

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re)
)
CONSUMER DISABILITY)
TELECOMMUNICATIONS)
ADVISORY COMMITTEE)
)
Meeting)

Pages: 1 through 239
Place: Washington, D.C.
Date: June 28, 2002

HERITAGE REPORTING CORPORATION

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re)
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CONSUMER DISABILITY)
TELECOMMUNICATIONS)
ADVISORY COMMITTEE)
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Meeting)

Room TW-C305
445 12th Street, S.W.
Washington, D.C.

Friday,
June 28, 2002

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

ATTENDEES:

Companies:

AARP

JEFFREY KRAMER
Legislative Representative for Telecommunications
and Utilities
Federal Affairs Department

Alliance for Public Technology

PAUL SCHROEDER
President

American Council of the Blind

DAVID POEHLMAN
Technology Consultant

AT&T

MICHAEL F. DelCASINO
Regulatory Division Manager

Call for Action

SHIRLEY ROOKER
President

Heritage Reporting Corporation
(202) 628-4888

ATTENDEES (Continued):

Cellular Telecommunications & Internet
Association (CTIA)

ANDREA WILLIAMS
Assistant General Counsel
RON BARNES

Cingular Wireless LLC

SUSAN PALMER
Manager of Industry Affairs

Communication Service for the Deaf

ROGER KRAFT
Vice President, Business Technology Unit

ConnectBid LLC

JOSEPH C. GASKINS

Consumer Action

KEN McELDOWNEY
Executive Director

Consumer Action Network

CLAUDE STOUT

GALLAUDET UNIVERSITY

JUDITH E. HARKINS, Ph.D.
Professor

Gila River Telecommunications, Inc.

BELINDA NELSON
General Manager

Hewlett-Packard Company

MICHAEL TAKEMURA (alternate for)
LEE BATEMAN
Product Program Manager

IDEAL at NCR

STEVE JACOBS
President

Inclusive Technologies

JIM TOBIAS
President

ATTENDEES (Continued)

Information Technology Technical Assistance & Training Center

JULIE CARROLL

Director of Industry & Government Relations

Microsoft

LAURA RUBY

Program Manager

Mitsubishi Electric America Foundation

RAYNA AYLWARD

Executive Director

National Association of Broadcasters

KAREN FULLUM KIRSCH

Vice President

Regulatory Affairs

National Association of State Relay Administration

GIL BECKER

Vice Chair

National Cable Telecommunications Association

JIM EWALT (alternate for)

DANIEL BRENNER

Senior Vice President for Law and Regulatory Policy

Nokia

MICAELA TUCKER

Team Leader

Accessibility Project

KATHLEEN F. O'REILLY

Attorney at Law

REBECCA LADEW (alternate for)

BOB SEGALMAN, Ph.D.

Speech to Speech, Founder

Self Help for Hard of Hearing People

JOSEPH GORDON (alternate for)

BRENDA BATTAT

Director of State Development

ATTENDEES (Continued):

Smithsonian Center for Latino Initiatives

DR. REFUGIO ROCHIN

Director

Sony Ericsson, Inc.

MATT KALTENBACH

Product Manager

Sprint Corporation

TRAVIS SOWDERS (alternate for)

PAUL W. LUDWICK

TRS Product Manager

Telecommunication Industry Association

ROBERT CHROSTOWSKI

Senior Vice President

Telecommunication Research & Action Center (TRAC)

KATE DEAN

Research Assistant

TRIPOD Captioned Films

NANCI LINKE-ELLIS

Executive Director

Verizon Communications

RICHARD T. ELLIS

Director of Federal Affairs

WGBH National Center for Accessible Media

LARRY GOLDBERG

Director

P R O C E E D I N G S

1

2

(9:10 a.m.)

3

4

5

MS. ROOKER: I have some difficulty in counting. I'm running out of fingers. So if you could please sit down so that I can start all over again.

6

(Pause)

7

8

MS. ROOKER: Can anybody figure out what is two-thirds of 40? Somebody fast here.

9

MALE SPEAKER: Oh, is this a quorum thing?

10

MS. ROOKER: Twenty-six? Let's see if we have it.

11

(Asides)

12

13

MS. ROOKER: If we can get everybody seated at the table. Would you please help?

14

(Pause)

15

16

17

18

19

20

MS. ROOKER: Well, by my count, we do have a quorum, so we can proceed with business. Thank you very much. I'd like to welcome you to this muggy Washington day. And we may put on some real fireworks for you this afternoon if there is a thunderstorm, and it's not even the 4th of July yet.

21

22

23

24

25

I would like to take this opportunity to thank Mike DelCasino, committee member, and AT&T for providing us our continental breakfast and lunch today. I'd like to welcome all of you. There are several alternates who are here in lieu of regular members. And what I'd like to do is

1 for us to go around the room and introduce ourselves. And
2 if you are an alternate, just introduce yourself and tell us
3 who the person is that you are filling in for.

4 So I'll start out by saying that I'm Shirley
5 Rooker, and I'm the president of Call for Action.

6 MR. TOBIAS: Jim Tobias, Inclusive Technologies
7 and the IVR Accessibility Forum.

8 MS. PALMER: Susan Palmer, Cingular Wireless.

9 MR. BECKER: Gil Becker with the National
10 Association for State Relay Administration and the Marilyn
11 Relay.

12 MS. AYLWARD: Rayna Aylward, executive director of
13 the Mitsubishi Electric America Foundation.

14 MS. HARKINS: Judy Harkins, Gallaudet University.

15 MS. DEAN: Kate Dean from TRAC.

16 MR. KRAMER: Jeff Kramer, AARP.

17 MR. ELLIS: Rich Ellis from Verizon.

18 MS. TUCKER: Micaela Tucker, Nokia.

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

20 MR. GASKINS: Joe Gaskins, ConnectBid.

21 MS. O'REILLY: I'm Kathleen O'Reilly. I don't
22 represent any specific group, but I'm an attorney that
23 represents various consumer groups in telecommunications
24 proceedings at the Commission, and I'm the residential
25 repair representative on the network reliability steering

1 committee.

2 MR. SOWDERS: I'm Travis Sowders with Sprint, and
3 I'm an alternate for Paul Ludwick.

4 MS. LADEW: I'm Rebecca Ladew. I'm an alternate
5 for Bob Segalman. Bob has a few words for me to say for
6 him. Bob has asked me to follow up on his comment at the
7 last meeting that while 500 Americans now use Speech to
8 Speech, 500,000 people could be able to use it if they knew
9 about it and had an hour of training. While the FCC
10 mandates the provision of Speech to Speech, the FCC cannot
11 require that consumers be identified and trained. Bob is
12 looking for large corporations willing to encourage the
13 advertising agencies that they contract with to assist pro
14 bono with the development and distribution of a Speech to
15 Speech public service announcement.

16 If you have any ideas or suggestions, please
17 contact Bob at Bob@dor.ca.gov. Thank you.

18 MS. ROOKER: Thank you, Rebecca. It's good to
19 have you with us. We're proceeding around the table.

20 MS. KIRSCH: Good morning, everyone. I'm Karen
21 Kirsch. I'm from the National Association of Broadcasters.

22 MR. KALTENBACH: Matt Kaltenbach, Sony Ericsson
23 Mobile Communications.

24 MS. BURSTEIN: Diane Burstein with the National
25 Cable and Telecommunications Association. I'm substituting

1 for Dan Brenner.

2 MR. CRAFT: Roger Craft with CSD, also known as
3 Communication Service for the Deaf, in Great Falls, South
4 Dakota.

5 MR. GORDON: I'm Joe Gordon, League for Hard of
6 Hearing, an alternate for Brenda Battat from Self Help for
7 Hard of Hearing.

8 MS. WILLIAMS: I'm Andrea Williams. I'm with the
9 Cellular Telecommunications and Internet Association.

10 MR. CHROSTOWSKI: Bob Chrostowski of Watts America
11 (phonetic) representing the Telecommunication Industry
12 Association, TIA.

13 MR. GOLDBERG: Larry Goldberg, WBGH National
14 Center for Accessible Media.

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

17 MR. TAKEMURA: Michael Takemura, Hewlett-Packard,
18 for Lee Bateman.

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

21 MR. JACOBS: Steve Jacobs, NCR Corporation.

22 MR. MARSHALL: I'm Scott Marshall with the FCC. I
23 support this committee.

24 MS. ROOKER: And we have a couple of people over
25 here on the left who haven't introduced themselves.

1 DR. ROCHIN: I'm Refugio Rochin from the
2 Smithsonian Institution. It gives me an opportunity to
3 invite you to see a beautiful exhibition in the Arts and
4 Industries Building just down the street here. It's called
5 "History through Deaf Eyes," produced by Gallaudet
6 University. Please see it. The history shows the
7 development of sign language as well as TTY and other
8 historic developments, as well as the beautiful lives and
9 stories of leaders prominent in Gallaudet University
10 history.

11 MS. ROOKER: How long is it going to be there?

12 DR. ROCHIN: I'm not sure exactly. Probably a
13 month.

14 MS. ROOKER: Okay. Thank you.

15 MR. McELDOWNEY: Ken McEldowney, Consumer Action.

16 MS. ROOKER: Have we got everyone else? Okay.

17 Now that we're certain that you know who you are, I would
18 like to ask you when you make a comment to please give your
19 name before you make the comment so that when we do the
20 recording, we'll be able to identify people who are making
21 comments or whatever. Thank you.

22 I would like to tell you that we are -- this is
23 being streamed on the Internet. So behave yourselves. You
24 can wave to Mom discreetly. And as I said, please give your
25 name when you're speaking.

1 We would like to ask for any suggestions on
2 additions to the agenda, keeping in mind that of course we
3 are time sensitive today, very much so. But at any rate,
4 one of the things that we're starting to do is ask for
5 comments on the agenda at the beginning of the meeting. And
6 if there is anything that is urgent or needs to be covered,
7 we'll try to find the time to do it if it's appropriate.

8 So at this moment, does anyone have any comments
9 or suggestions on the agenda?

10 MS. ROOKER: All right. Then moving forward, I'd
11 like to go to the approval of the November minutes of the
12 November meeting. I'd like to tell you that we don't have
13 the March minutes, and I will personally take the blame for
14 that. At our March meeting, we accomplished a great deal,
15 but unfortunately the discussion and the recommendations at
16 the end of the day became somewhat unstructured. In other
17 words, I goofed and didn't ask that each recommendation be
18 in the form of a motion.

19 So having been hit over the head with a gavel, I
20 have come to attention, and I'm reforming, so that I'm
21 asking you when you're presenting your recommendation, as I
22 said, identify yourself, make it in the form of a motion if
23 that's your intent so that it can be voted on. So then we
24 won't have the problems that we're having sorting out the
25 last March meeting. This will make the process much clearer

1 and easier to follow when we're doing the transcripts.

2 So at any rate, going to the November meeting, the
3 March minutes will be available within a week or two. But I
4 just wanted you to know why they were not here right now.

5 At any rate, is there a motion or discussion of
6 the November minutes? Yes, Kathleen?

7 MS. O'REILLY: I just have a minor item. I see
8 from the minutes that they report that our colleague Ken
9 McEldowney had volunteered to be on our structure and
10 operation committee. And if so, as a member of that
11 committee, I feel we missed that. He's not listed on the
12 committee and didn't participate. So if he subsequently
13 withdrew, I think it might be useful to note that in the
14 minutes for clarity purpose, and if not, to long overdue add
15 him as a member with certainly my apologies for not having
16 caught that as part of the meeting.

17 MS. ROOKER: Ken?

18 MR. McELDOWNEY: Ken McEldowney. I just thought I
19 wasn't loved.

20 MS. ROOKER: We love you, Ken. Any other
21 comments? So noted, Kathleen. Thank you. Yes, Rayna.

22 MS. AYLRWARD: Actually, these two comments sort of
23 undergird what I was going to suggest or perhaps even put it
24 forward as a resolution. If we could have the minutes of
25 the meeting circulated within a month of the meeting, it

1 might circumvent some of these little gaps in terms of
2 follow-up actions.

3 MS. ROOKER: Okay. Thank you. Yes. And as I
4 said, the March meeting was -- it was very difficult to get
5 it done. So I apologize for that. Any other comments on
6 the November minutes? All right. Do I hear a motion to
7 approve them? All right. David motioned -- made the motion
8 to approve. Second?

9 MS. AYLRWARD: Second.

10 MS. ROOKER: Seconded. All in favor say "aye."

11 (Chorus of ayes)

12 MS. ROOKER: Opposed? The motion carries. Thank
13 you.

14 Now just to give you some ideas of the things that
15 we're doing today, there has been a great deal of work done
16 by our working groups, as well as the disability
17 subcommittee, and you're going to be listening to them as we
18 move through the day. In the late afternoon, we'll have a
19 discussion of telephone scams, so get ready with your most
20 hated scams. I brought some of mine. And I think at this
21 moment I'm going to let Scott give you a little bit of
22 information on the logistics for today's meeting.

23 MR. MARSHALL: Thank you, Shirley. Good morning,
24 everyone. Just a few logistical details. The restrooms are
25 to my right on the left end of this rectangle configuration,

1 right out the door to my right, straight down the hall and
2 to the left. Also, right out that same door, to your
3 immediate left, are telephones. We are going to be having
4 lunch for committee members at 12:45. And as Shirley noted,
5 courtesy of AT&T. Thank you.

6 MS. ROOKER: I would like to recognize a couple of
7 people who are joining us today for the first time. Doc
8 Merlson (phonetic) has been recently appointed the deputy
9 bureau chief of the consumer and governmental affairs
10 bureau. He actually oversees the consumer affairs and
11 outreach division. Doc, welcome to joining our meeting
12 today. And also Amy Brown, who is a new legal advisor to
13 the committee and is working with Scott. Amy? Where is
14 she? Amy is behind me. Thank you, Amy. It was nice to
15 meet you, and welcome to our meeting.

16 And I see that we are very honored to have with us
17 Dane Snowden, who really doesn't need any introduction. But
18 let me just make one word of comment, and that is to say
19 that the FCC has recently published an excellent consumer
20 guide on mobile phone service, and also, they have launched
21 the Get Connected program, which is about the lifeline and
22 the linkup subsidy programs. And I'm pleased that those
23 things are going well.

24 Dane, you're going to give us some few words.
25 Thank you. Dane Snowden.

1 (Applause)

2 MR. SNOWDEN: Good morning. I'm going to be very,
3 very brief because when I looked at your agenda, I saw how
4 many things you all want to accomplish today. So I figure
5 you don't need to hear from me too long.

6 I wanted to thank you again for joining us today.

7 I know you spend a lot of -- many of you spend your own
8 money to get here. You take a lot of your own personal
9 time, and a lot of work has gone on in the past several
10 months in the subcommittees and the ad hoc committees,
11 coming together to give us advice. And I just want to say
12 thank you very much for all of that.

13 I also want to echo everyone by saying thank you
14 to AT&T for providing sustenance for everyone this morning
15 and this afternoon. We appreciate that. Particularly since
16 it doesn't come out of my budget, I really appreciate that.

17 When I got the briefing on what was going on in
18 this committee, I understand that the ad hoc committees have
19 done -- and the subcommittees have done a lot of work to
20 bring information and recommendations to us. And this is
21 exactly why this committee was created a year and a half
22 ago. So we're on the right track. And I look forward -- I
23 understand it has been voted that of course we want to have
24 a new C/DTAC in the coming year, our recommendation going to
25 the chairman. I look forward to getting that recommendation

1 formally and all the information so I can submit it to him.

2 We look forward to working with you. Have a great
3 meeting, safe travels back. Have a wonderful 4th of July.
4 And thanks a lot. I will definitely see you during the
5 breaks, but I don't want to take too much of your time.
6 Enjoy yourselves, and thank you for all of the work that you
7 do for us. We appreciate it.

8 MS. ROOKER: Thank you very much, Dane.

9 (Applause)

10 MS. ROOKER: Dane Snowden. He is the bureau chief
11 of the consumer and governmental affairs bureau, which is a
12 new name for it. Well, recently renamed. Thank you very
13 much, Dane.

14 Moving right along, we're going to go into the
15 reports of the operating working group. We're going to
16 proceed this way. Rich Ellis chaired that group. He can
17 introduce his ad hoc committee members. And also, he will
18 be giving you an oversight of some of the recommendations,
19 and then there will be a period of question and answer, and
20 we'll figure out whether or not we come up with some
21 recommendations. Thank you, Rich.

22 MR. ELLIS: Thank you. This is Rich Ellis. First
23 of all, I want to apologize on behalf of myself and my
24 committee for what we're about to do to the captioners and
25 interpreters. I think between myself and Kathleen at least,

1 the two of us have the land speed talking record. I know
2 I'll try and slow down.

3 MS. O'REILLY: I'm studying sign language, so I've
4 become very sensitive to their challenge.

5 MR. ELLIS: I've actually seen interpreters' hands
6 burst into flames when they have been trying to interpret
7 what I say.

8 (Laughter)

9 MR. ELLIS: So I'll try and talk slowly. It
10 probably would make sense for us to go around the table and
11 just for the folks who are on the committee to introduce
12 themselves. I know Kathleen around this way. And who else
13 is over -- Dave in the other corner. Claude is a member ex
14 officio. He hasn't gotten to a meeting yet. But we value
15 his input and we look forward to his participation in the
16 future. And Susan Palmer over there in the corner, Jeff
17 Kramer over here to next to me. I think that's the whole
18 group. We met by telephone, so it's kind of hard to
19 remember who was involved.

20 We had a fairly daunting task ahead of us. As you
21 know, we have been in operation for almost two years now and
22 have done a lot of interesting things. But many of us felt
23 that we could probably do a better job with some changes to
24 our charter and our protocol.

25 As you know, the charter is basically our reason

1 for being. The protocol is the way we get things done. And
2 so the things we'll talk about today impact both of those
3 areas. At some point, I think it would be valuable for us
4 to get more definition from the Commission in terms of
5 reorganization and how that's going to impact the committee.

6 I don't know, Dane, if you want to talk about basically
7 what happened in the Commission now, if you can get like an
8 organization chart or something sent out later on. Would
9 that be easy for you? Okay. So we look forward to having
10 that.

11 As you know, as we're basically structured now, we
12 pretty much report in under Dane's organization. We would
13 like to encourage Dane to reach out to the other bureaus and
14 make sure they understand that we appreciate working with
15 them as well and hope that they feel part of this committee
16 and welcome to address us.

17 We did send out a report of our initial
18 conversations. And I thought what it might be useful to do
19 is to take the issues one at a time. I'll kind of give you
20 a sense of what we talked about in our phone conversations.

21 I have no doubt that my fellow committee members will jump
22 in whenever they feel like it. They were willing to do that
23 on the call. I hope they'll do it again today.

24 We want to go over those, and then we'll talk
25 about them one at a time and have discussions one at a time,

1 and then perhaps we'll do motions about each of those
2 subject topics. Does that make sense, Shirley? Is that the
3 best way to do it, you think, Scott? And Scott also had
4 discussed our recommendations with the general counsel's
5 office and had some input on some of them. So, Scott,
6 please feel free to weigh in as well as we get to those
7 areas.

8 The first topic we talked about was quorum
9 requirements. And we talked about what we view as the law
10 of diminishing returns, which is every time we have a break,
11 less people come back than were here before. So as the day
12 goes on, the numbers get smaller and smaller. And there
13 were concerns that under the current quorum restrictions or
14 quorum requirements, as the day goes on, we might not be
15 able to do business because we wouldn't have a quorum.

16 I know Kathleen had done a lot of research into
17 the quorum rules. Do you want to discuss that at all,
18 Kathleen, and sort of state where we are?

19 MS. O'REILLY: I think you include it.

20 MR. ELLIS: Okay.

21 MS. O'REILLY: I'll be glad to expand, but I think
22 that unless there are questions, the essence of it is in the
23 report.

24 MR. ELLIS: Basically, usually a quorum is
25 considered a majority. But under our protocols, it is two-

1 thirds. So it's a pretty high standard to meet, and the
2 problem is that as people leave, we kind of risk losing that
3 quorum. And it could reach a situation where we could stop
4 having a mandate to do business because there weren't enough
5 people in the room.

6 We thought that was too high. We thought that a
7 more reasonable quorum would be a majority of the committee.

8 We also would encourage all of our fellow committee members
9 to please stay for the meetings and stay for the entire
10 meeting. We meet only several times a year. We know the
11 dates well in advance. Please do everything you can to stay
12 for the entire meeting.

13 We also need to be sensitive to the fact that some
14 of our members pay their own way here and are here for
15 specific issues. And if our attendance numbers drop to the
16 point where we can't discuss those issues, they're really
17 out of money and time, and it's just very inconsiderate.

18 Anybody want to talk about that section of the
19 quorum piece? Ken.

20 MR. McELDOWNEY: Yeah. I also sort of support the
21 idea of having a majority. I think that one of the things
22 that on a number of groups that I'm part of is that once you
23 have a quorum, you can continue to do business even if
24 people then subsequently leave. I think that ends up being
25 fairer for the people who have committed themselves for the

1 full day, as well as I think it would then provide an
2 incentive for people to continue to be at the meeting
3 because they would then know if they left the votes could
4 still be taken.

5 So I think that would be sort of the only thing
6 that I would add to that.

7 MR. ELLIS: Andrea?

8 MS. WILLIAMS: Rich, I don't know if you got my e-
9 mail. Unfortunately, we have been having problems with our
10 e-mail system, and I have not been able to get access. I
11 can get information from the list serve, but I can't send
12 anything back.

13 But CTI really supports this recommendation in
14 terms of the quorum requirement. The suggestion I have is
15 that if the FCC and the committee chair could prepare a
16 schedule of the C/DTAC meetings a year in advance and
17 distribute to the committee members at the beginning of the
18 year, the members and their alternates then could plan well
19 in advance and make appropriate arrangements.

20 MR. ELLIS: Any other comments? Scott?

21 MS. ROOKER: I think we did have the days. I
22 think that's an excellent suggestion. That's what we tried
23 to do. I believe this year we did have the dates at the
24 beginning of the year, and we certainly will strive to do
25 that for future meetings.

1 MR. ELLIS: Are there any other comments about
2 Ken's proposal, about once a quorum always a quorum.

3 MS. ROOKER: You know, I don't know enough about
4 Robert's Rules to know if that in fact is correct, if you
5 have a quorum of the beginning of a meeting and your quorum
6 -- then you no longer have a quorum. I'm not sure that you
7 can actually authentically take a vote.

8 MS. O'REILLY: Madame Chair?

9 MR. ELLIS: Kathleen?

10 MS. O'REILLY: I'd like to address that. In the
11 absence of a challenge to a quorum, you do continue to
12 conduct ordinary business. And a governing body is at
13 liberty in its equivalent of by-laws -- in this instance, I
14 assume it would be our protocols -- to identify with
15 specificity any exceptions to that the issues deemed of such
16 a serious nature, such as whether it should be disbanded,
17 whether or not the composition should be realigned, that
18 might under certain circumstances require a quorum at the
19 time of the vote. But that is sort of an operating
20 structure for administrative efficiency.

21 MS. ROOKER: So under most circumstances then you
22 could continue even though the quorum no longer exists.

23 MS. O'REILLY: For the conducting of ordinary
24 business and for discussion of agenda items that were
25 noticed. That is why providing an advance notice of issues

1 is very fair -- I mean is very important to both the spirit
2 and the substance of that sort of collegiality because
3 having been notified in advance that a particular agenda
4 item is there, it then becomes all the more incumbent upon
5 members to be prepared to discuss and vote on it. Or, at
6 the outset of the meeting, to request that that particular
7 item -- an ad hoc motion that that is of such an important
8 nature on the agenda that that should be rearranged so it is
9 on the front end of the meeting so that there is clearly a
10 quorum, or to say a resolution that when that issue is
11 discussed, no vote will be taken unless there is quorum.

12 It gives you that flexibility to adjust to the
13 specific items. But the standard steps unintended and
14 undesirable consequences is to use the advance agenda as one
15 tool to at the front end give the entire body an opportunity
16 to discuss and vote on changing the agenda, both
17 substantively and to its order, and then to understand that
18 in the absence of a challenge to a quorum, it is not a bar
19 to continuing unless there is a specific exception either in
20 a resolution or in the equivalent to the protocols.

21 MS. ROOKER: Thank you. And as you noticed, we
22 did put in the recommendation from the committee about the
23 agenda. We appreciate that. Thank you very much.

24 DR. ROCHIN: Just a question. Wouldn't we want to
25 have at least a minimum that can vote at the end of -- let's

1 say we lose the quorum, but at least have a minimum number
2 that would be required to decide on a vote.

3 MR. ELLIS: David.

4 MR. POEHLMAN: This is David Poehlman with the
5 American Council of the Blind. I answer that, but that
6 wasn't my original reason for grabbing the microphone. It's
7 very important that that substantive process be done in a
8 balanced way in this particular setting. So I don't know
9 that a minimum of people available to vote would necessarily
10 approach that. But I do like the idea of having the checks
11 in place that we have put in and that were just discussed
12 briefly a few moments ago.

13 My issue concerns perhaps we could find out from
14 people who know in advance how much of the meeting they plan
15 to attend. I mean, the reality of life is that there are
16 situations where there are conflicts. Some of those
17 conflicts come up after the best of plans have been laid.
18 So when you come to a meeting and you know that you're not
19 going to be able to make the full day, maybe we can have a
20 provision in our morning registration process for people to
21 notify. And perhaps, if it's not too indiscrete, we can
22 even ask people in their introductions will you be staying
23 for the full day, answer yes or no, so that as you go around
24 and introduce yourself, I'll be here to noon, I'll be here
25 till 10:00, but then I'll be coming back at 2:00, you know,

1 something like that.

2 This gives us some idea of maybe how to structure
3 the flow, maybe how to change the flow in some instances if
4 we have to to accommodate the best possible match between
5 what we're doing and having the people to do it with. Thank
6 you very much.

7 MR. ELLIS: Nanci.

8 MS. LINKE-ELLIS: Again, Nanci Linke-Ellis. It
9 goes back to the issue of when we joined the committee we
10 made the commitment to two to four days a year. I think if
11 there is a point where there is a conflict, you do have the
12 right to have an alternate. You do have the right to
13 teleconference. The FCC has gone -- bent over backwards to
14 make sure that people could participate. And I think the
15 frustration that we felt at the end of the last March
16 meeting, where there are a couple of issues that we really
17 wanted to vote on, but several of us really were hesitant to
18 do that because there were so few of us left, and we felt
19 that it would not be representative for us to do that.

20 So I'm not quite sure how many people comprised a
21 committee and what a quorum is. But I assume we have a
22 quorum here today. And I just think people have to be -- if
23 they do have a conflict, they should be able to send an
24 alternate.

25 MR. ELLIS: Any other discussion on the quorum

1 issue? All right. Let me see if I can summarize the
2 discussion and I guess make a motion, and we'll do it that
3 way. We would move that all members be encouraged to remain
4 for the entire meeting. We move that a simple majority
5 comprise a quorum. And we move that business will continue
6 on routine issues and agenda items once a quorum has been
7 established unless challenged by a member of the committee.

8 Anything else we need to add?

9 MS. O'REILLY: I think informally to embrace the
10 last suggestion is an efficient way to help the body make
11 decisions as they move through the agenda. And it might be
12 appropriate with respect to your first item to include --
13 unless -- I'd almost have to see anyway -- but something
14 that suggests that an exception to an otherwise simple
15 majority would have to be reflected in a resolution passed
16 by more than a majority of the body. I think we need to
17 give ourselves the opportunity in the future that there may
18 be issues of such supreme importance that we would want more
19 than simply a simple majority to vote on it.

20 And so rather than straightjacket us now in
21 identifying what those topics might be, to simply have the
22 resolution give us the flexibility in the future to create
23 an exception to that through a resolution that would have to
24 be passed by more than a simple majority of the body. And
25 of the body, not of those present is my suggestion because

1 if you barely had the majority present for that discussion,
2 it could be tilted.

3 MR. ELLIS: Yeah. Rebecca.

4 MS. LADEW: I have a suggestion. If the committee
5 member knew what the issues were before the meeting there
6 could be a quorum vote. If a specific member could not be
7 here for the whole time, then that member could vote before
8 if they were to leave.

9 MR. ELLIS: There was discussion about proxy
10 voting. I believe that the general counsel's office weighed
11 in on that one. And my understanding was they said that
12 would not be allowable. Is that correct?

13 MR. MARSHALL: Proxy voting can be problematic
14 because the committee has to decide -- has to demonstrate
15 that there has been a deliberation in making its
16 recommendations, and that one could argue that if proxy
17 voting is taken the extreme, it wasn't a deliberative action
18 of the body. So it is problematic, as I understand it.

19 MR. ELLIS: Rayna.

20 MS. AYLLWARD: This proxy voting, does that also
21 include an action in the form of a resolution to be
22 circulated among the members of the committee that would be
23 done in the form of either, say, e-mail or some other form
24 of written resolution? The reason I was going to bring that
25 up is that if we're talking about an issue that's of really

1 compelling importance that might make a significant change
2 in the way we operate or in what we're going to recommend,
3 sometimes the best decision is not the one that's made in
4 the heat of the discussion at hand. And it may be better to
5 take a little time before making a decision on that issue.

6 And if it were a case that at the same time not
7 all members were present during that discussion, perhaps a
8 summary of the discussion points could be made, and a
9 subsequent -- and a resolution proposed, and a subsequent
10 vote, if you will, take place among the membership, again by
11 -- I don't know what you'd call it. It would not be -- it's
12 not absentia. It's not by proxy. But it's electronic
13 voting. We do it on several boards that I'm on all the
14 time.

15 MR. MARSHALL: Could I comment on that, Rich?

16 MR. ELLIS: Please.

17 MR. MARSHALL: Rayna, I appreciate the spirit in
18 which your suggestion is made. Unfortunately, we have some
19 constraints because this is a federal advisory committee,
20 and there is a requirement that our agenda be noticed in the
21 Federal Register and that we actually have a meeting to take
22 action to make recommendations.

23 We really cannot meet electronically as a
24 committee and meet the openness requirements of the FACA
25 statute that requires that the meeting be public, as well as

1 the matter of being sure that there is a deliberation made
2 on the recommendation.

3 So I think what you're suggesting in terms of an
4 e-mail vote or that sort of thing would be really a problem,
5 unfortunately.

6 MR. ELLIS: Ken.

7 MR. McELDOWNEY: Ken McEldowney, Consumer Action.

8 Yeah. I think I would like to go sort of back to the
9 quorum motion Rich suggested. I think I would certainly
10 oppose proxies. In essence, in some cases, it could be two
11 steps removed because I think a number of the groups here
12 have alternates that attend. And so there would be the
13 question is it the original member who is proxying, or is
14 the alternate, or whatever.

15 So I would think that my suggestion would be to
16 move ahead with the suggestions that have been made in terms
17 of revising the quorum, but not to have either electronic
18 votes or proxies.

19 MR. ELLIS: Any other discussion? I'm betting
20 you're going to want me to restate the motion, aren't you?
21 I'll see if I can restate it and incorporate Kathleen's
22 comments as well. And please weigh in.

23 So this resolution would be, first of all, to
24 encourage all members to participate for the entire meeting.
25 We would say a simple majority would be our quorum.

1 However, if a committee deems an item sufficiently vital as
2 to warrant more input, the committee can vote to require a
3 two-thirds.

4 MS. O'REILLY: If a majority of the committee.

5 MR. ELLIS: A majority of the committee.

6 MS. O'REILLY: Strike that word majority. I'm
7 sort of trying to edit it as I hear it.

8 MR. ELLIS: Okay. Let's go back. If the majority
9 of the committee deems an item so vital as to warrant more
10 committee consideration, the majority of the committee
11 may --

12 MS. O'REILLY: No. More than a simple majority
13 for the purposes of a quorum.

14 MR. ELLIS: You know what? Let's do this. Why
15 don't we sit down --

16 MS. O'REILLY: During the break --

17 (Simultaneous discussion)

18 MR. ELLIS: -- come back and do it on that one
19 because we do want to be out by 5 o'clock today, I'm sure.

20 Moving on to the agenda, a couple of quick points
21 that came up. Again, there was the question of getting the
22 agendas out a little earlier. The results of the suggestion
23 that the agenda include time limits for discussion on agenda
24 items, that came in from Shelly by e-mail. It was also
25 thought that we should review the agenda as the first item

1 of business so that we could rearrange the schedule if
2 necessary to accommodate people who had to leave. We could
3 decide whether an item warranted the amount of time that was
4 given, et cetera. And we would discourage last-minute items
5 to the agenda, perhaps putting in, as Andrea suggested, a
6 48-hour cutoff period before the meeting for addition of new
7 items.

8 Any discussion on the agenda type issues?

9 MS. O'REILLY: Well, the only comment I have on
10 the 48-hour cutoff is that given our lack of power over
11 announcements made at the Commission, a situation may arise
12 in which there is a notice of proceeding opening that may
13 arise in that 48-hour period that some committee member may
14 want at least put on the agenda for purposes of discussing
15 whether there is any interest in the committee in pursuing
16 it. And given the turnaround time of various proceedings,
17 if that cannot even be raised for purposes of deciding
18 whether it should even be on the agenda until the next
19 meeting, we might be really going against the very intention
20 of our desire to have meaningful input.

21 I think we would want to call upon ourselves to
22 exercise the discipline that's behind the spirit of this
23 resolution, but give ourselves the flexibility to always
24 introduce at the last minute an item, and then whoever is
25 introducing it would have to describe the basis for not

1 having presented it in 48 hours, and that will either be a
2 credible explanation that will carry the day and put it on
3 the agenda, or it will be considered too little, too late,
4 sorry, we're not going to consider it.

5 MR. ELLIS: Ken.

6 MR. McELDOWNEY: I guess I have a question for
7 Scott. Ken McEldowney, Consumer Action. I have a question
8 for Scott on that. I certainly know that committees that I
9 am on at the California Public Utilities Commission, unless
10 something is on the agenda, certainly you cannot reach a
11 vote on it. And I'm wondering whether or not there is a
12 similar regulation in place here for the FCC in terms of its
13 advisory committee.

14 If there is, we might be able to sort of discuss
15 it, but not bring it to a vote.

16 MR. MARSHALL: I think that is correct, Ken.
17 Again, the matters that this committee discusses must be
18 noticed in the Federal Register in advance and published 15
19 days in advance, which does preclude any substantive
20 business being taken up by the committee on the day of the
21 meeting. Certainly discussion could be had, but not a
22 recommendation made because the sanction for not complying
23 within those requirement is that the advice to the
24 Commission would be a nullity. That's the ultimate sanction
25 for not complying with the notice requirements.

1 MR. ELLIS: Larry.

2 MR. GOLDBERG: I guess one note of clarification
3 that would be helpful is how is the agenda actually created
4 since just because someone might have an item that is of
5 interest before or after 48 hours won't necessarily make it
6 on the agenda. Do we know what that process is?

7 MS. ROOKER: Well, it varies from meeting to
8 meeting, depending upon if we have from the last meeting
9 come up with ideas. At our last meeting, I think the idea
10 of the working committees was formed. And so consequently,
11 this was pretty much preset what we were going to be doing
12 today with the reports from those committees and then from
13 the disabilities subcommittee.

14 So what we have in the past -- we have met with
15 the subcommittee chairs, Scott, input from other interested
16 people. Anyone could have joined us in conversations. But
17 we'd have telephone meetings to discuss what we thought
18 would be potential agenda items.

19 So it has been a fluid process that we have been
20 learning as we go along. Does that pretty much describe it,
21 Scott?

22 MR. MARSHALL: Yeah. I think so.

23 MS. ROOKER: Yeah. So we're always looking for
24 input for agenda items. And anyone who wants to give us
25 information to be included in agenda item, it will be

1 discussed among a number of people. It's not an arbitrary
2 decision made by one individual.

3 MR. ELLIS: David.

4 MR. POEHLMAN: This is David Poehlman with the
5 American Council of the Blind. I think it's in item No. 4
6 here. It may be in another item. But in item No. 4 we talk
7 about the structure of the agenda, you know, bringing the
8 agenda up in the meeting and talking about the structure of
9 the agenda. And somewhere in the report we talk about
10 changing the order of the agenda based on items of
11 importance. And I think here would be a good place to put a
12 note about also voting or deciding which parts of the agenda
13 might need to be considered under two-thirds, if that's
14 applicable, you know, just to get some kind of continuity
15 and some kind of feel for, you know, how the day is going to
16 go.

17 I agree with everything that's in this agenda
18 section, and I was happy to agree with it when we were going
19 through it and devising it, I guess you could say. So, you
20 know, that's the only piece that I would consider to
21 possibly be added somewhere.

22 MR. ELLIS: Kathleen.

23 MS. O'REILLY: A point of clarification relative
24 to the discussion about the notice requirements injecting a
25 certain limitation to what can be on the agenda and

1 therefore voted on. I'm drawing on a rusty memory that in
2 similar situations in Wisconsin with committees to the
3 Wisconsin Public Service Commission that had, like others, a
4 very strict requirement on that, that there was boilerplate
5 language that was included in every agenda, and the
6 boilerplate language drew on the essence that any issue
7 issued publicly by the Commission between the time that
8 curtain comes down on notice of a public meeting and the
9 time that the committee met, any issue that was initiated by
10 the Commission in that period of time may be taken up by the
11 committee.

12 It sort of incorporates it by reference. And that
13 had been deemed, as I recall, sufficient to comply with the
14 appropriate public notice requirement, but did not preclude
15 the committee from not even being able to take up for the
16 purposes of referring to a committee, for potential
17 discussion, and a possible resolution an issue of such vital
18 importance that came up during that gap that they were not
19 -- they would not even be able to give advice to the
20 Commission, which is what their mission was in the first
21 place.

22 So I'm wondering if we might determine from the
23 general counsel's office based on the language and
24 restrictions of the notice requirement, public notice
25 requirement of the Commission, whether there is any

1 compliance language that could be included in every agenda
2 that's part of the notice of this committee that would
3 accommodate and balance between that appropriate concern
4 about public notice and yet not preclude us from taking up
5 those kinds of FCC initiatives that might arise in the
6 interim.

7 MR. MARSHALL: This is Scott Marshall. Kathleen,
8 I have made a note, and we will address it with the OGC's
9 office and see if that's possible.

10 MR. ELLIS: Micaela.

11 MS. TUCKER: I'd like to add -- this is Micaela.
12 I'd like to add an illustrative point to that exact issue
13 very quickly from something that actually came up in the
14 disability subcommittee. If we talk about an issue of vital
15 importance, for instance, communications issues after
16 September 11th, there were many people with disabilities who
17 mentioned that they had a difficult time getting important
18 communication items about what was going on after the
19 disaster.

20 So if the FCC came up with a recommendation or
21 something like that after some sort of event of that kind of
22 importance, it would be very important, especially for this
23 committee, to be able to take up that issue, and very
24 quickly move on it.

25 MS. ROOKER: This is Shirley Rooker. I think that

1 at our next meeting, we can get some resolution as to
2 whether or not we have any flexibility in the agenda items
3 and what we can add and can't add. And we can present that
4 at our November meeting. Agreeable, Scott?

5 MR. MARSHALL: Sure.

6 MR. ELLIS: Any other discussion of agenda? So
7 let's hold of that item, that motion, until we get some
8 clarification from the GC's office, and we'll work on that.

9 The next item we talked about was the size and
10 make-up of the committee.

11 MS. ROOKER: Rich, excuse me. Did we actually
12 formally vote on the quorum.

13 MR. ELLIS: No. We're going to put together a
14 motion and come back after break.

15 MS. ROOKER: Are we going to table the quorum as
16 well? Okay.

17 MALE SPEAKER: Yeah, until after lunch.

18 MR. ELLIS: Yeah. We're going to work --

19 MS. ROOKER: Oh, okay. Thank you.

20 MR. ELLIS: -- over the break and then come back.
21 We're going to yield our time and reclaim five minutes
22 later on.

23 (Laughter)

24 MR. ELLIS: The next item was the size and make-up
25 of the committee, and not individual committee members, but

1 the committee as a whole. Right now we're about 40 people.

2 If everyone gives their piece on every issues, we'll be
3 here for days when we had a meeting. And also, under the
4 current protocols, if a member leaves the committee, you
5 know, permanently, the sponsoring organization can appoint
6 someone in that person's place. We had some concern about
7 that. There was discussion that in many cases a corporate
8 or organizational representative was selected because that
9 specific person has expertise that might not exist in other
10 representatives from a corporation or an organization, and
11 we were concerned that we might as a committee lose
12 expertise under that type of arrangement.

13 We were also concerned that this requirement that
14 the organization appoint their own member kind of diminishes
15 our ability to bring in new blood into the committee and get
16 representation for areas which are not currently
17 represented.

18 We recommended that the group be reduced in size
19 to 25 members from our existing 40 and that representation
20 between disability, consumer, and corporate interests be
21 roughly equal. As Scott mentioned, you can't be exactly
22 equal, but it's one of those things where you know it when
23 you see it.

24 We also made the point that corporations have many
25 more avenues for getting their input into committee

1 decisions or into Commission decisions, so we felt it
2 vitally important that the members representing disability
3 organizations and consumer organizations have their say and
4 be well represented on this committee.

5 Now Andrea had concerns about our thought that the
6 Commission should be able to appoint a new replacement
7 member after soliciting input from the department member,
8 the organization, the committee as a whole, and the general
9 public. Andrea's concern was that -- why don't you speak
10 for yourself rather than me --

11 MS. WILLIAMS: Go ahead.

12 MR. ELLIS: Okay. So far so good? She felt that
13 it was important that organizations understand their
14 responsibility to have members on their staff who have this
15 expertise, and that by requiring the organization to replace
16 their department member, that would be more of an incentive
17 for them to develop this kind of expertise and identify it
18 in the organization. Is that -- all right. Ken.

19 MR. McELDOWNEY: I think also the other way of
20 doing it is have consumer groups and disability groups have
21 two votes each. But --

22 (Laughter)

23 MR. McELDOWNEY: No. Yeah. I think that's it's
24 -- I guess I'm a little torn because I think that certainly
25 at times having 40 people is a little unwieldy. But I'm a

1 little worried in terms of losing some expertise if we drop
2 all the way down to 25. It might make sense to drop down a
3 little bit, you know, 33 or something like that, as opposed
4 to all the way to 25.

5 I too support the thing in terms of that as I
6 understand what the original intent was, that the Commission
7 was really appointing individuals as well as an entity. So
8 I think they were appointing the individuals primarily who
9 would represent a certain area. I think it's entirely
10 appropriate for if there is a vacancy for the Commission to
11 replace -- to appoint the person who is the replacement
12 solely with the recommendations that come from people who
13 want to be on this committee.

14 Again, it's the way we do it in California with
15 the lifeline committee. In essence, an organization does
16 not own a seat on the lifeline committee. In essence, it's
17 the responsibility of the Commission to appoint the members
18 of it, and again, recognize their needs to be -- each area
19 represented.

20 So I certainly would support the idea of some
21 reduction in the size of the committee. I like the idea
22 that was in the report that there be industry
23 representatives, disability representatives, and consumer
24 representatives, but that in essence an industry person
25 should not be having one of the disability seats. It'd be

1 one of the industry seats.

2 But I do think that we should respect the ability
3 of the FCC to appoint not just the original members of the
4 committee, but also the ones who are filling vacancies.

5 MR. ELLIS: Andrea.

6 MS. WILLIAMS: This is Andrea Williams from CTIA.

7 In my e-mail to Rich -- unfortunately, I really wish I
8 could have shared it with all of you. My concern is that
9 yes, the C/DTAC has one goal in terms of providing the
10 Commission with incentives, with advice on consumer and
11 disability issues. But there are some of us in the industry
12 who also saw this was another opportunity to get other
13 industry representatives involved in access building
14 consumer issues that may not have had an opportunity or the
15 appropriate opportunity in the past to do so.

16 I'm concerned that by taking those -- by that
17 company not having that particular seat on the committee,
18 that there is no incentive for that company to replace and
19 make sure that they have the expertise within their
20 companies.

21 One of the things that the C/DTAC has done is in
22 terms of gotten what I say the visibility of accessibility
23 issues from senior management because when the FCC puts out
24 a public notice and says we want industry representatives,
25 whoever the industry representative is going to appoint has

1 to go through senior management approval. So they know that
2 this is an important issue. And I'm just very concerned
3 we're going to lose that momentum that -- as you know,
4 several of us, who I call the ombudsmen within our companies
5 and within our organization on accessibility and consumer
6 issues have gone so far and gotten -- and it's great to have
7 other organizations and other industries who are as
8 committed as we are.

9 I'd be bold to say that I'm sure if certain
10 industry reps and companies and organizations would not have
11 reached out and bid on the C/DTAC or addressed this issue
12 unless the FCC had asked them to be on the C/DTAC committee.

13 MR. ELLIS: Susan.

14 MS. PALMER: I understand the concern that you
15 have. And I think that it's important there is some
16 continuity. On the other hand, I think if that's the only
17 thing keeping a company going is involvement in that, that
18 would be a sad thing.

19 I think, you know, maybe we can get around it by
20 saying that we first recommend that the company is -- there
21 is a request to the company to see if there is someone with
22 appropriate expertise to fill the seat, and maybe that's a
23 first procedural step, and then, you know, leave it open.

24 I prefer the idea of having it as an industry
25 representative, and maybe there is someone else within the

1 industry who has equal expertise. There may be some very
2 specific topics when it comes to consumer organizations as
3 well, and there may be a need, for example, for someone who
4 has a really strong background in TRS. And just because you
5 are a member of a deaf organization or another organization,
6 you may not have that expertise. So I would rather leave it
7 open to the discretion of the FCC and not assume that there
8 is an organizational replacement.

9 The other thing is there is a critical piece which
10 has to do with the dynamics of the group, and I think that
11 that's -- it's critical and important. It's very hard to
12 quantify. And I think that that -- again, I would like to
13 leave it open for the best people who have the background
14 and particular expertise rather than narrowing it to the
15 particular organization.

16 You know, I think a way around it, too, would be
17 to say, you know, companies are welcome to have alternates
18 and maybe their first choice after having a -- you know, if
19 a primary person leaves, they have the alternate that would
20 sub permanently, and that way we can address both needs.

21 The other thing is I didn't understand, Ken, what
22 you were saying about an industry representative filling a
23 disability seat. Are you just saying that there needs to be
24 a balance?

25 MR. McELDOWNEY: Yeah, yeah. I think so. I mean,

1 I think it was an issue more of just in terms of making sure
2 that there was sort of representation, as Rich said, equally
3 industry, disability, and consumer. Yeah.

4 I think the other thing, just -- I'll sort of
5 sneak this in now. In terms of response to Andrea, I
6 understand her concern. I have been on committees with
7 commissions and otherwise in which certainly the first
8 person who came had incredible interest, expertise, and
9 concerns, and once that person left, often the commitment of
10 the corporation left. And what they did -- this is a little
11 bit better than this. But sometimes they sort of looked
12 around, are there any volunteers. And they would send
13 somebody who had no expertise whatsoever. And again, as I
14 just went through the protocols, the chairperson of the
15 Commission has the responsibility of appointing the
16 individuals and the corporations. There is nothing in there
17 that basically says that the corporation has the ability to
18 appoint their replacement.

19 And certainly one of the things we found from our
20 early meetings is that there were a lot of people who -- a
21 lot of individuals and corporations and groups who wanted to
22 be on the C/DTAC who were not able to get seats. And I
23 think that if in fact someone leaves, it opens up the
24 opportunity for the chairperson or the Commission to weigh
25 whether or not the replacement should come from that entity

1 or from another entity, who may even have more interests and
2 expertise.

3 MR. POEHLMAN: This is David Poehlman with the
4 American Council --

5 MR. ELLIS: Wait, wait. We have got a bunch of
6 hands up. We'll do David first, and then Joe, and then Jim,
7 and then Andrea. David.

8 MR. POEHLMAN: Sorry, Rich. Thank you very much.
9 This is David Poehlman with the American Council of the
10 Blind. Just to briefly touch on this issue of how
11 replacements are made, I think we have a pretty good process
12 here in the report about soliciting nominations from the
13 community and from the corporation itself. And, you know, I
14 think that those nominations will be made intelligently, and
15 I think that the FCC will more than likely provide us with a
16 replacement for the member that's departing based on the
17 departing members' recommendation and the process we have
18 outlined here that will allow us to move forward.

19 My concern is with the statement about a
20 disability seat being taken by an industry representative.
21 In the real world, people lead lives that are relatively
22 complex. There are some people who work for industry, but
23 who are also disabled and/or members of disability
24 organizations. I think it would be overly preclusive to set
25 a limit of having a person not be able to represent their

1 organization as a disabled person just because they work for
2 a company.

3 I can see that, you know, that might have to be a
4 battle that would be fought between the company and the
5 individual or whatever, but as far as being put forth as a
6 nominee and being accepted by the committee, I really don't
7 see that as an issue. And the other thing I'd like to do is
8 a time check because we have one more item of crucial
9 importance in this report that I think we should address.

10 MR. ELLIS: Okay. Joe.

11 MR. GORDON: Even though I'm here as an alternate
12 today for Brenda Battat -- I'm Joe Gordon from the League
13 for Hard of Hearing -- I feel comfortable speaking because
14 I've been at every meeting of this committee from 8:00 a.m.
15 until 6:00 p.m. Write that down, Scott. And I agree with
16 Ken. I would be cautious about reducing the size of the
17 committee. I look back to the hearing aid compatible
18 committee, where I was a full member. I believe that was
19 1995. And we had over 30 members. And a great deal of the
20 work was done to get hearing aid compatible phones and
21 amplified phones was by breakaway subcommittees.

22 I know at the last meeting it was agreed here to
23 sort of not have the breakaway subcommittees again. But I
24 think a lot can be accomplished by having a breakaway
25 subcommittee, which would be a smaller number of members,

1 and then reporting back to a larger, 30-, 35-member
2 committee for action to the Commission.

3 MR. ELLIS: Okay. Jim.

4 MR. TOBIAS: Yeah. Jim Tobias. I guess I'm kind
5 of agnostic about the right size of this committee. I'm
6 more concerned about the committee's function, and that is
7 to gather input from the various constituencies and to
8 distribute output to them. And I think that focusing on the
9 internal operations of the committee rather than its
10 outreach and liaison and extending its outreach and inreach,
11 you know, whatever that means, much more broadly.

12 I don't think we've taken full advantage of some
13 of the opportunities. You know, like we have the web
14 streaming that's going on right now, and I look forward to
15 the day that we're getting some kind of return channel. You
16 know, we're seeing something on the screen that says there
17 are 352 people watching this right now, and they get to
18 press a button from one to nine or zero to nine as to how
19 relevant or interesting or important they think the topic
20 they think we're discussing right now.

21 And there are those opportunities. This is the
22 Federal Communications Commission. And I think we have a
23 chance to do a much better job in collecting and reaching
24 out to people. And I don't know if this is a beltway thing.
25 Coming from New Jersey, when we say belt, we mean something

1 very different.

2 But I do feel that there is a little too -- that's
3 right -- a little too inward focus, and I guess I'd rather
4 get to the meat of the topics than go through so much
5 organizational stuff.

6 MR. ELLIS: Okay. I like the idea of having a
7 viewership externally helping us put us out of our misery.
8 If they get so bored with an item, we can just stop talking
9 about it and move on.

10 (Laughter)

11 MR. ELLIS: We'll have to consider that some other
12 time. Andrea.

13 MS. WILLIAMS: I just want to follow up in terms
14 of what Bob addressed in terms of what is put forth in the
15 report. I don't have a problem with the Commission. I know
16 they will always have final approval and appointment of who
17 is on the committee. I just want to make sure that the
18 organization, the members leaving, have I guess you'd say
19 option if they have the appropriate expertise within their
20 companies. And I think a strong message should be sent to
21 the industry, companies, and organizations that you need to
22 get the expertise.

23 MR. ELLIS: Okay. Any more discussion? Nanci.

24 MS. LINKE-ELLIS: I just want to add one comment.
25 This go back to our earlier discussion about the attrition

1 rate at meetings, that part of being a committee member is
2 fulfilling your commitment in being here for the entire
3 meeting.

4 I don't know. Maybe we should consider some kind
5 of -- I don't want to say qualification. But if people miss
6 meetings, or maybe if they miss two meetings, or they have
7 unexplained absences or something, then the Commission has
8 the right to replace them. I think both of these go hand in
9 hand.

10 MR. ELLIS: Somebody in the corner. Okay. Paul..

11 MR. SCHROEDER: Hi. Paul Schroeder, Alliance for
12 Public Technology. You know, I'm kind of with Jim. I think
13 we have aired this issue pretty well, and I suppose that
14 we'd probably vote zero, if that's the lowest number, on the
15 relevance of some of this discussion for folks outside. But
16 this is an important issue.

17 The only point I wanted to make was I particularly
18 was pleased with the comment in the report that talks about
19 the relative level of input that consumers and disability
20 groups have with respect to Commission proceedings compared
21 to industry. I think this committee has actually worked
22 remarkably well in most respects in the issues that it has
23 tried to take on. And it's interesting if you go through
24 the list that the largest single constituency by far is
25 industry, depending on how you count people, 17 or 18 of the

1 members, so almost half. And yet, I think we have had a
2 very good, productive dialogue.

3 Part of me is almost where Ken is tongue in check,
4 which is we need to make sure in a going-forward basis if we
5 really recommend and the Commission really takes up keeping
6 such a committee moving that it is able to reflect the views
7 adequately of consumers and disability groups on Commission
8 matters. And it has got a very important job in doing that.

9 So part of me says, you know, yeah, we ought to
10 try to strive for some level of balance. But the balance
11 ought to be tilted certainly in favor of consumer and
12 disability groups in a general fashion. Having said that,
13 though, we've done quite well, and I think the level of
14 discussion and dialogue has been quite enhanced by the fact
15 that we have these large numbers of representations from
16 various groups.

17 I suppose if push came to shove, I would say -- I
18 would vote for a smaller group. I would vote for a balance
19 that is more -- you know, something along the lines of if
20 you took 25, it would be something along the lines of nine
21 disabled, nine consumer, seven industry. I think that's the
22 right kind of balance to have in this discussion. But, you
23 know, I'm not going to -- I wouldn't be one to fall on my
24 sword over that because I think the example we've shown for
25 the last couple of years is that we can work cooperatively,

1 even where we may be on different lines of the
2 industry/consumer/disability divide.

3 MR. ELLIS: Okay, great. Anybody else have any --
4 Kathleen.

5 MS. O'REILLY: Just briefly. I too commend the
6 industry representatives for the role they've played in
7 having things run much more smoothly than I would have
8 predicted. On the other hand, I think in part that reflects
9 the relative benign nature of our deliberations to date. We
10 have not really taken up hugely controversial items. And
11 since we're in sort of a forward looking requirement here
12 with respect to the charter and who we are, I think it's
13 important for us to remember that anyone who would sit here
14 as a representative of a for-profit corporation industry has
15 a legal requirement, a legal requirement, that consistent
16 with the law that corporation has to ultimately serve the
17 interests of the shareholders.

18 So although someone I don't think should ever be
19 precluded from sitting here if in fact they work for a
20 particular industry whose operation comes before the FCC,
21 but is sitting here in a representative capacity for an
22 organization. I think that that should not be precluded,
23 but that the disclosure of where the employment is should be
24 part of the mix so that the credibility of our body is never
25 compromised.

1 I think we all have to be very vigilant about
2 protecting the credibility and the potential effectiveness.

3 If we're going to be making recommendations to the
4 Commission, which so many of us passionately want to start
5 to happen, on issues that inherently some of them will
6 represent a conflict between some of the carriers and
7 industries represented on this committee and before the
8 Commission, that we have to, you know, with a very realistic
9 sense understand that the composition of our committee, the
10 eligibility for that composition, the allocation of those
11 slots among those three sectors is inseparable from whether
12 or not we will ever be able to take up really meaningful
13 issues, however potentially controversial and do so in a way
14 that the byproduct of it has credibility.

15 MR. ELLIS: Ken, final comment.

16 MR. McELDOWNNEY: Yeah. It is sort of reflecting
17 -- this is Ken McEldowney -- reflecting back on what David
18 and Kathleen said, I guess the intent of what I was saying
19 was that someone who works for -- who represents a consumer
20 group or a disability group but happens to work for an
21 industry group, they would not be counted as an industry
22 representative. I think that the issue for me is sort of
23 who you are representing as opposed to who you work for.
24 And so I think it's -- that's the real issue. If you're
25 representing a corporation, you fall into the corporation

1 slot, if you're representing a consumer group, and so on.

2 MS. O'REILLY: But we would have to know whether
3 the industry you work for has as part of your job
4 description or whatever else your arrangement with that
5 employer put certain limitations on what you can or cannot
6 do here. We can't read the minds of what that relationship
7 is, but I think we need to be very, very careful by not
8 putting some person in a compromise situation because to
9 advance their personal point of view on behalf of a person
10 with disabilities or as a consumer is at odds with the
11 stated position of their employer that could put them in
12 great jeopardy.

13 MR. ELLIS: Okay. I'm going to -- there is
14 probably somebody calling for us, saying to move on. What I
15 wanted to do is let's -- we'll go back. We'll get a weigh-
16 in of our recommendation. We'll vote on it maybe next
17 meeting, with all that stuff incorporated. But can we get a
18 quick show of hands in terms of size? How many think 40 is
19 okay? Raise your hands.

20 (Show of hands)

21 MR. ELLIS: Thirty-five?

22 (Show of hands.)

23 MR. ELLIS: It looks like 35 is the number we're
24 moving towards. Okay. All right. And our final discussion
25 item was -- all right. Well, we can go -- all right.

1 Thirty?

2 (Show of hands)

3 MR. ELLIS: Twenty-five?

4 (Show of hands)

5 MR. ELLIS: No. You can't vote twice. All right.

6 My take looks like thirty-five was the number that got the
7 most. So we'll use that number as our bogey.

8 Finally, the last topic we talked about was
9 funding for C/DTAC members to come to the meetings. As you
10 know, many of us live and work in the D.C. area. Getting
11 here is not an issue. For some of us, it is an issue
12 because we live or work way outside the D.C. area,
13 especially consumer and disability representatives. And we
14 are concerned that these members' participation is
15 endangered every meeting because they have to go out and
16 hold a tin cup out and get money to come here.

17 Likewise, some of our corporations want to further
18 the workings of this committee, but don't like being put in
19 the position of sort of being expected to be the ones to
20 fund folks. Because we don't have money in our budgets
21 either, it's frustrating for us as well. So we would hope
22 that we could find some way that the Commission could fund
23 members through some sort of allocation of funds from a
24 governmental source.

25 If we can't do that, we'd at least like to see a

1 fund set up to be administered by Shirley's organization or
2 the chair to sort of get the direct link between the funder
3 and the fundee sort of cut because we have heard from some
4 members that when they are sponsored by the XYZ corporation,
5 they believe there is a sort of implied requirement that
6 they have to support that organization's initiatives at the
7 meeting.

8 That's probably not the case, but there is that
9 implied conflict of interest. So we would hope that if we
10 cannot get government funding, that we'd at least set up a
11 sort of neutral reservoir for the funds that corporations or
12 organizations who want to donate could put into that fund,
13 and those funds would be disbursed by that third party.

14 MS. ROOKER: Before we move on to that -- this is
15 Shirley Rooker -- could I just ask for clarification? Did
16 we decide that 35 was the optimum number? Is that going to
17 be under advisement? Do we want to do a vote on that? I'm
18 just trying to get the record straight.

19 MR. ELLIS: I was going to put together a motion
20 and bring it up at the next meeting.

21 MS. ROOKER: At the next meeting, okay, which
22 would be the last one under our current charter.

23 MR. ELLIS: Right.

24 MS. ROOKER: All right. Thank you. I'm sorry. I
25 didn't mean to interrupt, but I wanted clarification.

1 MR. ELLIS: Any discussion on the funding issues?
2 Rebecca first, and then Ken second.

3 MS. LADEW: This is Rebecca Ladew. As you know,
4 I'm participating -- I'm representing Bob Segalman. And the
5 reason why he couldn't be here is because he has no funding.
6 So he asked me to fill in for him so that I could
7 participate in the committee for him.

8 MR. ELLIS: Ken.

9 MR. McELDOWNEY: Yeah. This is Ken McEldowney
10 again. I'm sure it has been clarified for me before in
11 terms of why there cannot be Commission funding, but I'm
12 still confused. I have been several entities, for example,
13 with the Federal Reserve, in which they had the ability to
14 provide compensation for traveling. And I have never quite
15 understood the FCC could not do that, as other governmental
16 agencies do in Washington.

17 Failing anything coming directly from the FCC, I
18 would certainly support the committee's suggestion that
19 there be some type of sort of fund set up or an entity set
20 up that perhaps Shirley would manage for our corporations.
21 Not just from C/DTAC, but other corporations as well could
22 put in funds that would sort of underwrite the travel of the
23 consumer disability members.

24 DR. ROCHIN: This is Rochin from the Smithsonian.
25 At the Smithsonian, we have approximately 25 national

1 boards working with different museums and programs, and this
2 question always come up about assistance for travel and
3 support.

4 What we have learned is -- and we're quasi-
5 federal, as well as an endowed institution -- that it's
6 possible to provide travel under the government rate for the
7 carries that organizations like the Smithsonian have
8 arrangements with, with the proviso that the costs of the
9 travel be reimbursed to the Smithsonian Institution.

10 It turns out that we can get plane fare at
11 government rate that often is half or one-third the actual
12 fare, or the most economical fare that an individual could
13 get privately. And at least that's a start. Say if you
14 come from California, and you fly here on a carrier at
15 government rate, right now the round trip is about \$200.
16 Economy you can -- and it's a rate that can be reimbursed,
17 and you don't lose any money. And if you can reimburse that
18 afterwards, then you've saved a lot of money.

19 MS. ROOKER: This is Shirley Rooker. I have a
20 question. What do you do in terms of your members, since
21 these are private individuals? How do you ascertain with
22 the airlines that they are in fact are getting government
23 rates? I mean, how do they go about doing that?

24 DR. ROCHIN: In our particular case, we have a
25 Smithsonian travel service, and tickets are arranged through

1 that travel service. This has to be a work-related board
2 activity. It cannot just be for a board member who wishes
3 to come to D.C. It has to be an agenda of work. But it's a
4 public service, so the Smithsonian has in its policy with
5 its carriers that anybody working for or doing public
6 service with the institution could be allowed to use those
7 special fares.

8 MS. ROOKER: But they use an inhouse organization
9 to book the travel.

10 DR. ROCHIN: Exactly. Usually a museum -- or in
11 my case, I had a center. My center processes the travel,
12 the authorizations, and must assure that we get reimbursed.

13 MS. ROOKER: Okay. Thank you.

14 MR. ELLIS: Okay. Nanci, Andrea, Kathleen.

15 MS. LINKE-ELLIS: I just want to add one thing.
16 When you say that traveling, coming from California for
17 \$200, I come in from California, and half the time I use my
18 personal miles to do this. When you come in and you don't
19 stay a Saturday night, the rate goes from \$298 to \$312 to
20 \$1260, which is what my rate would have been to come in this
21 week.

22 I'm coming back in in three weeks for something
23 for a U.S. Department of Ed, and again the rate was \$1260
24 because they didn't want to pay for me to stay over on a
25 Saturday night. So I do this, you know, then I have to add

1 hotel nights and days away in order to comply with the regs.
2 And these are also through government agencies. So I don't
3 know.

4 MS. WILLIAMS: This is Andrea Williams from CTIA.

5 I know that funding has always -- will and always has been
6 an issue with federal advisory committees. So in one sense,
7 we're not alone in terms of C/DTAC.

8 I don't know what the right answer is, and I think
9 a lot of the suggestions that have been made may help us on
10 the short term. But I think it would be helpful if we also
11 look at this in terms of a more holistic and a long-term
12 approach.

13 Bottom line, the FCC has appropriators, and they
14 pretty much determine what the FCC is going to spend their
15 money on. I would like to see perhaps that we can advise --
16 give some type of advice or recommendation to the FCC that
17 in their next appropriations that they include a request for
18 funding to cover travel for out-of-town members who serve on
19 FCC's federal advisory committees, demonstrate financial
20 hardship, and that they have no other means to participate
21 fully at the FCC advisory committee meetings.

22 That way, you're not just singling out one
23 particular advisory committee. It becomes part of all of
24 the FCC's budget in terms of all of the advisory committees
25 that they have. And I frame this in such a way that

1 hopefully it would make the recommendation more palatable to
2 the federal appropriators that the FCC has to go before
3 because I think we're going to continually, as long as this
4 committee is chartered, we're going to constantly be
5 readdressing this issue at every meeting. And if we can
6 sort of go towards a long-term solution and a more holistic
7 approach, I think federal appropriators may have a different
8 sense of what is in the FCC's budget in terms of what needs
9 to be accommodated.

10 Now I'm not suggesting that the C/DTAC goes and
11 lobby Congress for money. What I am suggesting is that we
12 make a request to the FCC to include this as a line item in
13 their next appropriation of their next budget, and let's see
14 what happens with the federal appropriations.

15 MR. ELLIS: Okay. I'm keeping a real close watch
16 on the clock, and I know we're running out of time for this.
17 Can I ask you to like write up the wording of a motion to
18 that effect while we do two more comments, then we'll come
19 back to you for a motion?

20 MS. WILLIAMS: Sure.

21 MR. ELLIS: Okay. So Kathleen and then Jim.

22 MS. O'REILLY: I request that the general
23 counsel's office provide us, if possible, if not before
24 lunch, before this meeting adjourns, a copy of the specific
25 regulation or whatever it is that they're basing the

1 decision on that there is no authority for such travel.

2 I think we're handicapped in in our ongoing
3 ability to keep dealing with this issue by our recurring
4 request to have that piece of paper in hand, and we never
5 get it. And since clearly there are other federal advisory
6 committees that do have funding available for eligible
7 individuals, I just think that our recommendation is going
8 to be ongoing shadow boxing until we start with principle
9 No. 1. What is it that keeping it from happening? What are
10 the options to have that changed? Is that an internal
11 administrative discretionary action of the Commission, or is
12 it part and parcel of something larger? And just to move
13 that along.

14 But also, I just want to clarify that between now
15 and 11:00, we are going to at least have an opportunity to
16 discuss some other issues beyond what was in this memo that
17 had been addressed?

18 MR. ELLIS: Well, we had an hour and 20 minutes
19 for our discussion items, and we have about three minutes
20 left.

21 MS. ROOKER: No. Actually, you have until 11:00.

22 MS. O'REILLY: We have until 11:00.

23 MR. ELLIS: We have until 11:00? Okay. Jim.

24 MR. TOBIAS: Jim Tobias. At the risk of sounding
25 like a broken record, if we're going to take a long-term

1 view on participation in committees like this, we can't be
2 talking about travel to and from Washington, D.C. as the be-
3 all and end-all.

4 For every person in this room -- here is a target
5 for the committee. For every person who is on the
6 committee, at least 10 people who never show up physically
7 in the room should be participating in the work of the
8 committee. And let's raise that from 10 to within five
9 years 100 people. It's still not a lot of people, even if
10 we're talking about 35 members, to have 3,500 participants
11 around the country. There is no technological limitation to
12 doing that.

13 We have been talking about being respectful of
14 people's time. I don't think I'm the only person in the
15 room who says, well, you know, about X to the X percent of
16 this meeting was germane to my agenda. I think that's more
17 true of remote participants, people who might have only one
18 issue that they really care about. Is it respectful of
19 their time, even if we can find the money to schlep them to
20 Washington and then schlep them back home? That seems to me
21 profoundly disrespectful of their time, as well as ours.

22 So I would want us to take some substantive action
23 towards developing a plan for remote participation,
24 extending the work of this committee out to a much larger
25 constituency.

1 MR. ELLIS: David.

2 MR. POEHLMAN: This is David Poehlman, and I've
3 been accumulating a few -- American Council of the Blind. I
4 appreciate the swift response on the volume here. A couple
5 of issues that have been stacking up here. I'll take the
6 most recent one first. The man over there in the red shirt
7 -- Jim Tobias, I think? Right.

8 MR. TOBIAS: I'll change immediately. It is me.
9 It's not a red shirt, but that's fine.

10 MR. POEHLMAN: I know. I'm just trying to bring
11 you up there to date. I mean bring -- never mind. Before I
12 get into a hole, I'll move on here.

13 The issue that is raised by Steve is interesting
14 in that, you know, it is important, and one of our focus is
15 to bring awareness and activity. And I've tried to do that.
16 I've done a lot of strategizing and pushing and arm twisting
17 and all kinds of interesting things like bombarding people
18 with e-mail. And it has resulted in some very interesting
19 feedback, not all of which, not even the majority of which,
20 is going to me, but that I've heard about inadvertently.

21 But the issue I want to talk about is funding.
22 It's fine to sit here and say, you know, let's have the
23 Commission look into why -- let's look at why we can't do
24 this, or why the Commission isn't doing this, or why the
25 FACA can't do this under the Commission. At the same time,

1 though, could we not put some energy into trying to
2 establish what is written here in the report, a way for at
3 least interimly, between now and the time the law is
4 changed, if necessary, which may take a while, that we can
5 nail down this funding issue to some extent.

6 I would certainly move that we do that, and try to
7 get that process going while at the same time looking into
8 the FACA rule and how the Commission operates within it, and
9 seeing if there is any way to change that policy and move it
10 forward for the future. Thank you.

11 MR. ELLIS: Susan.

12 MS. PALMER: I don't doubt that the need for
13 funding is there. I do have concerns, though, about making
14 participation by corporate members -- making a requirement
15 that they provide funding for other sources. I think given
16 the economic times now, that that might preclude
17 participation by some really good people.

18 I do think that companies, and Cingular is one of
19 them, have tried to provide assistance as they can. But I
20 would not like to see a direct tie-in to that as part of
21 participation.

22 MR. ELLIS: Yeah. And I don't think anybody was
23 proposing that. I think we were just saying if you wanted
24 to, you could. Shirley.

25 MS. ROOKER: Shirley Rooker. I'm wondering if

1 there are foundations out there that might be willing to
2 underwrite some of this travel. Certainly there are a lot
3 of them that are very interested in disability issues, and
4 perhaps that's where we should be focusing our energies, to
5 the folks that have money to give away and are going to give
6 it to someone, and perhaps why not to the members of our
7 committee who need assistance.

8 MR. ELLIS: Rayna.

9 MS. AYLWARD: Shirley, in an idea world -- this is
10 Rayna Aylward, from a foundation, actually. In an idea
11 world, that would be exactly the way it works.
12 Unfortunately, number one, there are not a lot of
13 foundations that are interested in disability issues. In
14 fact, until recently, many of them had in their guidelines
15 we do not do disability issues, number one. Number two,
16 transportation is never a popular funding area, just in
17 general. And number three, to say that participation in a
18 federal committee needs to have transportation funding, what
19 is it in for the foundation to get from funding which should
20 be a federal function?

21 I mean, from the outside, it seems to me that this
22 is something that -- Scott, no offense -- but that the FCC
23 should be taking care of. So I really don't see that a very
24 compelling case could be made for that kind of funding,
25 alas.

1 MR. ELLIS: Okay. Andrea.

2 MS. WILLIAMS: Having worked at three different
3 government agencies and dealing with those three different
4 government agencies in terms of federal advisory committees,
5 each agency, how they deal with their federal advisory
6 committees, it really depends on appropriations, whether you
7 have it in your line item as a line item in your budget, or
8 whether you don't.

9 Now I don't look at the FCC's budget. I don't
10 have it before me. I can't tell whether they have submitted
11 this to Congress as a line item. I know at the Department
12 of Education, and with some of their federal advisory
13 committees, it is. The same with Department of
14 Transportation. So it differs agency by agency. And we
15 also have to remember, the FCC is considered an independent
16 federal agency. So there may be limitations in terms of
17 because of the nature of the entity as being an independent
18 federal agency in terms of what they can do with respect to
19 the federal advisory committee.

20 MR. ELLIS: All right. Why don't we -- Matt.

21 MR. KALTENBACH: Matt Kaltenbach, Sony-Ericsson.
22 As just a offer of a mechanism that might be used to address
23 this issue, I think in general what we're really talking
24 about is helping out some of our fellow members to be able
25 to participate. It's not completely unheard of to have some

1 form of a fee or a meeting due, dues kind of, a price tag to
2 participate in these meetings to where you might have some
3 nominal monetary value that could be collected that wouldn't
4 impact our travel expense statements significantly that
5 would in effect just help out those members that need some
6 additional compensation or travel allotment that we could
7 accommodate.

8 I think that's really what we're talking about
9 here is helping out a few individual who have a lot to
10 provide the committee that just need expenses covered,
11 travel expenses, which are normally minimal, nominal
12 expenses. So I'd like to move that the chair entertain
13 possibly, if the FCC is unable to allocate and cover these
14 expenses, that we try to cover them ourselves. Or again, if
15 any corporation wants to step up and help cover this, we can
16 put this into some of ongoing fund that the committee can
17 allocate towards the compensation for those individuals that
18 require travel to and from these quarterly meetings.

19 MR. ELLIS: Okay. Why don't we do this. Andrea
20 was going to give a proposal to kind of recommend that the
21 Commission look around for sources. It might make sense to
22 have that voted on, and then hear back from the Commission
23 at the next meeting, and then based on that follow up with a
24 secondary motion in terms of alternative funding. Does that
25 make sense?

1 MS. O'REILLY: Could you remind me what the cutoff
2 -- when the Commission in the fall takes up the charter,
3 could you remind me -- back up the time at which the cutoff
4 point is for input from this committee as to how that would
5 be revised since travel is going to be part of the charter?

6 So many of the things we are talking about, there is going
7 to be a deadline facing us as to the last day we can make a
8 recommendation to them on these items. And I wonder if
9 someone could remind me what that deadline will be.

10 I know that it hasn't even been posted when in
11 November they'll take up the charter, correct?

12 MR. MARSHALL: Scott Marshall. The charter
13 expires in November. And it takes approximately 60 days for
14 the paperwork processing to have your charter approved. So
15 point in fact, the charter will have to be prepared prior to
16 the next meeting.

17 MS. O'REILLY: That's what I assumed, which is why
18 I was concerned that we think we're going to have another
19 meeting to kind of solidify some of these items.

20 MR. MARSHALL: However, we could also address
21 these issues in the protocols document. If you'll recall,
22 the charter currently does not contain any, well, provisions
23 in it regarding a lot of things. And we could address the
24 funding issue in the protocol document.

25 MS. O'REILLY: But the charter expressly precludes

1 travel money. This is an item where if we're ever going to
2 make a recommendation, we need to do it before some date
3 certain. So it's the rule of thumb that the notice on the
4 charter will come up on -- be calendared in September by the
5 Commission?

6 MR. MARSHALL: It probably will not be a
7 Commission action. It will probably be a decision by the
8 chairman, as I understand it.

9 MS. O'REILLY: So again, what would be the cutoff
10 date for us to be able to make committee agreed-upon
11 recommendations with respect to the charter language?

12 MR. MARSHALL: Sixty days before the -- at least
13 60 days before the termination of the current charter.

14 MS. O'REILLY: So September --

15 MR. MARSHALL: It would be mid-September.

16 MS. O'REILLY: When is that next meeting?

17 MR. MARSHALL: November 8th.

18 MS. O'REILLY: I thought this was kind of our last
19 chance at this.

20 MALE SPEAKER: It is.

21 MS. O'REILLY: Okay. Thank you.

22 MR. ELLIS: Andrea.

23 MS. WILLIAMS: Rich, do you want me to --

24 MR. ELLIS: Yeah.

25 MS. WILLIAMS: I can -- I move that the committee

1 recommends that the FCC, for its next appropriation, include
2 a request for funding to cover travel for out-of-town
3 members who serve on FCC's federal advisory committees, that
4 these members have to demonstrate financial hardship and
5 have no other means to participate fully at FCC advisory
6 committee meetings.

7 MR. ELLIS: Second on the motion?

8 MS. PALMER: Second.

9 MR. ELLIS: Second from Susan. Any --

10 FEMALE SPEAKER: I'm just wondering if it would be
11 helpful to have an estimate of what those costs would be.
12 The FCC I think --

13 MS. ROOKER: Well, she is suggesting it for all
14 advisory committees. Do we just address the issue of our
15 committee, or do we want to address the issue of all federal
16 advisory committees? I think we might be more successful if
17 we limit it to our advisory committee since that is our
18 prevalent concern.

19 MS. WILLIAMS: The reason why I'm saying take it
20 to all federal advisory committees, it makes it much more
21 palatable when the FCC has to go to appropriators and seek
22 funding. Now, you know, they may get a large pot from the
23 appropriators saying that this is a line item that you can
24 use for federal advisory committees; you divvy it up the way
25 you want to. I think we first have to get this concept

1 before the appropriators, and then start talking about with
2 the Commission how they're going to divvy that up.

3 MS. ROOKER: Okay.

4 MS. AYLWARD: I would kind of leave it to our FCC
5 colleagues to strategize in that regard. I think they might
6 know better whether it is better to do the broad beam
7 approach, or maybe just do it for our group, don't you
8 think?

9 MS. WILLIAMS: Well, the reason why said -- I'm
10 just saying that from my experience in -- that's what I do
11 at CTIA as assistant general counsel in terms of lobbying
12 the Hill, FCC, and how you make things a little bit more
13 palatable for Congress.

14 MS. ROOKER: Okay. I get your point. I would
15 concede that.

16 MR. ELLIS: Kathleen.

17 MS. O'REILLY: I guess I want to impress even more
18 urgency in my request that the general counsel's office
19 provide us ASAP this piece of paper. It's extremely
20 discouraging that we have been asking for this for months,
21 to try and find out what is the limitations of the
22 constraints on travel funds from the FCC. I appreciate and
23 respect the background you gave us. And those of us who
24 have been on other committees know that there are
25 exceptions. There is this and that.

1 So the conclusion that you reach based on the
2 assumptions you put into it make a lot of sense. But I
3 think we deserve to know what the specific situation is at
4 the FCC, and what if any creative ability within other line
5 items of the current FCC appropriation might provide some
6 such funding.

7 I just think that until we have from the general
8 counsel's office the specific language and basis for the
9 current charter language that excludes travel, we're
10 spinning our wheels.

11 MS. WILLIAMS: Kathleen, I'm not -- what I have on
12 the table as a motion is really more of a long-term
13 solution, that it does not address the immediate need.

14 MS. O'REILLY: I understand, that it's not a
15 substitute for what I'm suggesting.

16 MS. WILLIAMS: In terms of what we need to -- in
17 terms of what they have in their immediate line item.

18 MS. O'REILLY: I understand that. That's a few
19 years away and a massive lobbying effort that would have to
20 take place. But I think that we have a pressing need to
21 have that information from the general counsel's office, and
22 soon enough that we can at least take it up potentially
23 today before the meeting ends.

24 MS. ROOKER: I believe we have a motion on the
25 floor.

1 MR. ELLIS: Right. That's Andrea's motion. Any
2 discussion of Andrea's motion? All right. Robert and then
3 David, and that's it. Robert.

4 MR. CHROSTOWSKI: Robert Chrostowski, TIA.
5 Andrea, I don't in any way oppose the motion. But I think
6 you need to address the issue of why it is significant to
7 have the attendance in this fashion because there are other
8 means to attend a committee meeting that is being held at
9 the FCC, by teleconference, for example, or through the
10 Internet, as that grows.

11 So I think I'm more in line with Shirley's
12 position from the standpoint of directing it at this
13 particular group, not that the other groups do not have the
14 need. But this group really points out the need, I think,
15 more than other groups.

16 MS. WILLIAMS: Bob, that's why I have the language
17 "have no other means to participate fully." That means, you
18 know, I don't know what a person's particular situation is,
19 for example. They may not be able to use the Internet.
20 They may not be able to participate fully through
21 teleconferencing. This is if you meet those qualifications
22 that demonstrate the hardship, and you can't participate any
23 other meaningful way through teleconference, web streaming,
24 or whatever technology that may allow you, then you have an
25 opportunity at least to have funding available to get you

1 here physically if that's the only way that you can
2 participate fully in an advisory committee meeting.

3 MR. POEHLMAN: This is David Poehlman with the
4 American Council for the Blind. Would we be able to add the
5 subfunding channel to this motion, or should that be done in
6 a separate motion?

7 MR. ELLIS: I'm inclined to do it as a separate
8 motion.

9 MR. POEHLMAN: Okay.

10 MR. ELLIS: So why don't you start drafting a
11 motion in your head, and we'll vote on this one next.

12 MR. POEHLMAN: Got it.

13 MR. ELLIS: Okay. Thank you. The question has
14 been called. Do you want to read your motion one more time?

15 MS. WILLIAMS: That the committee recommend to the
16 FCC that at its next appropriation the FCC include request
17 for funding to cover travel for out-of-town members who
18 serve on FCC's federal advisory committees, and those
19 members demonstrate a financial hardship and have no other
20 means to participate fully at the FCC advisory committee
21 meetings.

22 MR. ELLIS: Okay. The motion has been read.
23 Matt.

24 MR. KALTENBACH: Shirley, I have one question.
25 Does the FCC have any other precedents in terms of providing

1 funding, travel or underwriting? The only reason I'm asking
2 this question is potentially there might be a liability
3 concern or something else if you fund travel for an
4 individual who actually gets hurt or damaged --

5 MS. ROOKER: No. There is no liability.

6 MR. KALTENBACH: -- or hurt or injured on that
7 trip. Is there an actual policy from the FCC that says that
8 we don't provide underwriting of travel expenses? Is that
9 why there was a suggestion that there be a separate
10 foundation?

11 MS. ROOKER: I don't know. I think, Scott, can
12 you answer that?

13 MR. MARSHALL: To my knowledge, no other FACA pays
14 travel expenses for any of its members. And we are trying
15 to, having heard this discussion and having been worried
16 about resolving it for awhile, we are trying to see what can
17 be done in a creative kind of way to respond to this need.
18 But my direct answer to your question is I don't believe any
19 of the other FACAs reimburse travel.

20 MR. ELLIS: Okay. We have a motion on the floor.
21 It has been seconded. We have had discussion. All in
22 favor of the motion signify by saying "aye."

23 (Chorus of ayes)

24 MR. ELLIS: All opposed? That motion appeared to
25 carry. David, you had your motion you wanted to do?

1 MR. POEHLMAN: With pleasure. David Poehlman with
2 American Council of the Blind. I move that we all stand
3 together to assist our fellow committee members, and also we
4 look into how the FCC feels about the FACA doing this, but
5 assist our fellow committee members in getting to meetings,
6 provided that it is the only method by which this can happen
7 for them, and that they -- that this result, this effort
8 result in an independent provision of funds to be held
9 perhaps by the chairperson or the chairperson's organization
10 that would be drawn upon, you know, through means that will
11 be established, you know, by the committee, just, you know,
12 to be short about it, and that people then can be freed from
13 that difficulty if necessary.

14 MR. ELLIS: Second that motion?

15 MR. McELDOWNNEY: Second.

16 MR. ELLIS: Second from Ken. Discussion? Nanci.

17 MS. LINKE-ELLIS: And that would be investigating
18 also the possibility of just having the FCC allow us to get
19 a government rate on travel, which would lower our costs,
20 but not put the burden on the FCC. So I think that should
21 be part of the general investigation of what we can do and
22 what we can't do.

23 MR. ELLIS: David, do you accept that amendment to
24 your motion?

25 MR. POEHLMAN: Yes, I do.

1 MS. ROOKER: And this is not an amendment, but
2 just a request. I still think it would be useful to know --
3 have an estimate of what costs are involved for the people
4 who need funding to come to the meetings.

5 MR. ELLIS: So it would be sort of an accounting
6 of where the money was going. Other discussion? Okay. We
7 have a motion on the floor. It has been seconded,
8 discussion. David, do you want to read it one more time,
9 state it one more time for the record.

10 MR. POEHLMAN: That the Federal Communication
11 Consumer Disability Advisory Committee establish a mechanism
12 for assisting individuals who have challenges with funding
13 for attending meetings, as a last resort, to provide that
14 funding; and further that we request that the Federal
15 Communication Commission provide us with directive on the
16 applicability of this to any of their FACAs and that they
17 also work with us to guarantee a federal rate in order to
18 reduce the burden as well.

19 MR. ELLIS: All in favor of the motion -- yeah.

20 MALE SPEAKER: He left out Shirley.

21 MS. ROOKER: I'm sitting here a little bit
22 paralyzed. Does that mean that the chair is going to be
23 responsible for doing this? I think we have to find some --
24 we need to find some solutions, but I'm a little bit
25 concerned that it's going to end up on my shoulders to do

1 fundraising.

2 MR. POEHLMAN: No. The chair only holds it. The
3 chair only holds it.

4 MS. ROOKER: I understand that. But somebody is
5 going to have to have the responsibility. The reality is
6 it's not going to happen unless we establish some mechanism
7 for it happening. I have some reservations in moving with a
8 motion like this, which is a kind of a blanket we're going
9 to do without us figuring out how we're going to do.

10 Might we say that we would take a look at the
11 possibilities of doing this instead of making it a mandate
12 for us to do it, but that we see if there are reasonable.
13 I mean, the FCC is looking at the issues of funding.
14 They're very aware of the position of the committee. So I'm
15 just a little bit concerned about your saying that we're
16 going to do this, and we haven't really thought about how
17 we're going to do it and whether it can be done.

18 MR. ELLIS: All right.

19 MR. POEHLMAN: I think my original statement said
20 "look into," so --

21 MS. ROOKER: Okay. I would accept look into.

22 MR. ELLIS: All right. All in favor of the
23 motion, signify by saying "aye."

24 (Chorus of ayes)

25 MR. ELLIS: Opposed? All right. That motion

1 carries. We have about two minutes left. Kathleen?

2 MS. O'REILLY: I would like to raise another issue
3 with respect to the charter. And if you look at the
4 document that's in your folder that is the current charter,
5 the report from our committee discussed major issues that
6 were the subject of our discussion, but other issues were
7 raised, and one of them that I would like to raise here and
8 will put in the form of a motion is related subpart B, the
9 second paragraph of the charter with respect to the purpose
10 of our committee. And in that sentence, you'll see that it
11 states that the purpose of C/DTAC is to provide general
12 guidance to the Federal Communications Commission and to
13 make specific recommendations on issues and questions
14 presented to it through the Consumer Information Bureau of
15 the FCC.

16 From our first meeting, that has been identified
17 as an arguably very passive role for us. And I would prefer
18 to see that the charter be revised so as to also allow the
19 committee at its own initiative to raise issues that would
20 be the subject of making recommendations to the Commission,
21 and would suggest that the language that I have just read
22 have an additional clause inserted at the end of it so that
23 where it now says "through the Consumer Information Bureau,"
24 which, of course, will have to be revised consistent with
25 the new name from reorganization, that an additional clause

1 would be added, "or at the initiative of the committee."

2 In other words, to give us an opportunity to
3 identify issues we would like to bring to the committee and
4 not be constrained by only those questions that are brought
5 to us by one division of the Commission.

6 So I would move that that clause be added, that we
7 recommend to the Commission when it takes up the charter
8 that the charter be revised to broaden that scope.

9 MR. ELLIS: Second?

10 MALE SPEAKER: Second.

11 MR. ELLIS: Second, okay. Discussion?

12 MS. WILLIAMS: Before we -- I really would like to
13 have some discussion on this, particularly Dane's view. I
14 don't -- I can only assume that when issues are brought,
15 Dane solicits from all of the bureaus within the Commission
16 -- I don't know -- and would really like to have some
17 discussion from him on this before -- what is the process
18 that is done internally, you know, how he interacts with the
19 chairman and the Commission.

20 MS. O'REILLY: That was part of our subcommittee's
21 discussion, and I too wanted to make sure that we do that.
22 And let me emphasize, I'm not aware of any example in the
23 two years where there was some issue we would have liked to,
24 and it was blocked by Dane, anyone in his division, or
25 anyone else at the FCC. But our charter, I think, should be

1 independent of people and specifics, and that it's in our
2 best interest, and I think probably consistent with what the
3 Commission wants this committee to do or the intention, to
4 have us have the flexibility to identify our own issues and
5 not put Dane or any future person on the spot in the
6 Commission by a piece of paper that could have them in a
7 position where they're entertaining an issue from us, and
8 there is nothing in this charter that authorizes that.

9 MS. ROOKER: This is Shirley Rooker. If I could
10 just speak to that, I think Dane has many times affirmed to
11 us that he in fact wants our input on issues, and it does
12 not have to be a one-way street coming to us.

13 MS. O'REILLY: Yes.

14 MS. ROOKER: So I think that makes eminent sense.

15 MR. ELLIS: Susan.

16 MS. PALMER: Kathleen, is your intent here that
17 the members could perhaps work to inform the FCC of issues
18 that may be out of their purview at this point, but heading
19 in the direction of having an impact on telecommunications?

20 MS. O'REILLY: I think that it should be very
21 open-ended. I think that any member of the committee who
22 wants to bring first to this committee's attention an issue
23 that they think should be raised with the Commission would
24 have the obligation to make the case that it's within the
25 scope of what our responsibility is, our issues; it's within

1 the scope of the Federal Communications Commission, and then
2 take it forward.

3 But I think it spurs us on towards taking more
4 initiative rather than being passive, and also to help play
5 a role in maybe identifying on the front end some issues
6 that maybe no one in the Commission has yet considered.

7 MS. PALMER: Is that within the -- do we need to
8 add within the scope in what you have added? I don't
9 remember the wording.

10 MS. O'REILLY: I'm not against it. I don't think
11 we need to because Scott is here to ensure that nothing that
12 we would otherwise be prepared to present to the Commission
13 -- if there are constraints because it's not within the
14 scope, I have total confidence that Scott, his staff, and
15 the general counsel's office will be that screening device.

16 I'm not opposed to that revision, but I think it's
17 wordage that is probably not necessary.

18 MR. ELLIS: At the risk of bringing this to quick
19 a close, can I just see a show of hands of any wants to
20 comment on this so we can -- all right. So we have Steve
21 and Refugio, Ken, Matt. Okay. Please try and keep your
22 comments real brief so we can move along.

23 MS. ROOKER: We're just -- we're out of time.

24 MR. ELLIS: All right. Are you calling the
25 question?

1 MS. ROOKER: Could we?

2 MR. ELLIS: All right. The question has been
3 called. All in favor of the motion that Kathleen proposed,
4 signify by saying "aye."

5 (Chorus of ayes)

6 MR. ELLIS: Opposed?

7 FEMALE SPEAKER: I abstain.

8 MR. ELLIS: The motion carries, and one
9 abstention.

10 MS. ROOKER: Thank you.

11 MR. ELLIS: Thank you.

12 MS. ROOKER: Okay. We're taking a break. You
13 have 15 minutes.

14 (Recess)

15 MS. ROOKER: If we could get back to business,
16 please. I'd like to thank Rich and the members of his
17 committee, the working group, who made some excellent
18 recommendations for us this morning. And just to prove how
19 busy we've been, we're now going to turn the floor over to
20 Claude Stout, who has a report of the complaints working
21 group. And we'll follow the same procedure that we did with
22 Rich. Claude will conduct the discussion. And if there are
23 issues to be voted on, we will vote on them. He'll carry us
24 through that. Claude.

25 MR. STOUT: Thank you, Shirley. I have a Power

1 Point presentation, and you can see me signing at the same
2 time, if you need to during this Power Point presentation.
3 One concern is that I'm not going to be able to hear people
4 making comments, so if you would please raise your hand so
5 that I may recognize you, I'll try my best to keep my eye on
6 the table to make sure that I catch everyone favorably. And
7 if I ask you to make your comments again, please state your
8 name first, much as we have been doing all along, and raise
9 your hand so that I may see you.

10 Okay. My first slide, please. This morning, I'm
11 providing a report to the C/DTAC committee from the
12 complaint and outreach working group. Are the interpreters
13 following me all right? Next slide, please.

14 The members of our working group. I'd like to
15 thank all of them for their wonderful work and great
16 participation. We have met three or four times, and it has
17 not been an easy job for us. Members of the working group
18 are myself, Paul Schroeder, Susan Palmer, Ken McEldowney,
19 Mike DelCasino, Brenda Battat. Of course, Brenda is not
20 here with us today. And we're very appreciative of the
21 support that has been given to us by the Commission,
22 especially three people, Scott Marshall, Martha Contee, and
23 Suzanne Perrin. And Shirley has given us quite a bit of
24 support through an ex officio position.

25 The next slide, please. In the last meeting, we

1 decided to establish this working group, the complaints and
2 outreach process. And basically, you had charged us with a
3 threefold mission. We needed to examine the FCC complaint
4 process, figure how they handle outreach, how the Commission
5 handles outreach, and we like to identify ways in which the
6 consumers, with or without disabilities, can more easily
7 participate in the rulemaking process.

8 Next slide, please. Our working group has put
9 together several recommendations. Some of the
10 recommendations focus on the process, several of the
11 recommendations focus on outreach, and a few focus on how to
12 make the rulemaking procedure more easily accessible for
13 consumers to participate in.

14 The first recommendation focused on outreach. We
15 applaud the FCC on its outreach efforts so far. We feel
16 that the Commission can do more, though. By that, we mean
17 that we recommend the Commission investigates some new
18 approaches on how to reach out to community members by
19 things such as town hall meetings, conferences and
20 conventions going out there and going to them, much like I
21 said, like the town hall meetings.

22 Just having things like this are not necessarily
23 enough. The FCC needs to go out to different communities,
24 to different places, to different conferences, different
25 groups and outreach to those groups directly to try to

1 explain people's rights as far as telecommunication is
2 concerned, et cetera. I think it would make everyday life
3 easier for those consumers.

4 I don't know if there needs to be a publicist
5 involved trying to get that kind of information out to the
6 U.S., that sort of publicity. They need to get that out to
7 the public. It should be published in newspapers. The FCC
8 is doing a lot of great work here in Washington, and that
9 needs to be brought out to the people, people outside the
10 Washington area.

11 We encourage the FCC and the staff to continue
12 going to the conferences and conventions that they're going
13 to, especially those of consumer groups and disability
14 groups.

15 And, Ken, could you explain a little bit about the
16 mass distribution of media? I believe you had sort of
17 chaired that.

18 MR. McELDOWNEY: Yeah, I'm glad to. This is Ken
19 McEldowney for Consumer Action.

20 We distribute materials through a national network
21 of some 6,500 community based organizations that serve
22 recent immigrants, African-American community, low and
23 moderate income consumers, people with disabilities, seniors
24 and so forth. One of the things that we have found is that
25 while some of the groups are fairly savvy in terms of using

1 the Internet and things like that, many are not. A number
2 of the groups we work with don't even have e-mail in their
3 offices.

4 But one thing they all have in common really is
5 very limited budgets and the need to get materials in hard
6 copies in different languages to distribute to their
7 clients.

8 Each year, we distribute -- we create 15 to 20 new
9 publications and distribute about 2 million copies a year,
10 so that there is a really crucial need for the FCC, either
11 by themselves or in partnership with consumer and disability
12 groups and corporations to do mass distribution of printed
13 materials in the different languages that are spoken in the
14 community around key telecom issues.

15 MR. STOUT: Thank you, Ken. We also applaud the
16 FCC for having a web site that shows all the different
17 resources and procedures and so forth. And we'd like to
18 encourage the FCC to investigate more online resources for
19 the distribution of information.

20 We also encourage the FCC commissioners themselves
21 and the FCC staff in the different bureaus to become more
22 involved with the publications of other agencies and other
23 groups to help publicize some of their work, then send
24 copies out of here, send information out of here, get it out
25 to other eyes, a variety of organizations and groups all

1 over the country.

2 We have also seen the value of public service
3 announcements. You have seen those on television. And many
4 times you'll see information about drug use, or like the one
5 with the person breaking the eggs, about being brains on
6 drugs. And they can be very powerful and very informative.

7 People who do watch TV see that sort of advertisement,
8 whether that be in the middle of their programs, in between
9 programs. But they're often very effective tools for
10 distributing that sort of information, and we encourage the
11 FCC to consider somehow producing some sort of PSA for
12 general distribution to make Americans more aware of the
13 important telecommunication issues that are being worked on.

14 We also encourage the Commission to accept that
15 there are press relations that can go on on Capital Hill in
16 Congress and here at the FCC as well. They can work
17 together with media outlets. If they're out of town, there
18 are town hall things; invite people in, invite the press in.

19 Invite the media to come and observe meetings and ask the
20 media if they would like to interview people for special FCC
21 issues, get more contact with the media out there.

22 Of course, depending on the process, if some
23 things have already happened, it would be a good idea to
24 invite the media in more often and have more involvement of
25 the media. It shouldn't be restricted to just announcements

1 through reports only or through press releases only. The
2 media should become more involved. We can do articles,
3 interviews, whatever here within the FCC.

4 The man on the street probably hasn't read much
5 about the FCC, hasn't seen much about the FCC, doesn't know
6 much about the reports and the information coming out. It
7 should be reversed. It should be that the FCC should be
8 more visible, should have language that the common person
9 can see and understand, whether it be just a two-minute,
10 three-minute spot somewhere on some sort of news program or
11 in some article somewhere, that this information be
12 distributed through different media outlets to make people
13 more comfortable with the information.

14 As well as those new approaches, we'd like to
15 expand a lot of the advertising. We'd like to encourage the
16 FCC to make more consumer involvement happen, become a more
17 representative process. For example, if the FCC sends out
18 announcements, people should be able to know where to file
19 comments, where to make their feedback known for the
20 different notices of proposed rulemaking that the FCC is
21 involved with.

22 If the FCC distributes information about this
23 meeting in some sort of alternate formats, people who are,
24 say, blind, would be able to then read that, find out the
25 schedule through whatever technological means, whether it be

1 electronic filing, or for like a blind or low vision person,
2 they're not necessarily going to be able to read a lot of
3 the information that is distributed in PDF format. It could
4 be very difficult to follow if that's the process that
5 information is being distributed through electronically.

6 So if we want more active participation, we need
7 to have a variety of formats available to get the
8 information out to encourage people to become involved,
9 other than just say a PDF. I'm sorry. Did I miss
10 something?

11 Okay. Could I finish with this one
12 recommendation, and then we can discuss the recommendation
13 as a whole? Would that be all right? Thanks.

14 We also encourage the FCC to educate consumers
15 about their rights and responsibilities in the complaint
16 process. Very often consumers don't know or understand
17 their rights. They think they know their rights, but they
18 find they have more rights, or they have some certain
19 responsibilities that they weren't aware of, and that can
20 hamper their opportunity to address their concerns.

21 Not only consumers need to know their rights, but
22 they need to understand the different steps that they have
23 to follow in order to make or file a complaint. Also,
24 consumers need to understand what the difference -- what
25 different stages are of the complaint process so they can

1 understand when they need to be getting involved, when
2 they'll be expecting to get feedback, where they need to
3 participate and where they need to wait.

4 It's very important to get feedback and
5 documentation from groups and get information from the
6 informal and formal complaint processes. I think the FCC
7 could do a much better job of clarifying those two
8 procedures and what is involved and which one the consumer
9 would then be more comfortable with can be left up to the
10 consumer.

11 We also don't want the FCC just to be putting down
12 a number of complaints every three months, saying, okay,
13 this is --, that's it. That isn't enough. We as a working
14 group want the FCC to start looking for patterns and
15 recurrent problems and trends of problems that are going on
16 within the complaints in different channel of communications
17 issues, like the FCC be able to tell us what is happening
18 with different trends of the complaints that are coming in
19 so that we become more aware and make better recommendations
20 as to how to manage or address those complaints.

21 We'd also like the FCC to develop over the next
22 several years -- the last few years, they have developed
23 some wonderful special constituency groups within
24 telecommunications issues, for example, deaf and hard of
25 hearing people, and that's gone very well with the FCC, and

1 we have worked with the hearing aid compatibility issues,
2 closed captioning issues, relay services, et cetera, and
3 that's great. We have made a lot of progress in that area.

4 There are several other constituency groups,
5 however, that have felt perhaps slighted and would like to
6 get that much attention on their issues as well. And we'd
7 like to ask the FCC provide them some sort of equal
8 attention and acknowledge their issues, and that the FCC not
9 only continue the good work that they have been doing with
10 the constituency groups they have been doing such a great
11 job with so far, but they need to start building new
12 relationships with some hitherto less addressed constituency
13 groups.

14 Okay. That's our first recommendation, sort of in
15 a nutshell. Could we have people raise their hands for
16 comment? Okay, Susan.

17 MS. PALMER: I just have a process comment in that
18 I think it would be helpful to read the recommendation
19 verbatim and then provide an explanation because I don't
20 know if it's just because it's late in the morning or if I
21 just have no concentration today, but it would be real
22 helpful for me to hear it. So first, this is the
23 recommendation, and then maybe a little background.

24 (Pause)

25 MR. STOUT: Could I have that first slide back up

1 again, the recommendation one, the beginning of that?

2 (Pause)

3 MR. STOUT: Okay. The working group strongly
4 recommends that the Commission expands its ongoing outreach
5 efforts using new approaches as follows: town hall
6 meetings, conferences and conventions, mass distribution of
7 multilingual hard copies of materials, online distribution
8 via consumer and disability related links, submission of
9 publications targeted to mass media, consumer organizations,
10 and disability community, public service announcements, and
11 press opportunities with the commissioners and through the
12 FCC web site.

13 The next slide, please. The group recommends that
14 additional efforts be made to include ensuring more active
15 consumer participation in the regulatory process, education
16 of consumers regarding their rights and responsibilities in
17 the complaint process, responding publicly to issues that
18 exhibit systemic violations of acts or regulations,
19 developing stronger relationships with the communities with
20 specific needs or facing unique barriers with
21 telecommunication products or services.

22 And for the future, I will read the
23 recommendations through first and then provide more
24 discussion. All right?

25 MR. POEHLMAN: --

1 MR. STOUT: The recommendations? Are there
2 comments?

3 MS. ROOKER: I'm sorry, David. The interpreter
4 couldn't hear you to interpret that for Claude.

5 MR. POEHLMAN: I'm sorry. Dave Poehlman with the
6 American Council of the Blind. Just a point of braille for
7 those following along in braille. This is pages 74 and 75,
8 slides four and five. And those are the things that Claude
9 just read.

10 MR. STOUT: Is there any comment on that, or
11 should we move on to recommendation two? Let's move on to
12 recommendation two. Can we have the next slide, please?
13 I'm sorry. Susan.

14 MS. PALMER: Okay. I'm a process fiend today. I
15 wonder if we should move -- are we going to move to have
16 these adopted all at once, or do we need to move on this and
17 then to vote on it, or how does this work?

18 MR. STOUT: You're right, Susan. Shirley, would
19 you like to comment on that? How should we proceed?

20 MS. ROOKER: I think it's up to the committee to
21 decide what you want to do. If you want to propose these as
22 recommendations to the Commission, then that's entirely
23 appropriate. If there want to be discussion before the
24 motion is being made, I think that probably some of the
25 things that are included in here the Commission is already

1 doing. But I don't suppose there is anything wrong with us
2 restating the things that they are doing in terms of
3 outreach because I know they're doing a significant amount
4 of outreach in many areas.

5 But I don't know. Scott, do you have any comments
6 on this?

7 MR. MARSHALL: Actually, I would say that it would
8 be useful, I think, if you were to go through recommendation
9 by recommendation and make any modifications, and then pass
10 each recommendation. That way, it will be very clear as to
11 what the committee's wishes are.

12 MS. ROOKER: Yeah. There are many parts of
13 recommendation No. 1. Is the question that we pass
14 recommendation No. 1 as a whole? Is that the issue? Larry
15 and then Kathleen.

16 MR. GOLDBERG: I think that there is a lot of
17 detail there that would definitely take through the weekend
18 to go recommendation by recommendation. I think the general
19 sense is, as it reads in the very first line, strongly
20 recommend that the Commission expands its ongoing outreach
21 efforts, and the rest of the details can be submitted as
22 text to be provided to the bureau and the office. But the
23 general recommendation is a fairly straightforward and clear
24 one, and the reason for it has been well described.

25 MR. STOUT: Okay. Nanci.

1 MS. LINKE-ELLIS: Well, it's not a motion. It's
2 just a comment. The other thing is maybe at this point we
3 need to break it down -- I mean after our motion -- break it
4 down into different kinds of disabilities or groups. A PSA
5 for the blind could very well be the radio. It could be
6 telephone. There are many things that are already in place.
7 We don't have to reinvent the wheel. And again, with the
8 deaf and hard of hearing, and again with the seniors.

9 I think we have to really look at it from the end
10 user standpoint. I do know that most people think of the
11 FCC as an organization that only monitors television
12 broadcast networks. I mean, they really don't even
13 understand the scope of it.

14 So I think it's very important that we break it
15 down by what the disability or consumer need is and what the
16 product is.

17 MS. ROOKER: Would it be appropriate to put in the
18 motion that the recommendation be accepted and that the
19 consideration being give is to the audience or the end
20 users? Would that be --

21 MS. LINKE-ELLIS: Yes.

22 MR. STOUT: Ken, would you speak?

23 MR. McELDOWNEY: Yes. Thank you. Ken McEldowney.
24 Yeah. I think that what we tried to do in the committee
25 was to look at all the different ways that we could reach

1 all the different populations that this C/DTAC was dealing
2 with. We did not try to break down which would work for
3 which. It was basically that we felt that all of these
4 things should be done, and certainly some would benefit, and
5 we would reach certain parts of the population, and others
6 would reach others.

7 I think what we wanted to do was to try to outline
8 the scope of an outreach effort that would be needed so that
9 I think what we would like to see in terms of voting on this
10 motion is not so much, you know, sort of fine tuning it, but
11 just whether or not the scope is sufficient to really do the
12 outreach job that we think the Commission should do.

13 So I think that the motion -- I would like to see
14 sort of the motion as a whole. Certainly, I think Larry's
15 idea was a good one, but I'm not sure how exactly to do it.

16 But I think what we'd like to see is that the full scope of
17 it go as a recommendation to the Commission.

18 MR. STOUT: Kathleen.

19 MS. O'REILLY: Along those lines, I wonder if
20 there would be an interest in a substitute motion
21 recommending that this report in its entirety be the basis
22 of a resolution of support. And that way, we might be able
23 to proceed more efficiently so any member of the committee
24 could identify any additions they want, any revisions to
25 existent language, and use the document as an intact

1 recommendation for purposes of a motion to save us time.
2 And if there is some interest in that friendly amendment, I
3 would offer that as a substitute motion.

4 MALE SPEAKER: Second.

5 MR. STOUT: Okay. That motion has been seconded.

6 At this point, I see no discussion, no hands up for
7 discussion. So could we vote on Kathleen's recommendation
8 to what Ken and Larry have proposed. In support of that?
9 Are there any opposed to that?

10 MALE SPEAKER: Hold on, please.

11 FEMALE SPEAKER: Wait, wait. There is a
12 discussion. David Poehlman wants --

13 MR. POEHLMAN: Sorry. We moved a little too fast
14 on Kathleen's proposal because I'm not quite sure what she
15 means by --

16 MR. STOUT: David, David, could I interrupt? I
17 need folks to raise their hands so that I can identify who
18 is speaking. I saw no hands, which is why I proceeded to a
19 vote.

20 MR. POEHLMAN: Right. I understand that.

21 MR. STOUT: Are you looking to speak on the issue
22 or to vote?

23 MR. POEHLMAN: I'd like to speak on the issue.

24 MS. ROOKER: Raise your hand, David, so he knows
25 where you are.

1 MR. STOUT: Okay. Could folks please remember
2 that if they would like to speak on the issue to raise their
3 hands for me to identify them before we vote. Go ahead,
4 David.

5 MR. POEHLMAN: Yeah. It just happened a little
6 fast, that's all. Kathleen's use of the words "whole
7 report," I'm not sure what that means. Does this mean the
8 first recommendation or the entire report of the committee,
9 of the working group?

10 MS. O'REILLY: My intent was, having read all of
11 the recommendations in the report, to move that, beginning
12 with recommendation No. 1 that starts strongly recommended
13 through the remainder of the recommendations that end on
14 page 3, which include eight recommendations, that in it's
15 entirety that be a motion of a recommendation to the
16 Commission.

17 MS. ROOKER: Recommendation one you're talking
18 about.

19 MS. O'REILLY: No.

20 MALE SPEAKER: She is talking about all of it.

21 MS. O'REILLY: In the interests of time, we have
22 all had a chance to read these. And I'm just suggesting
23 that it might facilitate time if with respect to anything in
24 any of the recommendations going sequentially anybody has
25 any additions or revisions, that we look at this as a

1 package and proceed more quickly than sort of this piecemeal
2 approach that I'm afraid would consume more time than maybe
3 necessary or desirable.

4 MS. ROOKER: I think it's up to Claude.

5 MS. O'REILLY: Yeah. It has to be a motion
6 accepted by the original sponsor.

7 MR. STOUT: Well, if we follow Kathleen's
8 recommendation here to submit the entire recommendation
9 list, I'm looking at some kind of general agreement and
10 consistence for recommendations one through eight. If we
11 had a formal proposal to accept the entire report of
12 recommendations to the FCC, that would probably work. Mike.

13 MR. DelCASINO: I think what Kathleen is trying to
14 do is not get us too bogged down. So a slight modification
15 perhaps to her request is that why don't you, Claude, go
16 through all of the recommendations, have discussions about
17 each of them, but not go through the vote by vote, or vote
18 recommendation by recommendation, just discussion, and then
19 we may be able to pick up Kathleen's suggestion and adopt
20 the whole thing.

21 MR. STOUT: Okay. Do all of you agree with the
22 suggestion that it's a good way to approach? If you're in
23 agreement, would you please raise your hand?

24 (Show of hands)

25 MR. STOUT: Okay. Then we will follow that

1 suggestion. Is there any more discussion on recommendation
2 No. 1 at this point? I see no hands. I would like to move
3 to recommendation No. 2.

4 Could I see the next slide? There we go.
5 Recommendation No. 2 reads to encourage the FCC to recognize
6 and publicize best practices in the consumer, business, and
7 disability communities serving or addressing consumer needs.
8 And part B recommends that we stress efforts that increase
9 participation and partnership between industry and
10 consumers.

11 The working group felt that with the number of
12 complaints that are brought to the FCC, that part of the
13 problem is the approach for consumer complaints. There is
14 little communication that goes on between the different
15 parties. We're looking -- trying to identify what would be
16 best for each individual problem. If the Commission offers
17 best practices for what one business is able to achieve to
18 other businesses and consumer organizations, people with
19 disabilities, then that information of sharing best
20 practices might minimize the number of complaints coming
21 into the Commission.

22 So what a wonderful idea to make accessible best
23 practices from one organization to another. And instead of
24 recreating the wheel, there will be the opportunity to share
25 those best practices to satisfy consumer needs.

1 Is there any discussion on recommendation No. 2 at
2 this point? Did I see a hand. Yes, Robert.

3 MR. CHROSTOWSKI: Bob Chrostowski, TIA. I would
4 just add, so that the statement is complete on that
5 recommendation, where you have "consumer and disability
6 communities," just to keep in line with the first part of
7 the recommendation, the tail end of the second part of that
8 recommendation, just add "between industry, consumers, and
9 disability communities," just so that it will be in line
10 with the first part.

11 MR. STOUT: Would you mind repeating what you're
12 saying, Bob, just for my benefit?

13 MR. CHROSTOWSKI: The subparagraph B of this
14 recommendation, add to the sentence "between industry,
15 consumer, and disability communities." Then it dovetails to
16 the first paragraph A.

17 FEMALE SPEAKER: To clarify, you mean adding
18 "disability community." Thank you. Sorry.

19 MR. STOUT: Thank you, Bob. Would folks like to
20 accept that -- or are satisfied with that recommendation, to
21 add that? I saw someone else with their hand up over here,
22 either one of you.

23 MS. AYLWARD: Okay. All right. Clause, I'd just
24 like to -- I can't quite get my hands around what stressing
25 efforts that increase participation and partnership -- in

1 other words, the part B. Could you give a concrete example
2 of what that would look like?

3 MR. STOUT: As an example, a company may be
4 providing some sort of testing prior to hiring individuals.
5 If the business is performing some sort of pilot testing,
6 they should be encouraged to include members of the
7 disability communities, et cetera, to help comply with their
8 255 efforts. So any assessment should be involving consumer
9 groups and constituent groups. We want the business
10 community to show the involvement of consumers in the
11 development and design process of some product before it's
12 marketed. Andrea?

13 MS. WILLIAMS: This is Andrea Williams from CTIA.
14 Rayna, I can give you a very good example. Just earlier
15 this week, Commissioner Abernathy held a dialogue between
16 the wireless industry and members of the disability
17 community, those with developmental and cognitive
18 disabilities to start a dialogue between the two in terms of
19 what type of technology, what we foresee coming down the
20 pike that could probably address some of the issues of
21 accessibilities for this particular group.

22 It was -- believe me, industry was a little
23 nervous at first and so were some of the consumers. But I
24 thought it was a very, very productive meeting. If nothing
25 else, people walked away with knowing who to contact within

1 a company, what the process is within in terms of early
2 design, what some of the companies are doing. And I would
3 think that would be an example of stressing efforts,
4 bringing parties together.

5 You know, when a commissioner calls you up and
6 says I'd like you to attend a meeting, you don't tell him
7 no. And that's the type of -- I assume that's what this is
8 -- what the committee means by that, that type of an
9 example.

10 MR. STOUT: Yes. As a further example, last
11 Monday Commissioner Abernathy went to CTIA to see the
12 different representative constituent groups with mobility
13 impairments. And that was a very constructive dialogue that
14 went on. And from my understanding of that meeting, CTIA
15 and the people with the mobility disabilities have learned a
16 lot from each other and are planning on continuing that sort
17 of dialogue and partnership. And we'd like to encourage all
18 sorts of American companies and organizations to copy that
19 model. I think that would make a world of difference.

20 MS. ROOKER: This is great. The two examples that
21 you gave, the two or three, is this something that this
22 committee could play a role in actually documenting -- or
23 more than documenting, encouraging? I mean, is that
24 something that we could do with some of our industry groups,
25 like yours, Andrea, and some of the other groups that are

1 represented here? Andrea?

2 MS. WILLIAMS: Sure. You know, if the FCC sent
3 out -- there was a press release on the meeting. I don't --
4 if this group wants to support, I don't know what you want
5 to do in terms of -- what you had in mind. Susan was at the
6 meeting. Claude?

7 MR. STOUT: Susan, yes, please.

8 MS. PALMER: I think that's a good idea. But I
9 think it's beyond the scope of the recommendations which are
10 going back to the FCC. I think we can take it up later, and
11 I think it's a very good idea. But I think at this point we
12 want to focus things that are going directly back to the
13 FCC. And I don't -- I would be concerned in terms of time
14 if we added at this point to that.

15 MR. STOUT: Rayna.

16 MS. AYLLWARD: And I'm there with you, and a little
17 bit in the process and content here. This is Rayna again.
18 I'm just wondering if we're just presenting a whole bill of
19 recommendations to the FCC saying, you know, we want you to
20 do this, we want you to do that, we want da, da, da, without
21 saying that we would like to support you in these efforts,
22 if there are some things that we could, you know, perhaps
23 assist you in doing, given our assembled expertise and the
24 organizations that we recommend.

25 I'm wondering if we want to make that one of the

1 considerations or part of the package that we present to the
2 FCC.

3 MR. STOUT: Okay. Rayna, this is Claude
4 responding. I think it's a good idea. And I think when we
5 make the motion to accept this with the group, if we are
6 voting to approve the report being submitted, I'd like to
7 add that we'd appreciate a progress report from the staff
8 back to this group to see what efforts they have been making
9 and what progress has been going on and see what their
10 initial efforts will be.

11 There seems to be some sort of question on your
12 face, Rayna.

13 MS. AYLRWARD: I think that's a great idea, that
14 absolutely there should be some accountability for anything
15 that we're recommending and that is accepted by the FCC. My
16 point was only to perhaps incorporate, maybe just as a
17 general statement in the introduction of the
18 recommendations, to say that this committee stands ready to
19 support the FCC in any of the efforts that we're
20 recommending that it makes, something along those lines.

21 MR. STOUT: Okay. Thank you. Is there any
22 further comment on recommendation No. 2? Okay. Seeing
23 none, I'd like to move on. The next slide, please.

24 Recommendation three reads encourage the FCC to
25 provide an expanded, more detailed report on a regular basis

1 that highlights common consumer and disability complaints.
2 This expanded report should analyze trends and highlight the
3 nature of model solutions to the complaints.

4 As I said previously in some of that background
5 information I was giving, the working group wanted to make
6 it clear that those quarterly reports from the FCC on the
7 complaints, how many they have received, it needs to be a
8 little more exact. We would like to know how many -- well,
9 first we want to know how many complaints are coming in and
10 how many are resolved. But we'd like to see some of the
11 results. We'd like to see -- well, we see that the consumer
12 is asking us that they are wanting more results. They're
13 wanting things to be done in a more timely basis. They're
14 wanting to be getting better ideas of expectations. The
15 consumers have expectations, and they'd like to have those
16 addressed.

17 Is there any discussion on this point? Kathleen.

18 MS. O'REILLY: I don't want to disrupt the flow of
19 your presentation, and yet I think this is the
20 recommendation that might be most appropriate in which to
21 raise three related issues on that that I wanted to
22 recommend for consideration. I'll describe them very
23 briefly so that if it's the will of the committee that they
24 be taken up separately after this report, I can well imagine
25 that that would be a more efficient way to go.

1 But certainly, I share the frustration in
2 reviewing the annual complaint reports and understand by way
3 of example that despite some admiral reforms on slamming
4 procedures, for example, that groups that handle complaints,
5 such as the National Consumers League that could not be here
6 today, that their complaint levels are not going down.

7 And three issues that have routinely come up in
8 the context of complaint resolution, one is what is the
9 distinction and the standard for distinguishing between a
10 complaint and an inquiry because how they are handled by the
11 Commission differs depending on whether they are a complaint
12 or an inquiry. And appropriately, quite a bit of discretion
13 is left to the people on the telephones and those who review
14 the answers to make that distinction. And therefore, there
15 is much involved in both how at the highest level that
16 distinction is understood, how that is communicated, and how
17 the training is for the people who take and respond to
18 complaints. And so I think that that is one area.

19 A second area has to do with what is the
20 definition of a complaint being resolved. And I think we
21 have had discussions in the past about frustration as to how
22 that has been interpreted.

23 And third, I think there is an ongoing,
24 overarching consumer issue with respect to any regulatory
25 agency that when there continues to be a lack of diminished

1 complaints in any particular practice, that suggests an
2 obligation to initiate a proceeding to examine why. If
3 despite many, many efforts those complaint levels are
4 staying at a certain level, I think it's incumbent upon the
5 regulators to try to determine why, including whether or not
6 sanctions are adequate.

7 So at the appropriate time, I had three short
8 recommendations, one that addresses the issue of the
9 distinction between complaints and inquiries, a second one
10 that addresses the issue of the definition of resolved, and
11 a third, the issue of what the appropriate action might be
12 if complaint levels remain high with respect to any
13 practice, what it would be incumbent upon the regulatory to
14 do in the face of that, including an examination of the
15 adequacy or inadequacy of sanctions.

16 It may not be appropriate to have those three
17 discussed at this recommendation of yours. I simply say
18 having reviewed all of the good work of your committee, that
19 is my best identification of an issue where they might fit.
20 But I will just pull those back and wait the pleasure of you
21 as the chair as to when, if ever, you want to take those up.

22 MR. STOUT: Okay. Thank you very much, Kathleen.

23 I will respond to you. I think, though, that there were
24 some other people with their hands up for discussion.

25 Andrea?

1 MS. WILLIAMS: First of all, Kathleen, CTIA just
2 recently went through this whole process about eight months
3 ago with the Consumer Information Bureau in terms of what is
4 the distinction between a complaint, a formal complaint,
5 informal complaint, and an inquiry, how you define
6 resolution, and also how are the CAMS trained to recognize
7 and putting complaints in certain categories.

8 I would strongly recommend that before we have any
9 action, that we have maybe perhaps a presentation or
10 discussion with Thomas Wyatt and Martha Contee, who were
11 very, very helpful in helping us, the wireless industry, get
12 a handle on some of this information.

13 It's interesting. Consumers have some concerns
14 regarding the reports and expanding them, and so does
15 industry. Well, I know the wireless industry because we're
16 trying to get a handle on these complaints. As you know,
17 we're a very competitive industry, and you don't want your
18 subscribers turning. And complaints is one way for them to
19 turn very quickly.

20 So we're trying to get ahead of the curve, and
21 have asked the consumer and government affairs office to
22 help us in terms of giving us more detail so that we can
23 track the trends with what we're seeing from some of our
24 internal research also, as well as the FCC's research.

25 MS. O'REILLY: And there really is no need to

1 reinvent the wheel.

2 MS. WILLIAMS: Right.

3 MS. O'REILLY: Models for this have been in the
4 consumer domain for 30 years, going back to lemon laws with
5 automobiles. Many industries have had to use them, Land's
6 End and so forth. So I'm just saying that there is not here
7 a labor intensive need for the Commission or this committee
8 to start from scratch, that this is an opportunity for us to
9 take advantage and fine tune a long developed expertise in
10 these areas.

11 MS. WILLIAMS: But I would really like to hear
12 from Thomas and Martha. I would like for everyone on this
13 committee to share -- have the benefit of the information
14 that they have in terms of the process that's used.

15 MR. STOUT: I believe Joe was next, and then Ken.

16 MR. GORDON: Claude, I remember at the last
17 meeting the point of complaints or concerns was brought up,
18 and both I believe Brenda Battat and Larry Goldberg
19 mentioned that other organizations do get many, many, many
20 complaints or concerns from their members. And I remember
21 someone saying, well, maybe those concerns or complaints
22 from the members of these organizations can somehow be
23 submitted to the FCC. And would you want to in
24 recommendation No. 3 in the first paragraph say "highlights
25 consumer and consumer organizations' concerns and

1 complaints," something like that because then the number of
2 concern, complaints -- I don't know which word to use --
3 that comes into the FCC would be more indicative of what the
4 problems are?

5 MR. STOUT: Okay. Thank you. Ken.

6 MR. McELDOWNNEY: Yeah. Ken McEldowney. Yes. I
7 sort of want to pick up on that. I think the points that
8 Andrea and Kathleen make are very good. I think it might be
9 good to have a presentation like at the next meeting on this
10 issue, and then maybe we want to establish -- get another
11 subgroup to sort of fine tune it and come up with some
12 specific recommendations for the Commission on this.

13 I think we can need some more information before
14 we move ahead.

15 MR. STOUT: Okay. Mike?

16 MR. DelCASINO: This is Mike DelCasino. I guess I
17 don't disagree with anything that I've heard here so far. I
18 also guess that it seems to me that the recommendation as it
19 stands now is not a bad recommendation. And I would be
20 inclined to I think take Kathleen up on her suggestion that
21 we allow this recommendation to go forward the way it is and
22 take up a separate activity to bore in on more detail into
23 those items that she mentioned, which, you know, I think we
24 all agree are very complex and we could probably talk about
25 for a very long time.

1 So that's where I am on it. I'd make that a
2 motion if anybody wanted to.

3 MR. STOUT: Okay. Is there any more discussion?
4 Judy.

5 MS. HARKINS: Like Joe Gordon, I recall that a lot
6 of the discussion was around the fact that a lot of people
7 around the table receive more complaints than the FCC does.
8 And I recall that the committee was to address with the FCC
9 as part of its work the extent to which people in that
10 situation might refer complaints to the FCC. And if I
11 recall, almost everybody around the table raised their hand
12 when that came up, and some of us dropped off in the
13 interests of having a smaller group.

14 Clause, so I want to ask you, do you see that as
15 being anywhere in this report, that groups like yours could
16 somehow refer the complaints you receive or in another way
17 funnel information about consumer complaints to the FCC?

18 MR. STOUT: Oh, yes.

19 MS. HARKINS: Which recommendation would you say
20 covers that?

21 MR. STOUT: Well, actually, we did not put any
22 particular recommendation about us bringing the groups,
23 bringing complaints to the FCC. I mean, the FCC, of course,
24 would say yes, you can do that for their accepting of the
25 consumer organizations bringing them, but the process is

1 more the problem. So that's why this was not part of our
2 recommendation.

3 But do you think it should fit under this
4 recommendation?

5 MS. HARKINS: I just wanted to make sure I
6 understand what you said. You said that the FCC said, sure,
7 that's fine, that organizations could deliver masses of
8 complaints to --

9 MR. STOUT: Right.

10 MS. HARKINS: -- the FCC, FCC info?

11 MR. STOUT: Yes.

12 MS. HARKINS: During the committee work, that was
13 when you discussed that?

14 MR. STOUT: During the working group, yes. Susan.

15 MS. PALMER: If you look at recommendation No. 1,
16 it talks about strengthening ties with consumer groups to
17 better understand the needs. And I think that that somehow
18 addresses what you're talking about. It's part 4.

19 MS. HARKINS: That sounds a little -- I can see
20 where this might fall under it, but that does sound a little
21 vague.

22 MR. STOUT: Okay. Was there -- Judy, are you
23 satisfied? Do you still have something to add?

24 MS. HARKINS: I was kind of hoping for more
25 specificity, yes. I don't know, because a lot of people

1 raised their hand on this issue at the last meeting. So if
2 anyone else wants to comment on this, I'd appreciate it.

3 MR. STOUT: Okay. I want to ask you, Judy, do you
4 want the report to show which complaints came from
5 individuals and which complaints came by way of an
6 organization? Would that be helpful? I'm just trying to
7 understand your point exactly.

8 MS. HARKINS: The point was to what extent
9 organizations receiving complaints can and should forward
10 those to the FCC. Larry Goldberg is not in the room at the
11 moment, but his comment was that he receives more complaints
12 on captioning before breakfast each day than the FCC
13 receives all year. That was Larry's comment. And I would
14 like more guidance about that because when I receive a
15 concern from a consumer, I don't know exactly what the
16 proper process is.

17 MR. STOUT: One second, Larry. I wanted to
18 respond. I recall from the previous meeting we asked the
19 staff if it is okay if we as organizations bring complaints,
20 forward complaints, and we were told yes. They answered in
21 the affirmative. So I don't know --

22 MS. HARKINS: Okay. I thought that was the task
23 of the working group. But if that was resolved at the last
24 meeting, that's fine. That meets my concern.

25 MR. STOUT: Okay. Larry?

1 MR. GOLDBERG: Right, Claude. I think at that
2 last meeting I asked for specific address, phone number,
3 fax, e-mail for complaints that come through our
4 organization and where they should be channeled. And we
5 were given that specifically by Jennifer Simpson, and we are
6 now doing that.

7 MS. HARKINS: Okay, good. Okay. Sorry.

8 MR. GOLDBERG: Later on, I see a recommendation
9 No. 6 about particular captioning or video description, or
10 if you want to generalize, disability complaints because we
11 were concerned about those getting lost in the mix. And
12 that is a problem. We should pick that up, too.

13 MS. HARKINS: Okay. I missed that then. Sorry
14 about that.

15 MR. STOUT: Okay. I don't see any other hands
16 raised for further discussion on recommendation three. But
17 I do think that we should keep in mind Kathleen's three
18 recommendations. I think she raised some very good issues,
19 that we hear that there are complaints, but where does it go
20 from there.

21 What we have been focusing on since the last
22 meeting is not how the FCC handles complaints versus
23 questions. We want to know how they -- you know, a report
24 on how they respond to the complaints. That's what we have
25 been focusing on, and the areas the questions tend to come

1 up in. But Kathleen raises a very good point, that how do
2 they decide what qualifies as a question, and then how also
3 are things resolved.

4 If you approve our report, and that's put down in
5 the minutes of the meeting, then I'm sure that we will have
6 Kathleen's three recommendations. And that in itself could
7 be a basis for another working group, those three points.

8 MS. O'REILLY: Just to clarify, although I
9 identified the three categories, I have not yet provided you
10 with the language I would have recommended as the resolution
11 or recommendation for each. I could provide that for the
12 minutes or now, whatever is preferable.

13 MR. STOUT: Well, is it acceptable to the full
14 committee?

15 MS. O'REILLY: If they are in the minutes, it
16 doesn't mean you agree with them. It simply means -- if I
17 understand your inquiry, did you want to consider including
18 them as a recommendation, or that those three topical areas
19 be included as a recommendation for further work by the
20 committee?

21 MR. STOUT: Yes, correct. Right, as part of this
22 report. Is that okay with you, Andrea?

23 MS. WILLIAMS: I thought Mike had suggested that
24 we move those three items to further work by the committee,
25 and he made a motion, which I second, that -- am I wrong,

1 Mike? Oh, okay.

2 MR. DelCASINO: This is Mike DelCasino. We just
3 had a whole bunch more discussion about that since then.

4 MR. STOUT: Would you like me to proceed with the
5 formal recommendation -- with the formal motion? I'm sorry.
6 Okay. So Mike made it. Andrea seconded it.

7 MS. O'REILLY: I guess I would like to ask whether
8 there is any harm in at least in this report identifying
9 those as three important areas because as a consumer
10 advocate with 30 years experience, what hit me about this
11 report is some of the biggest consumer complaint issues that
12 loom aren't even hinted at here. And so I think that's
13 understandable that there would be a presentation at a
14 future meeting. Yes, they're complex. Yes, they need
15 resolution, but to identify that as part of the complaint
16 handling process at the FCC, which this committee addressed,
17 that there are concerns about what are the standards and
18 implementation for the distinction between a complaint and
19 an inquiry, concerns about what is the definition of a
20 complaint that is resolved, and concerns about in the face
21 of continued high levels of complaints for any particular
22 practice, what is the best method to ensure that that is
23 addressed, just so that this complaint -- or that this
24 report reflects a greater whole of traditional consumer
25 complaint related issues that are very specific to this

1 Commission and these issues that are -- the silence on them
2 screams out from this document, in my view, because they
3 have been raised by consumer advocates for years.

4 MR. STOUT: Okay. Andrea and then David.

5 MS. WILLIAMS: This is Andrea. Maybe I lost
6 track. But I thought what we were going to do is include
7 these three issues in the minutes so that when the minutes
8 go to the FCC, as well the issues would have been raised in
9 the minutes, and that we would have a presentation at the
10 next meeting on those three areas that have been identified
11 in the minutes of the meeting.

12 MS. O'REILLY: They're not mutually exclusive. I
13 certainly support having them addressed in a very specific
14 fashion at a future meeting. But the weight they have is
15 simply being in passing in the minutes compared to the
16 weight they would have in a report on this topic is to me
17 very significant. And I would prefer that the report at
18 least -- and it's for the committee to decide whether the
19 committee wants to recognize the importance of those three
20 topics in this report and recommendation of the committee,
21 or simply have them a more passing footnote.

22 MS. WILLIAMS: No. It wouldn't be a passing
23 footnote.

24 MR. STOUT: David and then Ken.

25 MR. POEHLMAN: I have a suggestion. Looking at

1 recommendation No. 8, FCC should provide assistance to
2 consumers in framing complaints and help identify
3 appropriate solutions for special categories of complaints.

4 Now it seems to me that that's the three issues
5 we're talking about there. Am I incorrect? If it is, then
6 we could possibly expand this recommendation, you know,
7 chisel it out a little bit, and make it part of the report.

8 MR. STOUT: Ken.

9 MR. McELDOWNEY: Yeah. Ken McEldowney. I guess I
10 would urge that this particular motion be, I don't know,
11 tabled to the end of the discussion. I think we have
12 already spent almost as much time on Kathleen's suggestion
13 as on all the rest of the recommendations. We're only on
14 No. 3. We're in great danger of not being able to reach any
15 sort of resolution whatsoever on the subcommittee's report.

16 And I would really urge that we wait on the specific
17 motion, go back to having Claude do the rest of the eight
18 recommendations, make a vote on that, and then come back to
19 the motion dealing with Kathleen's suggestion.

20 FEMALE SPEAKER: I'm very supportive of that.

21 MALE SPEAKER: Here, here.

22 MR. STOUT: All right. Is that all right with the
23 rest of you? Okay. Thank you. Is there any more
24 discussion on recommendation No. 3? Hearing none, I will
25 move on to recommendation No. 4.

1 We commend the FCC's plans to streamline the
2 informal complaints process. However, we strongly recommend
3 the streamlining address the following: a) time frames for
4 the resolution of complaints, including giving consumers and
5 FCC point of contact and expected time frame for resolution
6 at the time the consumer files the complaint; b) a listing
7 on the FCC's web site of points of contact of all companies
8 licensed or regulated by the Commission; and c) appropriate
9 lengths to web sites of other governmental agencies who
10 might also be able to assist the consumer with a complaint.

11 Anyone wish to discuss this recommendation
12 further?

13 MS. ROOKER: Shirley Rooker. I'd like to make a
14 suggestion on behalf of Call for Action and other consumer
15 groups that work with consumers on a daily basis that you
16 also include governmental and other consumer agencies
17 because there is an awful lot of people out there that work
18 with consumers all the time, if that would be appropriate.

19 MR. STOUT: Okay. Susan.

20 MS. PALMER: We thought that was a great idea, but
21 it wouldn't fly because it's too hard to screen out a good
22 agency from a bad one, and we didn't think it would get
23 passed the lawyers.

24 MR. STOUT: I got you. Okay.

25 MS. PALMER: But I personally liked it.

1 MS. ROOKER: Thank you, Susan.

2 MR. STOUT: Rich.

3 MR. ELLIS: While I understand the rationale for
4 wanting to have a single point of contact for all consumer
5 complaints on a web site, at a company the size of Verizon,
6 if you had one person or one contact, they would get
7 overwhelmed and wouldn't be able to handle the complaints.
8 There are probably better ways of handling consumer
9 complaints than having everything go to one specific person
10 in an organization. So while I understand the intent of it,
11 I don't think it's really workable from a corporate
12 perspective in all cases.

13 MR. STOUT: Okay. Thank you. Micaela.

14 MS. TUCKER: I'd like to echo what Rich brought
15 up, and also bring up the issue that we at Nokia actually
16 feel very strongly that people who handle complaints from
17 people with disabilities ought to be specifically trained in
18 that issue. And because a lot of times resolving complaints
19 from customers with disabilities a long time in terms of
20 time on the phone or time communicating, that it be a
21 separate entity that does that because, for instance,
22 especially in corporations, a lot of focus is put with other
23 consumer complaints on how quickly complaints are resolved.
24 And that's not the issue in working with consumers with
25 disabilities.

1 MR. STOUT: Larry.

2 MR. GOLDBERG: Maybe one way to get at the
3 suggestion that Shirley made, which was other consumer
4 organizations that could be helpful, is -- and I don't know
5 if this exists on the FCC web site right now -- is point to
6 the members of this committee since we're already in some
7 vetted. Many of our organizations can provide that service,
8 and we should be publicly available, and we're willing to be
9 so in terms of other consumer organizations.

10 Is there a place that all of us and our contact
11 names are on the web site?

12 MR. STOUT: Scott, would you respond to that?

13 MR. MARSHALL: Yes. Scott here. Only the
14 committee members' names and organizational affiliations are
15 on the web site. We can certainly change that if you wish.
16 Currently, we don't provide contact information. I think
17 it was done originally so that you would not be flooded with
18 phone calls and such. It's up to you what we'd like to do
19 there.

20 FEMALE SPEAKER: Let Larry be the one contact --.

21 MR. STOUT: I'm sorry. Who was speaking right
22 now? If we can get one person at a time, please. I'm
23 sorry. I've recognized Andrea.

24 MS. WILLIAMS: I'll defer to Rich.

25 MR. ELLIS: I would just -- from my own personal

1 experience, my name is listed on the FCC's web site as the
2 disability contact for Verizon, and I get numerous e-mails
3 every day from vendors selling things, from just general --
4 I mean, I get all kinds of complaints and issues that are
5 not related whatsoever to 255 issues, which is what I'm
6 supposed to be there for. So I would caution the
7 committee, before you put your name on the web site, think
8 carefully what you are asking for.

9 FEMALE SPEAKER: That's a good point.

10 MR. STOUT: Okay. Andrea and then Bob, and then
11 me.

12 MS. WILLIAMS: I would like to second that, Rich.

13 And also, as a trade association, our members have made it
14 very, very clear to us that they don't want us getting
15 between them and their customers, and would prefer to deal
16 directly with their customers rather than having their trade
17 association refer them.

18 So what we try to do is put the people together,
19 but the Susan Palmers and the Micaela Tuckers of the world
20 have made it very clear to us they want to be able to deal
21 with their customers one on one.

22 MR. STOUT: Bob.

23 MR. CHROSTOWSKI: Bob Chrostowski, TIA. I'd like
24 to third that comment from the standpoint of the industry,
25 and that our industry members have reported that their names

1 appearing on the 255 web site have brought in numerous calls
2 and complaints, complaints concerning products outside the
3 scope of the intent of 255, and it's generally used by
4 people to err their frustrations. Maybe you have
5 experienced some of that as well, Andrea.

6 So again, I'd like to just point that -- that's
7 what is going on.

8 MR. STOUT: Okay. And I would like to respond to
9 the issue of points of contact within different companies.
10 The working group, and I for one, we were pushing for one
11 single contact for each company because it would be much
12 easier for a consumer to be able to contact a particular
13 person with a variety of complaints. But we ran into a wall
14 with that.

15 Companies don't necessarily have to give one
16 particular point of contact. They can give more than one,
17 depending on the area of specialty that the person has.
18 Perhaps one person -- I mean points of contact focusing on
19 different areas of responsibility.

20 I think the real issue here is that consumers are
21 fed up with getting the runaround. They check the web site.
22 They find an e-mail address that is so general they don't
23 know who it is going to and who is handling consumer
24 complaints. And that's frustrating, and they end up giving
25 up, and they don't pursue the appropriate complaints. And

1 we'd like FCC to help each company. Again, if they want to
2 have more than one single point of contact, that's fine, but
3 just to make sure that we're sending complaints to the right
4 place and that we have someone to seek follow-up from.

5 It would be a great benefit to the consumers
6 because the consumers will know, okay, who they're filing
7 the complaint with, and then they're able to follow up on
8 it. And they can tell the FCC who has been working with
9 them, if necessary. This would be a way of holding the
10 businesses accountable and making sure that follow-up is
11 done on complaints.

12 Some companies do a wonderful follow-up job on
13 complaints. Others do not. And that's where we came from
14 on this issue, on this recommendation.

15 Susan and then David.

16 MS. PALMER: Okay. If the other subcommittee
17 members can correct me if I'm wrong here, my recollection on
18 this one was that because we didn't have a demonstrated
19 need, as we did in the later recommendations for video
20 description and captioning, that we had dropped that
21 section. My memory may be going, but I seem to remember
22 some discussion on that.

23 MR. STOUT: No. We dropped that section. Oh,
24 excuse me. We did not. Pardon me. Diane and then Paul.
25 Oh, excuse me. I'm sorry, Diane. David, correct. David,

1 you were next, and then Diane. My apologies.

2 MR. POEHLMAN: Hi. This is Dave Poehlman with
3 American Council of the Blind. As I read this, and as I
4 listen to the discussion, what the wording actually
5 expresses is a single point of contact. Now this single
6 point of contact can have many meanings, and I have found it
7 much more efficient to deal with a company that has a single
8 point of contact in that there are individuals at the other
9 end of that contact point that are multiple and talented.
10 And that way, if somebody goes on vacation, you still have a
11 point of contact.

12 So I support the single point of contact, with the
13 clarity that the single point of contact might be an office
14 in a company, an organization within a company, a department
15 within a company, you know, that sort of thing.

16 MR. STOUT: One moment. Paul, before I go to you,
17 I want to clarify. I want to make a clarification here. I
18 never said a single point of contact for each company. We
19 did not say that. We were talking about the FCC having a
20 single point of contact for complaints. But when we're
21 talking about companies, they certainly could have more than
22 one point of contact. That's why we used points of contact
23 rather than point of contact for industry. Paul.

24 MR. SCHROEDER: Paul Schroeder, Alliance for
25 Public Technology. I was on the group, and I frankly don't

1 remember having an extended discussion on this
2 recommendation 4(b). But we did have an extensive
3 discussion on the concept of points of contact, and here is
4 what I suggest.

5 We say in six that the FCC -- we ask the FCC to
6 examine the feasibility of points of contact in other areas.

7 I move that we drop 4(b) from the report as it doesn't --
8 we're not getting -- I don't think we're ready to take
9 action on that or call for the FCC to take action on that.
10 So I would move that we drop 4(b), and that I think the
11 discussion is adequately captured in six.

12 FEMALE SPEAKER: Second.

13 MR. STOUT: Okay.

14 MALE SPEAKER: And if somebody will call the
15 question so we don't --

16 FEMALE SPEAKER: I'll call the question.

17 MR. STOUT: It seems that there is a general
18 consensus on the committee to drop 4(b). Am I following you
19 right? Would anybody like to express objection to that
20 idea? So 4(b) is therefore dropped from recommendation No.
21 4. Okay. Any further discussion on recommendation No. 4?
22 Seeing none, let us proceed to recommendation No. 5. Could
23 I have the slide for No. 5, please?

24 MR. SCHROEDER: Claude?

25 MR. STOUT: Oh, I'm sorry. Sorry, Paul.

1 MR. SCHROEDER: Paul Schroeder. Just a
2 recommendation. I know it's late, so can we dispense with
3 reading of the recommendation and just say can I have
4 comments on 5(a) -- this is a long one, for one thing --
5 5(a), 5(b), et cetera? Everyone has seen it, or should have
6 seen it, in advance.

7 MR. STOUT: Okay. Following Paul's wish, does the
8 committee agree that we will not be reading the
9 recommendation No. 5? Seeing no objection, we will follow
10 Paul's recommendation. Paul's recommendation is approved.
11 Any further discussion on No. 5? Okay. Larry.

12 MR. GOLDBERG: I may be one of two people who
13 don't know what CAMS is and doesn't know what mystery
14 shopper is.

15 FEMALE SPEAKER: Thank you.

16 (Laughter)

17 MR. STOUT: Okay.

18 MS. ROOKER: I know what a mystery shopper is.

19 MR. STOUT: CAMS?

20 MS. ROOKER: What are CAMS? I don't know.

21 MR. STOUT: Scott, could you define that for us?

22 MR. MARSHALL: Scott here. That's FCC-ese for
23 consumer advocacy and mediation specialist. These are the
24 frontline people that take telephone calls, e-mail
25 complaints, and so forth and act to resolve them.

1 MS. ROOKER: And a mystery shopper is someone who
2 doesn't identify who they are, but they are checking out to
3 see if the service performs.

4 MR. STOUT: Okay.

5 MALE SPEAKER: I'm sorry. You were asking me that
6 question?

7 MS. ROOKER: No. I mean, I'm making a statement.
8 But that's what it is. I mean, it's common terminology.

9 MR. STOUT: Okay. Very good. And, please, when
10 we have rapid discussion back and forth, I get lost. By the
11 time I have seen who is speaking, I have missed the next
12 comment. I'm now recognizing Andrea.

13 MS. WILLIAMS: I'd like to make, in addition to
14 recommendation five, not only increase training interaction
15 with consumer disability communities, but also with industry
16 in terms of we in the industry know the CAMS are the first
17 point of contact with our -- well, especially with wireless
18 subscribers. And what we find is sometimes the CAMS may not
19 have the training or understanding about the industry, and I
20 know we have had efforts in which we have basically training
21 on what we call wireless 101 so when a customer calls you,
22 and may not be able to give you a brief description of what
23 is going on -- oh, my phone call didn't go through. Well,
24 did it drop? So the CAMS can ask the right questions and
25 can solicit the information they need that will help the

1 industry to resolve that, or that company to resolve that
2 issue rather than trying to figure out, well, what does this
3 complaint say.

4 You know, you spend a lot of valuable time trying
5 to figure out what in the world are they asking or
6 complaining about. So I would like to see increased
7 training and interaction with the consumer, disability
8 communities and industry.

9 MR. STOUT: Okay. I'm sorry. Who seconded that?
10 Bob, okay. Thank you, Bob.

11 MR. CHROSTOWSKI: Bob Chrostowski, TIA. Regarding
12 item C, I want to tell you that industry is also concerned
13 somewhat about service access quality. It has been brought
14 to my attention, for example, part of my committee work,
15 that there has been a noticeable decline in the number of
16 registrations under FCC part 68 for telecommunications
17 equipment. And some of the members of our industry have
18 taken it upon themselves to go shopping and have noticed
19 that the equipment available on the shelves -- and I would
20 say this might especially be appointed to consumer items --
21 do not carry the FCC part 68 required registrations and the
22 like.

23 So we're looking at this ourselves. Maybe I'll
24 have some more information on this at the next meeting.

25 MS. ROOKER: Thank you, Bob. That's an

1 interesting comment.

2 MR. STOUT: Okay. Shirley?

3 MS. ROOKER: I'm sorry. I was just commenting
4 that what Bob was saying was interesting. Perhaps we should
5 consider that as an agenda item.

6 MR. STOUT: Okay.

7 MS. ROOKER: We're getting perilously close to
8 time.

9 MR. STOUT: Let me face the problem of adding --
10 yes, you're right, Shirley, we are. Are there any further
11 problems accepting the recommendation regarding giving
12 training on the interaction for business and industry? Part
13 A, in other words. Adding the word "business," okay.

14 Okay. Now let's move on to recommendation No. 6.
15 Again, I have been asked not to read the text of the
16 recommendation.

17 (Pause)

18 MR. STOUT: Larry.

19 MR. GOLDBERG: This point came up when we were
20 rushing to make some recommendations at the last meeting,
21 that there is definitely a concern that the generalized
22 complaint channel at fccinfo@fcc.gov is just not really
23 equipped to deal with generalized disability access issues,
24 and in particular ones about captioning description, and
25 that we were really were hoping that the FCC would consider

1 bringing back the access at fcc.gov e-mail address that was
2 taken away because it's just getting lost in the mix, these
3 kinds of complaints and issues.

4 And so I think maybe the recommendation could be
5 more specific about the e-mail address, as well as if others
6 would like to see this broadened beyond captioning of video
7 description regarding other disability access issues.

8 MS. BURSTEIN: Yes. This is Diane Burstein from
9 the National Cable and Telecommunications Association. I
10 guess in reviewing this recommendation, I was wondering,
11 given cable operators at the local provide all of their
12 customers about information about how to seek additional
13 information -- they have customer service representatives at
14 the local level. I just wasn't sure exactly what this
15 recommendation was going towards in terms of a single point
16 of contact for resolution of complaints. There already is a
17 complaint resolution process that has been set up in the
18 FCC's closed captioning rules, and I wasn't sure if this was
19 designed to do something other than what is in the rules
20 today.

21 MR. STOUT: Okay. I'd like to respond. The first
22 sentence, where we say the FCC should require companies to
23 provide a single point of contact regarding complaints
24 regarding closed captioning or video description, that would
25 be specifically access for communities who depend on those

1 services.

2 Often you'll see captioning disappear from a
3 program or words will be spelled so wrong you cannot
4 decipher what their intent was. And when the consumers try
5 to contact someone by phone, often there is no one there.
6 There is no one who answers the complaint. And again,
7 sometimes we're asked to send to a general e-mail address,
8 and we do not know who to expect to follow up with. So the
9 working group is recommending that whether it be on the web
10 or perhaps also the TV guide, the point being that we know
11 with whom to file a complaint regarding problems with
12 captioning or video description.

13 Does that clarify?

14 MS. BURSTEIN: It does to some extent, except that
15 I think under the FCC's procedures that were established in
16 the closed captioning rules, the first point of contact is
17 the cable operator. And in that instance -- I mean, there
18 may be issues with -- technical issues with the captioning
19 not going through, or there may be issues with the
20 particular program network not being captioned or being
21 exempt from captioning obligations.

22 But I guess it would be helpful for me to
23 understand where when you say that there are issues that
24 have arisen, if it is issues not being able to contact the
25 local cable operator or who this contact person is, I guess,

1 that you would want as a single point. And I guess my
2 overarching comment is is this really a recommendation that
3 the FCC needs to require at this time, or this is something
4 where the feasibility might be studied.

5 MR. STOUT: Well, discussion, further discussion?

6 MR. CRAFT: I wanted to follow up on Diane's
7 comment. This is Roger Craft speaking. Which companies are
8 you referring to, I'm wondering, for TV companies, TV
9 stations, or the captioning companies, or what? Because the
10 TV stations, in some cities, are required to provide
11 captioning, and then they often use out of the area
12 companies. So I'm thinking perhaps the language here should
13 be a bit more specific and specify whether it's TV stations
14 or caption providers, or third parties.

15 MR. STOUT: Well, it depends on the nature of the
16 problem itself. It could be from the TV station. It could
17 be from the program itself. It could be from the caption
18 provider. But the point is, once we file a complaint with a
19 person, we want to know who we should follow up with the
20 complaint because if we only have that initial general
21 contact, we tend to get the runaround, and we'd like to know
22 who all will be involved in this process.

23 I think this is a good starting point, though.
24 That's what we're asking for. Larry.

25 MR. GOLDBERG: Diane is right that under the FCC

1 rules, there is an explicit procedure for complaints to be
2 filed for captioning rules in particular, but description
3 travels pretty closely with them. And you're supposed to
4 file your complaint first with the company, whether it's
5 cable or otherwise. But I think the problem that Claude
6 might be point out is who or where at the company is this
7 complaint supposed to be filed.

8 I don't know if the FCC rules are that explicit.
9 Even, Diane, if you say the local cable company, but, you
10 know, what does that mean, where consumers don't really
11 don't even know where or who might be the person under those
12 explicit FCC complaint procedures.

13 MS. ROOKER: Excuse me. I'm going to have to
14 interrupt.

15 MR. STOUT: Okay.

16 MS. ROOKER: Could we take a break now for lunch
17 and come back at quarter of 1:00? And we'll spend -- I
18 mean, excuse me, come back at quarter of 2:00, and we'll
19 spend 15 minutes until 2 o'clock finalizing the
20 recommendations on this working group, if that's agreeable
21 with everyone. Okay? It means grab a fast lunch.

22 Those of you, you public numbers, you can use the
23 cafeteria for lunch. We do have lunch provided for the
24 committee members. But the cafeteria is on what floor,
25 Scott?

1 MR. MARSHALL: The courtyard level, there are two
2 cafeterias, which is one floor up from this level.

3 MS. ROOKER: At quarter of 2:00, please.

4 (Whereupon, at 1:10 p.m., a luncheon recess was
5 taken.)

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(1:45 p.m.)

MS. ROOKER: Could we encourage everyone to come back to the table because we have got a very busy agenda?

(Pause)

MS. ROOKER: Okay. We're coming back to work. If I could get your attention, please. I know lunch time is too short. What do you want, Rich? I can hear you. Oh, thank you. You're the only one.

MR. McELDOWNEY: Wait a second. I'm listening, too.

MS. ROOKER: No, you're not, Ken. You're here, but you're not listening. Okay. If we could return, please, to the business at hand. I'd like to turn the floor back over to Claude. We would like to resume with the working group, Claude's working group. Claude, let's go for it. Thank you. I'm sorry that we had to interrupt you.

MR. STOUT: Okay. Now before we broke for lunch, we were still discussing recommendation No. 6. So I believe, if I remember correctly, we were talking about four and four six, four being trapped regarding the decision on 4(b). I'm sorry.

Right now we're discussing recommendation No. 6. No. 6 seems to fit well with what we decided on recommendation No. 4. Joe?

1 MR. GORDON: In recommendation No. -- Joe Gordon,
2 League for Hard of Hearing. In No. 6, is it possible or
3 doable to insert a paragraph saying the FCC should ask the
4 network and cable channels to examine their -- or to go
5 through their program logs and advise the FCC which programs
6 are closed captioning as of January 1, 2002, i.e., 50
7 percent requirement?

8 MR. STOUT: Okay, Joe. This is Claude speaking.
9 I think actually Joe's point is not related to
10 recommendation No. 6. I believe that would be a separate
11 issue. So perhaps if you will propose it later, after our
12 work group discussion.

13 MR. GORDON: All right. The only reason I did
14 that is because in the first paragraph you are talking about
15 compliance of captioning of video, and this would help the
16 FCC know whether a complaint is valid or not. Many times
17 people complain this program is not captioned, and it
18 doesn't have to be captioned because that channel has
19 reached their 50 percent or more of compliance. But I'll
20 try to bring it up later.

21 MR. STOUT: Okay. Further discussion?

22 MS. ROOKER: Could we go back to address -- I just
23 wanted to address the issue that had been brought up before
24 about the single point of contact. Is that not a concern
25 for people to have one name up there? I thought that was

1 the issue we discussed, and it was not a person, but it was
2 going to be an office. But here, the recommendation is
3 making it an individual. Should that not be changed to a
4 point of contact rather than an individual?

5 I think, Rich, you raised that point before.

6 MR. ELLIS: Clarification. The single point of
7 contact for consumers to contact or for the FCC to contact?

8 MR. STOUT: For consumers to contact. Susan and
9 then Larry.

10 MS. PALMER: I think the parallel here that was
11 drawn was this was more similar to 255. So the issue is
12 very specific. So it was appropriate to have a single point
13 of contact. I mean, we could put name or names, but similar
14 to 255 rather than a general complaint line, so it's okay.

15 MR. STOUT: Okay. Larry.

16 MR. GOLDBERG: I'm definitely all in favor of
17 finding a streamlined way to try to chase down so many of
18 these problems. And talking to my colleagues at cable and
19 broadcasting, the problem is that finding where the problem
20 resides is so hard. It can be at the local broadcast level,
21 the local cable, the national network. So there really
22 isn't a single point of contact anywhere. There would have
23 to be multiple points. And I think Diane will tell you in
24 some areas, you could say general manager generically on the
25 local level. But it is difficult to chase it down. And so

1 you really need, when you have a problem or complaint, to
2 find a way to address it to multiple points.

3 MR. STOUT: Actually, I believe Rich had his hand
4 up first, and then you, Diane. Oh, Diane did. Diane?

5 MS. BURSTEIN: Thank you. I was just going to
6 follow up and say again, at the local cable system, my
7 assumption is that you would call the customer service
8 representative, I mean, if you have an issue with captions
9 not showing up at a particular point in time. And I guess
10 is that a single point of contact that you would think of?

11 MR. STOUT: Yes, right. Well, not only do we want
12 a single point of contact, we want the name of an individual
13 that we would know who would be going on to handle it, who
14 would become involved so that if we don't hear from that
15 person in a while, we can go back to that individual and
16 say, so what is the follow-up on my complaint? How are you
17 going to be resolving it?

18 If we have only a general point of contact, how
19 are we going to know what has become of our complaint?
20 Micaela?

21 MS. TUCKER: Before I start -- Rich, am I
22 interrupting your turn? Okay. I think that maybe what my
23 fellow industry representatives will say is it might be
24 helpful for the FCC in clarifying the complaint process with
25 consumers to stress to them the importance of getting the

1 name of the person they deal with at the point of contact
2 for customer care at the company. And the reason is this.
3 Even when I get a section 255 inquiry or complaint directly
4 from a consumer, if the complaint is about customer care at
5 Nokia, there is almost nothing I can do if I don't have the
6 name of the person that they originally talked to. And if
7 they did have that name, they could go back to customer care
8 to follow up and would be given that person.

9 So when I get somebody saying, look, I'm calling
10 because I already called customer care and my complaint
11 wasn't resolved. If I can't go back to that person, I can't
12 verify that this person had called in the first place. I
13 can't see what had been done, if there has been any
14 progress. All I can do is send out a general message.

15 So maybe part of this is clarifying in the
16 complaint process and in helping consumers understand what
17 they need to do and whether what they're doing is an inquiry
18 or a complaint. Also telling them the importance of knowing
19 who they're talking to at the customer care level.

20 And, Diane, I think that I've called my local
21 customer -- I mean my local cable company, and that's what I
22 do if I want to follow up again.

23 MR. KALTENBACH: Matt Kaltenbach, Sony Ericsson to
24 follow up on Micaela's point. I think it's important --

25 MR. STOUT: Hold on one second. I believe Susan

1 was first.

2 MS. PALMER: I have a question since I'm not in
3 the cable area. Do most cable companies have either a TTY
4 line and people trained or people in their customer care
5 trained to take TRS calls? I'm not sure what the standard
6 practice is. And most of them require an IVR because if
7 there is an IVR interface, then you have just blocked out
8 contact. So I'm just not sure of what the experience is.
9 It might be all taken care of. You might have a national
10 center like we do for our company, but I was just curious.

11 MS. BURSTEIN: I'm sorry. I really don't know the
12 answer to that. I'll have to look into that.

13 MR. STOUT: Okay. Matt.

14 MR. KALTENBACH: Thank you, Claude. To follow up
15 on Micaela's point, I think it's important not just to be
16 able keep contact information for customer service or where
17 the incoming complaint occurs, but for the entire chain
18 where that complaint has gone. And I'm pointing back to
19 some letters that we were sent where an actual complaint got
20 filed with the FCC, but we never really were notified that a
21 complaint had occurred. And when we followed the chain of
22 contacts where that person had gone, we actually had to
23 backtrack to determine what all of the issues were and then
24 just solve the problem, which is always very
25 straightforward, and it's a relatively straightforward

1 process if you've ever been through it.

2 But I think the point that Micaela made was I
3 think we should forward a recommendation that the point of
4 contact and/or the entry point of that complaint into the
5 process, which was the consumer representative, needs to be
6 captured. And I'd like to expand that to say that for that
7 complaint process, the entire chain of contacts should be
8 maintained so that you can go back and look at the process
9 and who was contacted and try to resolve it, and then
10 educate not just your initial service representative, but
11 the chain of command to make sure that everyone is sensitive
12 and participating in resolving these complaints.

13 MR. STOUT: Yes.

14 MS. KIRSCH: Hi. It's Karen Kirsch from the NAB.
15 With all due respect to the last statement, that's a burden
16 that I think a lot of companies would not have the resources
17 to handle, to actually list on paper every time --

18 MR. KALTENBACH: It's the FCC.

19 MS. KIRSCH: Oh, you're talking about the FCC?

20 MR. KALTENBACH: Yeah.

21 MS. KIRSCH: Okay. Well, then fine.

22 (Laughter)

23 MS. KIRSCH: And that leads to the next point that
24 I was going to make, is that for local television stations,
25 the general manager handles complaints of this type, as well

1 as any other programming issues. But I think that we need
2 to look at the FCC and have them -- they have got an
3 enforcement bureau. They also have a help line, which is
4 supposed to handle consumer issues. And I think we need to
5 really take a look at what they're doing with the resources
6 that they have in place and turn this issue not only -- not
7 just to them, but ask exactly what they are doing in this
8 respect.

9 MR. STOUT: Okay. I'd like to respond to that. I
10 think that the issue is a lot of complaints come into the
11 FCC because some companies and community do not respond to
12 complaints. And I think we need to remember FCC has limited
13 resources, limited staff for handling complaints in a timely
14 fashion. I think that if the FCC shakes things up regarding
15 the formal complaints and informal complaints, perhaps the
16 business community -- now again, some companies are doing a
17 good job; others are not. And we'd like to motivate those
18 who are not to do a better job to get their house in order.

19 A lot of complaints can be resolved between the
20 consumer and the industry and the business without the FCC's
21 help or intervention. A lot of complaints would be easily
22 resolved quickly if the companies and the business community
23 themselves used the appropriate resources. We can't be
24 going to FCC all of the time. FCC does not have the
25 resources to resolve all of the complaints.

1 It should be a coordinated effort. We should be
2 working together to help the FCC rather than going to the
3 FCC all of the time, but you use the resources that out
4 there more wisely. And I think that would make sure that
5 consumers are satisfied with the responses that they get.

6 We have got many consumers who are still waiting
7 for the FCC, but yet FCC is so overwhelmed with the
8 complaints. If the business community got their act
9 together, they wouldn't have an impact on the FCC. I think
10 it's a burden on all three parties, the consumers, the
11 business community, and the FCC to work it out together.

12 MS. ROOKER: Claude, I'm sorry, but we're running
13 -- we have got to move this on because we're out of time.

14 MR. STOUT: Okay.

15 MS. ROOKER: Is there some way that we can wrap up
16 with recommendation seven and eight and take a vote?

17 MR. STOUT: Okay. Certainly. Would anyone like
18 to discuss more of recommendation No. 6? Seeing no hands
19 up, let's move on to recommendation No. 7. Please read
20 recommendation No. 7. We recommend that the current
21 complaint forms be reviewed to ensure that they effectively
22 address specific consumer and disability access issues. Any
23 discussion on this recommendation? Joe.

24 MR. GORDON: I would have liked to see -- I've
25 never seen a complaint form. I have never seen a -- am I

1 on? I have never seen a complaint form, and I would assume
2 that a letter or an e-mail or some other way for a consumer
3 to submit a complaint to the FCC would be accepted. Has
4 your committee looked at an official complaint form before
5 making this statement?

6 MS. ROOKER: Can I make a statement here? Why
7 don't we ask -- we could ask Martha if she could bring a
8 complaint form with her. I'm trying to move this process
9 along. I'm sorry. We're out of time. Would it be --

10 MS. PALMER: Shirley, can I please clarify?

11 MS. ROOKER: Sure.

12 MS. PALMER: This had to do with having the FCC
13 review their forms internally. So what we're saying is they
14 look at it and see if it meets these specific needs from
15 these perspectives. So I don't know that we need to have
16 her bring them in. We just want them to look at it and make
17 sure it meets the needs.

18 MS. ROOKER: Okay.

19 MR. GORDON: I thought it was a consumer form.
20 I'm sorry.

21 MR. KALTENBACH: Real small, very small.

22 MS. ROOKER: Very small because we're out of time.

23 MR. KALTENBACH: All right. I think the issue
24 that we're seeing in No. 6 that has been pointed out to me
25 is the fact that this widens the scope of 255 into

1 captioning and video description service that may not have
2 been there before. The rest of it looks pretty much like
3 255, and that widening of the scope into those services
4 might be something that needs to be discussed in a separate
5 form.

6 MS. ROOKER: Are you making a recommendation that
7 No. 6 be removed from the discussion and the voting? I'm
8 not sure what your comment is.

9 MR. KALTENBACH: My comment is that I'm hearing
10 that the widening of the scope of 255 into video services,
11 which is part of recommendation six --

12 FEMALE SPEAKER: It's not related.

13 MR. KALTENBACH: No.

14 MS. ROOKER: No. That isn't what they're saying.

15 MR. GOLDBERG: I have a suggestion to help you
16 move this along.

17 MS. ROOKER: Please. Thank you.

18 MR. GOLDBERG: This is a different section of the
19 bill, 714, not 255. But it is also required. Because I
20 don't think we want to walk away from this long, long
21 discussion about complaints without having done something --
22 that would be unfortunate -- I'd like to bring back to the
23 original recommendation, and reading something like this:
24 We strongly recommend that the Commission expands its
25 ongoing outreach efforts to both consumers and industry to

1 assure a more effective consumer complaint process.

2 The details and recommendations, I don't think
3 we're going to resolve all of them today. We have the
4 document. But I'd hate to see us walk away with no
5 recommendation at all on consumer complaints. A suggestion.

6 MS. ROOKER: I'm not sure that there is a lot of
7 disagreement on the recommendations. Do you feel that way?
8 I mean, I think we have moved through them, and everybody
9 has been in agreement with everything. It seems that the
10 comments --

11 MR. GOLDBERG: Well, the single point of contact
12 definitely was a problem.

13 MS. ROOKER: Well, I think that was resolved
14 because -- yeah. And the complaint forms is not really an
15 issue. That's an internal review that we're discussing.
16 So, I mean, if you have some reservations, if everybody else
17 has reservations -- I'm sorry. I don't know your name.

18 MS. KIRSCH: Hi. Karen Kirsch. So a point of
19 clarification. The first line of recommendation six has
20 been taken out, and there is new wording?

21 MS. ROOKER: No, no. He was not talking about
22 recommendation No. 6. He was referring to the introduction
23 to the whole complaint --

24 MR. GOLDBERG: The whole thing.

25 MS. ROOKER: -- recommendations, which I believe

1 we had changed to make it stronger, had we not? Yes.

2 MR. GOLDBERG: More detailed.

3 MS. ROOKER: Perhaps what we should do, because we
4 have got someone from the FCC scheduled to come in here, and
5 I've moved her time to 3:30, if we want to take the time
6 after that, we will have some time. We won't have a whole
7 lot because we have got three members at least that I know
8 of from the public sector who are here to make comments, and
9 I have to allow them time.

10 What is the sense of the committee? I had the
11 feeling that we were moving towards the ability to vote on
12 this, but now is that the consensus of the group? Okay.
13 I'm sorry, Claude, to do this, but I really have got to
14 expedite it. Can we take recommendation No. 8? Do we have
15 any problems with that? Can we accept it? I think it's a
16 rather generic, general statement.

17 Okay. Ken.

18 MR. McELDOWNEY: I move the adoption as modified
19 during the discussion.

20 FEMALE SPEAKER: I second.

21 MS. ROOKER: Of all eight recommendations?

22 MR. McELDOWNEY: Of all eight.

23 MS. ROOKER: Okay. The motion has been made that
24 we accept the eight recommendations as modified.

25 FEMALE SPEAKER: I second.

1 MS. ROOKER: We have a second on that. Do we have
2 a vote?

3 FEMALE SPEAKER: Call the question.

4 MS. ROOKER: Call the question, a vote on that.
5 Aye, accepting?

6 (Chorus of ayes)

7 MS. ROOKER: The abstaining? Okay. Then it has
8 been accepted. Thank you, Claude. I'm sorry to have to do
9 that, but it has really gotten -- the time element has
10 gotten beyond us. Okay. Now we're going -- and that's an
11 excellent job. I want to thank you all for the thought that
12 you have put into it. We appreciate that very much, Claude.

13 Now we're going to Micaela Tucker and the
14 disability subcommittee, who has been hard at work, and I
15 have read their work, and I still don't understand it. So
16 having said that -- Micaela knows what I mean. I've talked
17 to Micaela about this. No. We're going to add a glossary
18 for one thing. She is going to make some comments on it.
19 We want to make it a little more consumer friendly because
20 some of us here are not as technical as the rest of you.
21 Thank you, Micaela. You all have done some good work. You
22 know I didn't mean to disparage it.

23 MS. TUCKER: Thank you very much, Shirley. I do
24 want to apologize and ask for your patience with some of the
25 technical language that's in here. We are fortunate to have

1 some technical and very experienced people on our
2 subcommittee. I'd like to thank them for their input, for
3 their work, and for their attention to these issues.

4 I have a few opening remarks, but I do want to say
5 that I will go back and make a technical definition section
6 or page to put at the front of this report. And then I'll
7 also go back and make every effort I can to substitute lay
8 language for technical terms when possible. In some
9 instances, it's not possible, but I should be able to
10 capture them in one way or the other through definitions or
11 changes.

12 I want to highlight -- I will in my opening and
13 closing remarks, and this is very short. So you're not
14 going to be sitting here for too long. Two of the main
15 issues that come up over and over again.

16 Nearly every discussion about disability access
17 that I have had in the past year with this subcommittee and
18 outside of it, there is the prevailing issue of
19 communication. And we have heard much of that today from
20 the outreach committee and from other people on this
21 committee. Consumers are not able to access the information
22 they need, either through their usual information sources at
23 their point of purchase of products or services or sometimes
24 even on the Internet.

25 There is information out there. For instance, the

1 FCC has information, and also industry web sites have
2 information as well. But existence of that information is
3 sometimes little known or hard to access or find. From the
4 industry point of view, manufacturers have complied with
5 Section 255 and Section 508 in some significant ways. But
6 consumers don't always know about it.

7 The industry groups, the industry interests need
8 knowledge from consumers about effective means of
9 communication beyond what is already in use. Encompassing
10 all of this needs to be an efficient means of updating
11 information as it changes, and that is often weekly or
12 monthly, to keep up with the pace of product development and
13 availability.

14 Some of these issues will be discussed in the
15 subcommittee priorities. In the meantime, technology
16 continues to emerge that inconsistently satisfies customer
17 needs, and especially customers with disabilities. Whatever
18 the reason for it, there is a clear need for an effective
19 mode of information sharing between regulators, consumers,
20 and product designers about emerging and especially future
21 technologies while maintaining the confidentiality necessary
22 to maintain a competitive marketplace.

23 The disability subcommittee has had discussions
24 over the preceding year about disability access and
25 communication needs. And I as the subcommittee chair have

1 compiled this information. So I hope that everyone will
2 excuse any omissions. However, the subcommittee has had
3 plenty of time to review the report. So I'm not expecting
4 too many complaints.

5 The priorities are a combined list of items that
6 were in discussion. Overall, there were 20 main items that
7 were listed. And we found that many of them fell under
8 subcategories and in the end came up with top 10 priorities.

9 Those are listed on page 3 of the subcommittee report. And
10 I won't go over them list by list because ultimately they
11 fit under two categories. One is section 255 issues, and
12 the other is TRS, which means telecommunication relay
13 service. Anyone want to correct me if I'm wrong? That's
14 what I thought. So I will go over the items as they fit
15 under those two workgroup suggestions.

16 Finally, there are a few that don't fit either one
17 of those that maybe fit for a standards workgroup, or to
18 avoid the use of standards, a definitions workgroup.

19 So the first working group that we recommend is a
20 telecommunications relay service workgroup. And that would
21 include quality assurance issues, outreach and education for
22 a wide range of constituencies on a wide range of topics,
23 but especially within our group we hear about the need for
24 publicity about Speech to Speech, and better access to basic
25 network functionality, reimbursement to carriers for other

1 means of communication, such as video or to carriers not
2 following under the common carrier label. And what that
3 means is that common carriers get reimbursement for TRS, but
4 when there are other communication companies who are
5 providing this service that don't fit under the definition
6 of common carrier, they often are not reimbursed. So we're
7 asking for the FCC to review that.

8 The subcommittee workgroup concerns relevant to
9 section 255 would include appraising progress up to date on
10 compliance with section 255, ensuring better access again to
11 basic network functionality under section 255, improving
12 public awareness of the complaint process, which we have
13 discussed a lot today, encouraging multimodal access, for
14 example, voice controlled Internet access, improving access
15 to voice services, such as interactive voice response
16 systems. Susan mentioned that today, otherwise known as
17 IVRs. Ensuring emerging technologies incorporate accessible
18 design and do not push earlier, more accessible technology
19 out of the market. And we'll discuss that as an example
20 later in this report. And finally, exploring prototype
21 testing schemes, which will again protect company
22 confidentiality, but provide valuable user input. And this
23 is a major issue for industry.

24 The items not falling under either TRS or section
25 255 include, very importantly, defining functional

1 equivalence beyond the definition that is out there now.

2 And part of what was brought up in the subcommittee is that

3 there is still enough leeway under functional equivalence

4 for, for instance, procurement agencies as well as for

5 manufacturers, and for consumers, that often there is not an

6 agreement, and this is a source for complaints from

7 consumers because what they expect is not what they get.

8 And if there is a better definition out there, perhaps there

9 would be more satisfaction from consumers.

10 Also, creation of common standards or guidelines

11 that allow equipment manufacturers of both assistive

12 technology and mass market technology to find common ground

13 rather than waiting until something is mandated or until

14 something is already out in the market and there is

15 incompatibility. And finally, investigate and potentially

16 define a, quote, "handicap disability signaling standard."

17 And this was, I think, a brainstormed idea from the

18 subcommittee that perhaps for those who want it, there could

19 be a presignal to a communications line that would indicate

20 this is a TTY call coming, or this a relay call coming to

21 you without having to, say, pick up the phone, have a

22 hearing person pick up the phone, hear the TTY tone, put the

23 phone on the TTY, then start the communication, if there is

24 a presignaling possibility.

25 So there has been to date progress on many of

1 these issues. As I mentioned, the workgroup earlier has
2 already dealt with some complaint issues. In the November
3 30th meeting, there was a review of the first five years of
4 section -- I mean of the Telecommunications Act, and that
5 included some comments on section 255. And there was an STS
6 presentation. I believe that was done in March by Bob
7 Segalman with much acclaim, and we hope that there will be
8 further support and promotion of STS.

9 As it was mentioned this morning by Rebecca, there
10 are not enough people out there who use STS. However, the
11 need is crucial. The need is incredible for people to know
12 about it and to use it. We support the recommendations made
13 by the complaints and outreach group, and also feel that 711
14 service is a significant step forward for people to be able
15 to access relay.

16 We do still feel that there has not been a formal
17 review of section 255, and that that is needed, but
18 questions remain in our subcommittee about how that would
19 happen, who would do such a review, what the scope would be.

20 For instance, should the market monitoring report be
21 brought up again? Should it be reestablished? Or is there
22 another effective way of distributing the information? And
23 again -- and this is really important for us -- considering
24 the fact that the information changes on a weekly or monthly
25 basis, and not knowing at what point to freeze the progress

1 or to freeze the market to make an assessment, and then to
2 publish that information, knowing that it will in some ways
3 be already out of date.

4 So our subcommittee, I think, in terms of
5 actionable items, there are two things. One, we'd like to
6 go ahead and start the workgroups on the telecommunications
7 relay service and the section 255 workgroup to investigate
8 some of these issues and make recommendations. And then,
9 two, and very important, too, our progress, I think, as a
10 subcommittee as well as potentially as a committee as a
11 whole needs clarification from the FCC on certain questions.

12 Those questions include what kind of authority the
13 FCC has. For instance, does the FCC have authority to
14 enable better and more confidential collaboration between
15 consumers and manufacturer researchers, or is that out of
16 the scope and should that be sought elsewhere? What is the
17 current status jurisdiction over the Internet? Does the FCC
18 perceive that that jurisdiction would change and what would
19 be the scope?

20 I'll interrupt the rest of the questions to help
21 you understand why we're asking such questions and why
22 they're so crucial. People have said, well, you're a
23 committee. Go ahead and make the recommendations. We'll
24 pose them to the FCC, and then we'll see what happens.

25 For our group specifically, it takes a lot of time

1 and effort to discuss these issues and to come up with
2 recommendations. It's not a matter of, hey, we get on a
3 phone, and we say, let's do this. For us to discuss a
4 recommendation and come up with a final recommendation is
5 pointless if we're discussing things about which the FCC has
6 no authority at all, that won't be taken up. So we'd like
7 to clarify these issues so that we know how to move forward.

8 So to finish up with the questions, we want to
9 know how the FCC can act to ensure that new technology
10 improvements do not remove accessibility features for people
11 who depend on them. And specifically, this example that I
12 promised, for instance, voice recognition software has,
13 quote, "moved forward," in that it's becoming speaker
14 independent. However, if the speaker dependence completely
15 drops out of those functions, then the voice recognition is
16 no longer trainable. So people, for instance, who have
17 speech disabilities who cannot train voice recognition
18 systems all of the sudden have no access to many of the
19 communications device that they had access to previously.

20 There are already several technologies, software
21 packages, and products that have dropped out of the market,
22 making it very difficult for people with speech disabilities
23 to, for instance, use their personal computers or use
24 household items that rely on voice recognition technology.

25 Also, we'd like clarification on what type of

1 access issues concerning specifically Blue Tooth technology
2 is under FCC authority. Does the FCC have authority to
3 recommend or call for standards making? And again, going
4 back to funding, as the subcommittee suggests ideas about
5 how to improve awareness of disability related issues and
6 other outreach or potential solutions, what sort of funding
7 possibilities are there? And we'd like to know that so that
8 with the resources that we have as a subcommittee, we know
9 that there is a possibility or a probability that there will
10 be no funding for this, and that this ought to be, for
11 instance, an industry solution and not something to
12 recommend to the FCC.

13 Finally, I want to close with an issue that has
14 emerged for many manufacturers as accessibility regulations
15 and standards expand to Europe and Asia and as current U.S.
16 regulations extend to, for instance, telecom operators in
17 Latin America that have U.S. partnerships or U.S. parent
18 companies.

19 It is in the best interests of everyone that
20 accessibility requirements and standards are similar across
21 national and regional boundaries. Not only does this reduce
22 manufacturing costs and product costs, but more importantly,
23 it also ensures that consumers can expect the same level and
24 type of accessibility wherever they go.

25 The United States has served as leader in

1 accessibility standards before when the ADA came out and the
2 Architectural and Transportation Board came up with
3 architectural and transportation standards. There is an
4 immediate opportunity now for U.S. regulators, consumers,
5 and manufacturers to lead again in this area, and there is
6 not much time for us to wait.

7 Currently, Europe is coming up with regulations on
8 equipment, and Latin America actually, without even needing
9 regulations, is now implementing some accessibility because
10 of their relationships with U.S. companies. So it is really
11 incumbent upon us to look at those issues.

12 I'd like to open up the floor to discussion and
13 questions. I understand that I've gone through this
14 relatively quickly. But there you have it. Are there any
15 discussions or recommendations, specifically on the two
16 issues, one, to form the working group, and two, to ask the
17 FCC to answer these questions? Larry.

18 MR. GOLDBERG: Sometimes when we refer to section
19 255, we take that to mean all the access provisions of the
20 telecom act. But there is the other section that we have
21 wanted to address and have many times, and that's -- I
22 believe it is 714. It's the caption and description ones.
23 And they're not all resolved. Even captioning on Monday,
24 July 1st, the digital television caption rules go into
25 effect. And I'm sure our hands are going to be full of

1 compliance issues there, and we're still struggling to
2 comply with description ones.

3 So I wonder whether the section 255 committee on
4 issues could include -- and someone is going to have to
5 correct me if it's 714 -- 713? Which is the other parts of
6 the telecom act that deal with accessibility.

7 MS. TUCKER: Is there discussion or objection to
8 Larry's suggestion that we add section 713 to this section
9 255 subcommittee? I mean, not subcommittee. Excuse me.
10 Working group. So all in favor, say "aye."

11 (Chorus of ayes)

12 MS. TUCKER: Aye. Claude? Oh, sorry, sorry. Is
13 there any objection to any of the recommendations that we
14 have posed? Are there any questions of clarification?
15 Nanci.

16 MS. LINKE-ELLIS: I don't know if this goes back
17 to functional equivalence, but it has to do with the issue
18 of interoperability. And this is more for captioning --

19 MS. TUCKER: Can we get a mike?

20 MS. LINKE-ELLIS: Okay. Is it on? My question
21 has to do with if functional equivalence includes the issue
22 of interoperability as it pertains to captions. I do know
23 -- I'll give you a for instance in Los Angeles when "West
24 Wing" was shot in high definition, and it was on an Adelphia
25 cable network, and it's an NBC show. The captions were not

1 present. And there is a question of who it goes back to,
2 who is responsible, or how do we make sure that as all of
3 these technologies emerge, that they are capable of having
4 this interoperability.

5 Now is that functional equivalence or not? I
6 don't know. I just want to --

7 MS. TUCKER: I think it doesn't belong to the
8 definition of functional equivalence as it defined
9 currently. I do believe that interoperability is covered by
10 section 255, but I'm not sure. Are there lawyers in the
11 room who could correct me? We'll look into that. And that
12 could be actually part of the working group task.

13 Okay. So it sounds as if we are in agreement
14 about the recommendations. All in favor, say "aye."

15 (Chorus of ayes)

16 MS. TUCKER: Any against?

17 (No response)

18 MS. TUCKER: Any abstentions?

19 (No response)

20 MS. TUCKER: Okay, Shirley. I think we're done.

21 MALE SPEAKER: Let's have a hand for us.

22 (Applause)

23 MS. ROOKER: I'm speechless. I am totally
24 speechless. Who has ever known me to be without -- yeah,
25 right.

1 What I wanted to ask you was about the working
2 groups. Are you planning on setting up two working groups?

3 I mean, that's fine. I think that's an excellent idea.
4 You're going to establish those, I take it, right away since
5 the committee seems to feel that's a good idea.

6 MS. TUCKER: Those would be established right
7 away. They would be, obviously, open to anyone who is a
8 member of the subcommittee or the public. Participation
9 through the e-mail list would continue unless there are any
10 objections. That's laid out in the report. But we would
11 operate through the C/DTAC disability e-mail list. Are
12 there any objections to that?

13 MS. ROOKER: Is that acceptable?

14 MS. TUCKER: Is that acceptable under FACA rules?

15 MS. ROOKER: I can tell you this is a very active
16 e-mail list.

17 MS. TUCKER: Yes.

18 MS. ROOKER: Very active.

19 MS. TUCKER: I believe that there is a hand raised
20 from Paul.

21 MR. SCHROEDER: Paul Schroeder, APT. I missed it
22 if you said it. Where will the captioning and description
23 issues be put?

24 MS. TUCKER: Those will be under -- it will now be
25 called the section 255 and section 713 workgroup. And that

1 will encompass the video and captioning.

2 MR. SCHROEDER: Okay. Thanks.

3 MS. ROOKER: Do you think that you'll be able to
4 have a product of that workgroup for our November meeting?

5 MS. TUCKER: I do indeed think that we will be
6 able to have a product of that workgroup. And I will also
7 say to those people who are already just trying to decide
8 which workgroup they will be in, I will not be the chair of
9 either of those workgroups. So start fighting amongst
10 yourselves. I will be the chair of the subcommittee still
11 and will be happy to moderate and make sure that ideas are
12 captured. However, I will not be the chair of the
13 workgroups. Ron.

14 MR. BARNES: Ron Barnes with CTIA. The individual
15 issues within each of the workgroups that you talked about
16 will be discussed in the workgroups, and then they'll be
17 brought back to this committee for a larger discussion of
18 the items that this committee -- or the workgroups develop.

19 Is that --

20 MS. TUCKER: Yes. Under our charter, the
21 subcommittees and any workgroups thereof cannot make
22 recommendations directly. They have to be brought to the
23 committee, and then the committee either accepts or rejects
24 and makes recommendations itself.

25 MR. BARNES: So the opportunity for discussion of

1 individual items will come at the November meeting?

2 MS. TUCKER: Absolutely.

3 MR. BARNES: Okay. Thank you.

4 MS. TUCKER: Jim.

5 MR. TOBIAS: Pertinent to that, I think all of us
6 who watch the e-mail traffic go back and forth on those
7 specific items must recognize that in some cases there is a
8 good deal of specificity and a good deal of an indication of
9 an action that we want the Commission to take.

10 However, in some of the items, that is still
11 lacking. So I would move if necessary that the subcommittee
12 charge the working groups with the development of specific
13 action items for the Commission to take based on the issues
14 that are mentioned in that list.

15 MS. TUCKER: So done. Any objections?

16 (No response)

17 MS. TUCKER: Okay.

18 MS. ROOKER: Okay. Well, do we have any other
19 further discussions?

20 MR. TOBIAS: I don't know if this is out of order,
21 but this does relate to the disability subcommittee, and it
22 relates to a discussion that we had during the session, the
23 general session, that was about the universal service fund.
24 There had been discussion earlier of having a disability
25 component added to the universal service program, and I

1 understand there was some history to this, that during the
2 debate over the telecom act, there was in fact an attempt to
3 add such a disability component that failed.

4 What I would like to propose in the form of a
5 motion is that the committee strongly support the
6 development of a disability component of the universal
7 service program. And even though it has no force of law
8 even if the Commission were to adopt it, it would still
9 require new legislation. It would at least contribute to a
10 paper trail the next time that this issue comes up for
11 legislative review. And I don't know if it's out of order
12 to ask the committee to accept this right now, but I'm going
13 to offer it in the form of a motion that the committee
14 strongly supports the development of a disability component
15 of the universal service program.

16 MS. ROOKER: I don't know about the rest of you,
17 but I'm not sure I understand what that means. So I think
18 before we could accept --

19 MR. TOBIAS: Oh, you know what it means. I mean,
20 it's simple.

21 MS. ROOKER: It is?

22 MR. TOBIAS: Just vote for it.

23 MS. ROOKER: Right.

24 MR. TOBIAS: How far wrong could you go, Shirley?

25 MS. ROOKER: Oh, I don't know. I don't know.

1 MR. TOBIAS: Would you like me to explain the
2 motion?

3 MS. ROOKER: Yeah.

4 MR. TOBIAS: Well, many of the items that were
5 under discussion in the subcommittee had to do with funding.
6 We have talked a lot about funding of outreach efforts,
7 that states have a requirement to do outreach, but there is
8 a perception, at least in some states, that there is not a
9 sufficient dedication to the cause of outreach. And yet if
10 the Commission were on its own to add certain outreach
11 performance requirements, let's say, as part of TRS
12 certification, that that might be considered burdensome by
13 some states and might be objected to.

14 We have similar issues with respect to equipment
15 distribution. As you may know, there is about half of the
16 states in the country that give out TTYS and in some cases
17 other communication equipment expressly for the use of
18 people with disabilities. However, the coverage obviously
19 is not the same in all of the states, even the states that
20 have those programs. So there is something of an unequal
21 protection in a sense with respect to equipment distribution
22 programs. The same issue comes up of, well, how can we fund
23 these programs.

24 And at a sort of larger level, larger, more
25 abstract level, the original concept behind the universal

1 service has moved from, you know, kind of a purely
2 geographic, let's make sure that rural customers are served,
3 and has included now people with lower income, people who
4 were otherwise geographically or for other reasons excluded
5 from participation. And I think not just those of us in the
6 disability subcommittee, but this whole committee as a whole
7 would recognize that people with disabilities are one of
8 those categories. Yet there has never been within the
9 legislation in the universal service fund a statement to
10 that effect.

11 You know, I think that there are numerous
12 opportunities for writing specifics as to what would be
13 funded under that program. I don't intend to propose that
14 now. I do intend to propose that it be added to the docket,
15 as it were, when universal service fund legislation comes up
16 again. I gave you some examples of kinds of programs that
17 could be funded. I think they're analogous in many ways to
18 some of the geographical and income related measures that
19 exist already. And I'm certainly happy to hear discussion
20 about it from others who questioned what specifically I was
21 proposing.

22 Susan has asked me to reread it. The committee
23 strongly supports the development of a disability component
24 of the universal service program. And again, we're just
25 putting ourselves as a committee on record. The

1 commissioners will recognize that we have done so. But
2 there is really no net effect, aside from having established
3 that as a record.

4 MS. ROOKER: Rich.

5 MR. ELLIS: I'd like to weigh in as somebody who
6 has been involved a little bit with universal service.
7 There are a million issues involved here, and I'd be really
8 concerned about us, with our limited knowledge of this,
9 weighing in so strongly. I would recommend that -- I'd like
10 to propose we change your motion to say we support the
11 Commission study or review or something, just to put on the
12 Commission's radar screen, as opposed to putting a stake in
13 the ground saying we support it because we don't know enough
14 about the issues to really make that recommendation.

15 MS. ROOKER: Was that acceptable to you, Jim?

16 MR. TOBIAS: Well, not without knowing what all of
17 these complicated issues are. I mean, we did have a
18 presentation on universal service fund. And I understand
19 there is accounting problems and what have you. And in no
20 way do I want to portray this as a zero sum game, that, you
21 know, whatever existing programs have to get taxed in order
22 to fund this new component. I know that that poses an
23 additional problem for carriers because it essentially means
24 an additional burden. And I'm cognizant of that, but I
25 really don't want to retract it to the point of, you know,

1 encouraging the Commission to study it.

2 I think we might have two parts of this, one that
3 says that urge the Commission to study it, to study the
4 feasibility, to study what the funding requirements might be
5 for a number of specific programs. But I'd rather as the
6 consumer and disability committee take a stand in favor of
7 it rather than just a study of it.

8 MS. ROOKER: Susan.

9 MS. PALMER: I share Rich's concerns in that it's
10 too broad. From that statement, you could say does that
11 mean that people with disabilities have a higher income
12 level to qualify. I mean, it could be -- is equipment
13 involved? I mean, there are just so many things that could
14 be covered with that that I would feel uncomfortable with,
15 you know, giving blanket approval because that could be
16 interpreted 100 different ways.

17 MS. ROOKER: Is this something that we would want
18 to discuss further? Do you think it deserves perhaps a
19 working group to take a look at it, composed of the various
20 interests around the table? I mean, I personally don't know
21 that much about what he is talking about, and I certainly
22 would want more information. But that's a personal opinion.
23 Joe.

24 MR. GORDON: Shirley, if I understand what Jim is
25 talking about, in the state of Florida, they do give

1 telephone assistive equipment to all consumers that need it
2 if they're qualified without any means test. In the state
3 of New York, we have a bill called TANY, T-A-N-Y, telephone
4 access for all New Yorkers. It has been passed by the
5 assembly -- I don't know what the senate is doing with it
6 now -- which would also give assistive telephone equipment
7 for New Yorkers that need it, but with a means test.
8 Florida has no means test. New York is considering one with
9 a means test.

10 So maybe -- I like what Jim is proposing. But
11 maybe the subcommittee should see what states have at the
12 moment some with a means test, some without a means test,
13 what the equipment is, and then come back with a committee
14 report.

15 MS. ROOKER: Well, obviously we're talking about a
16 very complex issue here. We may be trying to put it into a
17 simple dimension, but I don't think it's going to work. I'd
18 like to make the suggestion that we form a working group to
19 take a look at this issue, and that we discuss it as part of
20 our November agenda items. How does that set with people?
21 Paul?

22 MR. SCHROEDER: Paul Schroeder. I would think the
23 subcommittee on affordable access available telecom could
24 and should take this up, if that's appropriate.

25 MS. ROOKER: Who is the chair of that committee?

1 MALE SPEAKER: Andrea?

2 MS. ROOKER: Andrea. She has left. I don't know.

3 I'm not sure but what there are other interests around the
4 table also that would like to talk about it. So perhaps we
5 should approach Andrea and ask her if she is willing to
6 spearhead the effort. Would that be productive?

7 I don't want to close off discussion on it, but I
8 feel like there needs to be some effort put into it so that
9 we know where we're coming from. Mike?

10 MR. DelCASINO: This is Mike DelCasino. I guess I
11 have to confess that I'm a little confused at this point.
12 My understanding of universal service was to provide -- and
13 please correct me if I'm wrong -- but was to provide service
14 to rural America and access to schools and libraries and
15 that sort of thing.

16 Now I'm hearing what sounds to me like lifeline
17 kinds of issues and things like that. It sounds like we're
18 crossing a lot of lines. And I guess I'm beginning now to
19 lean towards the notion that this is a very complex issue
20 that Rich and Susan mentioned. It's a very complex issue,
21 and we really need to step back and look at it. And maybe
22 we need to look at it in light of affordability and how it
23 fits in with lifeline and link-up and the TRS fund and all
24 of those other things that play in this game.

25 MS. ROOKER: Okay. Thank you, Mike. David?

1 MR. POEHLMAN: This is Dave Poehlman with the
2 American Council of the Blind. Excuse me. I've had a big
3 lunch. Yeah. This is the first time I've done that today.
4 I apologize. I usually make everybody laugh every time I
5 speak. But I apologize for not doing that before.

6 I just want to clarify what I see to be universal
7 service. Universal service has to do with anything that
8 requires a level playing field that needs help in obtaining
9 that level playing field with regard to telephone services.
10 So, you know, for example, you know, all the things that
11 are mentioned, plus I think fee free directory assistance
12 can qualify under certain circumstances as part of universal
13 service, activity, you know, availability activity. And
14 there are a number of aspects to this.

15 And I think that asking or noting that we support
16 an effort by the Commission to direct this is not -- you
17 know, is not a bad thing. I'm not opposed to forming a
18 working group. But I think the working group will come up
19 with the same conclusion.

20 I think there are precedents for this already. We
21 have the library act now, where we're asking that the
22 libraries who are receiving -- libraries in schools I think
23 it is -- who are receiving universal service funds to help
24 them with setting up their network infrastructures follow
25 the requirements of the ADA. And, you know, I see a number

1 of possibilities in this. So that's my take on it. And I
2 would welcome the opportunity to work with it, but I don't
3 see it as a very large issue for the committee right now.

4 It might become a larger issue when it goes up
5 through the process, and then we have to decide, well, what
6 exactly do we want to have it include as far as services.
7 But, you know, I see this as helping to provide braille
8 bills or helping to provide accessible documentation from
9 services, all kinds of very interesting and worthwhile
10 things that in some instances is not there partly because
11 the rationale is that the funding is not available or it
12 would cost too much.

13 MS. ROOKER: Your comments are well taken, David.
14 Susan.

15 MS. PALMER: I think this goes back to the bigger
16 issue of funding. How do we get equipment or services in
17 the hands of people who need it? So I would strongly
18 support having a working group to look at affordability and
19 issues, and then specifically to look at universal services,
20 one aspect of that.

21 I think it is a complex issue. There is statement
22 involvement. There are certain requirements by law. But
23 there may be other avenues or things that we haven't
24 considered, and I think it's worth putting time and effort
25 into it.

1 MS. ROOKER: Do we have any volunteers who'd like
2 to serve on this working group? David, okay. Jim, Susan.
3 Let me see. We have got Kate Dean, Mike DelCasino, Matt
4 Kaltenbach. And I'm sorry. Kaltenbach. I'm sorry.

5 MR. CRAFT: Roger Craft.

6 MS. ROOKER: Thank you, Roger. Roger Craft. Have
7 we got all those? Did I say everybody's name?

8 MR. MARSHALL: You might want to read them back.

9 MS. ROOKER: I've got David. Okay. Can you read
10 them back? We're getting the feedback here.

11 MR. MARSHALL: I'm having a technological burp
12 here. Hold on one second.

13 (Pause)

14 MS. ROOKER: Huh? He's not pressing the right
15 button. Get out, Scott.

16 MR. MARSHALL: I am pressing the right button, but
17 it's not cooperating with me.

18 MS. ROOKER: The button is not cooperating. We
19 have got a button. Well, let's just go over that again, and
20 I'll write them down. Sure. We have got David, Jim, Susan.
21 Paul, were you on this? Did you have your hand up? You
22 did not. Oh, Paul, you declined. All right. Kate had her
23 hand up. Who else down there. Mike, Matt, and Roger. Did
24 I get everybody. Hey, is that from memory or what.

25 MR. MARSHALL: Talk about low tech coming to the

1 rescue.

2 MS. ROOKER: You've got it. And Jim thinks he can
3 read my writing. Ha. He can't read either. Okay. You
4 think I don't know who these people are? You're probably
5 right. Okay. All right. Then we'll form a working group.
6 Paul? Okay. So we'll form a working group to study this
7 issue. I think we out of courtesy should let Andrea
8 Williams know since she is the chair of the accessibilities
9 working group. So why don't we just put her up -- pardon
10 me? Affordability. Excuse me. Why don't we just put her
11 on that? We'll ask her if she is willing to serve, and let
12 you all decide who is going to chair the working group. All
13 right? Sounds fair to me. I like the democratic process.
14 Okay. David?

15 MR. POEHLMAN: Are we -- I'm sorry. Paul was
16 next.

17 MR. SCHROEDER: If you're on this topic, I'll cede
18 my --

19 MR. POEHLMAN: No.

20 MR. SCHROEDER: Okay. Because I'm changing
21 topics.

22 MS. ROOKER: Okay.

23 MR. POEHLMAN: So am I.

24 MR. SCHROEDER: Oh, dear. Two points for the
25 disability subgroup to ask -- subcommittee to ask whether

1 these are appropriate for consideration. One is the -- I
2 believe it's a federal advisory committee. In any event,
3 the titled the council, the Media Security and Reliability
4 Council, that the FCC formed, I believe fairly recently.

5 I'm bringing it up because this council was
6 supposed to look at, among other things, the broadcast and
7 dissemination of emergency information through the media
8 regulated by the FCC. And I don't know what kind of
9 disability representation was originally included in the
10 council. I think there is some now. AFB I know has been
11 approached to join.

12 I raise it for two reasons. One is it may be
13 something that the committee should take a specific look at
14 because of the importance of the issues, obviously. And
15 number two, more broadly, to raise consideration of how
16 disability and I suppose other consumer groups -- this
17 question has come up before here -- are in general linked
18 into these kinds of FCC proceedings, where it might not
19 originally -- consumer and disability groups might not
20 originally be approached to be part of these activities.

21 That's my first point. The second one is again a
22 dicey area, but obviously there is a whole lot of milieu on
23 broadband commands, which may or may not have impact on
24 section 255. And so I'm remiss for not raising these to the
25 working group, but I will raise them to the working group

1 because I think it's an issue that we need again to take a
2 serious look at how this committee can in fact be a useful
3 advisor to the Commission on the impact of that issue, which
4 does not appear -- the disability-related impact, and there
5 may be others, do not appear to be given a whole lot of
6 weight here in this building.

7 MS. ROOKER: Micaela.

8 MS. TUCKER: I just want to comment to Paul that
9 there were a few questions along those lines that were
10 raised at previous meetings, and we haven't yet received a
11 comment back from the FCC. So I'll bring those up in the
12 workgroup, and we'll ask for a comment again, either
13 directly to Scott, see if he could follow up, or at the next
14 meeting.

15 MR. SCHROEDER: Thank you.

16 MS. ROOKER: Okay. Do we have another hand here?
17 Okay. David, you're in line.

18 MR. POEHLMAN: Hi. This is David Poehlman of the
19 American Council of the Blind again. I have two stones to
20 throw here. Let's see.

21 MS. ROOKER: Duck.

22 MR. POEHLMAN: One of them is I'd like to see --
23 well, I'd like to see us address some issues that I don't
24 think are covered in here so far with our disability access
25 stuff and possibly some other broader issues for the

1 committee. One of them is the new standards for cable
2 television that are emerging. Specifically, I have in mind
3 the open cable access protocol, which has some issues that
4 are partly relevant to consumer choice and partly relevant
5 to -- potentially relevant to accessibility in that the
6 consumer choice aspect seems to be that manufacturers might
7 not be able to produce the kinds of CPE, if you will, or
8 customer premises equipment in this case, or consumer
9 television set top boxes, that the consumer might want to
10 choose to bring into their home.

11 For example, it might not be possible to produce a
12 cable-ready television set once the open cable standards are
13 put in place and digital cable moves forward. And
14 accessibility issues come into play because of -- and also
15 the choice issue -- because of a security aspect, which
16 right now is built around, you know, being delivered in the
17 box, but could possibly be modularized so that it could be
18 put onto a card, which could then be inserted into the CEA
19 -- I mean the CE product, consumer equipment product, and
20 still have the standards compliance specification written
21 around it and also be accessible.

22 I've been doing a lot of research on this. I
23 posted some stuff on the disability subcommittee working
24 group list, to which a lot of people go, wow, what is that.
25 And so I'd like for us to be proactive as a committee or in

1 some way get involved at a relatively early level to see
2 where we are with this, what can we do to help FCC, what FCC
3 is doing with this, you know, that kind of thing. So that's
4 the issue I have. And I think I have another one, but I
5 don't know what it is right now, so I'll rest.

6 MS. ROOKER: Yeah. Well, you let us know when you
7 wake up there, David, and figure out that other one. Okay.
8 Now are you making a suggestion here that we include this
9 as a discussion item on the agenda, that it be subject to
10 study by the accessibility subcommittee? Or where are you
11 doing with these comments?

12 MR. POEHLMAN: Well, it's not just an
13 accessibility subcommittee issue.

14 MS. ROOKER: Okay.

15 MR. POEHLMAN: It's an issue for affordability,
16 accessibility, and if universal access ever strays over
17 beyond telephone systems into Internet, VOIP, TV, things
18 like that, then it will go into affordability.

19 That does bring to mind the other issue, though,
20 which closely parallels. VOIP has not been mentioned as --
21 maybe it's part of the emerging technology portion. But
22 right now, there are an awful lot of systems that if they
23 employ -- there are systems that are going in as voice-over
24 Internet protocol, VOIP, that are not hearing-aid
25 compatible. So I can get you some case studies that are

1 pretty weird, like one day a library system put in VOIP. Up
2 to that day, their hearing aid -- customers using a hearing
3 aid could call them up and talk to them. After that, they
4 couldn't.

5 So this is a very interesting issue. We're
6 discovering in some of the other lines of research that I'm
7 doing.

8 But the answer to your question, Shirley, is I
9 would like to have the committee explore the issue. And I'm
10 not sure what fashion it could be taken up in. I'd like for
11 us to discuss maybe that. But perhaps put it on the agenda
12 for a future meeting, maybe get some talent in here to talk
13 about it, or get some working stuff around it, or maybe find
14 out that it's just a wasted dust of wind here. But I think
15 there is some merit to this based on the information that I
16 have been able to gather and receive. And there are others
17 that I know of who I have talked to who have information,
18 and if they would feel free to comment and discuss it, that
19 would be good, too.

20 MS. ROOKER: Okay. Does anyone have any comments
21 or thoughts on this, or should we look into it and see if we
22 feel that it's an agenda item? Larry?

23 MR. GOLDBERG: This is Larry Goldberg.
24 Unfortunately, Diane Burstein, from the National Cable
25 Television, is gone. But her organization has a lot of

1 information on the issues that David is bringing up. And
2 perhaps she could be invited to bring someone to the next
3 meeting to talk about the impacts this next generation of
4 cable could have on consumer and disability issues.

5 MS. ROOKER: That's a fabulous suggestion. What
6 is her last name? Diane --

7 MR. GOLDBERG: Burstein, B-u-r -- she sits in for
8 Dan Brenner, but --

9 MS. ROOKER: Okay. Her cable -- okay. That's a
10 great suggestion. Jim?

11 MR. TOBIAS: What is the current status of the
12 Commission's jurisdiction on voiceover IP? It was part of
13 the 255 further notice of inquiry, and there has not been
14 any action? Scott, can you --

15 MR. MARSHALL: I don't believe so. But I'll
16 certainly check.

17 MR. TOBIAS: Because that I think should be part
18 of it.

19 MR. MARSHALL: Yeah.

20 MR. TOBIAS: I mean, if we -- you know. So can
21 you take as an action item --

22 MR. MARSHALL: All right. Just wrote it down.

23 MR. TOBIAS: -- to get some sort of status report?

24 MR. MARSHALL: Right, okay.

25 MR. TOBIAS: Thanks.

1 MS. ROOKER: Okay. So we look about getting some
2 experts in here all for the next meeting. Okay. I think
3 we're going to take a break. If you'll be back here at
4 quarter after, and then we have Martha Contee, who is going
5 to speak with us next. We're almost on time. Thank you all
6 very much. Thank you very much, Micaela. Thank you for
7 leaving me speechless.

8 (Recess)

9 MS. ROOKER: Okay. I'm going to get out the hook.
10 I'm really pleased this afternoon that we're going to have
11 a chance to discuss some of my favorite subjects, ripoffs,
12 or whatever we want to call them. And we're very fortunate
13 to have with us Martha Contee. She is the chief of the
14 Consumer Affairs and Outreach Division. This is a long
15 time. The Consumer and Government Affairs Bureau. How do
16 you remember all that, Martha? She doesn't. She counts on
17 us to tell us who she really is.

18 But at any rate, please join me as we welcome
19 Martha Contee.

20 (Applause)

21 MS. CONTEE: Thank you. Good afternoon. I am
22 very pleased to be here this afternoon with you, as Shirley
23 had asked that we discuss a little bit about telephone
24 scams. She specifically asked for information about the 809
25 scam, but I'm going to mention a couple of others to you

1 that we have come across, inasmuch as we're here this
2 afternoon.

3 The 809 scam works something like this. The
4 consumer gets an e-mail, a voice mail, or a page telling
5 them to call a phone number with an 809 area code, or some
6 other three-digit area code, to receive a prize or get
7 information about a sick relative. The consumer makes the
8 call, assuming that they are making a domestic long distance
9 call utilizing a regular three-digit area code, which in
10 this case was 809.

11 Rather than the consumer getting a local domestic
12 call, rather they are connected to a phone number outside
13 the U.S. and is charged extensively high rates for an
14 international call. Further, the consumer doesn't even know
15 or find out about the high-rate international call until
16 they get their phone bill. Then that's when they start to
17 process.

18 They will call the company on the phone bill and
19 ask information, and if they do not get it resolved, they
20 call us, the FCC, and that's where our informal complaint
21 process kicks in. Our consumer and mediation specialist, as
22 you heard earlier today mentioned, are the people who
23 actually take the complaints or inquiries and actually work
24 them and process them. Our goal is to bring that complaint
25 to resolution with the consumer.

1 We encourage consumers in each month when they get
2 their phone bill, you should always examine your phone bill
3 before you just pay your bill. Look at every line item on
4 that bill and question it as you would do an item on your
5 credit card or anything else that you have. If you cannot
6 get resolution from the company, you should come to us, and
7 someone is here readily to help you.

8 Another scam the Commission has come across is
9 what we call the Mexico collect call. And that is when an
10 operator calls the consumer's residential phone and tells
11 the consumer that he has a collect call from a family member
12 who has an emergency or perhaps an important message. The
13 operator will have all the relevant information, the
14 family's last name, the husband's name, or the wife's name,
15 and so you think it's a legitimate call.

16 The consumer accepts the call, believing that it
17 is truly a family member in need. The consumer reports that
18 they have been -- and then we get the call. The consumer
19 realizes once they get their phone bill that they have been
20 deceived by this, and get again a very high bill, and a lot
21 of case a fraudulent bill in this.

22 In these cases, we get a lot of inquiries, a lot
23 of calls to us directly, even before they go to the carrier
24 because all the time they don't on the line bill. They
25 might not have all the pertinent information. Or when they

1 call the number, they get a voice mail. So they call our
2 consumer center and get assistance.

3 In any of the scams, what the Commission does is
4 as soon as we are made aware of it, we do what we call a
5 consumer alert. We put the pertinent information out there,
6 put it on the web site. The CAMS utilize it. In addition
7 to that is that we -- when you call in the center or write
8 in the center about another telecom issues, we always make
9 this information available. So it's our way of getting the
10 extra information out. Even though you may be calling about
11 a general bill on your phone bill, they say, oh, by the way,
12 are you aware of this, and would you take this information
13 and share it with your neighbors, your community, your
14 family, whomever you need to share it with to get the word
15 out to them.

16 It's hard to do anything proactively on scams
17 because you don't expect them to happen, and you become
18 aware of them when a consumer has been victimized by it. So
19 it's the first inquiry that we get that we act on that. We
20 simultaneously pull together the consumer alert and get that
21 information out, in the hopes that no other consumer will be
22 -- or we get the word out before other consumers become
23 victimized with it.

24 One of the most recent -- except what Shirley has
25 today. She mentioned another one to me this morning. But

1 another one that we have seen most recent has been when a
2 consumer places a collect call from a public phone or a pay
3 phone intending to use one of the services like the 1-800-
4 CALL-ATT or 1-800-COLLECT. But suppose you misspell that,
5 or perhaps you misdial it, and you accidentally get another
6 carrier, someone maybe like 1-800-CALL-LAT. Honest mistake.

7 We make them all the time misdialing.

8 You get connected to the party that you want to
9 call. However, the phone company that connects you is not
10 the one you thought you were using. Instead it's a phone
11 company that secures 800 numbers with similar well-known
12 ones. So it's easier to misdial that number. And the
13 company is probably banking on the possibility that we may
14 accidentally make those misdials. We are human. We do it
15 all the time. And often these companies will not even
16 identify themselves. So again, by the time we get our phone
17 bill, it's two or three times greater than what we would
18 ordinarily pay for a call.

19 Again, what we stress, we stress, and we stress in
20 the consumer and government affairs bureau is that we should
21 always refer to our phone bill and ask questions. In other
22 words, if you're making a call and you believe it may be a
23 questionable call or long distance, ask information. That
24 information is out there for you. It's available for you to
25 ask questions.

1 We believe -- what we do -- let me back up for a
2 minute. What we do with the data that we get, we take the
3 data in the bureau and we look at the data, and we're able
4 to from the first call to look at it to see if there may be
5 some practice out there that is not fair and good practices.

6 So we utilize that data, and we're in constant dialogue
7 with other agencies, like the FTC, to share information.

8 Also, we have our enforcement bureau that we are
9 in contact with them on a daily basis because whatever we
10 collect, and we always send it over to them, there may be
11 some enforcement actions or something else that would take
12 place. It is very important, and we do it, I think, in this
13 Commission very well, is that we share information so that
14 we can curtail these things and to put a stop to anything
15 that may be lurking before it really have the domino effect
16 to it.

17 We believe that consumer education is the key,
18 that there is no way that we can -- it doesn't matter how
19 many rules you have unless we have consumer education, have
20 a savvy consumer, someone who just questions to know that we
21 aren't going to win this game. So the best consumer
22 protection is education and awareness. And that is what our
23 goal is in this bureau. That is what my goal is in this
24 division, is to work very hard on that.

25 And, Shirley, I think I will go to Q&A now if it's

1 okay with you. And you can share the one that you shared
2 with me today. As a matter of fact, I have given that to
3 the other part of our operation, and she is working on a
4 consumer alert as we speak. So we always -- when you have
5 information like this, share it with us. And our goal is to
6 get it out simultaneously.

7 MS. ROOKER: All right. I just learned what it's
8 about. It's a very interesting one. I just learned this
9 this weekend from our Call for Action director at Detroit.
10 She told me about one that's in the Detroit area because
11 most of us think that when we're dialing a 900 number, that
12 you dial 1, and you dial 1-900 or 976 or some combination of
13 letters.

14 Well, in fact, what is happening in Detroit is you
15 dial 313-976, and the rest of the digits, and consumers who
16 have been calling this and responding to these -- using
17 these numbers have been charged about \$27 for just placing
18 one call. And there is no preamble telling you that there
19 is a charge going to be levied.

20 So it's the first time that we have heard of them
21 hiding behind a local area code, which makes consumers think
22 they're just dialing a local number. I don't know what the
23 inducement is, but I know there are ads in newspapers, and
24 there are fliers advertising various and sundry things. So
25 I've got more information coming to me. But I got this in

1 an e-mail from here last night. So I just wanted to share
2 that with you.

3 I wanted to make a couple of more comments on the
4 809 area code, which I'm sure Martha is quite aware that the
5 Caribbean now has been expanded, I think, to what, 18 area
6 codes, and we're getting complaints from those other area
7 codes. So while we used to be able to alert consumers to
8 the 809, now we have got to give them a whole list of area
9 codes to watch out for.

10 And that brings up the question of why they are
11 able to call those as domestic numbers rather than long
12 distance, which we will address later.

13 And final comment you were talking about. You
14 know, there are companies out there that get names or
15 numbers that are very close to, for example, the 1-CALL-ATT
16 or COLLECT-ATT. And what they are called is they are called
17 fat fingers dialing. They're depending on people making
18 mistakes and getting their company, and they charge you
19 outrageous rates.

20 So anyway, thank you, Martha. You can just go
21 ahead and call on these folks, Martha.

22 MS. CONTEE: Ken.

23 MR. McELDOWNNEY: Yeah. I guess a couple of
24 comments. Oh, I'm sorry. That's a good point. I was
25 talking --. I guess a couple of things. One is that I know

1 that the 809 has been around, a scam, for probably 10 years,
2 if not more. And we have been in dialogue with the long
3 distance companies for a long time on this, who probably
4 just gave up, in terms of whether or not it would be
5 possible for them to do some type of selected blocking as
6 opposed to just blocking all international calls, so that in
7 much the same way that you're able to block 900 calls, you
8 would then be able to block that little sea of area codes
9 for the Caribbean.

10 So that's one point. The second point is that in
11 terms -- the other thing, I think, in terms of that is that
12 in the past, when we have talked to long distance companies,
13 they have sort of disclaimed any responsibility for saying
14 that it was the consumer who has to be alert, and there is
15 no way they can do -- you know, reverse the charges. That
16 may have changed.

17 On the collect calls from Mexico, this is one that
18 we stumbled upon several years ago when we got a bunch of
19 complaint calls to our Spanish hotline in Los Angeles. What
20 was interesting at that point -- this was then -- you know,
21 they were real collect calls, but still had very high
22 charges. We were told by the FCC that since it was a
23 collect call from Mexico, that the FCC did not have
24 jurisdiction because it was an international call.

25 So I guess part of this is just wondering from you

1 whether or not the FCC is now asserting jurisdiction over
2 this type of call.

3 MS. CONTEE: Well, of course, we don't have
4 jurisdiction over international, when it begins in Mexico.
5 But the Commission always takes it -- we never back off an
6 opportunity to try to facilitate all complaints by the
7 customer. Now we may have to work with other agencies. If
8 there is a jurisdictional problem, we'll certainly consult
9 with our international bureau to see what we can do to help
10 facilitate that.

11 In a lot of these issues, which is why we do more
12 -- try to do more pro-consumer because some of those is that
13 by the time we get to them, the carrier is gone. The
14 carrier, you know, has shut down, so we can't really do a
15 lot sometime to get a lot of the consumer's funds back. But
16 we are actively looking at that, and we have had some of
17 those, and we have actually worked to resolve some of those.

18 And some of the customers have gotten refunds on that.
19 Thank you. Yes.

20 MR. ELLIS: I just want to alert you to a new scam
21 that we're hearing about more and more. This is Rich Ellis
22 from Verizon, by the way.

23 MS. CONTEE: Thanks.

24 MR. ELLIS: It's a telecommunications related
25 scam. There has been a lot of talk lately about do not call

1 lists. And now the latest scam is the customer will receive
2 a call, and the caller says, I'm just confirming that you're
3 placed on the national do not call list. Could you please
4 give me your social security number or your credit card
5 number to confirm our database records. And people do it,
6 and the next thing they know, they find out that their
7 credit card has been wiped out. So that's a new one that is
8 floating out around there.

9 MS. CONTEE: Thank you very much. Shirley.

10 MS. ROOKER: I guess I'd like to ask the question
11 -- I know that calls to both Canada and the Caribbean are
12 placed as those they are long distance domestic calls
13 because we use the -- we just dial one. I'm curious as to
14 why the international operator is not required, because, I
15 mean, that is the reason these scams are so fertile is
16 because consumers don't realize they're calling
17 internationally when they dial one of these area codes.

18 Why is that set up the way it is? Does somebody
19 have the answer?

20 MS. CONTEE: Oh, I'm sorry.

21 MR. McELDOWNEY: Oh, I was going to answer it.
22 But go ahead.

23 MS. CONTEE: Okay. Maybe your answer will be
24 better than mine.

25 (Laughter)

1 MS. ROOKER: Ken will make it up if he doesn't
2 know the answer.

3 MS. CONTEE: I believe the 809 is part of the
4 national numbering plan, and so -- right. It's accessible,
5 yeah.

6 MS. ROOKER: It's an issue of what?

7 MR. ELLIS: It's part of the North American
8 numbering plan.

9 MS. ROOKER: Well, why isn't Mexico included?

10 MR. ELLIS: Central America.

11 MS. ROOKER: Well, I know, but it's a neighbor. I
12 mean, the Caribbean, it seems to me they're farther south.

13 MR. ELLIS: They have to draw a line somewhere.
14 They did it in Canada, the United States, and the Caribbean
15 was part of the North American numbering plan, in 19 --
16 whenever it was, 30 years ago.

17 MS. ROOKER: Is there any possibility or thought
18 of that being changed? I mean, who makes that decision?
19 Because, obviously, if we didn't have the ability to dial
20 one before these area codes, we wouldn't have the scams.

21 MS. CONTEE: We can certainly --

22 MS. ROOKER: Or at least they would be
23 significantly reduced. Yeah. I see I raised the telephone
24 people's hands.

25 MR. ELLIS: But you had to dial one to make that

1 call.

2 MS. ROOKER: You have to dial one.

3 MR. ELLIS: Yes.

4 MS. ROOKER: But you don't dial the international
5 operator.

6 MS. CONTEE: The international code she's talking
7 about.

8 MR. ELLIS: Well, yeah. It's not 011.

9 MS. ROOKER: No.

10 MR. ELLIS: But, I mean, that doesn't really solve
11 the problem. It will just move the problem someplace else.

12 MS. ROOKER: Well, it might, but these people are
13 outside the jurisdiction of the FCC. They don't have to
14 give a preamble, whereas if you're making a domestic call,
15 it is required even though it's not necessarily done. But
16 if it isn't done, at least you can report it to the FCC and
17 get something done about it. But the FCC doesn't have
18 jurisdiction in the Caribbean. And yet, they're still being
19 dialed as though they were domestic calls.

20 MR. ELLIS: They're being dialed as if they're
21 North American calls.

22 MS. ROOKER: No. But to the consumer, it's a
23 seamless thing. They dial it. It's a 1-809. They think
24 it's a call in the United States.

25 MR. ELLIS: But you dial the same way to call to

1 Canada.

2 MS. ROOKER: That's absolutely right.

3 MR. ELLIS: It's the North American numbering
4 plan. And, you know, to change the numbering plan to just
5 get that one little nub of a fraud, it raises a lot more
6 issues than it solves.

7 MS. ROOKER: It probably does.

8 MR. ELLIS: Unfortunately. I mean, the answer is
9 really consumer education, that you don't dial numbers you
10 don't know.

11 MR. KALTENBACH: Shirley?

12 MS. ROOKER: Well, yeah. I always tell them that.
13 Right, Mike.

14 MR. KALTENBACH: Shirley?

15 MS. ROOKER: Yeah.

16 MR. KALTENBACH: Matt Kaltenbach.

17 MS. ROOKER: Oh, Matt. I'm sorry.

18 MR. KALTENBACH: The question that comes up in m y
19 mind is why we don't have the ability of maintaining as an
20 option our preferred carrier. I mean, just because we have
21 a software-defined network where you could be billed
22 anything doesn't mean I shouldn't have the option by
23 pressing one or by preselection to say I don't want to make
24 any calls that don't go by my carrier. Therefore, I can't
25 be billed anything more than 7 cents a minute, 8 cents a

1 minute.

2 I mean, basically, that will block \$27 per call
3 transactions from occurring in software. Why can't that be
4 enacted?

5 MS. CONTEE: Well, there are some blocks that are
6 ***** for instance, the one thing that we recommend --

7 MR. KALTENBACH: Do you have information on those
8 on your web site?

9 MS. CONTEE: The phone company. It's your local
10 phone company that has that. As a matter of fact, one of
11 the things that we recommended in some of those is they put
12 blocks on international calls. If you're not one who makes
13 international calls routinely, that you put a block on your
14 phone so that you couldn't dial some of these international
15 numbers.

16 MR. KALTENBACH: I just want a block to my
17 carrier. That way, if I'm making an international call, I'm
18 not limited. It just prevents other carriers from grabbing
19 a hold of the software network and billing me.

20 MS. CONTEE: Yeah. I'm not sure that can be done,
21 but you can check with your local carrier and see what they
22 can block on your local side. I'm sorry.

23 MR. McELDOWNNEY: Yeah. Two things. One is if
24 we've got. I'm sorry. No. If you dial 809, you're using
25 your regular long distance carrier. It's just a regular

1 call. It's only if you're at a pay phone that it operates
2 differently.

3 But you did bring up something that might be
4 workable. I know that in California, we worked with Pacific
5 Bell early on with some of the calling card scams and things
6 like that. They set up a screening mechanism in which any
7 call that was more than X dollars a minute would be kicked
8 back. And so I think that that would be a way of addressing
9 the -- one way of addressing both the 809 stuff, but also
10 the collect calls from Mexico.

11 But I think -- my guess is that it has to be done
12 by your local phone company.

13 MS. CONTEE: Yes.

14 MR. KALTENBACH: I mean, we do the same thing for
15 e-mail. We have spam filters now, and we have to use key
16 words to filter out any mail coming into our box to keep
17 unsolicited e-mail.

18 MS. CONTEE: Spam, yeah.

19 MR. KALTENBACH: So we could do something similar
20 to that for the phone system.

21 MR. McELDOWNEY: It would actually be easier
22 because you could identify the subsections within the 809
23 that you could flag, and it wouldn't --

24 MS. CONTEE: Okay. Mike.

25 MR. DelCASINO: This is Mike DelCasino. The whole

1 809 issue and the 900 issue, I've got a little bit of
2 background on some of those things. They're really very
3 difficult to identify the scammer. And it's largely because
4 if you look at the 809 area code, there is a lot of calls
5 made from the mainland to 809 numbers that are legitimate
6 calls, people calling their friends and relatives.

7 MR. KALTENBACH: Yeah. But at the time you make
8 the connection, you're signaling group seven identifies and
9 set up the fee structure. So if you put a blocking filter
10 on there, it just won't complete the call.

11 MR. DelCASINO: To?

12 MR. KALTENBACH: One of these scammers. They just
13 disappear when --

14 MR. DelCASINO: And in the past, AT&T has done
15 that with some 809 numbers and with some 900 numbers after,
16 of course, getting the okay from the Commission because
17 you're not allowed to do that under the Commission rules.
18 But once we suspect that that kind of thing was going on --
19 dial-up porn is the perfect example -- you do that. You put
20 a block on that.

21 Twenty-four hours later, that scammer is on
22 another line.

23 MS. CONTEE: Right. He has got another number.

24 MR. DelCASINO: He has just moved his service, go
25 picks another number. He is on another line, and it starts

1 all over again.

2 MR. KALTENBACH: But if you do it by signaling
3 group seven, which is the actual call structure in the SDN,
4 then anything that's over so many dollars a minute or cents
5 a minute won't connect.

6 MR. DelCASINO: That's a possibility. Setting the
7 limit on the price is a possibility. I can imagine --

8 MR. KALTENBACH: It would remove the incentive for
9 these guys to pull these scams.

10 MR. DelCASINO: Yeah. It would be interesting to
11 know what that price level would be.

12 MR. KALTENBACH: I mean, that's going to be a
13 whole other discussion.

14 MS. CONTEE: Rachel.

15 MS. ROOKER: Let's see. I think the Sprint
16 representative was next.

17 MS. CONTEE: Oh, I'm sorry.

18 MR. SOWDERS: Okay. Is it on now? Okay. Just a
19 couple of things. In addition to the 809 area code, a new
20 popular one is the 876 area code to Jamaica, which is
21 perilously close to 877, so people think they're dealing a
22 toll-free number, and they're getting that same sort of
23 scam.

24 And then a quick note on the fat finger dialing
25 issue because when that issue came up this spring, the

1 people who were perpetrating that scam were actually Sprint
2 customers. So without saying too much of it because we are
3 now party to litigation, we have in fact terminated or in
4 the process of terminating our contracts with those people.

5 So we think we have done our very best to root out
6 that scam among people who are Sprint customers.

7 MS. ROOKER: Oh, they'll probably go to Verizon or
8 Bell Atlantic -- I mean AT&T. They're going to get me.

9 MALE SPEAKER: They wouldn't dare.

10 MS. ROOKER: They wouldn't dare.

11 (Laughter)

12 MS. ROOKER: Thank you, Travis. There were some
13 other hands. Rebecca.

14 MS. LADEW: This is Rebecca Ladew. I have a
15 question. How did this scam affect the relay?

16 MS. CONTEE: I'm not aware that we had one through
17 the relay. Maybe we did. I can't really answer that. Is
18 Pam in the house? No. I'm not aware that we had any
19 complaints through that.

20 MS. LADEW: But Gil is in the house.

21 MS. CONTEE: Gil? Thank you.

22 MS. LADEW: I thought I would get you away on this
23 question.

24 MR. BECKER: I'm Gil Becker, the previous director
25 of -- Relay with the National Association of State Relay

1 Administration. The relay calls will be affected the same
2 way. There is no way the operator would know that it's a
3 scam. So they're going to process the call the same way.
4 They're going to ask for your billing information, or it's
5 going to be billed directly to your home number.

6 So, you know, a scam can still go through. It's
7 just functionally equivalent.

8 (Laughter)

9 MR. BECKER: And it will be longer. It's true.

10 MS. LADEW: But then the person who called relay
11 has a profile that person --

12 MR. BECKER: Rebecca, I think I know the -- yeah.
13 Rebecca, are you talking about if a person has a profile
14 they can establish blocking within their profile?

15 MS. LADEW: Yeah.

16 MR. BECKER: Yes. Many relay services do have
17 customer profiles, and you can set up phone numbers to
18 either block numbers or frequently dialed numbers. But you
19 can set up a profile to block numbers. So you can say don't
20 allow any 809 calls to call from my home number. So we
21 could do that for relay. This is for relay.

22 MS. ROOKER: You know, that's an interesting point
23 because do most people who use relay services know that?

24 MR. BECKER: Well, it's an education issue.

25 MS. ROOKER: There you go.

1 MR. BECKER: It's an ongoing issue.

2 MS. ROOKER: That's part of what we have been
3 talking about.

4 MR. BECKER: Right, right. And it's important.

5 MS. ROOKER: It's very important.

6 MR. BECKER: And no, the states don't do enough
7 outreach.

8 MR. KALTENBACH: Do you have the same option for
9 digital wireless services to set up that profile?

10 MR. BECKER: If the relay can realize the ANEE
11 (phonetic), yes, we can.

12 MS. ROOKER: Okay.

13 MR. CHROSTOWSKI: Bob Chrostowski, TIA. Martha,
14 what about from the business equipment aspect? There used
15 to be a proliferation of scams using DISA, direct Internet
16 system access, and going through business system equipment,
17 unbeknownst to the businesses and user. There have been
18 many notable cases of that. Has that tailed off, or have
19 there been activity in that regard?

20 MS. CONTEE: I'm not aware of any recent activity
21 in that regard, although I need to speak with our consumer
22 centers to see what they have. But the last data that I
23 looked at, it wasn't anything of significance on that about
24 that. So fortunately, maybe there is that really has
25 curtailed. Yes, ma'am.

1 MS. LINKE-ELLIS: I just have one question that
2 has to do with television captioning. A case that I use as
3 an example, one of the episodes of "West Wing," which is on
4 NBC, that comes to me through KNBC, Adelphia Cable, was shot
5 in high definition, and then as a result -- and then when I
6 -- I had captions on my set, but then when I went to tape
7 it, as I had taped all of the previous ones, the high
8 definition program wouldn't tape. So I didn't have the
9 captions.

10 And now when I see certain shows that are being
11 shot in this new high definition equipment, there are no
12 captions. So if I am a consumer and I want to call
13 somebody, would I call Adelphia? Would I call KNBC? Would
14 I call "West Wing"? Who would I call? I mean, how do I
15 find out why this happened, what is happening?

16 MALE SPEAKER: How do I fix it?

17 MS. CONTEE: Yeah. How do you -- I believe what
18 you would do is call the program. But if you call -- I
19 mean, I can get someone from here who is well versed in
20 caption, the caption rules, to answer your question to that.
21 And I believe -- with the program -- the one that has the
22 program was that you called. But I will get back to you on
23 that answer.

24 MS. ROOKER: Martha, could you let me or Scott
25 know so that we could send that information out to the rest

1 of the committee?

2 MS. CONTEE: Absolutely, absolutely.

3 MS. ROOKER: Because I think that's --

4 MS. CONTEE: Very important, yeah.

5 MS. ROOKER: -- a very interesting question, and
6 certainly we're probably going to be getting more of.

7 MS. CONTEE: Absolutely. Yes.

8 MR. GOLDBERG: I'd just like to clarify. Everyone
9 else in the country is receiving "West Wing" captions. So
10 your problem is a local one. We caption that show, and have
11 had no complaints like that whatsoever.

12 MS. LINKE-ELLIS: It's only when using high
13 definition. It's not all episodes

14 MR. GOLDBERG: The fact that it's shot in high
15 definition is irrelevant to this question. It's how it's
16 broadcast, not how it's shot. But you and I should talk
17 about that. It shouldn't happen that way. There is another
18 issue going on.

19 MS. CONTEE: Thank you, Larry.

20 MS. CONTEE: Do we have any other questions?
21 David.

22 MR. POEHLMAN: This is David Poehlman with the
23 American Council of the Blind. And I'm not going to belabor
24 this with specifics if I can avoid it. But, Martha, if you
25 guys handle DSL kinds of stuff, it's my understanding that

1 in certain areas, you have a choice among DSL providers, one
2 of your providers being the local telco, and another being,
3 you know, perhaps a dial-up provider that has decided to
4 take on cable and/or DSL services.

5 And if I have an issue where I decide to go with
6 the local telco's competitor, and a problem arises where I
7 can't get DSL into the -- the signal into the home, and the
8 competitor refuses to -- well, the policy of the competitor
9 is basically kind of a hands off deal. And because the
10 policy of the competitor is a hands off deal, so is the
11 policy of the telco.

12 How do you go about resolving this kind of an
13 issue? I've talked to both the telco and the competitor.
14 The competitor says, well, the best way to resolve this
15 issue is just get DSL with a telco. And I don't like that
16 solution for a number of reasons, not that I'm not, you
17 know, not that I don't like the telco. But I don't think
18 that that's a very equitable solution to that particular
19 kind of problem.

20 MS. CONTEE: It may not be, but I really would
21 need some additional information.

22 MR. POEHLMAN: Okay.

23 MS. CONTEE: And you and I can take offline.

24 MR. POEHLMAN: Sure.

25 MS. CONTEE: Make suggestions to you. I have had

1 situations like that in the past in my old environment. And
2 I worked into a suitable resolution with the customer. So I
3 will talk to you about that offline and get more specifics
4 about it.

5 MR. POEHLMAN: Thank you.

6 MS. ROOKER: Okay. Do we have other questions for
7 Martha? Okay. If not -- well, Martha, thank you so much
8 for being with us and telling us about all of the new scams.
9 I love it.

10 MS. CONTEE: Thank you.

11 (Applause)

12 MS. ROOKER: Yes, Susan. Susan Palmer has a
13 question. Do you have a question for Martha?

14 MS. PALMER: No. I actually have a state in that
15 everybody should know how great she was in the subcommittee
16 for complaints and how helpful she was, as well as Scott, in
17 the whole process. And we could not have done it without
18 their help.

19 MS. ROOKER: Thank you, Martha. Thank you, Scott.
20 Yes, very much. Appreciate it.

21 We have on the agenda the discussion of telecom
22 scams. We did that. Other business, committee business.
23 No we have been inviting agenda items. And if you don't
24 happen to have suggestions for agenda items with you today
25 -- put your hand down, Rich -- then you can always e-mail

1 them to us.

2 But anyway. All right, Rich, what do you want?

3 (Laughter)

4 MS. ROOKER: He is so mean to me sometimes. You
5 have no idea.

6 MR. ELLIS: I just wanted to get our 90 second in
7 to take some votes on things from this morning.

8 MS. ROOKER: Oh, yes. Thank you. Thank you,
9 thank you. Yes. We have to finish up.

10 MR. ELLIS: Oh, now you say thank you.

11 MS. ROOKER: Oh, yes. Thank you, Rich. Thank
12 you, thank you.

13 (Laughter)

14 MS. ROOKER: I was afraid he was going to make
15 some mean remark to me. We do. We have to finish up. And
16 Rich is going to do it in 90 seconds, and I'm timing him.
17 But actually, you have as much -- you know, a little time.

18 MR. ELLIS: I'm going to take 90 -- I'm going to
19 pass some thing around. Once they reach Ron and Robert at
20 the other end, the clock will start 90 seconds.

21 MS. ROOKER: Okay.

22 MR. ELLIS: I'm going to pass the braille versions
23 down to the right first. I'm going to pass a bunch to the
24 right, a bunch to the left.

25 What these are -- we tried to boil down the things

1 we talked about this morning that we appeared to have
2 agreement on so we could do a couple of quick motions just
3 to get things on the record. These are changes to our
4 charter. And again, anything that was controversial or that
5 needed to be talked about some other time, we kind of peeled
6 away. So this is just the things that we thought we had
7 pretty much agreement on.

8 (Pause)

9 MS. ROOKER: Let's pass these down that way.

10 MR. ELLIS: All right. Ron has got his.

11 MS. ROOKER: David, if you'll pass the hard copies
12 down. Oh, thank you.

13 (Pause)

14 MR. ELLIS: Nanci, look to your left. Okay.
15 Everybody has their motions. I'm going to just take these
16 one at a time, real quick. We're not going to discuss them.
17 We've discussed them ad infinitum this morning. We're just
18 looking for the Roman gladiator school of voting. Thumbs
19 up, thumbs down.

20 The first, we move that the membership -- again,
21 these are recommendations to the FCC for changes to the
22 charter.

23 First, we move that the membership of the C/DTAC
24 be capped at 35 members, with membership divided roughly
25 equally. Forgot the word equally -- roughly equally between

1 members of the disability, consumer, and industry
2 communities. Can I get a second on that one?

3 FEMALE SPEAKER: Second.

4 MR. ELLIS: All in favor?

5 (Chorus of ayes)

6 MR. ELLIS: Opposed?

7 (No response)

8 MR. ELLIS: All right. That one passes. Next,
9 move that when the vacancies arise, the Commission shall
10 have the authority to replace the departing member with an
11 individual representing the same general community of
12 interests, for example, disability, consumer, or industry.
13 The departing member's organization is encouraged to
14 nominate a replacement, as are the C/DTAC members'
15 organizations, and members of the public.

16 Can I have a second on that one?

17 FEMALE SPEAKER: Second.

18 MR. ELLIS: All in favor?

19 (Chorus of ayes)

20 MR. ELLIS: Opposed?

21 FEMALE SPEAKER: Can I interrupt really quickly
22 and just ask you, Rich, that --

23 MR. ELLIS: It doesn't count against my 90
24 seconds.

25 FEMALE SPEAKER: No. That you pause for a little

1 longer so the interpreter has time to see if there is --
2 thank you.

3 (Laughter)

4 MR. ELLIS: All right.

5 MS. ROOKER: You don't have to do it in 90
6 seconds.

7 MR. ELLIS: If you insist.

8 MALE SPEAKER: You have got two minutes now.

9 MR. ELLIS: Two minutes, right. Third, move that
10 all meetings are encouraged -- I'm sorry -- all members are
11 encouraged to full participate in every meeting in its
12 entirety, either in person or by teleconference.

13 FEMALE SPEAKER: Second.

14 MR. ELLIS: All in favor?

15 (Chorus of ayes)

16 MR. ELLIS: All opposed?

17 (No response)

18 MR. ELLIS: That one passes. All right. The next
19 one is a two-part motion. It is about the quorum. And
20 we'll read them together and then vote them together.

21 First, move that the standard for a quorum for the
22 C/DTAC should be changed to a simple majority rather than
23 the current two-thirds level, and then move by an
24 affirmative vote of the majority of its members that the
25 committee may be resolution require a greater quorum

1 requirement as a precondition to the committee's taking
2 final action on a specified matter. A copy of such
3 resolution -- can you tell the lawyer wrote this --
4 including a recorded vote thereon shall be included as an
5 attachment to the minutes of the meeting at which this
6 resolution is agreed upon, and the minutes of the meeting at
7 which final action is taken on the matter identified as a
8 specified exemption to usual quorum requirements.

9 Does everybody understand that? So basically, if
10 it's an important issue, we all vote on that to make a
11 higher quorum.

12 Can I get a second on that item?

13 MALE SPEAKER: Second.

14 MR. ELLIS: I have a second. All in favor?

15 (Chorus of ayes)

16 MR. ELLIS: All opposed?

17 (No response)

18 MR. ELLIS: I yield the rest of my time. Matt.

19 MR. KALTENBACH: A quick point of order on No. 3.

20 It says all -- move the members -- shouldn't it also
21 include "or designated alternates"?

22 MS. ROOKER: Ah, good point.

23 MR. ELLIS: Anybody have any problem with that?

24 MS. ROOKER: No.

25 MR. ELLIS: All right.

1 MS. ROOKER: Yeah. Move that all members or
2 designated alternatives.

3 MALE SPEAKER: If there are any left over hard
4 copies of the sheet, we'd like to have a look here.

5 MS. ROOKER: If there are any left over hard
6 copies of the braille, is that what you're looking --

7 MALE SPEAKER: No. Of the print.

8 MS. ROOKER: Of the print. We want print.

9 MR. ELLIS: They're in the back of the room over
10 here.

11 MS. ROOKER: Send them back around, if you would,
12 please.

13 MR. ELLIS: Who would like a hard copy? Raise
14 your hand. Scott would. Thank you.

15 MS. ROOKER: Okay. Thank you, Rich. That was a
16 very good committee report. Very good. Excellent. Okay.
17 Moving on, we are now -- I've already come up with some
18 agenda items for the next meeting. And as I have stated
19 before, we'd like for you to consider items, to let us know.
20 You have got to do it in a timely fashion because you know
21 we have time restrictions. Also, I want to find out if
22 there is any other committee business that we need to
23 discuss today. No? Then if not, I think we'll move into
24 the public sector.

25 By the way, do we need to make a call for cabs?

1 Is that -- do we need to call for cabs? Okay. Let's see a
2 show of hands of how many people need to call a cab.

3 (Show of hands)

4 MS. ROOKER: All right. Let me see. Let me just
5 count here first. One, two, three, four, five. Rebecca
6 didn't have up her hand, did she? No. Okay. So there is
7 five here, and Marilyn is six. Are there common locations?
8 Who is going to National Airport? What times? As soon as
9 you can? Do you all want to share a cab? Matt, do you want
10 to share a cab? Okay. So one cab for those two. Anybody
11 else going to common locations? Dulles or -- Joe?

12 MR. GORDON: Union Station.

13 MS. ROOKER: Union Station? No. Okay. So that's
14 five. Did we say six? We want five cabs then. Okay?

15 MALE SPEAKER: About quarter to 5:00?

16 MS. ROOKER: Yeah. About quarter to 5:00. Is
17 that good for people? Okay. Or maybe 4:30? Can we be out
18 by 4:30? I think we can be out by 4:30, yeah. Okay. All
19 right. So we'll have cabs for you at 4:30, if that's okay
20 with everybody. All right. Then we'll move into the public
21 sector.

22 I'm very pleased that today we actually have three
23 people who have approached us about speaking out at our
24 public part of this forum. And we're delighted to welcome
25 them. I think it's delightful. As a matter of fact, the

1 first person that contacted us was David Noble. He is with
2 the International Association of Audio Information Services.

3 And, David, where are you? We'd like to come on up. We
4 have a microphone up here if that's convenient for you.

5 MR. NOBLE: And I'll pass this handout around the
6 table.

7 MS. ROOKER: And we're passing out a handout.
8 Let's start half of them over towards David, and we'll put
9 the other half this way.

10 (Pause)

11 MR. NOBLE: Thank you.

12 MS. ROOKER: Thank you for being with us.

13 MALE SPEAKER: There are copies coming around in
14 an envelope.

15 MS. ROOKER: If you want to wait just a second,
16 David, while people are -- we're distributing these.

17 MR. NOBLE: The copies that are coming around are
18 actually a written version of what I would say to you if I
19 were to read the paper I'm holding in my hand. I tend to
20 wander from my print in order to save time, something that
21 seems to be very valuable to the group today.

22 First of all, I represent, as a volunteer, the
23 Association of Radio Reading Services or Audio Information
24 Services. My real job is to provide support to one of those
25 services in the Phoenix, Arizona, area serving Arizona and

1 all of its giant campfire.

2 What we have to bring to you today from the
3 association, however, is to us about as important as that
4 giant wildfire in Arizona, there are actually two issues.
5 And we'd like very much for this committee to consider the
6 implications of these two items.

7 The first and probably most perplexing to us is
8 the use of a SAP channel by our membership to provide
9 reading services to populations in their native cities who
10 are blind or visionally impaired. They're reading daily
11 newspapers, popular magazines, grocery store adds, death
12 notices, current information that you can't get somewhere
13 else. These are daily items that go away in value in a very
14 short time.

15 The use of the SAP channel has been sort of a
16 second home for many of those services. They moved from the
17 traditional home of reading service, which was radio
18 broadcast on a subcarrier, or the SEA of an FM radio
19 station. Well, with the advent of the new descriptive video
20 rules, we have discovered that many of the member stations
21 have suddenly been preempted because of descriptive video
22 services.

23 Our association is really in a quandary. We
24 support wholeheartedly the use of descriptive video
25 services. It's a valuable service. However, we can't stand

1 idly by and watch while the valuable daily newspaper and
2 other current print information is no longer transmitted for
3 specific hours.

4 We intend to go to the FCC directly and ask them
5 for a grandfather clause that would be of limited duration
6 until such time as the transition to digital television is
7 more complete and there is bandwidth available for all of
8 the services to be shared. However, this committee probably
9 is caught as unaware as we were. We didn't think of this
10 when the rulings were being made as being a significant
11 conflict.

12 Descriptive video services will be growing, and it
13 should grow. But reading services can't be thrown away
14 simply to introduce or expand another service. So would
15 this committee be willing -- and I'm not asking for a show
16 of hands right now, but -- to consider how it can best help
17 us to respond to the Federal Communications Commission in
18 situations like this in the long term, where there are
19 conflicts for the use of bandwidth or other assets for
20 telecommunication for people who have disabilities.

21 That's the first of the two issues. The second is
22 more longer term, more durable, and we think actually has a
23 great deal more potential for the good of people with
24 disabilities, and that is the transition that is being
25 considered for FM and AM broadcasting from its current

1 analog to a digital state.

2 There is a system being considered. It's
3 generically known as digital audio broadcasting. And in
4 that system, there will be, as it is described to us,
5 digital signals inserted in the existing bandwidth of your
6 FM and AM radios so that as you listen in your cars or at
7 home, eventually, as the system matures, you would be able
8 to have CD quality sound in addition to the old analog
9 sound, which means that consumers don't have to all run out
10 and buy new digital radios tomorrow. It's a good transition
11 idea.

12 The problem is for reading services that there is
13 no -- well, it's twofold. There is no plan in place that
14 says for sure that the reading services will enjoy the
15 transition with the commercial and public radio
16 broadcasters. It's not a sure thing. The FCC has not ruled
17 on this. They are still in consideration. And that is why
18 we have come to this meeting today with this particular part
19 of the issue.

20 We hope that you might feel it important enough to
21 speak to that and ask the Commission to consider the
22 possibility -- and it is possible -- for reading services on
23 their subcarriers to be moved over to the digital world with
24 the rest of the commercial and public radio broadcasts. It
25 has everything to do with sharing the data bits that will be

1 transmitted with the old analog signals.

2 The reason for doing that is that there is no
3 defined transition period. No one really knows for sure how
4 long they will continue to broadcast both analog and
5 digital. If the subcarriers that provide the reading
6 service for millions of Americans who are blind or visually
7 impaired, disabled in a way that prevents them from reading,
8 if there is no defined time for that, they remain analog.
9 And they continue to have the poor quality reception that
10 exists on the subcarrier radio broadcast.

11 The last part of that has to do with what we
12 consider a section 255 issue, and that is the new digital
13 radios that consumers everywhere will be buying. It is
14 potentially an interactive device where the consumer can
15 talk back, in a manner of speaking, to the provider. There
16 is no one that we know of who has actually looked at these
17 devices as a potential 255 item. And we thought with all of
18 the discussion that we have heard today and prior to this
19 from this committee that it might be worth bringing to your
20 attention and asking you for your consideration.

21 To wrap up, the Association of Audio Information
22 Services does span the globe. But in the United States,
23 there are 125 reading services, and all of us are willing to
24 help as much as we can in the mission and charter for this
25 committee. We have not been as strong a participant as we

1 probably could have been. We did apply for a seat back when
2 it was formed, and there was only so many to go around. But
3 let me reiterate to the committee that as its former
4 president and a member of its board of directors, we are
5 ready to assist if we can in public service announcements to
6 the members' stations to help provide information of the
7 results of your studies, to help you find consumers who want
8 to participate perhaps in focus groups, or any other fashion
9 of communicating to individuals who have disabilities. We
10 have the ready-made audience for you.

11 So thank you very much, Madame Chairman, for your
12 time and for your committee's. If there are questions, I
13 can stay after the others have their chance to talk, too.

14 MS. ROOKER: Well, actually, we can leave about
15 three minutes. I'll allow two minutes for each of our
16 speakers. We have got three minutes, if there is questions
17 from the committee. Go ahead, Larry.

18 MR. GOLDBERG: I'm Larry Goldberg from WGBH.
19 Clearly, we have an interest in the video description role,
20 as does the entire blind community. I wonder if you have
21 actually contacted any of the proponents of video
22 description to discuss solutions to the radio reading
23 service problem prior to filing a petition with the FCC.

24 You probably realize that in Boston we are
25 actually resolving this problem through new digital

1 technology already. So it would seem counterproductive to
2 delay the rollout of video description when there are
3 already solutions in place rather than asking FCC to delay a
4 very important decision.

5 MR. NOBLE: The Boston area and surrounding
6 communities that are served through the station there are
7 very, very fortunate to have two organizations that work so
8 well together. That is not always the case in every place
9 where reading services are existing on SAP channels. If it
10 were that simple in every market, we would simply share that
11 information and say go on.

12 Now we have shared that through our own listserve.
13 It's an e-mail group for the reading services. And we are
14 preparing that to go out in a newsletter. But we don't feel
15 that it would be in all of the members' best interest to
16 rely solely on one example as the solution. We want to
17 propose an idea, kind of a run it up the flagpole and see
18 who salutes. It's just an idea.

19 MS. ROOKER: Matt.

20 MR. KALTENBACH: Have you considered the use of
21 either low power FM or the use of the digital Internet
22 radios that go into a phone line and give you the ability of
23 tuning them just like they are a radio, but they are
24 actually radio broadcasts over the Internet?

25 MR. NOBLE: Yes, sir. In both cases, there are

1 serious detrimental effects to the listening audience, both
2 in size and in number. The geography of a reading service
3 on the subcarrier or the SAP now is 25-mile radius from the
4 existing subcarrier broadcast if they are on subcarrier,
5 further than that if they're on a SAP channel.

6 If you go to a low-power station, by definition
7 they can only be a few square miles or even a couple of
8 blocks, depending on the licensing. And finding a frequency
9 available for a low-power station is a bit difficult.

10 On the digital version of a radio that uses the
11 Internet, there is a problem with the economics for the
12 listener. Most of the listeners to reading services are
13 elderly visually impaired. And the devices are still a bit
14 complicated. And to our knowledge, they're not widely
15 available. They are expensive, much more expensive than a
16 subcarrier radio.

17 MR. KALTENBACH: We might want to look at that as
18 part of the universal services scope.

19 MS. ROOKER: That's a thought. Okay, David. Go
20 ahead.

21 MR. POEHLMAN: Johnny-come-lately here. This is
22 Dave Poehlman with the American Council of the Blind. I'm
23 wondering if you have given any thought to at least a
24 partial solution of delivering services by telephone, you
25 know, so that you could alleviate the SAP audio description

1 conflict somewhat.

2 MR. NOBLE: If you mean telephone by listeners
3 calling in?

4 MR. POEHLMAN: Well, the listener would dial a
5 number and listen to the RS.

6 MR. NOBLE: Yes. There are some services that are
7 developing those systems. The Phoenix service, where I'm
8 from, has one. And there are others that are available
9 through the National Federal of the Blind. Some of those
10 are providing excellent newspaper service. And the reading
11 services on the subcarrier channels are investigating those
12 as additional ways to provide the service because of the
13 time shifting ability in a telephone system versus
14 broadcast.

15 MS. ROOKER: Thank you so much.

16 MR. NOBLE: Thank you again.

17 MS. ROOKER: I appreciate your coming and taking
18 the time to be with us. We have joining us Marilyn Gelman,
19 who is with the Brain Injury Association of America, and she
20 is from Alexandria, Virginia, I believe. Am I right,
21 Marilyn? The organization.

22 MS. GELMAN: The organization is based in
23 Alexandria, Virginia, but they trained me in from New
24 Jersey.

25 Well, hello, everybody. I'm Marilyn Gelman. I'm

1 here representing the Brain Injury Association of America,
2 and I would like to commend you for your work in making
3 telecommunications accessible and accommodating. I'm also
4 representing millions and millions of people with cognitive
5 impairments that may be invisible as a result of traumatic
6 brain injury, and our cousins with cognitive impairments
7 from all other causes.

8 We find that we are excluded from a level playing
9 field with other disability groups, often inadvertently.
10 And I will give you an example that had a very happy
11 resolution. I have coined the terms "cognitive staircases"
12 and "cognitive ramps." And these refer to artificial
13 barriers that we trip over and the many, many easy ways that
14 we could be accommodated.

15 I am accustomed to having a difficult time with
16 voice menus, with the utility companies, the phone
17 companies, private industry. But when I and many other
18 people with many types of disabilities found that by the
19 time we got through to speak to a specialist at the
20 Department of Justice Americans with Disabilities Act
21 information line, we couldn't do our business. We were
22 cognitively overloaded from discounting information we
23 didn't need, from hearing announcements we didn't need, from
24 trying to figure out multiple choice menus that were quite
25 beyond us.

1 I wrote a letter to them. I explained that I
2 understood the need for voice menus, but that they perhaps
3 didn't understand or weren't aware that they were excluding
4 people like me from making the same use of their services
5 because by the time we got to a specialist, we just couldn't
6 do our business.

7 I am very happy to report to you that they called
8 me, and they had to get through caller ID, call intercept,
9 the 20-second long message on my answering machine, and said
10 they've corrected the problem. They said they could not get
11 rid of the music on hold. Well, I don't know about that.
12 But they made it lower. They also said that they put in an
13 announcement that a dialer can just press seven to go
14 directly to a specialist.

15 I so didn't believe how easy it was to get that
16 changed that I never ever called them. I didn't want to see
17 that it wasn't true. But at different cost disability
18 meetings I heard people saying, people with multiple
19 sclerosis, people who had had strokes, people with emotional
20 problems and mental retardation, and they all started
21 talking about what a delight it was to call the Department
22 of Justice.

23 Nowhere would I have ever said to you that the
24 Department of Justice tried to discriminate against people
25 with brain injuries and other cognitive impairments by

1 denying us effective communication and keeping us off a
2 level playing field. But that was the result. And I'm not
3 sure they were not happy about it because they made a change
4 so quickly.

5 What I am asking you is in the future that you
6 keep me and my peers in mind and work so that we have the
7 same accessible, accommodating experiences with
8 telecommunications as do all the other disability groups
9 you're working for. We want a level playing field. And if
10 you ever need a personal viewpoint from somebody with brain
11 injury, vestibular dysfunctions, and central auditory
12 processing disorders, ask Scott to give you my e-mail
13 address, and I'll be really happy to give you my point of
14 view.

15 Many times these barriers that stop us from
16 functioning in society are so artificial, can so easily be
17 removed, but it's never thought of, and it's just not
18 realized, and it's not just done.

19 It was a pleasure meeting all of you. I feel like
20 I've known you forever, and I wish you strength for your
21 good work. Thank you.

22 (Applause)

23 MS. ROOKER: Marilyn, do you want to take some
24 questions?

25 MS. GELMAN: Ask. Are there any?

1 MS. ROOKER: Do we have questions? Susan.

2 MS. PALMER: I assume you have talked to Jim
3 Tobias about the IVR form. Is that correct?

4 MS. GELMAN: I've heard about the IVR form, and I
5 found it very, very interesting. And I would like to -- I
6 don't know if I ever could attend a meeting, but I would
7 like to learn about it. I've heard from Jim that he has a
8 friend who has collected 90 instances of IVR messages, and I
9 was going to try to get some of them when I presented at a
10 state assembly hearing for problems people with disabilities
11 have in getting medical care. And these menu systems are
12 included.

13 But more than that, I am passing around Maryland's
14 hot little telephone list. And so far, there are hints on
15 how to get through three or four different voice menu
16 systems. And I think I even broke the FCC's so I don't have
17 to go through menu structures. And I don't want to announce
18 it here because I don't want anyone to take it away. But
19 I'll tell you privately.

20 MS. PALMER: Okay. Please get in touch and talk
21 to Jim about how you can participate more fully in that
22 forum.

23 MS. GELMAN: Thank you very much. I will. Any
24 other questions? Thank you.

25 MS. ROOKER: Thank you, Marilyn. We appreciate

1 your taking the time to join us, and really to raise our
2 awareness because when Marilyn met me, she said, I may not
3 look like I have a disability, but I do. It didn't show,
4 Marilyn. You made it. Thank you.

5 We have joining us Gary Bootay, who is with the
6 Pennsylvania Society for the Advancement of the Deaf. Gary,
7 welcome.

8 MR. BOOTAY: For the Advancement of the Deaf.
9 It's for the Advancement of the Deaf.

10 My name is Gary Bootay, and I represent the
11 Pennsylvania Association for the Advancement of the Deaf on
12 the Pennsylvania TRS advisory board. I'm one of the 12
13 members on the board, and I was told to come here -- this is
14 my first time here -- to get some answers, hopefully, to
15 some questions. And they told me don't come home without
16 the answers.

17 However, I spoke with the chairperson. I spoke
18 with Shirley earlier before I was going to present and think
19 of some of my concerns here. And I don't think I'm going to
20 require answers from you today. But I would like to forward
21 them -- if you could forward them to Pam Gregory later, she
22 can get those to me.

23 However, after this meeting, if you do know some
24 answers, if you could grab me after the meeting, I'd really
25 appreciate it. Let me go on.

1 The first problem that we're having, that the TRS
2 system is an ASL to English default. Our board has said
3 that we can't change ASL to English because they'll say the
4 FCC requires word for word from the operator, from the CA.
5 They have to follow word for word, and we disagree with
6 that.

7 I know Maryland and New Jersey often change the
8 ASL type to English. And so I'd like to hear from the FCC
9 to try and convince Pennsylvania that they could change that
10 policy because a lot of hearing people then don't understand
11 the sort of glossed ASL.

12 Our second issue, our phone carriers, AT&T
13 generally, they refuse to give us any kind of discount for
14 TTY. They say that phone rates are so low already that they
15 can't afford to give us any kind of discount. They won't
16 give us any discount. It doesn't seem fair to me. Hearing
17 people can speak very quickly. A deaf person is having to
18 type back and forth and is limited to the speed of the TTY.

19 And so a deaf person on TTY tends to take about three times
20 longer to communicate. It seems as though there should be
21 some sort of discount, and we may need the FCC's help in
22 negotiating that. How that happens, I'm not sure.

23 Third issue. The complaint process, as you have
24 heard from Claude Stout talking about the complaint issues,
25 I have some more information for you. You should be aware

1 that the number of complaints written by the deaf are very,
2 very low. It's really the tip of the iceberg. There are a
3 lot of complaint there, but a lot of the deaf people in the
4 deaf culture writing a letter about it is not a very
5 culturally compatible way to communicate the problems.
6 We're a very visual community in general and need to be
7 signing these things and saying these things in person, just
8 to make you aware of that as sort of a cultural barrier.

9 Also, if you have a telephone complaint, your
10 having to wait for a supervisor, things like that, is a huge
11 waste of time, and a lot of deaf people don't -- they don't
12 want to take that time. Also, a lot of people don't have
13 computers to access the web for the complaint process there.

14 Also, the web is not as user friendly. We're not able to
15 find the complaint forms. It's click here, click there,
16 jumping back and forth from page to page looking for the
17 forms, and they're not as user friendly as they could be, as
18 well as a lot of the forms being very complicated.
19 Hopefully, they can be simplified in some way.

20 And the question is does the FCC have a complaint
21 form, and if so, where. I have been looking for it, and I
22 couldn't find any kind of complaint form on the web, on the
23 FCC's web site. Can we complain to the FCC through e-mail?

24 I don't know. I know many of us in Pennsylvania send
25 complaints through to your e-mail addresses that we found on

1 your web site. We found that info at fcc.gov. And we'll
2 send things, and we've never received replies. That has
3 already been discussed as a problem, I know, but just to
4 reiterate that.

5 I'd also like to know does the FCC have an e-mail
6 for TRS complaints. I'm not aware of one, and I'd like to
7 be able to take that back home with me, if I could.

8 Another communication problem. Many of you, I'm
9 sure, have read the book -- you enjoy reading books, and
10 you'll have like some 400-500 page book, and suppose 50
11 pages of that book are ripped out. You'd be very upset by
12 it. And the same thing happens with us as deaf people when
13 you're watching TV or a movie, and from like 9:00 to 11:00
14 or something watching a movie. And once in a while, not
15 always, but often, after commercials, after a commercial
16 break, the captions are gone, right in the middle of a good
17 story, right in the middle of a plot of the movie. And you
18 have to call the TV station. I've called them. I've called
19 them for the relay complaining about it. But the TVs --
20 again, I got just a recording saying, you know, please call
21 us during normal business hours, et cetera, et cetera.

22 So there is really nowhere I can complain. What
23 can be done about that? Is there anything that the FCC can
24 do to help address that issue?

25 Another communication problem. As a hearing

1 person, you can go into a store, buy a telephone. They're
2 relatively a cheap, just a few bucks really. You know, I've
3 seen \$6, \$7, \$8, \$9 telephones. A deaf person can't buy a
4 TTY for anything like \$6. It's at least 100 or so dollars.
5 And that becomes an equal access issue because it's just not
6 affordable in all situations.

7 I know that some are given away for free. But
8 that's again based on an income level. You have to be,
9 like, sometime 200 percent below the poverty level or
10 something. For some people that are in somewhat marginal
11 positions, it's very unfair to ask them to spend these
12 exorbitant sums for TTY.

13 Also, you've noticed many web sites that require
14 phone numbers for anything. They're always asking for a
15 phone number, limiting it to like 10 or 11 digits or
16 whatever in those fields. And there is no way to add that
17 it's a TTY, so it is a problem. I'd like the FCC to make
18 some sort of ruling or recommendation to permit the words to
19 be added onto those fields.

20 I know that many times hearing people will call
21 the TTY number and say that it doesn't work because they're
22 going to have to have a TTY or have to go through the relay,
23 and they're not going to understand that. And it becomes a
24 huge problem, and it's a growing problem. And hopefully,
25 you'll see the problem there and what I'm getting at.

1 And another. All the states have phone payments
2 for relay. There is a charge there, a monthly charge, for
3 the phone line. But where is the phone? But the wireless
4 and the cell phones, they can call then through the relay,
5 and there isn't a charge there for their relay. It doesn't
6 seem fair. The FCC should charge them equally to those
7 ground based, the land line phones. Is that a clear -- do
8 you understand what I'm saying?

9 Also, the last question, it's really more of a
10 concern about outreach. There seems to be no outreach going
11 on in Pennsylvania. If you ask a hearing person anywhere do
12 you know anything about 711, what it means, no one knows.
13 Very, very few. So what outreach is going on? We need some
14 advertising. We need that information to get out to people
15 all over the country, Pennsylvania, Maryland, whatever. The
16 hearing people need to figure out this -- find out this
17 information, that 711 is for relay. So far, it seems as
18 though no one really knows.

19 I think my time is probably up. I know it's a
20 legion of questions that I was hoping to get answers for to
21 bring back home, but I know there is not enough time to do
22 that. But those are the issues. And if you can see me
23 later or get that information to me later, I'd appreciate
24 it. Thank you.

25 MS. ROOKER: Gary, I would just like to say to you

1 that I appreciate your coming. And if you don't get a
2 response from the FCC, you personally let me know, all
3 right? And I'll give you my card before you leave because
4 I'm sure they'll respond to you. But we will look into the
5 info at FCC and find out what is going on and why there is
6 no response to consumers. Maybe it's the volume of mail,
7 but maybe they need to make some adjustments there if they
8 are not getting a response to the public. Thank you very
9 much.

10 MR. BOOTAY: Okay. Thank you.

11 (Applause)

12 MS. ROOKER: I have a few more -- Bob, did you
13 have a comment?

14 MR. CHROSTOWSKI: I just wanted to add another
15 thought to -- I just wanted to add another thought, if I
16 could, if it's appropriate.

17 MS. ROOKER: Go ahead.

18 MR. CHROSTOWSKI: I don't know if the other
19 committee members have experienced this, but I myself
20 personally get many, many e-mails, and I find
21 increasingly --

22 MS. ROOKER: Can I interrupt just for a second to
23 tell everybody that we ordered the cabs for 4:45. Okay.
24 Sorry.

25 MR. CHROSTOWSKI: I'm getting -- and I get many,

1 many e-mails that naturally I don't want. The number is
2 growing. But what I find disturbing is that the ones that I
3 don't want, they always refer to a site on the web as to
4 cancel.

5 MS. ROOKER: They don't work?

6 MR. CHROSTOWSKI: That's correct.

7 MS. ROOKER: They don't work.

8 MR. CHROSTOWSKI: And I'm wondering what the FCC
9 is doing about this or if anything is being done about this.

10 MS. ROOKER: I don't know that the FCC has -- do
11 they? The FTC is the one that does --

12 MR. CHROSTOWSKI: The FTC?

13 MS. ROOKER: As a matter of fact, they invite
14 people to send them their spam. But I gave that number out
15 on the air, and then I got some calls from the consumers
16 saying that it was not accepting their forwarding the spam.
17 So that just happened. I haven't had a chance to look into
18 it, but the FTC gets somewhere upwards of 15,000 spam e-
19 mails a day that's forwarded by consumers. And that was a
20 while ago estimate. I'm sure the number has increased
21 dramatically since then.

22 So I don't know. I just threaten to -- I send
23 them back a threatening note, get me off your list or I'm
24 going to send you to the FTC. Probably. But I do it
25 anyway.

1 MR. KALTENBACH: Shirley, I get spam faxes. Is
2 there a spam fax number?

3 MS. ROOKER: Well, you know, it's against the law
4 to fax you an ad. You're actually -- I think you have the
5 same protection you do on the telephone, the Consumer
6 Protection Act, don't you? Yeah.

7 MR. KALTENBACH: Even when I go and they give you
8 a number to remove yourself from the list?

9 MS. ROOKER: And they don't remove it.

10 MR. KALTENBACH: And they don't remove it.

11 MS. ROOKER: Well, you don't even have to give
12 them notice. Actually, just receiving one is against the
13 law, I believe.

14 MR. KALTENBACH: Where do you go to --

15 MS. ROOKER: It's the FTC that has jurisdiction
16 over it.

17 I do want to bring up one item, and this is a
18 request for exemption from the Commission's closed
19 captioning rules, which I think some of you may be
20 interested in. And this is an application from the American
21 Collectible Network, Inc. They filed a petition for
22 exemption from closed captioning requirements for its
23 electronic retail program. I have copies of the request for
24 exemption, and there is a 20-day comment period. So if
25 anyone wants to make comments on this, if you like to shop

1 on TV, you may want to take exception to their request for
2 an exemption.

3 But at any rate, I have some copies here, and if
4 we need more, we can get them for you.

5 FEMALE SPEAKER: Excuse me, Shirley. There are
6 actually four programmers there. There are four different
7 ones.

8 MS. ROOKER: Oh, there is four. Okay. One of
9 them is the American Collectible Network. The other is the
10 Extreme Productions, LLC. I don't know what they are. They
11 are extreme hunting adventures aired on the outdoor channel.
12 They don't want to have to do closed captioning. David
13 Whiteford (phonetic), producer of the program "Sportsman
14 Showcase" has filed for a petition for exemption. And the
15 fourth one, Jeffrey Engle and Cheryl Engle, producers of the
16 program "Engle's Outdoor Experience" have filed for an
17 exemption.

18 David says that the Home Shopping Network hasn't
19 filed, so he's okay. But at any rate, if anybody wants
20 these or is interested --

21 FEMALE SPEAKER: They'll be over right on that
22 table.

23 MS. ROOKER: We can get you electronic copies of
24 this, David. Hang on a minute. We have another public --
25 I'm sorry. I'm losing my voice. Aren't you thankful?

1 MS. FREY: Hi. My name is Brenda Kelly Frey, and
2 I'm the new director of the Maryland Relay Service. I just
3 wanted to introduce myself. I'm also the chair of an
4 organization called TEDPA, which is Telecommunications
5 Equipment Distribution Program Association, T-E-D-P-A. And
6 as chair of that committee, I would be interested in joining
7 a working group, which would be the working group of the
8 subcommittee of affordable telecommunications in the
9 universal services arena, if you allow outsiders to come in
10 who are not members of C/DTAC, but representing the 35
11 states that have equipment distribution programs throughout
12 the United States. I would be interested, and being a
13 Maryland resident and close by, I would like to participate.

14 Okay. I'll give Scott and you a business card.
15 Okay. Thank you.

16 MS. ROOKER: Thank you. And welcome, and
17 congratulations. We're glad to have you.

18 Do we have any other members from the public who'd
19 like to make comment?

20 (No response)

21 MS. ROOKER: Do we have any other comments?

22 (No response)

23 MS. ROOKER: Do we have a move to adjourn?

24 MR. POEHLMAN: Yes.

25 MS. ROOKER: Yes. David is the first one to say.

1 We have got several hands here. Do you second that motion?

2 Second that motion. All in favor?

3 (Chorus of ayes)

4 MS. ROOKER: All opposed?

5 (No response)

6 MS. ROOKER: Go home. Oh, next meeting date.

7 Wait a minute. Pardon me? The next meeting date is

8 November the 8th.

9 MALE SPEAKER: And please leave your badges here
10 so we can --

11 MS. ROOKER: November the 8th. Leave your badges,
12 everyone. Thank you all so much. Have a wonderful summer.

13 We'll be in touch.

14 (Whereupon, at 4:37 p.m., the meeting was
15 adjourned.)

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REPORTER'S CERTIFICATE

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I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

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