought comment on, sought more information
5 about the costs that would be imposed to require
6 compatibility, and, you know, another aspect of that
7 criterion on cost is at what point would the costs become
8 such that they would affect the ability of compatible
9 handsets.

10 We also, in addition to sort of trying to look at,
11 obtain information to help us evaluate those criteria, we
12 made a couple of other -- sought comment or made a couple of
13 other tentative conclusions about how the hearing aid
14 compatibility requirements work, and one of them is fairly
15 definitional in nature.

16 We tentatively concluded that when the act speaks
17 of telephones used with public mobile services, that that
18 would correspond to what we had considered to be covered,
19 commercial global radio services in the context of other
20 rulemaking proceedings. Essentially in my mind these are
21 the wireless services that most nearly translate to wire
22 line voice telephone service.

23 A definition that we had used and that we
24 tentatively concluded to use in this context is that it
25 would be telephones used with all wireless systems to the

1 extent that they offer real time two-way switched voice
2 service that are interconnected with the public switch
3 network and utilized an in-network switching facility which
4 enables the provider to re-use frequencies an accomplish
5 hand-offs of subscriber costs, which really you don't need
6 to know that full definition.

7 As I say, this is -- this is cellular service.
8 This PCS service. These are the real time switched voice
9 services. Things like paging services and those type of
10 services in other context, and I think in this context as
11 well, we would not propose to regulate in the same way.

12 We also tentatively concluded that if the HAC
13 exemption is listed for public phone services or these
14 covered CMRS services, the industry would be required to
15 develop technical standards for compatibility between
16 covered wireless devices and hearing aids. And we noted
17 that the standard for measuring interference that has been
18 promulgated may be potentially valuable does not appear to
19 satisfy that requirement for setting a standard for
20 compatibility.

21 We also asked a question about, and I think this
22 kind of goes to the issue that we are directed by the
23 statute to either revoke or otherwise limit the exemption if
24 we find that the criterion are met. And we asked whether it
25 would be possible -- it would be appropriate if fewer than

1 all public -- telephones used with public mobile services
2 would be required to be hearing aid compatible.

3 For example, if, you know, certain phones were
4 hearing aid compatible but other telephones, not all
5 handsets out there were required to be compatible. And we
6 recognize that that has not been a position that has been
7 favored by consumer advocates, disability rights advocates
8 who tend to be in favor of a universal design approach.

9 But one of the issues that, you know, we are
10 charged with looking at is this issue of the costs imposed.

11 So we sought comment on that question.

12 And then we also sought comment, looking forward
13 to potentially lifting of the exemption or otherwise
14 limiting the exemption, how should we accomplish that if we
15 were to make that decision. Should there be some type of a
16 phase-in for compatibility, you know, compliance? We also
17 sought comments on whether we should impose things like
18 reporting requirements to allow us to track the progress or
19 understand what was going on on the path to compliance.

20 And so that in a nutshell is the inquiry that is
21 before the Commission at this point. And as I say, I
22 personally have not had a chance to look very carefully at
23 the record. As you might imagine, there is significant
24 disagreement among the various interested parties on certain
25 issues, on, you know, some of the crux issues about what it

1 is technically feasible to do, and you know perhaps more
2 basically on the issue of whose responsibility is it to make
3 these devices work together, recognizing that there is the
4 cellular phone side of it, but there is also the hearing aid
5 devices side of it, and that sort of compatibility is a two-
6 way street in some regard, and that is an issue that is kind
7 of a -- it's a difficult issue that we confront in this
8 context and in a number of other context because the FCC has
9 clear jurisdiction over our licensees.

10 We have clear jurisdiction over our wireless
11 licensees, but jurisdiction -- I am going to try not to say
12 anything that will get me in trouble with our general
13 counsel's office, but jurisdiction is somewhat more
14 attenuated, shall we say, if you are asking the FCC to
15 impose requirements on, for example, the hearing aid
16 industry.

17 So part of the issue, I think, that is before us
18 is recognizing that this is an issue that involves a number
19 of parties, some of who are regulated by us and some of whom
20 are not regulated by us, how -- what is the best way to get
21 the parties together to resolve this problem. This problem
22 is not -- is going to require, I think, cooperation and
23 dialogue, and I think the progress that has been made thus
24 far on the issue, you know, has required that type of
25 involvement, the progress that has been made in resolving

1 other similar types of issues related to accessibility,
2 particularly accessibility in correlation to the use of
3 digital wireless services.

4 I understand that there have been -- there were
5 some discussions this morning about some of the problems
6 with digital wireless TTY compatibility and our requirements
7 in the context of our Enhanced 9-1-1 proceeding, that those
8 devices be compatible, and that is another example of this
9 type of issue where there are multiple parties involved in
10 resolving the problem.

11 I think that is an area in which there are -- we
12 are on the road to implementation. There may be some bumps
13 in that road, but the solutions that have been developed
14 have been developed through a multi-faceted and multi-party
15 industry forum, and that's one of the issues that I think we
16 look at in this type of context; is how do we promote that
17 dialogue. Is the best thing -- you know, the best approach
18 to take a regulatory mandate from the FCC or are there other
19 avenues that might reach a result, you know, in a different
20 fashion?

21 So that is the end of my formal presentation. I
22 would be glad to take questions, and I will do the best I
23 can to answer them.

24 Larry -- excuse me. I'm going to call you Larry.
25 I don't care what your name is. Just answer.

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1 MR. JACOBS: I like Larry. This is Steve Jacobs,
2 IDEA at NCR.

3 Physically what are the range of different ways
4 that a digital cellular phone connects to a hearing aid? Is
5 one like an inductive loop or is that analogue? Could you
6 give us some idea?

7 MS. SCINTO: And this -- you are going to realize
8 very quickly how non-engineering oriented I am. But my
9 understanding is that the use of inductive coupling, and
10 anyone else who wants to jump in and help me out on this, go
11 right ahead, but that inductive coupling is not used in a
12 digital wireless environment, and that there are some
13 efforts or there are some products available that will allow
14 digital wireless handsets to be use, for example, with neck
15 loops and with devices that will allow the handset to be
16 somewhat separated from the hearing aid device. But I don't
17 believe that inductive coupling is used in digital.

18 MS. ROOKER: Okay, let's see. Let me get a feel
19 for who wants to ask questions.

20 MS. SCINTO: Or who wants to like help me out on
21 the answers.

22 MS. ROOKER: Okay. All right, Judy. All right,
23 go ahead.

24 MS. HARKINS: The neck loops that are used to
25 distance the wireless phone from the hearing aid, do you use

1 inductive coupling or for pickup by the telecoil in the
2 hearing aid?

3 And many of the digital wireless phones also have
4 this capacity in them so that a hearing aid wearer who has
5 telecoil can turn on to D switch, listen to one of the
6 phones, and hear speech, but very often they will also hear
7 interference, and this phone is designed in such a way to
8 distance it slight. In that case they report a lot less
9 interference. But in general, there is no standard, the
10 HAP standard that is applied to wire line is not applied to
11 wireless phones, but there is some inductive coupling used
12 in digital wireless telephony.

13 MS. ROOKER: Do we have other responses? Okay,
14 Andrea.

15 MS. WILLIAMS: I am not an engineer but after six
16 years of this I feel like I am on this issue.

17 First of all, this is what the loop set looks
18 like, one of them, the Nokia, the ATT wireless service.

19 In the wireless industry, from the way the
20 engineers explained this to me, compatibility and
21 interference are really two separate and distinct issues.
22 Compatibility is a term of art that the engineering world
23 has -- it's become synonymous with a duct coupling. RF
24 interference is a separate issue.

25 Under the FCC's Part 68 rules, pretty much as a

1 standard in Part 68, is for inductive coupling in a wire
2 line phone.

3 The RF interference issue has never been
4 addressed. In fact, from the industry's standpoint, the HAC
5 Act does not even address RF interference. You are dealing
6 with physics here.

7 Ron, help me out here now. How am I doing?

8 Okay, and that what's happening with the digital
9 technology is you have -- with the analogue you have a sign
10 wave and it's very -- what's the word I want to use --
11 steady, very steady, whereas with digital technology you
12 have pulsing, and it's that noise and that interference that
13 the hearing aid is picking up, and that's what a hearing aid
14 is supposed to do, pick up sound, and it's being amplified,
15 and that's when you get interference.

16 Then what this allows, inductive loop set, is to
17 put some distance between you, the hearing aid, and the
18 phone because the digital phone, because it's a radio, it
19 has to emit radio frequency energy. As we all use around
20 the office, if it doesn't emit energy all you have is a
21 paperweight.

22 (Laughter.)

23 MS. WILLIAMS: That means -- a digital phone has
24 to -- analogue digital phone has to emit energy. That's the
25 way it works. And I think that's enough of Physics 101.

1 MS. ROOKER: Let me just tell you for your
2 information that Andrea has a paper -- she has distributed
3 copies -- of the Cellular Telecommunications and Internet
4 Association's position on these issues that they have given
5 to the FCC, and they are available for you. I think they
6 have been given out.

7 Have then, Andrea?

8 MS. BRUNS: Yes.

9 MS. ROOKER: Okay, at any rate, now, do we have
10 more comments on this or can we move onto another question?

11 Is there another question? All right.

12 MS. BATTAT: When somebody has a hearing aid, they
13 can couple with a phone into different way. They can either
14 hold the phone up against their hearing aid, use through the
15 microphone setting, or they can turn their hearing aid over
16 to a telecoil setting, which sets up this internal coupling
17 that we are talking about.

18 Now, there is about five million hearing aid users
19 in the United States, in America today, according to the
20 trade association for the hearing aid manufacturers, about
21 1.8 million of those have this telecoil capability. And
22 those 1.8 million are the people that really need the help
23 most because typically they are the ones that without using
24 the telecoil have absolutely no way of accessing any
25 telephone wire line or wireless.

1 So although they are a smaller group of the total
2 number of hearing aid users, they are the most needy in
3 terms of providing them with access to the telephone system,
4 whether it be wireless or wire line. And so this is a very
5 critical group, and these are the ones that want to use
6 their telecoil, and it's the telecoil that has to be
7 activated on the hearing aid.

8 In terms of the RF interference, I can tell you
9 that today when you buy a hearing aid there is a lot less
10 interference picked up, there is a lot better noise immunity
11 in the hearing aids that are designed today than there were
12 back even in 1995, when we started on this issue.

13 Now, that's not to say that all hearing aids have
14 very high noise immunity, and we can get into that later.
15 There are standards that, you know, could be looked at. But
16 I think, you know, just from personally experience and many,
17 many consumers that I have talked to their hearing aids have
18 much better RF interference immunity.

19 However, there is other interference that we are
20 talking about here, which includes also coming from the
21 phone itself, which includes like magnetic and electronic
22 interference, and that really is something that even with
23 the better immunity on the hearing aid side is not going to
24 help that issue. That is something that really has to be
25 dealt with on the phone side.

1 So when we are talking about interference there
2 are different things, interference coming from different
3 parts of the phone and from the environment that -- so we
4 need to breakout the interference into RF, electromagnetic
5 and electronic interference, and what can be dealt with
6 when. I think that's an issue that needs to be addressed
7 also.

8 MS. ROOKER: Okay.

9 MS. BATTAT: Just one more point also.

10 MS. ROOKER: Sure.

11 MS. BATTAT: I'm sorry. But I say there is five
12 million hearing aid users today. There are potentially,
13 potentially 20 million users, and I think with the
14 improvement of hearing aids, and they really have improved a
15 lot in the last five years, we are going to see an increase.
16 So you have a potentially huge number of people that could
17 be affected down the line as more people adopt a hearing aid
18 as they become more sophisticated in technology.

19 MS. ROOKER: Okay, Nancy, or --

20 MS. BRUNS: These are CTI comments that we filed
21 in the proceeding. What I really would like you to -- if
22 you need a technical, well, I can say in layman's terms, you
23 may want to refer to Exhibit A.

24 CTI brought in its experts and they gave a
25 tutorial to the FCC wireless bureau in terms of what's

1 technically going on from a layman's term, and I think it's
2 very helpful if you want to see, you know, what's happening
3 technically. You know, it's a very complex technical issue.

4 The other thing is that if this committee would
5 like we would be happy to entertain having a similar
6 tutorial and bring Ike and bring our experts in for this
7 committee if they would like to have one at the next
8 meeting.

9 MS. ROOKER: We can talk about that, Andrea. And
10 also Andrea has disk copies if you need them, so they are
11 available in different forms.

12 Wait, Nancy, were you -- all right, Nancy.

13 MS. LINKE-ELLIS: I just have one quick comment,
14 and that is, not so much as a hearing aid user, because when
15 I was able to wear hearing aids, I was never able to use a
16 telephone. The telecoil never gave me enough power.

17 But as a cochlea implant user, I have a first
18 generation clearing, and I have had it for eight years, and
19 it is digitally phased, and I have been able to use a
20 wireless cell phone since day one.

21 MS. ROOKER: Okay. All right, we have other
22 questions or comments? Yes, Susan Palmer.

23 MS. PALMER: I think, Brenda -- this is Susan
24 Palmer from Cingular. I think, Brenda, you brought the
25 critical piece in terms of the issue around interference. I

1 think that, you know, there has certainly been claims for
2 progress on the hearing aids. I suspect that that's the
3 case.

4 One of the issues though is that don't really know
5 going in how much immunity you are going to have. There is
6 not scanners, there is not -- and this is an issue we came up
7 with TTYs as well, is you are looking at it, trying to match
8 it to the industry that really doesn't have anything
9 specific in terms of specifications that we can match to.

10 So I think that there is a whole piece here that,
11 again I hate to bring up something that doesn't fall within
12 the FCC again, but I think it really cries out for
13 interagency cooperation because there really needs to be
14 that side of the piece look at as well. I think that you
15 should be able to purchase a hearing aid and know how
16 effective it's going to be. You should be able to have
17 reasonable ways of getting hearing aids, and so there is a
18 lot of issues that are underlying as well.

19 MS. ROOKER: Thank you, Susan.

20 Yes, Paul. It's Paul.

21 MR. LUDWICK: Yes, I would just like to follow up
22 on Susan's comment, and also --

23 MS. ROOKER: Paul, give your full name if you
24 would, please.

25 MR. LUDWICK: Paul Ludwick.

1 MS. ROOKER: Thank you.

2 MR. LUDWICK: I wanted to follow up on Susan's
3 comment and also the remark that you made about possible
4 scenario follow-on, something similar to the TTY wireless
5 issue.

6 Well, I'm not sure that that's entire the same
7 situation because in those two cases both participants are
8 involved in the communications business. We actually in
9 many cases have worked in relationships with those
10 manufacturers and we just, frankly, know, know on sight and
11 know them personally. So it's very easy to establish a
12 working relationship and solve that problem.

13 It's entirely different in this issue because we
14 do not deal with the hearing aid manufacturers on either a
15 professional or personal level. So I don't know that -- I
16 don't know that cooperation toward a common goal is entirely
17 possible without some type of regulatory action on both
18 sides of the table as opposed to just one in this case.

19 MS. SCINTO: And I think that I wasn't intending
20 to suggest that we take the TTY form and make it a HAC
21 forum, and you are right to point out some differences
22 there.

23 I think that essentially what we are looking at,
24 exploring is how do we reach a similar type result, how do
25 we reach -- how do we get our arms around what can be done

1 and, you know, what can be done on both sides. I think that
2 we have heard from folks in the hearing aid industry about
3 the efforts that they have undertaken, and I think there is
4 a lot, or at least in my perspective I see sort of some, you
5 know, one side pointing at the other side, the other side
6 pointing at the other side, and that doesn't seem to me to
7 be a productive -- that's not moving the ball forward at
8 all.

9 So you know, I can't speak to what this Commission
10 is going to do. We are just in the process of sort of
11 looking at what are the options.

12 MR. LUDWICK: Oh, I agree. I kind of have been
13 looking at the record and I have seen that some of the
14 commenters have made comment, possibly ATIS could become
15 involved, and I think that's really a possible suggestion.
16 It has a good possibility of working. And I think if left
17 to themselves, it's unlikely, since we don't work together
18 on a regular basis, that the two different sides of the
19 table can come to an agreement without some help.

20 MS. SCINTO: That's a good comment.

21 MS. ROOKER: Thank you. I think we have time for
22 just one more question. Brenda. And then you are going to
23 just follow up on that by --

24 MS. BATTAT: I want to follow up on what Paul was
25 saying.

1 First of all, I am so happy that this notice came
2 out, this notice of proposed rulemaking. I really want to
3 thank you. You need to go back to 1995 when the first
4 petition was put forward to the FCC, and as a result of
5 that, you mentioned the summit, and Paul, I don't know if
6 you were around then, but the summit was bringing together
7 hearing aid manufacturers, telecommunications manufacturers,
8 professional hearing health professionals, and consumers.

9 We had committees formed that reported regularly
10 to the FCC, and all of those committees were co-chaired by a
11 hearing aid manufacturer and a telecommunications
12 representative, and that was the -- that went on for several
13 years.

14 And I can tell you I was extremely hopeful during
15 that process, which was initiated during the administration
16 of Chairman Reed Hunt, because he did not want to put out a
17 notice at that time, he wanted to see if the different
18 parties could work together and try to come up with some
19 solutions.

20 And this has been going on since 1995, and I was a
21 member of the original coalition that filed the first
22 petition, and then I -- organization was a member of the
23 second petition that was filed when we got frustrated that
24 that process wasn't working. But they didn't know one
25 another in the beginning, but they got to know one another

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1 very well, and they were working on this.

2 And I do think that some solutions were developed.

3 I mean, I really want to thank the industry because they
4 did come up with some solutions, but -- and there was a sort
5 of momentum for awhile, and then suddenly it sort of cut
6 off. That's my impression, that there was quite a bit of
7 movement in the beginning.

8 And I have to say that one of the reasons, I
9 think, that the momentum just last and it got cut out is
10 because it was a voluntary effort. Yes, of course, Reed
11 Hunt said you go and do this, but there was no law telling
12 them that they had to do it by a certain time.

13 And so I started out being very, very optimistic,
14 and unfortunately, it didn't pan out, and that's why again
15 we put in the petition to reopen and look at the revoke. So
16 I think it is possible.

17 I mean, what was so impressive was to have people
18 from the telecommunications industry come into a meeting and
19 not knowing anything about hearing aids, and go out being
20 talking intelligently about telecoils and inductive
21 coupling, and for likewise on the other side, talking about
22 wireless technology. So it did happen for awhile, but it
23 fizzled out.

24 MS. ROOKER: Thank you very much.

25 I have been asked by one of the public attending

1 members if he could make a comment.

2 MR. GORDON: Hi, my name is Joel Gordon. I am
3 with the League of Hard of Hearing, New York.

4 I don't have a question or comment. I just have
5 something I want to share with the committee.

6 I have an analogue phone, and I just want everyone
7 to know I get 30 minutes a month for \$35. If it was digital
8 for the same \$35 I would get 300 minutes a month. That is
9 where I would like some relief.

10 MS. ROOKER: He's talking about our pocketbook.
11 And we really are going to have to move on. I'm sorry.

12 VOICE: I want to ask Blaise a question.

13 MS. ROOKER: I don't have time. I'm sorry. We
14 are running out.

15 VOICE: Could I ask her afterwards?

16 MS. ROOKER: Sure. Thank you, if you would.

17 Thank you so much, Dr. Blaise Scinto.

18 (Applause.)

19 MS. ROOKER: And Brenda Battat is going to give us
20 a brief history of this whole issue.

21 MS. BATTAT: Very brief. We have covered some of
22 it already --

23 MS. ROOKER: Good.

24 MS. BATTAT: -- in the discussion, but the first
25 petition, as I said, was our petition in 1995, which was a

1 petition to re-lift the exemption on wireless. It was a
2 petition with two consumer organizations -- three
3 organizations that put that petition in, and basically it
4 was a result of seeing what was going on in Europe where GSM
5 had been introduced earlier, and consumers told us that they
6 could not use the phone, and that when the -- when digital
7 technology was introduced here, that we need to be ready for
8 it because they were having tremendous difficulty.

9 Not only were they having difficulty with
10 interference to the user with the hearing aid, but also to
11 people who were in the nearby environment. They would also
12 be interfered with if they had a hearing aid.

13 So then Chairman Hunt at that time thought the
14 consumers and then industry together and the hearing aid
15 manufacturers and asked them to try to work out a solution
16 together. And there were committees formed, looking at long
17 term, short term, and solutions related to the internal
18 coupling, which was a little more complex.

19 And those committees worked very hard and long
20 hours over a long period of time collaborating together,
21 coming up with solution.

22 At the same time there was research being done
23 which was funded by CTA at the University of Oklahoma,
24 looking at the issue, and there are reports of that which
25 we could make available, I think, if anybody is interested.

1 We can get web site. Basically looking at, and trying to
2 understand the interference, which hearing aids were
3 affected, did it make a difference which hearing aid, did it
4 make a difference on the age of the hearing aid, did make a
5 difference in the type of the hearing aid.

6 And essentially what came out was that just about
7 all hearing aids could cause or could have an interference
8 using a digital phone.

9 So this has been going on for a very long time.
10 But the issue here is we can only use -- hearing aid users
11 can only use wire line phones because there is a law in
12 place which makes sure the phone are compatible with hearing
13 aids.

14 Think about it. Wire line phones are probably
15 going to be going away in the not too long distance future.

16 We definitely are moving towards a digital age. How then
17 are people with hearing aids and people with hearing loss
18 going to use the phone? Can you tell me that?

19 I mean, we have to think about essentially what's
20 going to potentially affect a very large group of people.
21 And having access to the phone, there needs to be some sort
22 of secure way of ensuring that they can access the phone.
23 This is the reason that we got into this in the beginning,
24 was to find a way to make sure that people with hearing loss
25 do have access.

1 And looking back on the history in terms of
2 telecommunication access in other areas, it has never been,
3 never come about as a result of market forces. We are just
4 not seen as a central marketing strategy. It's not part of
5 a central marketing strategy.

6 So if you look back and there is at least five or
7 six laws that Congress has passed since 1982 up until now
8 that have made it possible for us to have access. And I can
9 just quickly go down: The Telecommunications Act for the
10 Disabled, Hearing Aid Compatibility Act, Telecommunications
11 Act of 1996, the TTD Coded Chip Act, Title IV of the ADA
12 which made it possible to have relay. This is just some
13 examples of the fact that -- that's the reason why we are
14 able to use the plain, old telephone system.

15 And what scares is when the plain, old telephone
16 system is no longer there, what are we going to do if we
17 don't have something in place to make sure that digital is
18 accessible to people with hearing loss.

19 MS. ROOKER: That's a very good question, Brenda.
20 Thank you so much. I appreciate it.

21 Now, we have got to move into the part of our
22 discussion where we discuss and make recommendations to the
23 FCC.

24 Who would like to put forth some suggestions,
25 recommendations for discussion?

1 Let me just add a couple of things. Shelley Nixon
2 has given me a list of questions that she had about the
3 speech-to-speech presentation of Dr. Segalman for the DRO.
4 And we are going to give those to the DRO, and you will be
5 getting Shelley's questions and the answers from DRO via e-
6 mail as per her request. We didn't have time to go over
7 them, and I apologize for that.

8 So at any rate now we are moving into the part
9 where we need to talk about recommendations. Do we have
10 some thoughts from you?

11 Yes? And do we have people on the phone?

12 MS. TUCKER: Yes.

13 MS. ROOKER: Hi. Micaela, how is the baby?

14 MS. TUCKER: She is great. Thanks for asking.

15 MS. ROOKER: Do you have -- do you have any
16 comments or question for us?

17 MS. TUCKER: Not at this point. Thank you.

18 MS. ROOKER: Okay. Is Roger there, Roger Craft?
19 Oh, excuse me, Lee Bateman.

20 MR. BATEMAN: Yes.

21 MS. ROOKER: Oh, Roger is snowed in. Lee is via
22 phone. Thank you, Lee.

23 MR. BATEMAN: I have also lost all your video, all
24 your networks to your -- or your web --

25 MS. ROOKER: You mean you can't see us?

1 MR. BATEMAN: No.

2 MS. ROOKER: Oh, you poor dear.

3 MR. BATEMAN: It was such a beautiful sight
4 earlier.

5 MS. ROOKER: It was, wasn't it?

6 Do you have any questions so far for us?

7 MR. BATEMAN: No.

8 MS. ROOKER: Okay. We will come back to you. I
9 hope we don't forget you. We will try not to.

10 All right, I am ready to hear suggestions. Bob?

11 May I ask a show of hands so I can get a feel for
12 who wants to make comments or questions? Laura, and Bob,
13 and who else? And Susan. Okay, let's start with Bob. I
14 saw you first. That's what you get for sitting across.

15 MR. CHROSTOWSKI: Bob Chrostowski, TIA.

16 I just wanted to make the point that digital does
17 not imply or use of digital technology does not imply that
18 there will be problems with digital technology in the wire
19 line. Digital technology is used today in a wire line. The
20 issue is wireless. I thought maybe you had all accomplished
21 that.

22 MS. BATTAT: Actually no. Digital sped through
23 wireless phones also cause interference with hearing aid.

24 MR. CHROSTOWSKI: Okay, that's unbeknownst to me
25 because wire line, and the devices that operate and create

1 radiation are subject to FCC rules that limit the amount of
2 radiation.

3 So maybe that's an area that could be tacked, but
4 I think from the standpoint of telephones, really wireless
5 is the issue because it's an intentional radiator at
6 specific power levels that the FCC in itself sets forth that
7 this power can be transmitted to meet the design of the
8 service.

9 MS. ROOKER: Okay. Laura?

10 MS. RUBY: As a recommendation for the FCC, I am
11 just wondering, when we were talking about homeland security
12 the FCC was talking about the fact that they didn't have
13 jurisdiction over a lot of the other partners, but that they
14 were willing to coordinate with some of the other government
15 agencies, and find that coordination and help everyone to
16 work together on a solution.

17 And I am wondering if FCC wouldn't be willing to
18 do the same thing with the FDA so that we can bring the
19 hearing aid manufacturers in and get support from the FDA on
20 that.

21 I don't know if we have ever gone that route
22 before where the FCC actually went to the FDA and said we
23 would like your help in this matter.

24 MS. ROOKER: Is this -- do you have any knowledge
25 of this issue? Do we want to make this proposal that they

1 do? Would that be your recommendation that would come from
2 the committee?

3 (No response.)

4 MS. ROOKER: All right. Then we will make that
5 recommendation that the FDA and the FCC tackle the issue of
6 interference and accessibility to digital phones via both
7 sides of the aisle. Okay.

8 MS. BATTAT: One of the things that concerns me a
9 little bit about that is that where is the big burden going
10 to be placed?

11 I agree it's a problem on both sides, and I do
12 think that the hearing aids are already making an effort,
13 and I do agree that they need to develop standard, but I
14 would like to also hear that the phone industry also agreed
15 that they have to do something on their side too. I was
16 reading the comments in the proceeding, I felt that a lot of
17 the burden was being shifted over to hearing aids alone, and
18 that the phone company thought once the hearing aids did
19 that then they wouldn't have to do anything.

20 And so I do want make to make sure what is the
21 motivation behind this working together.

22 MS. RUBY: Are you suggesting that both agencies
23 oversee both industries so there can be equal cooperative
24 collaboration?

25 MS. ROOKER: I think that was the point that she

1 was making, so we will underscore that. Thank you, Laura.

2 Susan Palmer. So anyway, we making, this is a
3 recommendation that the two agencies get together and work
4 on this from an equal point of view.

5 MS. PALMER: This is Susan Palmer from Cingular
6 Wireless.

7 And certainly as a wireless service provider, and
8 looking at a growing number of people with hearing aids, we
9 think this is a critical issue. However, there are -- I
10 mean, you said earlier that the reason that you have hearing
11 aid compatibility on the wireless side is there is
12 regulation.

13 The other issue that it's also technically
14 feasible to do. I think one of the reasons you are not
15 hearing support for regulation on the handset side is we
16 don't know what that looks like. You know, we want to have
17 access. We want usability. We are also not clear if that's
18 the best way, the existing rules are the best way to
19 approach it.

20 I don't think it's so much a matter of trying to
21 shift the blame. It's just we -- I have engineers that I
22 work with on other access issues who are more than happy to
23 provide very forceful and forthright comments. To others
24 who may not be as exciting about providing access as we are
25 saying that you really need to look at the hearing aid side,

1 but that's not something we cannot -- we can walk away from.

2 I think that there is a significant issue there;
3 that, you know, you can make requirements, but that doesn't
4 mean that if the hearing aids aren't ready to work with the
5 handsets, that those requirements will do any good, and what
6 we want is something that works, not something that's just
7 required, and I think that's what you want as well.

8 MS. ROOKER: Okay, thank you, Susan.

9 Andrea Williams.

10 MS. WILLIAMS: One of the recommendations or
11 comments, I guess, I would like to make in terms of the FCC,
12 and it's also -- comments is, you know, we don't want to
13 take like a one size fits all approach, and that this may
14 require a combined approach of a number of solutions, not
15 just one solution. And we know that there are other
16 countries who are dealing with this issue, and we would like
17 to see no stone unturned.

18 And we know that in Australia and European
19 scientists, researchers have done some work, and we would
20 really like for the FCC to take a hard look and see whether
21 some of that work is applicable here in the U.S. Some of it
22 may, some of it may not, but I don't think, particularly
23 when you are dealing with phone manufacturers are global,
24 hearing aid manufacturers are global, that we can operate
25 without thinking of the global implications.

1 And I am not saying that when in Australia that
2 it's, you know, a sure fired thing that it's going to work
3 in the United States, but I don't think you can ignore it.

4 MS. ROOKER: Do we know that the FCC hasn't looked
5 at those other countries?

6 MS. WILLIAMS: Other than what we have presented
7 to them, I don't believe they have any discussions with
8 Australia or the Europeans.

9 MS. ROOKER: Do you have a comment, Judith?

10 MS. HARKINS: In our reply comments, we noted that
11 the Australian Human Rights Commission that looked into this
12 tried to mediate the problem when the took down their
13 analogue network and only had GSM. They looked to the
14 United States policy as the way of solving the problem
15 globally.

16 And so I think the FCC has to do something
17 because, as Brenda said, previous efforts has allowed it.
18 Hearing aid users can't find anything on web sites and
19 companies about what they can use. They have got
20 accessories, but you know, it's a very difficult situation
21 for people whose hearing aids are not working well.

22 MS. ROOKER: I understand your point. But back to
23 Andrea's comment, is there any reason why we would not
24 propose to the FCC that they examine other countries'
25 approaches to see if it's appropriate?

1 MS. HARKINS: Sure.

2 MS. ROOKER: But you feel that that's already been
3 done and --

4 MS. HARKINS: No.

5 MS. ROOKER: -- that they are looking to us?

6 MS. HARKINS: No, I don't think you are going to
7 find magic bullets in other countries, especially in areas
8 under FCC's jurisdiction.

9 In our comments we provide -- we have proposed
10 that this be phased in because it gives everyone an
11 opportunity to sort through these things because they have
12 not been leading for years, and to look at what can be done,
13 what multiple approaches might be. And so we were proposing
14 that the FCC act, but that it not act ask if this had to
15 happen tomorrow, but that they phase in introduction of
16 handsets that are deemed to be accessible in the community.

17 MS. ROOKER: Back to the issue that Andrea raised,
18 however, I am not trying to beat it to death, but do we as a
19 committee want to make the recommendation that, if
20 appropriate, that we look at other countries?

21 I am simply trying to deal with -- no one has a
22 problem with making that suggestion. Okay.

23 Yes.

24 MS. BATTAT: I think it's also important to
25 remember that when we do that, that both the countries that

1 they are looking at have nationalized medicine, hearing aids
2 are free, so that any change that could be made is very easy
3 because the consumer does not have to go out and spend their
4 own money to buying new hearing aids.

5 So if standards are developed, it's very easy, and
6 it's also very easy for Australia and England to say to
7 their national health service you don't prescribe any hearing
8 aids that don't follow these standards. We don't have that
9 kind of social setup here.

10 MS. HARKINS: That's what I mean by in terms of
11 the FCC taking a long, hard look. That's why I said I don't
12 know everything, what the Australians do or what the
13 Europeans do is going to work, but they need to look, take a
14 look.

15 We can't -- I mean, if we research it, if those
16 issues, social policy issues, all of that needs to be looked
17 at.

18 MS. ROOKER: Okay, Matt, you had a comment or a
19 question or recommendation?

20 MR. KALTENBACH: I think where an interface exists
21 between two industries, and between to regulatory agencies,
22 we in the CDTAC should recognize that this is going to
23 require both regulatory -- both governing bodies and an
24 industry forum working together towards a common goal.

25 I suggest that we advise the FCC to charter a

1 technical advisory committee to develop a work scope and
2 locate a common forum to develop not just a position, but an
3 action or a work plan towards resolving this issue.

4 MS. ROOKER: All right. Comments? Clayton?

5 MR. BOWEN: Shirley, just very quickly to go along
6 with what Matt was saying, and to revisit Laura's
7 recommendation a few minutes ago.

8 It may add more weigh to that recommendation if we
9 say the number of people that will impacted. Brenda
10 mentioned that there were six million users and there was a
11 potential for 15 million, or whatever. If we preface that
12 recommendation based on the impact of five million people,
13 that we recommend that.

14 MS. ROOKER: That would include the scope of
15 people that would be affected by changes or whatever.

16 MR. BOWEN: Yes.

17 MS. ROOKER: Okay. All right, but let's go back
18 to what Matt had just stated, that he has put forth for a
19 committee.

20 What is the feeling?

21 MS. BATTAT: The only thing I can say is that that
22 is something I -- I can't as CTI recommend that because that
23 is something that I do not -- with my members. I just
24 can't, Matt, even though you are a member, but not with
25 other members. I am not sure all phone manufacturers feel

1 that same way.

2 MS. ROOKER: Do we have other comments on it?
3 Susan Palmer.

4 MS. PALMER: I think it's important that we make
5 it a technical group like Matt was saying because I think we
6 need to look at the technology issues first, and then we
7 need to look at the underlying support issues.

8 We don't want to come up with a terrible solution
9 because it's the most affordable. What we need to find out
10 is what is the best solution, and then how do we get it to
11 people.

12 MS. ROOKER: So we look at the best solution in a
13 broad scope, not because it's -- Matt?

14 MR. KALTENBACH: Maybe there is some
15 misunderstanding.

16 What I was suggesting is within the FCC the only
17 body, I believe, and Shirley, maybe you can help me clarify
18 this, are technical committees which are actually able to
19 create positions within the FCC to develop work items for
20 bodies outside the FCC.

21 So what I was suggesting was simply to explore in
22 depth to determine if there is further work that is
23 required, further actions that could be taken, or further
24 ways of just enhancing the industry to cooperate towards a
25 solution or improving the situation. It would be the

1 technical advisory group within the FCC that would write the
2 direction or the action that the FCC recommends and direct
3 that towards an industry forum like ATIS or some other
4 acceptable forum for investigating those types of
5 resolutions.

6 MS. ROOKER: I think you just confused me.

7 MS. LINKE-ELLIS: Are you talking about the
8 federal advisory committee that the FCC had to make
9 recommendations of --

10 MR. KALTENBACH: Exactly. They should write the
11 scope of work of how the industry should work towards a
12 solution and involve the FDA.

13 MS. ROOKER: And they would send that to the FCC
14 for recommendation, as their recommendation.

15 Does that have -- Susan Palmer?

16 MS. PALMER: You are saying concurrent jointly
17 with the FDA, right, not as aside?

18 MR. KALTENBACH: Absolutely.

19 MS. PALMER: Okay.

20 MS. ROOKER: Okay? Well, do we want to put this
21 as a recommendation? What do you think? Brenda, do you
22 want your dissention in there?

23 MS. BATTAT: I don't think we have a problem with
24 a technical --

25 MS. ROOKER: Okay.

1 MS. BATTAT: -- advisory. I thought --

2 MS. ROOKER: All right, technical advisory
3 committee. We will review the transcripts and make sure we
4 get it right. Okay? Thank you.

5 And do we have other recommendations?

6 MS. BATTAT: Do you want to put a time frame of
7 when you want something because we have been doing this kind
8 of thing? I do not want it to be open ended.

9 MS. ROOKER: Quite candidly, I don't believe that
10 we as a committee can put a time frame on it, but you were
11 suggesting that there be a time frame put on it by someone.

12 MS. BATTAT: Yes.

13 MS. ROOKER: Okay, does that -- okay, I don't
14 think that's going to be a problem.

15 Paul, Paul Ludwick.

16 Brenda, would you pass that on to him, please?

17 MS. LUDWICK: My name is Paul Ludwick, and I
18 wanted to bring up a related subject. I discussed it with
19 Scott in an e-mail as a possible agenda item.

20 But on one hand we have a technical issue with
21 hearing aid compatibility as they relate to the digital
22 handsets and the digital network. On the other hand there
23 is a timing proceeding before the FCC to discontinue the
24 analogue network.

25 So I think they -- they interact in some way and I

1 think they have an effect on people in this room and quite a
2 few Americans, and I just wondered if the committee wanted
3 to discuss that in any way.

4 MS. ROOKER: Well, is this something that we would
5 have as an agenda item for the June meeting, or is it going
6 to be too late?

7 MR. LUDWICK: I can't answer that. I'm not
8 familiar enough with the proceeding. Blaise or Andrea might
9 be able to discuss it.

10 MS. ROOKER: Is anyone here that can address that?
11 Blaise is still here.

12 MS. SCINTO: I can't actually give you a specific
13 time frame for that proceeding. I know that -- because that
14 proceeding is not housed in my division, but that proceeding
15 is in fact being actively worked on, and you know, as Paul
16 mentioned, the issue of what elimination of analogue
17 requirement will do in this context for these various
18 accessibility issues that are before us, the accessibility
19 with TTY devices prior to full implementation of the digital
20 solution for TTY devices, and the hearing aid issue. Both
21 of those are issues that are -- I think, were tee'd up in
22 the notice of proposed rulemaking in that proceeding on the
23 analogue issue.

24 So as for time frame, it's difficult to say. It
25 is possible, but if this is deferred to a June meeting that

1 might be too late. I can't speak definitively on that
2 though.

3 MS. ROOKER: Thank you, Blaise.

4 Paul, would you want to take the responsibility of
5 finding out what kind of time frame is involved using the
6 mailing, e-mailing this within the committee to point to the
7 issues?

8 MS. LUDWICK: Well, I think the proceeding details
9 the time line for the discontinuance right now. But Andrea
10 might want to make a comment on that.

11 MS. WILLIAMS: One of the things the industry has
12 just done, we realize that we have this problem with digital
13 networks and digital phones, not only for hearing aid
14 compatibility but also for TTY, and that is why we strongly
15 recommend that there be a transition period.

16 We have not told the Commission, you know, what we
17 felt that time frame should be because, frankly, we couldn't
18 get our members to agree, but we do recognize that there has
19 to be a sufficient amount of transition period because we
20 can't take analogue out and people, our subscribers who use
21 hearing aids and TTYs, until we can get a digital solution
22 in there for them.

23 MS. ROOKER: So you are saying you think it's
24 going to be some time before this is actually in effect?

25 MS. WILLIAMS: What, in terms of the analogue?

1 We have asked, and we have -- well, I know the
2 other part of my office has been advocating at the
3 Commission that there be this transition period.

4 MS. ROOKER: But you don't know the answer to
5 that?

6 MS. WILLIAMS: We don't know what that answer is
7 going to be.

8 MR. LUDWICK: Well, the transition, excuse me.
9 The transition period at the date that the regulations are
10 enacted will be different.

11 MS. ROOKER: Right.

12 MR. LUDWICK: The transition period will probably
13 be two to N years, but the proceeding will be decided, as
14 the lady referenced, possibly before June. So that's why
15 they are interrelated right now.

16 MS. ROOKER: Well, what I am asking you is do you
17 want to find out and see if you want to present issues to
18 the committee via e-mail?

19 MR. LUDWICK: Well, as a company, Sprint, we have
20 already presented comments and done ex parte, ex parte
21 meetings, but as a group --

22 MS. ROOKER: As a committee.

23 MR. LUDWICK: -- it may be -- it may make sense.

24 MS. ROOKER: Unfortunately, there is probably not
25 going to be even anything we can do. We don't have a

1 meeting until June. Unless somebody wants to spearhead an
2 effort to do something, I don't see it happening, I'm sorry
3 to say.

4 We have completed our assigned chore for this
5 moment unless someone else has a very pressing
6 recommendation they would like to make. I would like to
7 thank you.

8 We are going to have -- believe it or not you are
9 actually going to get a 15-minute break.

10 (Applause.)

11 MS. ROOKER: Three o'clock.

12 (Whereupon, a recess was taken.)

13 MS. ROOKER: Back to your seats. Should I get up
14 and scream? Please could I have the room back to the table?

15 We are going to order some cabs. Do we have a
16 show of hands to who needs cabs for after the meeting?

17 (Show of hands.)

18 MS. ROOKER: Okay. Six cabs. Let's see if that's
19 going to be enough. If you need a cab, stick your hand way
20 up.

21 (Show of hands.)

22 MS. ROOKER: One, two, three, four, five, thank
23 you, Larry, six. Is there a seven? Do I hear seven? Six,
24 we've got six cabs going. Okay. Going, going. All right,
25 let's get back to serious business.

1 Narda, thank you for being patiently waiting for
2 us while I try to round up this group.

3 We are very pleased to have with us as the next
4 presenter on our agenda, the changes to the universal
5 support mechanism. There is a proposed rulemaking. We are
6 going to learn about it. Narda Jones is an attorney with
7 the Accounting Policy Division of the Common Carrier Bureau.
8 Please join with me in welcoming Narda Jones.

9 (Applause.)

10 MS. JONES: Okay, I have never seen myself on TV
11 before. This is very strange.

12 MS. ROOKER: You are beautiful.

13 MS. JONES: All right, I will try not to be
14 distracted.

15 Good afternoon. I don't think I'm going take up
16 the whole 45 minutes, but just so that I can get a sense of
17 how detailed I should be, do we have any educators in this
18 group? I know it's a varied group, but are there any
19 educators?

20 Okay, so not that many. So for most of you the
21 schools and libraries program is not something you are
22 familiar with, I am gathering. No. Okay, so you have been
23 there.

24 All right. Well, I was asked to do three things:
25 Talk a little bit how the program works; talk about the

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1 rulemaking that's pending, and take some questions.

2 MS. ROOKER: Could we please? I'm sorry. I hate
3 to be a nag, but I can't hear Narda and I want to hear her.

4 Thank you.

5 MS. JONES: I'll talk louder as well.

6 MS. ROOKER: No, it's not -- it wasn't you.

7 MS. JONES: So the schools and libraries mechanism
8 of the Universal Service Program is money that's available
9 to schools and libraries based on how poor the school is, and
10 how the school's poverty level is determined is based on the
11 National School Lunch Program count. It's basic information
12 that public schools and libraries in the school district
13 have access to.

14 Schools and libraries get the money by filling out
15 an application, and the application process is two steps,
16 roughly. The first step is a request for proposal type
17 thing where the school or library says these are the type of
18 services that we want. They can apply for internal
19 connections, internet access and telecommunication services,
20 and those are the three categories.

21 And they put out a request for proposal to the
22 world, and it has to go through a competitive bidding
23 process, which is about four weeks long.

24 During that time period the request is posted on
25 the administrator's web site, and service providers look to

1 the web site and they can bid on the various proposals. At
2 the end of the four-week competitive bidding process the
3 applicant chooses a service provider or several and submit
4 is usually referred to as the application to the
5 administrator.

6 Do you folks -- I think I skipped a step. I
7 didn't explain who the administrator is.

8 We at the FCC created ancillary group definition
9 is kind of nebulous right now, but it's called the Universal
10 Service Administrative Company, and that group acronym is
11 USAC, administers the schools and libraries program on
12 behalf of the FCC. They are strictly an administrative
13 body. They don't make policy.

14 Okay, so let me go back into my description of the
15 way the program works. All of the stuff is happening at the
16 administrator. And when the applicant submits its
17 application, the pieces of paper to the administrator we
18 have chosen these providers for these services. The
19 administrator looks at the application to make sure that the
20 services that they are asking for are eligible, the uses
21 that are proposed are eligible, and that the applicant has
22 the necessary resources to make use of the funds.

23 So for example, if the application is seeking
24 internet access for 40 computers, the administrator will
25 look to see if they have 40 ports. Do they have teachers

1 trained to instruct them in the use of the internet? Do
2 they have a technology plan which incorporates the use of an
3 internet, of internet access? So those are the types of
4 things that the administrator looks for in the application.

5 And all those things are done at our direction.
6 We have rules which lay out what an application should look
7 like and what services are eligible and what uses are
8 eligible.

9 One interesting factor that the program is, once
10 the application is approved the money doesn't go to the
11 applicant, the school or library. It goes to the service
12 provider, and the money is provided as a discount, not as
13 cash in hand.

14 So I said earlier applicants get money based on
15 how poor they are and their poverty level determines how
16 much of a discount they get. So the poorer schools get 90
17 percent discount, so if the service they are asking for is
18 \$100, they only have to pay 10 to the service provider, and
19 the program pays the other \$90 to the service provider. So
20 that's basically how the program works.

21 Does anyone -- I know that was technical and
22 jargon filled, but does anyone have any questions about just
23 the mechanics of the application process?

24 MS. ROOKER: I would like to ask one question.
25 Maybe I am getting ahead of myself. But that is about the,

1 when you are talking about the cost of the service, how do
2 you know that what is being proposed is the cost for the
3 service is reasonable? Do you take a check on that?

4 You are saying, for example, that the FCC -- the
5 universal service fund pays 90 percent, and the school would
6 pay 10 percent.

7 MS. JONES: Right.

8 MS. ROOKER: Or \$100.

9 Is there some guideline set up for what the costs
10 should be?

11 MS. JONES: Well, the program really relies on the
12 competitive bidding process to ensure that prices are fair.

13 So we don't look at a price and say no, you can't have this
14 money because that pricing side, that's the bidder -- that
15 what you could get in your area, then we approve the
16 applications. There might be other reasons that undercut
17 approving it but.

18 MR. KALTENBACH: What current lines exist to
19 define the type of technology or the complexity of the
20 technology a school is able to bid?

21 For example, in our area I have knowledge that one
22 of our schools received an exotic fiber optic PC network
23 technology, where normal industry practice is to use a
24 copper-based technology.

25 What assures that we get the maximum value for the

1 dollars that are available for the school?

2 MS. JONES: Nothing, there is nothing in our rules
3 that stops a school from applying for the top of the line
4 that's out there. That is the way the program is designed,
5 and some people would say that why -- well, let me -- let me
6 also say that we have a rulemaking that's out, which is a
7 perfect opportunity for you to express your view that that's
8 perhaps not the best way to run the program.

9 That is a concern about gold plating, and whether,
10 you know, the same schools continuously get the best that
11 there is and leaving -- because they are eligible, and they
12 can come back year after year to get money.

13 MR. KALTENBACH: My concern isn't that it's the
14 best you can get, but if it's needlessly lifetime
15 maintenance intensive, to move a PC or to make any changes
16 in that technology are extremely expensive because just to
17 splice a fiber optic cable costs hundreds of dollars of
18 manhours for the skill level certified to make that kind of
19 a change, whereas it's very low cost to maintain a copper-
20 based technology. So it goes beyond gold-plating into just
21 common sense.

22 MS. JONES: Well, the program doesn't pay for
23 maintenance. So if a school or library administration
24 decides that it wants to get support for a system,
25 installation and the actual cost of the network, it can do

1 so, but it understands that the cost for maintaining that
2 program does not come from the Universal Service Program.
3 The rules proscribe maintenance in fact.

4 Yes?

5 MR. JACOBS: This is Steve Jacobs from IDEAL at
6 NCR.

7 ADA mandates that any monies from this --

8 MS. JONES: I'm going to get to that.

9 MR. JACOBS: Okay.

10 MS. JONES: Okay? I know that that's the hot
11 button issue, and I just wanted to make sure everyone
12 understood the mechanics of the program.

13 MR. TOBIAS: Hi, Jim Tobias, Inclusive
14 Technologies.

15 I'm sorry, I just wanted to get the dates on the
16 comments and reply?

17 MS. JONES: Sure.

18 MR. TOBIAS: When was this published and what are
19 those dates?

20 MS. JONES: Okay, it was released on January 25,
21 2002. It was published in the Federal Register, a summary
22 of the document was published on February 16th. You have 45
23 days after publication in the Federal Register. I can't
24 remember the exact dates. I think -- you will have to count
25 out.

1 MR. TOBIAS: It's around about the end of the
2 month?

3 MS. JONES: Yes. And then replies are due 75 days
4 after publication in the Federal Register.

5 All right? So the next step is to talk about our
6 proposed rulemaking which I just gave the comment and reply
7 dates. I think I'll just get right to the point.

8 Among other things, in general, the NPRM, notice
9 of proposed rulemaking sought to make the program more
10 streamline, get rid of some rules that were -- we had
11 received input from folks that they were overly complex and
12 didn't necessarily take into account the changes in the
13 marketplace, and changes in the way people were applying for
14 money.

15 We also proposed that we put an ADA compliance
16 certification on the forms themselves. As you all know,
17 there is an ADA requirement. And although the forms
18 previously alerted folks to the ADA requirement, they didn't
19 say you certify that you are taking this money and you are
20 complying with ADA.

21 So in the interim we asked for comments on whether
22 we should take -- we should impose such a certification; if
23 so, how we would go about enforcing. Well, whether we
24 should go about enforcing it, and if we should go about it,
25 how we should go about enforcing ADA compliance.

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1 So we did this because we got a lot of comments
2 from folks in the community that we were really losing an
3 opportunity to get folks on board with the requirements of
4 the ADA, and that's a very valid concern, and one we hope to
5 flush out some more in the order.

6 We haven't gotten comments yet, so I can't give
7 you a sense of what folks are saying thus far, but we expect
8 them soon.

9 I know this raises a lot of issues with folks.

10 Sir, I don't see your name, but you've got a
11 question?

12 MR. JACOBS: Just call me Steve, Steve Jacobs.

13 VOICE: It's in there.

14 MS. JONES: Oh, I see, it's Steve Jacobs.

15 MR. JACOBS: Sorry about that. Thank you very
16 much.

17 MS. JONES: You're welcome. Did you have a
18 comment, question on this one?

19 MR. JACOBS: Actually you were addressing my
20 question.

21 MS. JONES: Anyone else?

22 (No response.)

23 MS. JONES: Okay, that was really all I was asked
24 of you unless other folks have more questions.

25 MS. ROOKER: I take it -- this is Shirley Rooker.

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1 You are still working out the ways that you are going to
2 check ADA compliance, so this means that there was no
3 requirements previously that any of the ADA requirements be
4 met.

5 Was that ever checked or was that not part of it
6 at all, part of the universal service?

7 MS. JONES: I would say that while the requirement
8 existed at law, it wasn't one of the things on the checklist
9 of things to check. It wasn't one of the things that were
10 audited on a regular basis.

11 MS. ROOKER: All right. Larry?

12 MR. GOLDBERG: Just to check on the universal
13 service. You can purchase computers and various forms of
14 hardware, not just the service from an ISB?

15 MS. JONES: Is your question whether you can buy a
16 computer?

17 MR. GOLDBERG: Yes.

18 MS. JONES: You can buy a computer.

19 MR. GOLDBERG: So this ostensibly could mean that
20 every computer needs to have a screen reader, for instance?

21 MS. JONES: A what?

22 MR. GOLDBERG: Every computer purchased under this
23 program could ostensibly require accessible software for
24 blind users?

25 MS. JONES: If that is -- if the scope of the ADA

1 would require that, I think, yeah, that's true. I am not an
2 ADA expert. But that's true.

3 MS. ROOKER: Mike?

4 MR. DelCASINO: Mike DelCasino from AT&T.

5 Narda, a quick question and I apologize. I might
6 be a little unfair, but do you have any sense at all about
7 where the universal service fund is going in terms of
8 expenditures?

9 MS. JONES: Well, it's capped.

10 MR. DelCASINO: It's like \$55 million or something
11 now and --

12 MS. JONES: The schools and libraries portion is
13 capped. It's capped by statute. It's not going to go up
14 unless Congress changes the statute.

15 MR. DelCASINO: Okay.

16 MS. JONES: My sense is they are not changing it.

17 MR. DelCASINO: And is that the biggest piece?

18 MS. JONES: Expenditures?

19 MR. DelCASINO: Yes.

20 MS. JONES: Yes.

21 MR. DelCASINO: Okay. Thank you.

22 MS. JONES: You're welcome.

23 MS. ROOKER: Yes? I think we need to -- before we
24 have -- can we check and see if our people on the phone have
25 any questions?

1 MS. TUCKER: Hi, I am Micaela Tucker.

2 I don't have any questions. I just want to tell
3 you that Lee had to leave, and to say thank you for all the
4 good work. We enjoyed it, and have a good weekend.

5 MS. ROOKER: Well, thank you, Micaela. Give your
6 baby a hug.

7 MS. TUCKER: Okay, thanks.

8 MS. ROOKER: And Lee, you are there. Do you have
9 any questions for our --

10 MS. TUCKER: Lee is the one who had to leave.

11 MS. ROOKER: Oh, he had to leave. I'm sorry.

12 Okay, thank you, Micaela.

13 MS. TUCKER: Right, but he was the one who said
14 thanks and have a good weekend.

15 MS. ROOKER: Thank you.

16 All right, I'm sorry. Someone down here? Yes,
17 Paul.

18 MR. LUDWICK: Paul Ludwick.

19 I understand that there is some reference to
20 database services for the schools and libraries; is that
21 correct?

22 MS. JONES: You have to be more specific. Where
23 is the reference?

24 MR. LUDWICK: I am actually not sure. I was
25 really briefed before I came on this, and I understood from

1 my conversation that there is reference to establishing some
2 type of database into which all eligible services and
3 providers would be entered.

4 Could you explain that a little bit to me?

5 MS. JONES: I think so. Tell me if I'm on the
6 right track.

7 There is an eligible services list which is
8 divided by service category, internal connections, internet
9 access and telecom services, and that list is available on
10 the USEC web site.

11 There has been a lot of -- and that list is
12 descriptive of what would fit. It doesn't have brand names,
13 for example. So it won't have a Cisco Server 2000. It
14 would just say a server is a thing that does blah-blah-blah.
15 You can see that's not my strong point.

16 So there has been a lot of requests from folks to
17 say, look, it would be so much easier for us if you would
18 tell us which brand name products already fit these
19 categories, and you can just go to a drop down menu and
20 click on it, and we're going to take this, we're going to
21 take this, we're going to take this. We know it fits.
22 There is no guesswork involved for us.

23 And I don't believe that -- we asked about
24 eligible services in the NPRM, but that's not a proposal
25 that we made in the NPRM. But if that's something that

1 folks want, then they -- you know, there is room in the NPRM
2 to say you didn't talk about this, but we also think this
3 would be a good idea.

4 Does that sound like what you were talking about?

5 MR. LUDWICK: I believe it is.

6 So would that be -- would that be established for
7 the whole USF process or just for the schools and libraries?

8 MS. JONES: The only parts of the USF process
9 where people apply for services besides schools and
10 libraries is the rural health care, and they basically have
11 the same guidelines for what services are available as the
12 schools and libraries program. They don't get -- for them
13 it's more telecom services to connect. But in the areas
14 where there is overlap the definitions are the same.

15 MR. LUDWICK: So would the database that would
16 have to be established, would that come out of the funds for
17 the schools and libraries or would that be built under some
18 other funding?

19 MS. JONES: My understanding, and I'm not -- I
20 guess I am not totally prepared to answer that question.
21 But my understanding is all the administrative costs for
22 running the program come out of the cap.

23 So to the extent that money is needed to establish
24 a database, it would come out of the 2.25 billion. For
25 example, the money to pay the people at USEC comes out of

1 the 2.25 billion. It's very small, it's two percent right
2 now, the admin costs to run the program. But I don't know
3 how much establishing a database would cost.

4 MR. LUDWICK: Thank you.

5 MS. ROOKER: Okay. Dr. Segalman, Bob Segalman.

6 MR. SEGALMAN: Would you have to change the law if
7 you wanted to use some of that money for relay outreach?

8 MS. JONES: I'm sorry. Explain to me what relay
9 outreach is. I have a sense of it being sort of video with
10 the -- okay, I don't know. Closed captionings. I need to
11 be educated as to what it is. Sorry.

12 MR. SEGALMAN: The people who are deaf use a TTY
13 and talk to an operator to make phone calls, who make phone
14 calls for them. And people with speech disabilities have a
15 similar system.

16 MS. JONES: And you're asking if such systems
17 could be supported under the Universal Service Program for
18 schools and libraries? Okay.

19 MR. SEGALMAN: Just the outreach.

20 MS. JONES: The outreach. I understood that part.
21 I'm just pondering to think.

22 The program funds -- the program funds hardware,
23 it funds wires and cables, and it doesn't fund outreach for
24 the most part. So I think the answer is no.

25 MS. ROOKER: You are very brave, Narda, because

1 you are taking questions that were totally outside the scope
2 of what you were asked to speak about, and we appreciate
3 that.

4 MS. JONES: I certainly show my puzzlement on my
5 face.

6 MS. ROOKER: That's okay. It's a two-way street.
7 We will help you too.

8 Vernon has a question.

9 MR. JAMES: Not really a question but just a
10 comment on the schools and library program.

11 For rural America and for many tribes, it has been
12 a doorway to the outside world, outside the reservation for
13 our school children. It has created opportunities of
14 greater learning, and I applaud FCC in supporting this, and
15 encouraging it, advocating on its behalf.

16 There is -- there are concerns about the cost of
17 this service, and I think that those concerns are minor when
18 it comes to what the end result is of this service.

19 Thank you.

20 MS. ROOKER: That sounds like a recommendation to
21 me. Thank you.

22 MS. JONES: Okay.

23 MS. ROOKER: Do we have other questions or
24 comments for Narda?

25 (No response.)

1 MS. ROOKER: If not, I really would like to thank
2 you, and you were very brave in answering some of those
3 questions.

4 (Applause.)

5 MS. ROOKER: Thank you very much.

6 Okay, the next item here is to come out with some
7 discussion and recommendations. Where do we want to start?
8 Anybody want to jump in?

9 Well, certainly what I heard Vernon say was to
10 encourage the continuation.

11 Ah, sorry. Yes, David, please.

12 MR. POEHLMAN: They don't call me quick draw at
13 all.

14 (Laughter.)

15 MR. POEHLMAN: Unlike Pam, I probably could have
16 been here in 1966.

17 This is David Poehlman from the American Council
18 of the Blind, and I guess you will know my name by the end
19 of the day too.

20 It occurs to me as I read the -- as I read the
21 NPRM awhile back when it came out, and as I listened to
22 Narda's discussion, talk on this issue, that there are some
23 infrastructures in place that almost prohibit schools and
24 libraries from functioning in manners that aren't
25 accessible, but that are provision that uses the ADA as a

1 vehicle for providing access in schools and libraries
2 through the universal service fund is something that
3 certainly would be appropriate to have in that process.

4 I wonder -- I heard some horror stories about lots
5 of systems going into schools that were totally inaccessible
6 and could never ever possibly be made accessible the way
7 they were constructed and wired and so forth. Not wired
8 necessary, because wiring didn't make a terrible lot of
9 difference.

10 But I also heard some stories about systems that
11 went into schools, and went immediately into the closet; had
12 nothing to do with accessibility; had to do with other
13 things that are -- that you find often when you mix
14 technology and people, fear and trepidation, and lack of
15 understanding and need for education.

16 And I am wondering if there has been put into
17 alleviating that, and if perhaps we might make a
18 recommendation somehow to try to get some education into
19 this process so that when these -- when these admiral
20 schools are delivered and installed, that they really do get
21 used, and that, you know, they are used effectively and
22 appropriately.

23 MS. ROOKER: David, I don't know the answer to
24 that, and unfortunately, Narda has left, but I believe that
25 she said earlier in her presentation that one of the things

1 that they required was that the schools lay out a plan as to
2 how they were going to provide the support for the
3 computers, including the technical know-how and so on.

4 Did I misunderstand that?

5 MS. WILLIAMS: They need a technology plan as part
6 of the RFP process.

7 MS. ROOKER: So they do need a plan, that was what
8 I thought.

9 Do you know anymore about what's required under
10 it?

11 MS. WILLIAMS: I think the state department of
12 education has responsibility for certifying the particular
13 school's technology plan, and that has to be approved by the
14 state in order for them to be eligible.

15 MS. ROOKER: So, David, could it be that the
16 horror stories you heard were early on and not recent? In
17 1966, maybe?

18 (Laughter.)

19 MR. POEHLMAN: They were definitely early on. I
20 am concerned though that as technology advances it can be
21 repeated. And yes, there is -- there are good technology
22 plans out there, but they don't always reach the classroom.
23 They don't always reach the level where -- you know, where
24 the rubber meets the road, and that's where my concern is.

25 MS. ROOKER: Well, I think you have expressed some

1 very valid concerns.

2 Would you we want to make it a recommendation from
3 the committee that the FTC make certain that there are sound
4 plans in place before equipment is placed into schools so
5 that the utilization will be there and it won't end up in a
6 closet? Does that make sense to the committee?

7 (No response.)

8 MS. ROOKER: Okay, then that will be one of our
9 recommendations. Thank you, David.

10 Vernon?

11 MR. JAMES: Vernon James. There is also concerns
12 about goldplating. And in fact, a comment was made about
13 goldplating. I think we also need to make sure that term
14 "goldplating" -- but, again, with the recommendation that
15 the program continue.

16 MS. ROOKER: Again, I think that's a very valid
17 comment, and certainly, we would want to think that our
18 dollars are being used wisely, not just install systems that
19 are top of the line and never going to be really utilized,
20 is that accepted with the committee? Do you want to comment
21 on that, Matt?

22 MR. KATLENBACK: No, not really. But I would like
23 to add something. I think maybe the committee should apply
24 the efforts and the intention of the program, which is to,
25 in a forward-thinking manner, deploy technology to and

1 improve the education of our school children in a pro-active
2 manner. I think that has been the underpinning of the
3 program and that's what we should we apply.

4 I think the second corollary to that is guidelines
5 could be put in as we go through that process to potentially
6 address, maybe, some of the needs of allocating it in a most
7 efficient manner. But also, that we, as a committee, should
8 take into perspective how they could help allocate some
9 disability-access material so it may be put in a data base,
10 selections of products or technology which might help extend
11 our program in the community that we're going to serve.

12 MS. ROOKER: Your recommendation that we certainly
13 encourage and support the program is well-taken. The other
14 part I'll have to sit down and figure what you really were
15 saying. My brain is getting a little dead at this point.

16 Do we have any comments or discussion on that,
17 Larry?

18 MR. GOLDBERG: Larry Goldberg. As been stated
19 that when schools buy new equipment, set up their internets,
20 they have to have adequate training, and by the same token,
21 if there's going to be a new push, as it should be, that the
22 technology services they purchase are accessible. The
23 training on the accessible and assistance technology is
24 essential as well. Most teachers are having enough trouble
25 operating the equipment without knowing how to operate the

1 adaptive equipment as well.

2 MS. ROOKER: I think that should be a
3 recommendation as well, right? Does the committee feel
4 about that? Okay.

5 (No response.)

6 MS. ROOKER: All right. Do we have Shelley? You
7 have a comment over here?

8 MS. NIXON:

9 MS. ROOKER: Okay. So you want to know if the ADA
10 says that all computers within a school system should be ADA
11 compatible is that we're not certain about that. Is that
12 right?

13 MS. NIXON: Yes.

14 MS. ROOKER: Does anyone know the answer to that?
15 Julie?

16 MS. CARROLL: Julie Carroll, ITTATC. The ADA does
17 not require all computers to have assisted technology. What
18 it does require is that program be accessible. So at some
19 point throughout whatever program is being affected, it
20 would have to be accessible, but not every computer.

21 MS. NIXON: Okay.

22 MS. CARROLL: And I have to admit I have not read
23 the inventory. So I don't know if it alleges the idea, but
24 also reversed in Section 508 and Section 255, just the ADA.
25 That's unfortunate.

1 What we're dealing with in the installation of
2 these types of things are more related to Section 508 and
3 255, which are the laws that require technology access for
4 people with disabilities. I don't know if it's too late to
5 recommend that those laws be referenced.

6 MS. ROOKER: I confess that I don't know those
7 laws. Does anyone else have comments that they want to make
8 on that? I mean, Cliff, how does the committee feel about
9 it? Larry, do you want speak to that?

10 MR. GOLDBERG: I have a copy of the MPRM, but
11 remember what was told to us, you don't only have to find
12 that there was in MPRM. In fact, the MPRM only does
13 reference ADA and some excellent comments by the National
14 Council on Disability. It also only references purchase of
15 services for which the school's library receive discounts.
16 Now are they in compliance with the ADA?

17 So even though the Service Fund will fund
18 equipment and so forth. They only ask the question about
19 the services. But, again, that shouldn't stop anyone from
20 commenting on the full range and also, referencing those
21 other Acts.

22 MS. ROOKER: Yes, Julie?

23 MS. CARROLL: I would think that this committee
24 would be concerned what accessible telecommunications, and
25 that's Section 255, and internet, web access, computer

1 software -- those types of things were purchased to ensure
2 that they're accessible and have complied with Section 508.

3 It's also federal law. So I don't think there would be a
4 uniformity or consistency problem in the states.

5 MS. ROOKER: Is this a form of a recommendation?

6 MS. CARROLL: This is a recommendation.

7 MS. ROOKER: Okay.

8 MS. CARROLL: Universal Service Fund's also only
9 expensed where Section 255 and Section 508 are being
10 complied with.

11 MS. ROOKER: All right. Can we have a discussion
12 on it, Ken?

13 MR. McELDOWNEY: Not on the recommendation.

14 MS. ROOKER: Okay. Do we have any discussions on
15 Julie's -- no?

16 (No verbal response.)

17 MS. ROOKER: Okay. We will make the
18 recommendation. David Poehlman? Fast-draw David as he
19 says.

20 MR. POEHLMAN: The only comment I have is, and we
21 can leave it to those who work these things to decide, that
22 it may not be possible for us to ask that Section 508 be
23 attached to this and just sort of raise that flag.

24 MS. ROOKER: Does anyone have the answer to that?

25 (No verbal response.)

1 MS. ROOKER: Okay. Should we make that, as oppose
2 to a comment, that it may not be appropriate that we ask
3 this, but we're asking it anyway? Ask it anyway? Got you.

4 All right, then we'll scratch that. Do you have a
5 comment on this, Matt? Okay.

6 MR. KATLENBACK: Section 508 deals with the
7 purchasing of products by the federal government and making
8 them accessible. It may not be appropriate in this
9 situation, but certainly it's in the spirit of what we're
10 trying to achieve.

11 MS. ROOKER: Okay. Ken?

12 MR. McELDOWNEY: I would think sort of --

13 MS. ROOKER: Ken McEldowney.

14 MR. McELDOWNEY: I'm sorry. Ken McEldowney. I
15 would recommend that the Commission, before they put out
16 MPRMs in the future, make sure that, in a sense, the MPRMs
17 are complied with, not just ADA, but all other relevant
18 laws. I mean, just so -- I just think that's important.

19 MS. ROOKER: We'd like to see compliance by the
20 federal government of its own laws, is that what you're
21 trying to say?

22 MR. McELDOWNEY: No, I'm just saying in the future
23 when the MPRMs are issued, to make sure that they make
24 reference to all relevant federal laws; specifically, the
25 ones dealing with people with disabilities.

1 MS. ROOKER: I don't think anybody has an issue
2 with that, do you? All right, thank you very much.

3 MR. JAMES: Vernon James. Just a point of
4 clarification on the terms that we use regarding the
5 goldplating. We heard the exact information given about
6 schools with fiber optic, and perhaps it's not being used.
7 But in rural America --I just want to point out that in
8 rural America, schools and libraries already have the same
9 access to the same facilities that metropolitan and urban
10 areas enjoy.

11 So with that, you know, if it's going to be used,
12 it should be there. The kind of equipment that, if it's
13 going to be used, should be there.

14 MS. ROOKER: Is that just a comment?

15 MR. McELDOWNEY: Well, put into that
16 recommendation.

17 MS. ROOKER: Okay. All right, is that agreeable
18 with everybody?

19 (No verbal response.)

20 MS. ROOKER: Any other comments or
21 recommendations? Going once, going twice. Okay.

22 Then let's move on to our next item of business,
23 which is committee business. Now according to our charter,
24 it expires in November. We were under a two-year charter
25 and it's up to the committee to recommend to the FCC whether

1 or not we think we should continue.

2 We have to do this at least five months before the
3 expiration date. So at any rate that's the first order of
4 business here is to make the recommendation. Ken?

5 MR. McELDOWNEY: Yes, I think that, just speaking
6 for myself, up until this meeting there was a lot of trial
7 and error and trying to figure out what we wanted to be
8 doing and things like that. But I just been extremely
9 pleased with this meeting.

10 MS. ROOKER: Thank you.

11 MR. McELDOWNEY: I think it's going to be shocking
12 when we look at the number of recommendations that came out
13 of this. There are probably a hundred times as many as
14 we've done in the first 18 months we've been in existence.

15 MS. ROOKER: That's right.

16 MR. McELDOWNEY: So I think, assuming that we
17 continue to have Shirley's excellent iron hand -- I guess
18 that should be a footnote in the recommendation. I would
19 strongly recommend that the Council continue.

20 MS. ROOKER: Okay. Thank you, Ken. Thank you for
21 your comments, yes, and I just wanted to say that the FTC
22 has been wonderful in putting this together. Scott,
23 particularly, because I think it has been -- it's been
24 really in response to the things that you've said. It's
25 been your feedback to us that has given us the goals and the

1 directions in which we should meet, and I feel very good
2 about today's meeting.

3 I have to say I'm very, very thrilled with what
4 we've come out with. Larry?

5 MR. GOLDBERG: I agree a lot of groundwork was
6 done in the previous 18 months. I assume that all of these
7 problems in this area won't be solved by November.

8 MS. ROOKER: You don't think so?

9 MR. GOLDBERG: Just a guess, but I guess the one
10 other question is, will there be a process to bringing them
11 within or holding them?

12 MS. ROOKER: Yes. We actually will be
13 reconstitute in effect. I mean, people will reapply to be
14 on the committee. So it's like it's a kind of rebirth.
15 There maybe many people coming back on the committee, but it
16 will be a new process. Yes, I do think you're right. I
17 think that we really are just hitting our stride and I feel
18 very good about that. It's taken a while.

19 Susan Palmer?

20 MS. PALMER: So old does not define the people who
21 were not here after '66?

22 MS. ROOKER: That's right.

23 (Laughter.)

24 MS. ROOKER: Thank you for that clarification,
25 Susan. I'm going to have a long time to live that one down.

1 Just aged her mightily.

2 MR. JACOBS: Steve Jacobs. Is there a way to
3 write in our recommendation or could we form in this group
4 to look at ways to fund participation for consumers who may
5 not be able to afford to this year on their own. I know
6 over the past two years that has not been the case.

7 MS. ROOKER: I can't really or shouldn't speak for
8 the FCC, but I will. I don't believe that there is money to
9 bring people to the meeting. Now whether or not someone
10 within the committee would want to form a group, and I know
11 that you've tried doing this, Dave, and I appreciate that
12 effort. If some of you want to volunteer to look into
13 funding for it, that would be wonderful, I think.

14 I don't know how you as a committee feel about
15 doing this. It would have to be generated by the group.
16 Anybody jumping out there?

17 MR. McELDOWNNEY: I would say, as a recipient in
18 the past, I think I probably, as would others who's sort of
19 lived outside the Beltway and represent certain non-profit
20 entities that sort of support is really crucial.

21 I'm not sure. I mean, I don't know whether, you
22 know, if it could sort of a general fund that includes both
23 you paying for breakfast and lunch as well as travel or I'm
24 not sure how it should be done. But I think we're not
25 talking about large sums of money and it's very possible

1 that some people around the table from various corporations
2 either have the authority to makes sort of donations to be
3 able to handle this. I purpose it as a total ad hoc basis
4 that sort of rests on poor Steve's shoulders.

5 MS. ROOKER: Well, Steve's been out there doing
6 his best. Thank you, Steve.

7 Perhaps, what we could do is to ask the committee
8 members if you would privately get in touch with me if you
9 want to about this. I'm not volunteering myself as being
10 the fundraising part. I'm sorry. I just can't do that or
11 with Steve. Well, actually, put it to Steve. If you would
12 like to make some suggestions as to ways we might accomplish
13 it, we would greatly appreciate it because I think that
14 Ken's point is very valid. That many non-profit groups
15 really do need some help in getting here. I'm just lucky
16 that I live close by and can drive or at least some times.

17 At any rate, do we have the -- yes, David.

18 MR. POEHLMAN: Sorry. Do you want to finish your
19 sentence?

20 MS. ROOKER: It probably wasn't anything.

21 MR. POEHLMAN: If we're going to a new topic --

22 MS. ROOKER: No, actually, I was just going take a
23 vote that we make a -- I was going to state that we make a
24 unanimous recommendation to the Commission that the
25 committee continue.

1 MR. ELLIS: Shirley?

2 MS. ROOKER: Yes.

3 MR. ELLIS: A couple of paragraphs here. First of
4 all, I'm concerned that it looks like half of them have
5 gone, maybe even more than half of them. But I'm concerned
6 that about this position for the bill, even I agree with
7 that one. People have been making a lot of recommendations,
8 just in the flow of things, that I'm not sure represent the
9 feelings of everybody who was here at one point.

10 I do think we ought to get together in maybe a
11 small group and have some more long-term discussions about
12 the things that went right with our structure and the things
13 that should be improved or should have been involved in.
14 But it would be good to have some kind of feedback
15 recommendation maybe about how we work as part of our
16 recommendation to continue this year.

17 MS. ROOKER: Actually, that's part of my next
18 agenda item is to talk about structure and how we might want
19 to reformulate the committees or whatever.

20 I have had some comments from you that you felt
21 it's much more constructive not having break out discussions
22 that we did. That this entire roundtable has been much more
23 productive and useful. That was one of the comments. But
24 at any rate, given what Richard said, we do have a unanimous
25 recommendation to the Commission to the committee continue.

1 So that has been covered.

2 Then what we would do is to take Richard's
3 recommendation and look at ways we might want to
4 restructure. How we may want to conduct our business in the
5 future. We will get the letter off the Commission so that
6 we do that well ahead of the deadline.

7 Rich, would you like to participate in setting up
8 some sort of committee to study structure and what it should
9 look like in November?

10 MR. ELLIS: I'm just a rookie.

11 (Simultaneous discussion.)

12 MR. ELLIS: I will answer your call to action.

13 (Laughter.)

14 MS. ROOKER: We are not a dating service.

15 MR. ELLIS: I will do this. I will make you happy
16 on two scores. I will pull myself off the other committee I
17 voted myself into this morning, and thereby reducing that
18 size and I will take on this one and work with anyone else
19 who wants to join this endeavor.

20 MS. ROOKER: Thank you very much, Richard. I
21 appreciate that.

22 Okay, where are we? All right. So we're going to
23 continue. We're going to make that recommendation. We're
24 going to look at the restructuring and the way it should be.
25 The other thing is we want suggestions on agenda items.

1 Some of the things that we were thinking about -- one would
2 be in June would be the Disability Subcommittee Report,
3 which I think they have done; the Life Line; the Universal
4 Service Fees; Predicted Dialers.

5 We're looking for input from you. You don't have
6 to do it today, but what we would like is suggestions.
7 Everybody's got e-mails. Susan Palmer?

8 MS. PALMER: Because of the timeliness of some of
9 the issues we're dealing with, I was wondering if you could
10 also put a query maybe a month prior to the meeting about
11 topic items because who knows two months from now there
12 maybe another MPRM that's out there. There maybe another
13 issue and there maybe a time factor involved where we really
14 need to that at that meeting rather than a subsequent one.

15 MS. ROOKER: I think that's an excellent
16 suggestion. So what we will do is we'll take a look at
17 what's going with the FCC and query everybody in what they
18 know there are issues that ought to be brought to the table.
19 Excellent suggestion.

20 Okay, Vernon?

21 MR. JAMES: Shirley, I'd like to recommend that we
22 also look at the issue of spectrum.

23 MS. ROOKER: Okay. The issue of spectrum. I
24 don't know what that means.

25 MR. JAMES: Availability.

1 MS. ROOKER: Moving right along here, we're going
2 to finish early today. Now do we have any other -- Ken.
3 Who are you?

4 MR. McELDOWNEY: Ken McEldowney. I've got two
5 points. One is that -- and again, the list of
6 recommendations maybe too burdensome this time, but I think
7 that one thing that might be very useful for the Council
8 would be to have some type of formal response back from the
9 Commission on the recommendations. It maybe too many this
10 time. I'm not sure. No, it's not too many. Scott was sort
11 of sinking into his chair, but I think type of two-way
12 feedback is very important.

13 The second thing is that I am not sure, and maybe
14 Scott or somebody else from the Commission could tell me,
15 but when is the Commission expected to make some decisions
16 on the Life Line eligibility and definition proceeding?

17 MS. ROOKER: He says he doesn't know. Do you want
18 to elaborate?

19 MR. MARSHALL: No, I can't elaborate any further
20 than that.

21 MS. ROOKER: He says he doesn't know and he can't
22 elaborate.

23 MR. McELDOWNEY: I guess what I'm saying is that
24 if, in fact, the Commission has not ruled on that and there
25 is still an opportunity for some feedback from the Council

1 by the time of the June meeting that I'd like to have that
2 on the agenda.

3 MS. ROOKER: Okay. Well, we've got Life Line on
4 there.

5 MR. McELDOWNEY: But what part of Life Line does
6 it have on it, though? Is it the procedures?

7 MS. ROOKER: I don't know what we're talking
8 about. Wait a minute.

9 MR. McELDOWNEY: The Commission solicited
10 comments. It was a MPRM. Was it different or what?

11 MS. ROOKER: Let me let Scott talk to you.

12 MR. McELDOWNEY: Good idea. I think he's going to
13 know more than I know about it.

14 MR. MARSHALL: No, I think what Shirley is
15 referring to is there is a Life Line MPRM that is probably
16 closed now, but we can still file comments ex parte. I
17 think I'm correct about that. It has a -- yes, Dave?

18 MR. POEHLMAN: We will check the dates of when the
19 item closed. If it has closed or hasn't closed, we make
20 sure we get that information out to you so your comments
21 will still be made. The idea that Shirley was talking about
22 Life Line link-up program that we have. We're sponsoring an
23 outreach program sometime the week of the 25th. So we want
24 to get input and information to all of you and also get your
25 advice as we go forward. But we can put both of those

1 things on the agenda for the June meeting.

2 MS. ROOKER: Thank you, Dan. We're wanting to
3 talk about ways that all of us as committee members can help
4 publicize Lifeline because it's under utilize and that is a
5 concern with the FCC because we want to reach out to more
6 consumers and that was one of the issues.

7 Yes. We have Laura Ruby.

8 MS. RUBY: We're talking about the next meeting in
9 June?

10 MS. ROOKER: That's correct, the end of June.

11 MS. RUBY: A bunch of us will be in town for a TTY
12 forum and the Access forum. I think it's the first week of
13 June. And then a lot of us will be in Seattle the last week
14 of June for the SHHH forum. So I'm wondering if there is
15 any way that we can either coordinate so that when we all
16 come in to the TTY forum and the Access forum that same week
17 or that you could make sure it's not the same week as that
18 of SHHH forum. Can we coordinate that?

19 MS. ROOKER: It can't be early June, but it could
20 be in July. Does that get a moan from Scott?

21 (No verbal response.)

22 MS. ROOKER: We can try. It can't be done early.
23 There's a lot of reasons for that. First off, it's too
24 close. Bob?

25 MR. SEGELMAN: The big advantage of having it the

1 very last week in June is that it's at the end of the fiscal
2 year and it's easy to get travel money.

3 MS. ROOKER: That's a good point. Well, I'm not
4 sure that we can resolve that question right now. Scott and
5 I will have to take a look at it and I can't promise you
6 that it can be changed. I just don't know.

7 MS. RUBY: What if it's done the 27th and 28th?

8 MS. ROOKER: Yes. And November the 8th, which has
9 been set some time ago. I apologize if there's going to be
10 conflicts. Unfortunately, that's always the way of meetings
11 I'm afraid. But we'll try to minimize the conflict. We
12 will -- Scott and I will talk about what we need to do to
13 get meet your concerns. Okay?

14 Any other items of business that we need to talk
15 about? Yes, David?

16 MR. POEHLMAN: This is David Poehlman with the
17 American Council of the Blind for the final time today. I'd
18 like to raise an issue that is burning and it must be dealt
19 with today.

20 I would hope that the committee would make a
21 recommendation that the FCC not grant stay of moving -- of
22 the request not to move forward with the descriptive video
23 regulation, promulgation that has been requested by several
24 national organizations for broadcasting. Thanks.

25 MS. ROOKER: Okay. Do we have comments on this?

1 Do we have the representative from the television industry
2 here?

3 (No verbal response.)

4 MR. TOBIAS: I'm Jim Tobias. The FCC really is
5 due to make a decision on that momentarily and the
6 indications are that it's unlikely that they would issue the
7 stay, but we just don't know. Certainly, if this committee
8 would like to go record on that, it would be very, very
9 helpful.

10 As I mentioned earlier, some hundreds of letters
11 have been generated by this organization advising the FCC.
12 I think, in addition to that, however, is the court case
13 coming up, which the committee could recommend that the FCC
14 vigorously defend its rulemaking on the video description
15 mandate because there are various levels of priorities that
16 the legal office has here and to hear from this group that
17 you want to see the FCC put a lot of effort behind defending
18 their own rule would be helpful. So both in the Petition
19 for a Stay as well for the eventual court case.

20 MS. ROOKER: Do we need to allow the industry
21 representative to make their comment. They're not here I
22 don't believe. Does this mean if you leave, you lose?
23 Would it be fair?

24 MS. BRUNS: Actually, I don't like to comment
25 about my issue, but I don't think I would oppose.

1 MS. ROOKER: Oh, all right. Well, thank you. So
2 then we can move forward with that as a recommendation.

3 MR. ELLIS: I agree with this move, but I'm again
4 concerned that things are getting thrown at us. We're
5 making recommendations, but nobody ever explains what the
6 issue is. And I think that's probably true for half of the
7 recommendations today.

8 MS. ROOKER: Let me give you one thing. I think
9 we are going to put together all of this and send it out to
10 the committee for comments before we send anything to the
11 FCC. We're going to put together the recommendations and
12 you will have ample opportunity to comment because I don't
13 think it would be fair. Because as you've said, we've done
14 in a great deal of pressure today and I wouldn't want to
15 feel that just because I have an iron fist that I don't have
16 an agenda either. So I'm just trying to be clear.

17 MS. WILLIAMS: At the next meeting is it going to
18 be a panel or information gathering? I know that's maybe
19 too late because of the date, but I just feel like we need
20 sort of entry --

21 MS. ROOKER: On this issue?

22 MS. WILLIAMS; On this issue from the panel, are
23 we requiring them to proceed or --

24 MS. ROOKER: There's enough time. It does seem to
25 me that it would be fair. Are there other industry

1 representatives, Andrea, that are members of this committee
2 that are not here?

3 MS. WILLIAMS: I believe NAB is a member.

4 MS. ROOKER: They will have an opportunity to
5 comment and to put in, if they have concerns about it.
6 Those will also be included as part of the recommendation.

7 MS. WILLIAMS: Right. We might do the same.

8 MS. ROOKER: Yes. If there are negative comments
9 on this -- anything that people disagree with, all positions
10 will be represented in what we put forth to the Commission.

11 So it's not like we're trying to put a particular spin on
12 something. We want all opinions to be heard and they will
13 be coming in, and then there were these concerns. That's
14 basically what we're going to do.

15 So does that meet some of your concerns, Rich?

16 MR. ELLIS: It still sounds to me like we're
17 ramming things through and we're going to have comments
18 afterwards.

19 MS. ROOKER: Right.

20 MR. ELLIS: Again, I disagree with his position,
21 but it sounds like we're ramming things through and then
22 hoping people will come back and respond later on. But
23 we've already had the discussion and we've already approved
24 it as a committee. It doesn't sound like the follow-up
25 would have the same impact as the initial recommendation

1 we're making.

2 MS. ROOKER: Well, the comments will be included.

3 If there are comments where people are disagreeing a
4 position or recommendation. Let me tell you what our
5 pressures are. We have announced very specifically to make
6 comments and recommendations. And whether we want to make
7 comments and just say that we have two positions on this and
8 there was no consensus. We can do that or if there are
9 areas where we have consensus, we can do that. We can
10 present opinions, whatever they might be.

11 So I don't know if that -- I still don't see what
12 you're saying. Who had their hands up first, Paul?

13 MR. LUDWICK: I don't recall discussing the
14 subject. Have we discussed it or had any information on it?

15 If we haven't, you're going to have to not only have the
16 two position of none of the above because -- I mean, if you
17 don't understand the issue, the one that David just brought
18 up, how can you know if you're doing what's right or not?

19 MS. ROOKER: I think what was being said is that
20 this is something that's happening right away. And that;
21 perhaps, it isn't appropriate for us to talk about. Is that
22 what I'm hearing you say? Julie, go ahead.

23 MS. CARROLL: There are certainly people here who
24 can explain if people need more information. That may be
25 what we need to do. Also what was the published end to date

1 on this agenda -- I mean, end time. I'm sorry.

2 MS. ROOKER: Five.

3 MS. CARROLL: We're well within it. I'm a little
4 concerned about the time that you people are committing
5 being wasted by people who decide to leave early. I mean,
6 if everybody decides to leave early, that means the rest of
7 us can't conduct business?

8 MS. ROOKER: That's a good point, Julie.

9 MS. CARROLL: I mean, you've got to decide one way
10 or the other what you're going to do.

11 MS. ROOKER: Well, I think that is one of the
12 things that has to be considered when the committee is
13 restructure, too. If people don't have the time to devote
14 to it, then perhaps they shouldn't be on the committee.
15 Suzanne Palmer -- Susan Palmer, excuse me.

16 MS. PALMER: I think moving forward, my suggestion
17 earlier about having a query before will help everybody with
18 this problem in the future.

19 MS. ROOKER: Yes.

20 MS. PALMER: I'd say for now I'd probably propose
21 some discussion at least and when you represent a group on
22 this committee that if you can't be here, you have an
23 alternate or something.

24 MS. ROOKER: That actually had been the
25 requirement. Either that person be here or someone as an

1 alternate because we've asked people weren't able. Andrea?

2 MS. WILLIAMS: My concern is that I'm not even
3 sure we have a quorum.

4 MS. ROOKER: I think we probably should at this
5 point not, because we haven't discussed it, this issue that
6 David has proposed, while it probably has a lot of viability
7 or merit, it's something that I wouldn't feel comfortable
8 with because I don't know anything about it.

9 SPEAKER: But do we have a quorum?

10 MS. ROOKER: But do we because we don't really
11 have most of the people here, a lot of the people here.

12 SPEAKER: For the public record.

13 MS. ROOKER: I don't know.

14 SPEAKER: If we don't, we have to end.

15 MS. ROOKER: Yes. Ken, you have a comment on it?

16 MR. McELDOWNEY: Yes, I guess it's a couple of
17 things. One is I think it's something that maybe this
18 committee should probably think about is that I volunteered
19 to be on that committee. I guess it's a -- we're in sort of
20 a murky area right now because -- and I don't like the fact
21 that even though we come up with recommendations here, it
22 will still go out -- I would think that it should go out to
23 everybody, but only people that participated in the meeting
24 should be allowed to comment in terms of either pro or con.
25 Because otherwise you have people who are not attending.

1 Who are not benefitting from the discussion and then
2 suddenly deciding, you know, they didn't like the
3 recommendation.

4 I guess the other thing I was going to say was
5 what we may want to do on -- I'm sorry. I also like the
6 fact there will be that commentary before it actually goes
7 to the Commission. That being the case, it is very possible
8 the Davis recommendation would not go to the Commission
9 until it's too late anyway.

10 MS. ROOKER: That is possible because it's going
11 to be a while before we -- it's going to be a couple of
12 weeks, at least three weeks.

13 MR. McELDOWNEY: Yes, people need a comment
14 period. I guess what I'm saying is I feel comfortable about
15 there being recommendations sort of coming from the floor
16 that are not part of the agenda, but I think it needs to be
17 done far earlier in the meeting. Probably right before
18 lunch, right after lunch when people are much fresher.
19 There is time. There is space then to have some discussion
20 pro and con in terms --

21 MS. ROOKER: Well, what I think I'm hearing from
22 many of you is there is a great deal of concern about us
23 making any recommendations on this issue. That we should
24 just table it. Okay. Thank you. All right, Vernon?

25 MR. JAMES: Vernon James. I agree with Ken and I

1 agree with the young lady that's in this corner to my left.

2 You know, my people put out a good deal of expense for me
3 to come down here and participate in this meeting. And by
4 gosh, if the people want to leave and they only down the
5 corner, I don't see why I've got to be penalized or the
6 people that I represent have to be penalized for that.

7 If there is need for them to be a part of this
8 Council, then they should be here. I just don't find that
9 comfortable either.

10 MS. ROOKER: Thank you. All right, do we have
11 other unfinished business that we need to discuss? Susan
12 Palmer?

13 MS. PALMER: I just have one question back to that
14 same topic. Is it of value, even if there's not a
15 recommendation, that there are discussions on the topic.
16 Assuming, moving forward, we'll have the topics ahead of
17 time and in a lot more detail, even if there is not a formal
18 recommendation from the group, is it of value to the FCC to
19 hear positions or not?

20 MS. ROOKER: I think it's always of value. At
21 least that's the feeling that I have from the FCC. That
22 they want to hear opinions, whether it's a recommendation or
23 not, yes.

24 But now, having said that, what does that mean?

25 (Off mike.)

1 MS. ROOKER: Well, let me see. We do have time to
2 discuss it if we want to do that. Nancy?

3 NANCY: Is there anything procedural, you know,
4 Roberts Rules of Order that says that when you have a public
5 hearing that you're going to have an agenda that we make
6 recommendations on that it has to be publish so that people
7 who are for or against it can be able to discuss it? I
8 think that's the only thing I'm concerned about.

9 MS. ROOKER: I think you raise a valid point
10 because it is a different genre than if we were holding a
11 bridge club meetings. There is some harm and I think that
12 there be given public notice that these issues are going to
13 be discussed. So that's entirely possible. I'm just not
14 certain that --

15 MS. LINKE-ELLIS: I'm curious that wasn't on the
16 agenda to begin with.

17 MS. WILLIAMS: This is Andrea. I think from a
18 legal standpoint there maybe an issue here because the
19 federal advisory committee is suppose to publish their
20 agenda well in advance of the meeting for the opportunity
21 for notice and comment. Now by publishing your agenda and
22 you then discuss something there is not that notice of
23 comment. You may run into some issues with the Federal
24 Advisory Committee Act as well as the Commission's rules.

25 MR. MARSHALL: I'm inclined to agree with Andrea.

1 I know they have generally published in the register is
2 fairly broad before this final agenda you have before has
3 been developed. So there is the notice requirement about we
4 are talking about. On the other hand, it's a very general
5 notice requirement.

6 MS. ROOKER: Scott, you work for the government,
7 right?

8 MR. MARSHALL: The FCC publication just said we'll
9 talk about issues about consumers and disabilities. It
10 didn't publish this agenda within the period. So I don't
11 think this a barrier to discussing other issues that are on
12 the agenda today because people were given notice that
13 Homeland Security were on the agenda.

14 MS. ROOKER: But you still understand the problem
15 is that these recommendations, comments, or whatever are not
16 going to get to the Commission for some time because they
17 have to be recommended by the group or at least run by the
18 group and it's going to be several weeks before we get the
19 transcript so that we can actually move forward with getting
20 the minutes and the recommendations.

21 MR. MARSHALL: There's an oral period on this case
22 on September 6th.

23 MS. ROOKER: Oh, in September. I thought you were
24 talking about something that was happening immediately.

25 MR. MARSHALL: There was an immediate stay and

1 there was a court case where the decision could be argued in
2 court and then the oral arguments on September 6th.

3 MS. ROOKER: So there is validity for our
4 discussion, should we have time? All right. Do we want to
5 discuss this? I mean, it's up to you all.

6 Again, why don't we do that so we can have
7 presentations and, hopefully, more people who are members
8 are here. Since we agree we're not going to make it for any
9 immediate information. Paul Schroeder?

10 MR. SCHROEDER: Paul Schroeder. Certainly, having
11 something on the June agenda might be appropriate, although,
12 at that point it really is in the courts. I'm not sure we
13 have a role really to play. The question is, do we have a
14 role to play now and then, look, I'll confess to one bit of
15 uneasiness, and the people across the room will shoot me for
16 this, but this is the way I feel.

17 I don't want us to become a committee where the
18 wrestling match becomes how many people can we get at the
19 table to vote one way or the other against each other. I
20 mean, the idea is that we work together. Having said that,
21 what is being asked for here is to remind the Commission
22 that it's the usual code of practice in these kinds of
23 instances is to not grant the stay for somebody that has
24 taken the case to court and is now awaiting a court
25 decision. The FCC typically does not grant a stay.

1 I mean, I think that's a pretty standard practice.

2 I think what the intent was for this committee to go on
3 record to suggest to the Commission that they thought this
4 presents on differences than any other case where a suit is
5 in court and a party has gone to the Commission to ask for a
6 stay. And there is no reason to grant the stay here any
7 more than it would be in most other circumstances.

8 MS. ROOKER: Thank you, Paul. That's an
9 interesting perspective. Andrea Williams?

10 MS. WILLIAMS: I'm a lawyer and I must tell you
11 I'm feeling very, very uncomfortable in terms of us going
12 forward discussing items that, first of all, I have no
13 knowledge of and secondly, you're asking me to sign-up to
14 agree with something that I don't think has been -- I don't
15 believe it's not has been adequately --

16 I don't want this committee to also to be in a
17 situation where the recommendation we make to the FCC is
18 basically not looked at because of some procedural flaw
19 because someone didn't take the time to go get an opinion or
20 whatever from OGC upstairs to find out whether we need to
21 give public notice on this. I feel very uncomfortable
22 voting on something like that.

23 MS. ROOKER: Well, I tend to agree with Andrea in
24 this sense, and this is as an individual, not as the chair,
25 and that it's not a subject that I fully understand what's

1 happening. I also have some reservations. But I say that
2 as an individual member of the committee. Steve?

3 MR. JACOBS: Shirley, it's probably not permitted
4 to have open discussions just an open time. So why don't we
5 do that and not express an opinion because Vernon made a
6 good point. We're all here. We all are absorbing new
7 things and think somebody here has the capacity to help us
8 understand this issue.

9 MS. ROOKER: I don't have a problem with that at
10 all. Paul Schroeder, you seem to be very conversant with
11 this and Jim Tobias -- the new Jim Tobias. And then, Paul
12 if you want to follow-up and add anything to what Jim has to
13 say.

14 MR. BOWEN: The Telecom Act of '96 had a mandate
15 quite clear to have close captioning on all TV programs.
16 The FCC took up that rule, passed it and it's now in effect.
17 They also had a recommendation that video description also
18 be studied to make it more widely available.

19 After many years of study, the FCC issued a notice
20 of proposed rulemaking and took comments and eventually
21 decided that a limited number of TV programs on the
22 commercial networks as well as prime time cable networks
23 have five hours a week of -- four hours a week of described
24 programming.

25 That was petitioned for reconsideration. That was

1 filed by industry and one blind organization that was
2 denied. So the rules went into effect. It began April 1st
3 of this year. The industry finally decided to take the
4 whole rule to court and file briefs on that matter and then
5 very recently asked for a stay of the rule while the court
6 case is pending.

7 They're filing their objections based on some
8 major issues that the FCC exceeded their jurisdiction as
9 well as made a rule that violates First Amendment.

10 On the defendant's side is, of course, the FCC.
11 Intervenors on the case include a group called the National
12 Television Access Coalition, which is made up of the other
13 blinded organizations and other involved parties and Blinded
14 Veterans ACB, the Washington Ear, AFD.

15 So there are two proceedings right now. One is
16 the petition of a stay of the rules so they don't go into
17 effect April 1st and the other is the court case where
18 briefs have been filed and that process is going forward.

19 MS. ROOKER: Who actually wrote the stay?

20 MR. BOWEN: The Motion Picture Association of
21 America along with the National Association of Broadcasters,
22 the National Cable Television Association and the National
23 Federation of the Blind. And by the way, does anyone not
24 know what video description is? You're too embarrassed to
25 say it anyway.

1 Much the way closed caption provides a visual
2 version of the audio of the TV program, video description
3 provides an oral version of what's seen to provide a
4 description of key visual elements in a TV program so that
5 if you can't see, you will hear what's going on, and these
6 description are written so that they appear in between the
7 dialogue on a television program and delivered by a
8 broadcast cable or satellite on the sub-channel, the extra
9 audio channel that is available on all stereo televisions.

10 MS. ROOKER: Can you remind us why the National
11 Federation took the position that they did?

12 MR. BOWEN: You want me to sit here and explain
13 their position? Yes, I can do that. They believe the FCC
14 did not take into account all legal preferences of the
15 blindness field and they also believe that the FCC should
16 have ruled primarily and solely on the issue of access to
17 on-screen graphics. That being any kind of printed text on
18 the screen should have been only thing the FCC decided on.

19 MR. SCHROEDER: Paul Schroeder. That was very
20 good, Larry and very clear, Jim.

21 The only thing I would add is the business about
22 who filed what notwithstanding, I want to go back to what I
23 said before. The court case is going to proceed, obviously,
24 no matter what we do and no one suggesting we take a stance
25 on that, although it's worthy to have a stance. But I think

1 what is being suggested here is that the Commission stick to
2 its decision.

3 As I said, as I understand it that it normally
4 would do in a case like this and not bring a stay simply
5 because a party has taken something to court. Otherwise,
6 there would be very few rules ever to go into effect over
7 here because virtually everything gets challenged at some
8 level and we would have chaos at the Commission.

9 So I think to keep -- Larry described exactly what
10 the larger legal environment and the situation is, but I
11 think this is really a relatively straightforward question
12 that we're trying to talk about as a committee here about
13 what this Commission should do with this particular
14 position.

15 MS. ROOKER: What's the First Amendment, Freedom
16 of Speech, I assume?

17 MR. BOWEN: Compelled speech. That people should
18 not be forced to say or do something. In terms of the stay,
19 it has been common practice at the FCC to let the case
20 proceed unless there is some emergency that requires -- now
21 in this case it's quite interesting because when the
22 Commission did decide to issue this mandate, Sherman Powell,
23 the assistant commissioner opposed the mandate.

24 Even to that extent, he has stated that any number
25 of the rules that were enacted before he became chairman

1 still need to be defended by the FCC. As courtesy and
2 common practice that the FCC defend their own decisions and
3 that includes defending in court.

4 MS. ROOKER: Is there some inclination that the
5 FCC wouldn't furiously defend its position in the Supreme
6 Court?

7 MR. BOWEN: Not the Supreme Court, District Court.

8 MS. ROOKER: Oh, it's in the District Court?

9 MR. BOWEN: It was a three to two vote on the rule
10 and now the Commission is reconstituted and there are new
11 members. And now one of the nay votes is the chairman and
12 he gets to determine where the resources of the Commission
13 get put and there are quite a few court cases pending.

14 MS. ROOKER: Does anyone have any questions or
15 comments? Thank you for giving us insight. Julie?

16 MS. CARROLL: Just one question. Someone said
17 earlier today that there were hundreds of letters submitted
18 on an issue and I think this might have been the issue. The
19 letters have some how not made it to where they're suppose
20 to be in the FCC. Did I understand that correctly?

21 MS. ROOKER: No, I thought those were complaints.

22 MR. BOWEN: These were letters by intervenors on
23 this case. Ostensively, more than 300 actually. Mostly
24 generated by ACB, were supposedly sent over here. But no
25 one on the staff here seems to have seen or heard of them.

1 That's a concern.

2 Now there's a chance that they were not sent that
3 way. We certainly should follow-up with Charlie Proctor at
4 the ACB. But it was announced very publicly that, that many
5 letters were copied both to the ACB and to the FCC.

6 MS. ROOKER: Actually, I think this morning they
7 were referring to some consumer complaints. No?

8 MR. GOLDBERG: On this particular issue, we're
9 talking this large number and if Charlie tells everyone to
10 write to the chairman and they're outside the chairman's
11 office? It's possible. I don't know.

12 MR. MARSHALL: The fact of the matter is we're
13 still having trouble getting mail here as a result of the
14 anthrax scare. We normally get about 3000 pieces a week. I
15 think the last e-mail I saw we were getting sometimes 1500
16 pieces a day maybe. I think it's best, if anybody's going
17 to be writing to us, that they deliver it and not go through
18 the U.S. mail service until it's more stabilized because
19 it's not stable at the moment.

20 MR. GOLDBERG: Just one more thing.

21 MS. ROOKER: Sure.

22 MR. GOLDBERG: Just to round out the picture. One
23 of the First Amendment arguments, if accepted by the court,
24 could actually put into threat the closed captioning rules
25 as well. They seem to be arguing that's also compelled

1 speech. And I know that as much as closed captioning is
2 deeply ingrained and widely pervasive, people would have
3 real issues about that.

4 MS. ROOKER: David?

5 MR. PALMER: Since we're rounding things out, I
6 thought I would add -- David Palmer from American Council of
7 Audit. I thought I had finished speaking, but the rule
8 calls for four hours of programming per weeks, roughly.
9 Kind of like a pilot putting a tail on the water gun. But
10 the other part of this is that one of the industry
11 complaints is that it would cost lots and lots and lots of
12 money to do this and they'd have to do a lot of re-tolling
13 and so forth and so on in order to accommodate the ruling
14 and that's part of their resistance.

15 MS. ROOKER: Thank you, David. Do we have any
16 other comments or do we have questions for them? Okay.
17 Well, I think we're going to go to -- Paul Schroeder?

18 MR. SCHROEDER: Are we moving on to other topics?

19 MS. ROOKER: We were going to move on to the
20 public discussion.

21 MR. SCHROEDER: I just wanted to raise one thing.
22 And maybe it came up this morning, so I apologize if I
23 missed it. But it would have been great today to have an
24 opportunity to discuss this wire line broadband internet
25 access bill, I noticed the FCC came out last month, 0240,

1 but we didn't have that chance.

2 But it strikes me that, that might be a good topic
3 for -- we kind of danced around net services, intro services
4 and broadband in the past, but there's a couple ways in
5 which we need to have flexibility in that context in general
6 in services. And two, what the impact of some of these
7 efforts, both at the FCC, but also legislatively that will
8 possibly come over here because if they go pass a certain
9 interval. What the impact of moving services -- telecom
10 into that environment means for something like Section 255.

11 We've kind of danced around this topic, but I
12 think we ought to have a specific conversation and it might
13 be nice to even have some of the subject-matter experts from
14 the floor join us if they can because I think they need to
15 be a party to this conversation.

16 MS. ROOKER: I think that's an excellent
17 suggestion, Paul. I think we can do that. Right, Scott?
18 We can try? We probably will have to prioritize some of the
19 things that we go into more critical. This being one that
20 would probably go to the top of the list.

21 MR. WILLIAMS: It's one of the chairman's
22 priorities?

23 MS. ROOKER: Yes, it is. That's very true. Very
24 true. If there is no other comments to our members, I would
25 like to turn it over to our public attendees.

1 First off, though, I would like to thank all of
2 you for your lively discussions today. It's been very
3 interesting and certainly thank the FCC for being here, the
4 chairman and David. I don't know if anyone is still here.
5 Dave was here just a few minutes ago. But at any rate, I
6 think we all appreciate the time that they've spent giving
7 us some education. Certainly, giving me an education.

8 So I would like to turn the microphone over to our
9 public members if there is anyone here that would like to
10 make comments.

11 MR. BAGUIS: I'm David Baguis. I'm with the U.S.
12 Access Board and I have a couple of suggestions.

13 One is that you turn from multiple representatives
14 of the FCC today which was appropriate. But there has been
15 some moments in your discussions when you talked about ADA
16 and Section 508. So you may want to consider in your future
17 meetings bringing in representatives from other government
18 agencies who might be able to provide you with information
19 to facilitate your discussions that will eventually result
20 in your making recommendations.

21 MS. ROOKER: A good suggestion.

22 MR. BAGUIS: For example, the Access Board can
23 certainly speak on Section 508. For those of you who aren't
24 sighted, I'm holding a bulletin that says "Ask Me About
25 Section 508."

1 My other comment is with regard to Section 508.
2 It was anticipated that Section 508 would result in
3 improvements in accessible design of telecommunications. So
4 it certainly is very relevant to the interest of this group.

5 And my suggestion is that you encourage the FCC to
6 participate more actively in some of the 508 federal
7 activities; specifically, something called the 508 Working
8 Group, which meets about once every two weeks at a
9 conference room in the Access Board's building.

10 There's a large number of federal agencies who are
11 part of that meeting. For example, the Department of
12 Justice, Department of Defense, Treasury, Office of
13 Management and Budget, GSA and many others. The presence of
14 the FCC is very much missed at those meeting where we do
15 discuss issues that are very similar to the same things you
16 talked about today, such as wireless copulating with
17 telecommunication devices.

18 There are other meetings that they may want to be
19 more active, such as the Accessibility Forum. For those of
20 you who aren't familiar with that, just go to Accessibility
21 Forum.org. So to be more specific, though, in that written
22 edition, that you encourage the FCC to appoint a high level
23 person to participate in those meetings. Thank you.

24 MS. ROOKER: Thank you, David. Do we have other
25 public comments?

1 (No verbal response.)

2 MS. ROOKER: No? Well, if not, I would like to
3 thank all of you for being here today. I declare us
4 adjourned.

5 (Whereupon, at 4:35 p.m., the meeting was
6 concluded.)

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ADVISORY MEETING

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