

1 CONSUMER ADVISORY COMMITTEE MEETING

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5 Friday, November 3rd, 2006

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1 P R O C E E D I N G S

2 SHIRLEY ROOKER: Good morning, everyone,  
3 it is meeting time. If I can get you to take your  
4 chairs, we have a very busy agenda today.

5 Good morning. Last call. You will have  
6 other times to chat, folks, let's get rolling,  
7 please.

8 Well, good morning, everyone, I'm Shirley  
9 Rooker and welcome to this lovely facility. We're  
10 getting the folks together for the phone line.  
11 Several people will be on by phone, just get your  
12 chairs, please.

13 SCOTT MARSHALL: 866-624-3038. Sure.

14 SHIRLEY ROOKER: While we're calling in  
15 the people who are joining us by phone, we'd like to  
16 go around the room and everyone tell us who they are  
17 and where they are from. It is a rather large group.  
18 And so anyway, I'm Shirley Rooker, I'm the local  
19 deputy Call For Action director. We're a nonprofit  
20 group. Welcome.

21 I will pass the microphone on each side if  
22 you would take your microphone and just pass it up to

1 this end, so that it can start going down, we'd need  
2 it may be. I don't know, do we have an issue with  
3 sound? Can we talk to each other without mics --  
4 ah-hah, we have to have the mics, it's required. Let  
5 me pass this.

6 MAYTAL SELZER: Hi, my name is Maytal  
7 Selzer, I'm with the Alliance for Public Technology.

8 SHIRLEY ROOKER: You do have name tags in  
9 your folder, if you would put them out in front of  
10 you. That's so I will know who I am. That's Joe.

11 (Laughter.)

12 GREGORY FROHRIEP: Hello, I'm  
13 Gregory Frohriep, CWD.

14 THE AUDIENCE: Your mic is not on.

15 SHIRLEY ROOKER: Push the switch.

16 SCOTT MARSHALL: There you go.

17 GREGORY FROHRIEP: I'm Gregory Frohriep,  
18 I'm with CWD.

19 SCOTT MARSHALL: Your name tag is coming.

20 MR. ORLECK-AIELLO: I am Phil  
21 Orleck-Aiello, I am here today subbing for my wife, I  
22 am with TCS.

1                   CLAUDE STOUT: Good morning, I'm Claude  
2 Stout, and I am with Deaf and Hard of Hearing  
3 Consumer Advocacy Network, good to see you all this  
4 morning.

5                   JOE GORDON: Good morning, I'm Joe Gordon,  
6 I'm with the League for the Hard of Hearing.

7                   SHIRLEY ROOKER: You can take the  
8 microphone off, it is easier to pass that way. Thank  
9 you.

10                  LINDA WEST: Hi, I'm Linda West, a member  
11 of the -- from the northwest corner of Montana,  
12 representing Native American and rural American  
13 issues.

14                  BRENDA KELLY-FREY: Good morning. Brenda  
15 Kelly-Frey, I'm representing the National Association  
16 for State Relay Administration.

17                  DAVID BRUGGER: Good morning, David  
18 Brugger, I'm a private consultant and live in  
19 Washington, D.C.

20                  DIXIE ZIEGLER: Good morning, I'm Dixie  
21 Ziegler with the Hamilton Relay representing  
22 telecommunication service providers.

1                   SHELLY: Good morning, my name is Shelly.

2                   LARRY GOLDBERG: Larry Goldberg, WGBH

3 National Center.

4                   REBECCA LADEW: I'm Rebecca Ladew,

5 representing STS.

6                   CHARLES BENTON: Charles Benton of the

7 Benton Foundation.

8                   SHIRLEY ROOKER: Why don't you take the

9 microphone off the stand, it is easier to pass.

10                   (Laughter.)

11                   GENE CRICK: Gene Crick, TeleCommunity

12 Resource Center.

13                   WILL REED: Will Reed, with Technology for

14 All.

15                   TONI ACTON: I'm Toni Acton, I represent

16 AT&T.

17                   LAURA FORLANO: Laura Forlano, I represent

18 NYC Wireless for an organization that builds and

19 promotes public wireless network support in city

20 populations and residential.

21                   DR. HELENA MITCHELL: Helena Mitchell, the

22 Center for Advanced Communication Policy in Georgia.

1                   JOHN BREYVAULT: John Breyvault,  
2                   Telecommunications Research and Action Center.

3                   SHIRLEY ROOKER: Good morning.

4                   JANICE SCHACTER: Janice Schacter, I'm a  
5                   mother of a 12-year old daughter with hearing loss.

6                   KAREN PELZ STRAUSS: Karen Pelz Strauss,  
7                   I'm here representing the communication services for  
8                   the deaf. I have one extra book with me.

9                   (Laughter.)

10                  (Applause.)

11                  JIM TOBIAS: Jim Tobias, Inclusive  
12                  Technologies.

13                  RICHARD ELLIS: Richard Ellis, Verizon.

14                  LORETTA POLK: Good morning, I'm Loretta  
15                  Polk.

16                  VOICE: Consumer governmental affairs  
17                  here.

18                  SCOTT MARSHALL: I'm Scott Marshal, I will  
19                  be speaking with you in a moment.

20                  SHIRLEY ROOKER: As you see, we have some  
21                  new faces. Maytal is a new person joining us, we  
22                  have Pennington, is Brenda here?

1                   We welcome all of you, it is delightful to  
2 see you here this morning. I do have to say, thank  
3 you, a big thank you to Rich Ellis at Verizon.

4                   (Applause.)

5                   SHIRLEY ROOKER: They have provided us  
6 with the space and audio and visual equipment we have  
7 and we really appreciate the contribution.

8                   In addition, CTIA, Dane Snowden, who is  
9 going to be joining us later. He and CTIA very  
10 graciously will provide lunch for us, so we will be  
11 fed.

12                   (Applause.)

13                   SHIRLEY ROOKER: A track record of 6 years  
14 for lunch. We really appreciate that. I will turn  
15 this over to Scott for meeting logistics.

16                   SCOTT MARSHALL: Thank you, it is good to  
17 see you all, I would actually ask Rich Ellis to tell  
18 you all the important things around here. I should  
19 tell you I'm also very grateful to both the  
20 assistants for pulling this together. And also this  
21 is a wonderful facility, the men's room is larger  
22 than my apartment.

1 (Laughter.)

2 SCOTT MARSHALL: I almost got lost in  
3 there.

4 (Laughter.)

5 RICHARD ELLIS: Thank you, Scott. First  
6 of all, on behalf of James Earl Jones, let me welcome  
7 you to Verizon.

8 (Laughter.)

9 RICHARD ELLIS: We're glad you could be  
10 here. If there are any loose ends -- if you want to  
11 see where Scott's huge men's room is, you go out the  
12 way you came in, go to the right, the men's and the  
13 women's.

14 There are phones in an atrium out here and  
15 the main lobby, pretty much anywhere you sit, just  
16 dial 9 to get out.

17 Please be aware of the wires on the floor,  
18 the wires are taped down, but be aware of that and be  
19 aware the microphones are all on all the time.

20 (Laughter.)

21 RICHARD ELLIS: Any other questions?  
22 Bonnie will be happy to help you out (Indicating),



1 hope you enjoy your day.

2 SHIRLEY ROOKER: Thank you, Rich, again.

3 I have to thank Scott Marshall. I have to tell you

4 Scott Marshall is a joy. He's going to kill me

5 later.

6 (Laughter.)

7 SHIRLEY ROOKER: He is such a joy to work

8 with, I have to tell you, he is absolutely wonderful.

9 I just got through telling --

10 (Applause.)

11 SHIRLEY ROOKER: And the people at the FCC

12 have done so much to facilitate meetings, I believe

13 they have done a lot of work. For all of our people

14 who have made this meeting possible, we are very

15 grateful. Of course, one of the those important

16 people to us and her support has meant so much to us

17 is Monica. We've always had records from here and

18 Monica has been great to work with, the chief of the

19 Governmental Affairs Bureau. And I will turn the

20 podium over to Monica.

21 MONICA DESAI: Thank you, I want a second

22 to make sure we have people on the phone.

1                   JOHN RUSCILLI: Yes, you do. John  
2 Ruscilli with BellSouth.

3                   DENY MOYNIHAN: Deny Moynihan.

4                   MONICA DESAI: Thank you for coming to the  
5 fall CAC meeting and thank you for the kind words  
6 from Rich Ellis and Verizon Communications for  
7 providing today's meeting facilities, and thank you  
8 to Dane Snowden and CTIA for providing lunch.

9                   This is the last CAC meeting of the  
10 current two-year term and I want to personally thank  
11 all of you for your commitment to the committee and  
12 working with the commission during the past  
13 two years. The commission has really benefited from  
14 the comments and your advice and we hope we provided  
15 useful information to you and your organizations.

16                   I do expect the commission will be  
17 chartered, we are in the review stage, hopefully you  
18 will be hearing something fairly soon. I'll speak  
19 about Shirley, who has been very busy since we last  
20 met and I would like to highlight some of our recent  
21 efforts.

22                   The Consumer and Governmental Affairs

1 Bureau, as you all know very well, develop and  
2 implement the commission's consumer policies,  
3 including disability access. We serve as the public  
4 face of the commission through outreach and  
5 education, as well as through our consumer center,  
6 which is responsible for responding to consumer  
7 inquiries and complaints.

8           We also maintain collaborative  
9 partnerships with tribal, state and local  
10 governments. Just last week as the -- commission  
11 partnered with the National Congress of American  
12 Indians and the Tribes of Northwest Indians at the  
13 latest gathering of the ITI, which is a workshop  
14 round table focused on public safety and homeland  
15 security issues, including emergency preparedness.

16           Last July we had a similar round table  
17 workshop event addressing issues such as broadband  
18 deployment with wireless broadband and structure  
19 development and a business plan, and the development  
20 of TV and radio stations in the country.

21           Last week we also attended the AARP  
22 convention in California where we had an exhibit

1 booth, we answered questions and distributed  
2 materials on issues such as DTB, broadband, wireless  
3 phone service, broadcast initiative. We are very  
4 happy to participate everywhere.

5           Also last week we participated in the  
6 tenth annual Rural Telecommunications Congress, rural  
7 telecom convenience business owners, federal, state  
8 and local government agencies and representatives  
9 from the medicine, distance learning, E government  
10 communities and public policy officials to discuss  
11 deployment of advanced telecommunication services  
12 including broadband.

13           This year we also discussed the recently  
14 announced health care pilot program to networks. At  
15 the meetings in August, the Federal and State  
16 Lifeline and Link Up Working Group presented  
17 preliminary conclusions to improve outreach to  
18 lifeline and link up to committees on  
19 telecommunications and consumer affairs.

20           After receiving public input, we put on  
21 outreach efforts across the country without spending  
22 too much money. The Working Group is looking forward

1 to further projects, they are preparing sample news  
2 articles and press releases that will be posted on  
3 the web. At the annual meetings in Miami,  
4 resolutions will be adopted and reinforce the needs  
5 for public and private partnerships, community-based  
6 organizations, social service agencies, to be sure  
7 that the lifeline method is not only communicated to  
8 eligible consumers, but that they can also navigate  
9 the application process successfully.

10 The Bureau took its new program to  
11 Houston, Texas. This included an event at Houston  
12 County Community Center. It even focused on issues  
13 such as DTV, VOIP, and calling cards. We developed a  
14 partnership to help disseminate consumer information  
15 to local residents. The team was in Houston. They  
16 spoke to several hundred high school students at a  
17 communications magnet school, they toured the  
18 facility and were met with great enthusiasm. Had a  
19 great experience there.

20 As you are well aware, the disability  
21 rights office is also housed within the Consumer and  
22 Governmental Affairs Bureau. The office is currently

1 overseeing several rule making proceedings. The  
2 recommendations on their agenda today do address  
3 these items. Your input does help inform our  
4 decisions and we do value it greatly.

5           The commission recently launched a rule  
6 making and oversight proceeding on a broad range of  
7 issues, compensation of providers of TRS from the TRS  
8 fund. In this proceeding, we're examining options  
9 for costs for the various forms of TRS, including  
10 traditional TRS, speech to speech, video relay  
11 services and IP relay.

12           Through the proceeding, the commission is  
13 exploring issues relating to what costs are  
14 reasonable for compensation and the costs of coverage  
15 methodology, and to what extent outreach expenses,  
16 legal fees, overhead costs and executive compensation  
17 are compensable from the fund.

18           Finally, the notice also seeks comments on  
19 ways to improve the management and administration of  
20 the fund, including measures for assessing the  
21 efficiency of the fund, fraud and abuse and also to  
22 protect the integrity of the fund.

1                   We address the issue of access to  
2 emergency services for 911, Internet based forms of  
3 TRS and IT relay. As the commission has often  
4 recognized, 911 service is critical to the nation's  
5 ability to respond to a host of crises -- American  
6 Sign Language -- for advantage in the event of an  
7 emergency. We can use a telephone to reach the  
8 proper authorities and that the first responders will  
9 be able to accurately locate them.

10                   Because wireline telephones are generally  
11 linked to a particular physical address, emergency  
12 calls face -- including direct TTY telephones --  
13 public safety answering point where location  
14 information is automatically displayed. Such direct  
15 automatic access does not currently exist and  
16 accordingly, you must develop solutions.

17                   Relating to this issue the commission is  
18 hosting an E9-1-1 disability access summit on  
19 November 15th, 2006 for ways to include emergency  
20 calling through TRS and active relay.

21                   The commission also addresses the misuse of  
22 two -- of active relay and TRS, seeking common an

1 possible changes to the TRS regulations to curtail  
2 EMC. In addition we have launched a proceeding of  
3 how the commission can work with providers in a  
4 database that may allow customers to use existing  
5 telephone numbers or other number as a proxy for  
6 their Internet protocol address. This arrangement  
7 could potentially provide -- determine automatically  
8 relay user when a hearing person or another person  
9 initiates an interface call.

10 We also sought comment on whether the  
11 commit should adopt Internet protocol standards to  
12 ensure all providers can receive calls from and make  
13 calls to any consumer, and all ERS consumers can make  
14 calls through an ERS provider.

15 We are also working on closed captioning  
16 issues. In response to the petition rule making we  
17 sought comment on the current status of the closed  
18 captioning rules and ensuring that video programming  
19 is accessible to deaf and hard of hearing Americans  
20 and whether additions should be make to the  
21 effectiveness of those rules and compliance quality  
22 issues related to closed captioning.



1           As many of you know the bureau has  
2           recently received over 600 petitions requesting  
3           exemption from the requirement that as of January  
4           1st, all programming be closed captioning.

5           Recently the bureau issued orders to 300  
6           nonprofit programmers who were religious entities,  
7           most of whom were paying. Because the cases are  
8           subject to review I can't get into the substance of  
9           the decisions. And while it is difficult to know  
10          when the commission will address it, I do hope the  
11          application is resolved soon and I know many of you  
12          have expressed your views on this issue and  
13          appreciate that.

14          This fall the commission announced the  
15          launching of the Public Safety Homeland Security  
16          Bureau, the events of the September 11th and last  
17          year's hurricane season instituted the  
18          infrastructure. The new bureau will build on the  
19          comission's longstanding commitment to promote public  
20          safety by facilitating reliable communication  
21          services in times of emergency.

22          On August 3rd the commission adopted an

1 order to promote access to broadband services for all  
2 Americans and to encourage -- affirmed its rules for  
3 access to broadband over power line systems while  
4 maintaining in safeguards for radio services. The  
5 commission will take appropriate action to the  
6 situation.

7           The commission recently issued a proposed  
8 rule making concerning a advanced television on  
9 existing television service. This is the next step  
10 in the digital transition which I am sure will be a  
11 very important topic during the next phase. The  
12 further notice proposes a new DTV cable allotment.

13           Also in September the commission adopted  
14 an order that establishes a pilot program for health  
15 care providers, for broadband networks dedicated to  
16 the provision of health care services. The  
17 construction of such networks will bring the benefits  
18 particularly telemedicine services to areas of the  
19 country where the needs are acute. A couple of weeks  
20 ago the commission noticed an inquiry of the status  
21 of competition in the market for the delivery video  
22 programming as required by Congress. This notice of

1 inquiry which seeks competition in the video  
2 programming market is designed to assist the FCC with  
3 annual video competition. In the annual report the  
4 FCC assesses the previous year and the effects the  
5 changes are having on the consumers.

6 On September 27th, Chairman Martin  
7 addressed the issue of obesity among children and  
8 will be serving on a joint task force with  
9 representatives from the food, television and  
10 advertising industries, along with consumer advocacy  
11 groups and health experts, to work together to  
12 address this important issue. When the task force  
13 has completed its work the FCC will submit a report  
14 on what we have learned and will continue to educate  
15 American parents.

16 CTB is responsible for the commission's  
17 direct relationship with consumers at the consumer  
18 center and information about how to file a complaint  
19 is available on the commission's website and are  
20 updated regularly.

21 As you know, we also have an important  
22 outreach function which I touched on some. We picked

1 up outreach through our consumers affairs and  
2 outreach division which focuses on broad  
3 issue-oriented and specific consumer education. The  
4 office of consumer affairs is committed to  
5 strengthening the local governments. A very  
6 successful outreach tool. As I talked about before  
7 we now have about 6,000 names on the registry so the  
8 numbers keep increasing with every CAC meeting.

9           We -- since our last report in June/July  
10 the registry has focused on subjects such as  
11 increased -- and the new advisory committee by  
12 Congress related to emergency communication. And  
13 finally in cooperation with many other federal  
14 agencies, airline travel and people with  
15 disabilities.

16           As always I appreciate having the  
17 opportunity to speak with you. I've enjoyed working  
18 with the committee since I came on board. I -- a  
19 certificate which we do have here. Shirley,  
20 efficient as always, noted that it would take about  
21 an hour to present them all individually, so we  
22 brought them and stacked up here. And for those of

1 you on the phone we will be mailing them to you.

2 Before I wrap up I just want to recognize  
3 the chairperson, Shirley Rooker, who has shared so  
4 eagerly with this committee for six years and the  
5 entire time she's only missed only one meeting,  
6 maybe, that's it. And it's traditional here at the  
7 commission to present you with a seal, I do hope you  
8 continue to work with us going forward. Although you  
9 are not an employee of the commission, you might feel  
10 like one by now.

11 (Laughter.)

12 MONICA DESAI: I hope that your CAC  
13 colleagues will follow the custom of signing their  
14 names around the seal. So we will make the seal  
15 available so Shirley can sign it today.

16 (Applause.)

17 MONICA DESAI: Thank you, it has been a  
18 pleasure working with you and with you organizing  
19 this committee. So we appreciate it, thank you.

20 (Applause.)

21 MONICA DESAI: I know we're on a tight  
22 schedule.

1                   THE AUDIENCE: Do we need mikes? I have  
2 the mike. First of all thank you, Monica, for coming  
3 to all of our meetings and giving us so much  
4 information about what's going on in your bureau and  
5 others. I have a two-part question.

6                   First of all have you seen any trends in  
7 terms of the types of complaints, changes in  
8 complaints that have come across in the past year or  
9 so? The second question is I was wondering if you  
10 have had any inquiries yet from consumers about the  
11 DTV transition.

12                  MONICA DESAI: We certainly had inquiries  
13 on the DTV transition. There certainly have been an  
14 increased number of hits to the website, increased  
15 requests for fact sheets and publications related to  
16 the transition. So there is, as there should be I  
17 think, growing general awareness about the  
18 transition, which is a good thing. I don't know  
19 about specific information, I do know we are hearing  
20 more about it. I do know when we do our outreach  
21 advance, people are more interested in this subject  
22 as well and we do -- when we go to different spots.

1           With respect to trends I'd have to take a  
2 look at the reports. We put them on a website and I  
3 need to take a look. Anecdotally I really hear and  
4 pay attention to the trends that sort of come to my  
5 attention for various other reasons. It may not be  
6 that -- for example, we sometimes have do not call  
7 complaints, but that may be stirred up by news  
8 reports. For example related to press on that issue,  
9 we've gotten a steady streams of complaints on  
10 certain -- issues and both in the wireless and  
11 Wireline contacts, on the site. It is hard to say  
12 without looking at the report.

13           THE AUDIENCE: The first is more factual.  
14 Right now, at the same time that we're meeting  
15 there's also meetings of something called the Access  
16 Board Refresh Committee that is looking at revising  
17 the guidelines for section 508 of the Rehabilitation  
18 Act and the Telecommunications Act.

19           Up until now there's been no involvement  
20 by the FCC on that committee and I'm not sure why  
21 there hasn't been, but since the guidelines will  
22 effective impact rules that the FCC might need to

1       revise, I just want to alert you that was going on,  
2       and have a representative attending those meetings.

3               MONICA DESAI: I think we had a meeting  
4       with the access folks, I'm not sure about  
5       membership -- I'm not that familiar with the  
6       technicalities of it, but I do know that we have been  
7       working with the access order.

8               THE AUDIENCE: Our next meeting is next  
9       week, I just want to alert you to the fact that  
10      membership is not typically -- it is basically the  
11      membership is closed, but I believe you can attend if  
12      you're a federal agency, the agency responsible for  
13      making the rules.

14              The second question that I have is  
15      actually a question -- you listed -- it has nothing  
16      to do with my books.

17              (Laughter.)

18              THE AUDIENCE: Which actually I already  
19      sold this one I'll have you know, but I do have order  
20      forms.

21              (Laughter.)

22              THE AUDIENCE: The next question, is you



1 mentioned the disability proceedings, one that I  
2 didn't hear you mention was the Internet Protocol  
3 Captioned proceedings, I want to know if that's still  
4 alive?

5 MONICA DESAI: I apologize, yes, that is.  
6 We are certainly not there by any means.

7 RICHARD ELLIS: Folks on the phone someone  
8 has a speaker on, we're getting feedback.

9 SCOTT MARSHALL: If every one could speak  
10 one at a time for the court reporter.

11 AUDIENCE MEMBER: I have no place card,  
12 but I would like to ask the FCC -- questions about  
13 when protocols would be deployed. These aren't  
14 complaints, they are issues for more information, we  
15 firmly believe that commission should pay for  
16 initially. There should be more of an interactive  
17 process -- that's our job, not yours, but we would  
18 like better information about how we can make that  
19 happen.

20 My question then is could you keep the FCC  
21 or individuals informed of the developments within  
22 the emergency advisory process and what issues or

1 even sessions like the last mile considerations, one  
2 of our other issues. But if you have an order coming  
3 out, which is it's a little difficult for us in  
4 smaller communities to prepare and then it is  
5 difficult for us to make sure that alerting re:  
6 distribution of information gained through the  
7 channels with those with disabilities and those in  
8 custodial populations. You see what we're working  
9 with, any information and perhaps any more access  
10 information like a channel where we ask a question  
11 about what's the status of CAP alerts.

12 So anyway thank you for any information.  
13 Similarly you mentioned the tele pilot program. I  
14 get a lot of questions about that and they are  
15 trivial questions, what services are covered and what  
16 can we do. But the fact is I know that Erica has an  
17 information site coming up soon so the faster we can  
18 get that information out, the better my  
19 administrative assistant, who answers the phone will  
20 love you for it. Thanks.

21 MONICA DESAI: I appreciate your comments.  
22 Certainly the website should be coming up soon,

1 hopefully very soon. Your comments on alerts for  
2 federal agencies and how to get the information out  
3 better is a very good one and it is definitely  
4 something we can -- I can help facilitate in the  
5 Department of Homeland Security bureau and maybe we  
6 can discuss that specifically.

7           If you're interested in information on  
8 proceedings related to communications issues, you  
9 know, I think -- I'm not sure if at the consumer  
10 information registry there is a box to check for  
11 communications issues. If there's not there should  
12 be. And folks who are particularly interested in  
13 those issues should be getting alerts through our  
14 consumer information registry for those types of  
15 issues. So I will definitely look into that and make  
16 sure at least that gets taken care of. I definitely  
17 invite you to get in touch with me or work with Scott  
18 and we can set up a meeting with the Public Safety  
19 and Homeland Security bureau for that issue that we  
20 talked about. Thank you.

21           SHIRLEY ROOKER: Thank you.

22           (Applause.)

1                   SHIRLEY ROOKER: Thank you, very much,  
2                   Monica. It is wonderful to hear from you. The  
3                   certificates are behind me, please remember to pick  
4                   them up and for the people on the phone, there is a  
5                   lot of feedback, I hear myself twice and that is  
6                   scary.

7                   Also I want to repeat that you identify  
8                   yourself for the court reporter so that we can get it  
9                   accurately -- your name, please.

10                  Do you have any questions about logistics  
11                  or anything like that that we need to move on? If  
12                  not or you can see us at the break.

13                  Jim Tobias is going to present.

14                  Jim Tobias.

15                  SHIRLEY ROOKER: On each side we have to  
16                  have a microphone person in charge. To make sure we  
17                  get did moved to the person who is speaking.

18                  JIM TOBIAS: Well, I'm equipped, but I'm  
19                  not WI-FI. This is going to be an exercise. What I  
20                  want to talk about briefly is a set of trends and  
21                  technologies that I believe are not only interesting  
22                  on their own, but I hope you don't get hypnotized by

1 the drama and amusing nature of the technology to the  
2 extent that we lose focus on the public policy  
3 implications. But what I want to talk about are some  
4 trends and then there are implications for the public  
5 interest.

6 I have to do it manually. Okay, so the  
7 first trend describes images for remote and these are  
8 for people with visual impairments. The increasing  
9 extent to which everything we buy in the information  
10 and communication technology sphere is not a complete  
11 product in and of itself, but rather a platform that  
12 the features are determined by the software inherent  
13 in the product. So for example, your cell phones you  
14 might not think of as basically software devices, but  
15 they are, not only the features and services, but  
16 literally the character sets and the functions that  
17 you perform with them are all determined by the  
18 software. And you buy it with an embedded software,  
19 but you may also have experience with your network  
20 provider automatically upgrading to software on your  
21 cell phone and you have changes.

22 And when you change your service, like

1     what number it is associated with, or you add text  
2     messaging, all are software driven. They want to  
3     manufacture one version of a product, they don't want  
4     to have to make an Indonesian cell phone and a  
5     Chinese cell phone and a UK cell phone -- and what  
6     happened is that this product becomes -- and this  
7     product becomes a way of marketing additional  
8     services to you.

9             So you may purchase software on your  
10    desktop computer and it periodically wakes up and  
11    reminds you, hey you can get a better version of this  
12    or upgrades are not available. And it's kind of a  
13    marketing channel into your environment. So the  
14    software is designed to be upgraded on hardware  
15    products and to constantly maintain a relationship  
16    with the customer.

17            And this is very different from say, the  
18    1950s or 60s style telephone, where all it did was  
19    ring, that's basically all it could do. Now our  
20    phones are in kind of constant awareness of what we  
21    do with them, what we might want to do in the future.  
22    It is much better and it is a way to improve the

1 value of the relationship to the companies involved.

2 So there is not only a two-way, two-party  
3 relationship between us as consumers and the  
4 companies that make and sell these products, but it  
5 is a very active third party market.

6 So for example, on your cell phone you're  
7 not only buying if you have sense at all, service  
8 from Verizon -- or service from any of the wonderful  
9 carriers we have in the United States -- you're also  
10 able to purchase services from other service  
11 providers, like Yahoo or Google or ESPN, or whoever  
12 it is that you want to use that product for.

13 So what used to be something that was  
14 basically inert and had one simple function now  
15 becomes a electronic mall where you can determine how  
16 you want to use it and you can find people to provide  
17 you services on that platform.

18 An additional trend, another trend that  
19 feeds into this is the fact that we now have, using  
20 the shorthand of "the web," we have an interconnected  
21 network of information about products and services  
22 that we use on a -- more and more of us use on an

1 everyday and even moment to moment basis.

2 I don't think I'm the only one in the room  
3 who feels that their experience of life is truncated  
4 by not having Internet access at every moment. I've  
5 seen people get shakes in long elevator rides because  
6 they can't access their Blackberry at every moment.

7 But it is important to understand the  
8 changes that this evolving network is going through  
9 right now. And one of the principal changes is it is  
10 no longer just a repository of information, like a  
11 shelf in the library and every day you go into the  
12 library and go to the same shelf and the same book is  
13 there and you open it up and read and put the book  
14 back on the shelf.

15 More and more, websites are actually  
16 software applications themselves. So something like  
17 E-Bay, we're not accessing a website, we're accessing  
18 a piece of software with a big database behind it  
19 that anyone can add information to, anyone can add a  
20 product for sale and E-Bay shows that information.  
21 And when they complete the auction cycle they  
22 disappear from the database and are no longer shown.



1 Or Amazon when a new book is available for sale --  
2 and other locations. I suggest you run as soon as  
3 possible and by one just to experiment with the  
4 application basing of the web mail.

5 If I get a portion of your royalties I'd  
6 know exactly how much that's going to be.

7 So Amazon as you know keeps track, to the  
8 extent you want it to, of not only what you purchased  
9 in the past, but items that you're interested in,  
10 that you can put in a wish list. And it reminds you,  
11 hey, 6 months ago you said you wanted this book and  
12 it is now available in a used copy, would you like to  
13 buy it now?

14 Again it is an application-oriented  
15 relationship-managing context that the web and these  
16 information networks are now capable of and we might  
17 think of them as inflicting that relationship on us,  
18 something that we don't want. At any rate the this  
19 is nature, the technological nature of the service as  
20 I described.

21 So now you can even get, things thought of  
22 as desktop applications, like word processing and

1 spreadsheets, are now fully mounted on websites.  
2 Google -- as you may be aware, everything that you  
3 might want to have on your desktop, a word processor,  
4 a spreadsheet, information about your own  
5 transactions, your own communications are now  
6 available from any computer as you log into your  
7 Google account.

8           So what are the implications beyond this  
9 technology? And I'll demonstrate a couple of these  
10 just to show what they are.

11           People have asked me what this thing is  
12 (Indicating) I will describe it, I brought it to the  
13 July meeting, it wouldn't work then, it is doing the  
14 same thing now. It is a cute little gadget that  
15 stands about a foot tall including its ears, like a  
16 rounded conical shape, it looks like a bunny, the  
17 name vastag is Armenian for rabbit. It is a French  
18 product. It is a wireless device that hooks up  
19 automatically whenever it is in a WI-FI zone that is  
20 a relatively open zone and it identifies itself to  
21 its home network in Paris and all in the world.

22           This has a name, Rusty Buddy. If anyone

1 wants to send a message they can do so by visiting  
2 the website and what happens is your message goes  
3 over the web, to the servers in Paris and back out to  
4 Rusty Buddy.

5           What do you make this Vastag do? It has  
6 ears that move -- these ears you see, the lights  
7 change color, the ears detect, none were harmed in  
8 the making of this presentation, they are  
9 magnetically connected, they are on rotating motors  
10 and it can also speak. You can send a friend a song  
11 and have it play out, a birthday wish or what have  
12 you.

13           The accessibility is pretty cool, but it  
14 is not limited just to accessibility. I see this as  
15 a phone ringer for someone who is deaf or hard of  
16 hearing. The ringers you can buy from Radio Shack  
17 and other locations. The fact that it has a motor,  
18 for a deaf, blind individual there is kind of a third  
19 party hobby market for making accessory ears, you can  
20 imagine all the bling loaded fuzzy ears. What have  
21 you, that could be informational devices. You can  
22 set the ears to any position you want and different

1 positions can have different meanings.

2           The point is not that such a device can be  
3 built, it is that it can be built and sold at such a  
4 low price, about \$100 and there is no cost for the  
5 service. Here you have a device that is a fully  
6 functional message translation device, text turns  
7 into speech, it can also be a multimodal and  
8 cross-loading device. It's French so they call the  
9 set of controls a choreography and the choreography  
10 encompassed, to make a license change and ears. It  
11 allows you to create any particular application that  
12 you want and that is kind of the software design or  
13 software based product.

14           I know we have another -- we're short on  
15 time so I'm just going to briefly go into this  
16 quickly with you. Many of you may experience -- that  
17 guy is hideous.

18           You may be familiar with web cams that you  
19 can attach to your laptop, that's not relevant or  
20 even tolerable -- what's interesting is that you can  
21 have it capture your face and what you do with your  
22 face shows up on the screen.

1                   So this is something that -- here we go --  
2    you can see that as I talk, it's mouth is moving and  
3    I narrow my eyes and tilt my head back up and down.

4                   THE AUDIENCE: Explain what's on the  
5    screen.

6                   JIM TOBIAS: I have a shark and other  
7    critters --

8                   AUDIENCE MEMBER: That one looks more  
9    like you than you do.

10                  (Laughter.)

11                  JIM TOBIAS: Thanks. That was a shark and  
12    a -- what has happened with respect to face and  
13    gesture recognition software -- okay, now it is  
14    tracking me. If I narrow my eyes it has a wonderful  
15    quality -- the purpose is not to demonstrate the raw  
16    capability -- I don't want to be upstaged forever --  
17    it is not to demonstrate the raw functionality but  
18    the capability we have as such a reduced cost and  
19    such market ubiquity.

20                  If you look at the world of eye gaze  
21    technology on behalf of people with communication or  
22    other kinds of control capability problems, if you

1     couldn't type, could you control something by moving  
2     your head around? This is about an \$8,000 device  
3     which reaches almost 0 percent of a contended market  
4     and drops it down to a \$100 device which then  
5     requires third party development. And I think we  
6     have some radical transformations that are occurring  
7     because of that, development costs are much lower  
8     when you -- with hardware, software.

9             The distribution costs are radically lower  
10     as well. We're not even selling CDs, people are  
11     coming to the website, downloading software, the  
12     distribution costs are almost down to zero. The  
13     marketing costs are similarly lowered, there are so  
14     many people already on the Internet. We know that's  
15     not the case, but a growing number of people are.  
16     And people spend time on the Internet looking for  
17     products that meet their very, very, specific needs,  
18     their niche needs. They have to find their market,  
19     the market is essentially looking for them.

20             So these all contribute to a phenomenon  
21     referred to as the long tail and the graph here is  
22     sales of a product versus the number of products. So

1 we all know that a highly popular product like  
2 vanilla ice cream has huge sales. And a product like  
3 mocha mint chip would have very, very little sales.  
4 Because we buy our ice cream at the supermarket,  
5 there is limited space in the freezer, the  
6 supermarkets have to focus on sales with high --  
7 products with high volume sale.

8           Information communication technology,  
9 there is no longer such a need, we have essentially  
10 an infinite size supermarket. You can reach the  
11 potential market and find people who want that  
12 particular variation of a product or service. As  
13 those information costs and transaction costs drop  
14 radically, what we find is there's actually more  
15 money to be made in very, very scarce, rare, tiny  
16 markets, than there are in huge mainstream services.

17           Fewer people will tolerate a generic news  
18 show. More and more people are looking for what is  
19 the news of my community of interest, whether it  
20 might be my ethnic community, what have you. This  
21 information technology gives us as consumers the  
22 ability to find those sources because it gives the

1 producers a very low-cost platform for producing and  
2 distributing the information services.

3           So if this is a technological fact, what  
4 are the implications of public interest? I apologize  
5 to the experts in public interest here who probably  
6 come up with these ideas, but as coming from a  
7 technology perspective, I think of three types of  
8 intervention. First nature preserve -- first there  
9 is an assumption there is a need to do something  
10 other than let the market determine everything about  
11 how we're going to get information communication.

12           What are the models that we can think of?  
13 I can first thing of something like a nature  
14 preserve. We are preserving some resource, we have a  
15 reserve spectrum for assistive listening assistance  
16 as we do for emergency communication. There may be  
17 other kinds of resources that just need an absolute  
18 regulatory hand to preserve them for the community  
19 that could not effectively compete in the market. We  
20 could never get the assistive listening system market  
21 to outbid a major carrier auctioning off every single  
22 piece of the electro magnetic spectrum.



1                   There is the kind of market basket  
2    approach. It basically says what is it that people  
3    are buying, what are people using? And this is kind  
4    of a market research oriented review, what is the  
5    reality of the -- pattern for information technology  
6    and where are the underserved populations within this  
7    context? And what are the efficient ways of  
8    remedying gaps in the market or failures on the  
9    market on a case-by-case basis.

10                   The final one is kind of more utopian  
11   perhaps, where we rely on the market, but we subsidize  
12   underserved users, we basically say these are the  
13   services that we think you need in order to be a  
14   citizen of the United States. And given -- you could  
15   be a third-grade student, a low income person in an  
16   urban community, whatever your situation is, how  
17   could we provide you the wherewithal in the market to  
18   get what you want?

19                   I apologize for the flashy technology side  
20   of it and the under developed theoretical approach, I  
21   wanted to get across to you some very exciting  
22   developments in the area of technology that I think

1 will encourage us to think in innovative ways about  
2 how we can intervene, how the public sector can  
3 intervene.

4 (Applause.)

5 SHIRLEY ROOKER: I thought you looked  
6 really good as a green person.

7 Before we take questions, Scott needs to  
8 speak to our people on the phone, he has some  
9 information on how you can mute your phone.

10 SCOTT MARSHALL: Thanks, Shirley, we have  
11 a solution on your phone, star 6 will mute your line.  
12 There is a way to mute all of you from here, but we  
13 don't want to do that.

14 (Laughter.)

15 SCOTT MARSHALL: Kindly push star 6, that  
16 should take care of our feedback problem. So they  
17 tell me.

18 SHIRLEY ROOKER: How do they come back in?

19 SCOTT MARSHALL: It is a toggle. Do star  
20 6 again and we will be able to hear it.

21 THE AUDIENCE: Thank you very much.

22 SCOTT MARSHALL: We also want to ask does

1 anyone on the phone have a question for Jim? And  
2 then I will turn it back to you, Shirley.

3           Going once, twice.

4           You're very resourceful.

5           He called me on the cell phone. I wrote  
6 it down for next time, maybe I'll know how to run a  
7 meeting after 6 years, we will have it for the  
8 future, I guarantee you.

9           SHIRLEY ROOKER: Thank you, we have a  
10 couple of questions -- we're still getting feedback.

11          THE AUDIENCE: No.

12          SHIRLEY ROOKER: I'm still hearing myself.

13          THE AUDIENCE: No.

14          SHIRLEY ROOKER: We have a couple of  
15 questions.

16          MARY LIGHT: Good morning, Mary Light for  
17 SHAMU. The information that you were talking about  
18 in terms of tracking eye gaze and facial movements  
19 and how it is a very inexpensive technology is an  
20 interest -- I know there's been a lot of research  
21 done with eye tracking in the area of computer  
22 assisted kinds of distance technologies. Do you see

1 applications in terms of distance communication for  
2 eye tracking so those details can be better picked up  
3 on?

4 JIM TOBIAS: I think that's an excellent  
5 question. Some of the bandwidth limitations could be  
6 reduced if instead of sending the full video image of  
7 the person signing we sent were kind of not  
8 cartoonish, but reduced features, maybe exaggerated  
9 features so that the features most important for  
10 interpreting like eye position and mouth position  
11 were exaggerated and others that weren't so important  
12 were reduced. And I think there are a lot of  
13 implications.

14 My key concern is that we still manage to  
15 spend most of our R&D dollars on separate  
16 accessibility oriented research when we could go  
17 piggybacking on the commercially done research that's  
18 done, 95 percent of the work. And all that's left is  
19 for us to adopt and adapt the technology that's  
20 available on the \$100 level.

21 SHIRLEY ROOKER: One more question. All  
22 right.

1           LARRY GOLDBERG: Larry Goldberg. How easy  
2     it is to develop applications, I'm wondering what the  
3     notion is for particular accessibility, I think it is  
4     something like YouTube which came out of nowhere and  
5     now has tens of millions of videos. One solution in  
6     terms of accessibility that may force to you provide  
7     captioning, the other alternative is to hope that  
8     some very creative third party developer figures a  
9     way of getting captions on to them. And achieving  
10    the accessibility goals and at technologies and how  
11    could we accomplish these.

12           JIM TOBIAS: I don't know if -- there is  
13    technological side and intervention side. One  
14    approach would be captioning on the fly.

15           If I were a deaf individual who wanted to  
16    access YouTube and an axillary service that would  
17    caption the video on the fly, to the extent that's  
18    technologically feasible -- we don't want to suppress  
19    the explosive creativity -- we want to effect that  
20    community with the needs, but we don't want to say  
21    thou shalt not post a YouTube until you have  
22    captioned the video to make it legal.



1 go to work. Because we do have -- I know  
2 Commissioner Copps is coming, so we have to make time  
3 for him on the agenda, with great pleasure. We have  
4 two panels to talk about. Dixie Ziegler.

5 DIXIE ZIEGLER: Right here. (Indicating.)

6 SHIRLEY ROOKER: I'm facing the light and  
7 people are outlined.

8 DIXIE ZIEGLER: Good morning.

9 SHIRLEY ROOKER: Why don't we go ahead and  
10 get started. This is Dixie Ziegler, the Working  
11 Group chair of the TRS Working Group.

12 DIXIE ZIEGLER: It has been a pleasure  
13 working with the TRS Working Group this year, we have  
14 accomplished quite a bit. Our group has been very  
15 active and they have participated with the members in  
16 all the hard work and we have had a few items we hope  
17 to pass onto the FCC with all of your support.

18 First the E9-1-1 item. She also mentioned  
19 the summit taking place on E9-1-1 related matters in  
20 regards to Internet service and relay.

21 What the meat of this particular filing  
22 is, is a letter that was filed by the E9-1-1

1 Coalition, which is a new group of individuals,  
2 providers, consumers, various organizations who take  
3 interest in this, the national emergency association  
4 involved with that group, and several folks here are  
5 actually a part of this particular E9-1-1 council as  
6 well. The Working Group was drafted for the FCC and  
7 thought that if the PAC were also to put their  
8 support to the cause hopefully it would bring around  
9 solutions.

10           Regarding E9-1-1 and video relay services,  
11 what we're asking for today is support for this  
12 particular item. There's really two points, two main  
13 sections of this letter, one letter, point one  
14 addresses indirect access to 911 access centers  
15 through relay services. Relay providers gain access  
16 to the network to support, to be able to contact  
17 these services which quite frankly is all technology,  
18 they are still trying to work through the process to  
19 put their calls through like it does on a land line  
20 phone. There is a need to be able to make that  
21 happen and there's probably steps in the process and  
22 this letter outlines steps that might be taken and we



1 think those steps would be analyzed further in the  
2 E9-1-1 summit Monica mentioned this morning. This  
3 paper is the guideline for the summit that's  
4 happening on the 15th.

5           The second part of this letter talks about  
6 direct E9-1-1 access from text pagers, video relay --  
7 video telephones, all types of devices, PDAS, pagers,  
8 E-Mail, caption telephone, many of the services  
9 accessible through relay, making sure that all of  
10 those devices have accessibility directly to 911 and  
11 it works in a manner as it works today for land line  
12 connections.

13           So there's information in here about how  
14 the P sap network might need to be upgraded to accept  
15 these calls. Again they are going to be discussed at  
16 the upcoming summit on November 15th at the FCC.

17           So this has really become a guideline,  
18 there are things happening already at the FCC because  
19 at the end of the letter there is a request for a  
20 meeting and the request has been granted as Monica  
21 announced this morning. We've been talking about the  
22 additional information regarding this -- this topic

1 is bigger than this letter. Activity has started to  
2 happen. It is kind of exciting in our ministry, as  
3 part of the council, they've stepped up and said we  
4 think there needs to be procedures that all follow in  
5 contracting at P sap.

6 Quite frankly, some have been providers  
7 for years, it is exciting that they are working with  
8 us to train operators appropriately and can recognize  
9 a relay call, and making it easier for P SAP  
10 operators to recognize a relay call and increase  
11 training for P SAP operators. So there are a lot of  
12 really good things that are happening as a result of  
13 the work that this council initially has been doing.  
14 And from a great consumer organization like this will  
15 continue to indicate to the FCC that A, this is an  
16 important topic and B, the FCC should continue to  
17 stay on the track they are on, to gather the  
18 information and begin to act on the recommendations.

19 I welcome any questions, thoughts, and  
20 comments on this particular document.

21 SHIRLEY ROOKER: We are opening the floor  
22 to questions or comments. I gather you all want to

1 submit this as a recommendation?

2 DIXIE ZIEGLER: Correct.

3 SHIRLEY ROOKER: Do we have any -- yes,  
4 Jim.

5 JIM TOBIAS: I'd like to speak very  
6 strongly in adopting these recommendations, those of  
7 us who participated in the dialogue that brought  
8 these recommendations about, even, you know, not  
9 always participating actively. I know I saw an  
10 amazing attention paid to the detail of every  
11 stakeholder involved, you know. I don't think I've  
12 ever seen as diligent an attention to making sure  
13 that everyone's views surfaced and that those got  
14 reflected in the final recommendations.

15 I feel this is a model of the consultative  
16 process that this committee was established for and  
17 therefore we should strongly recommend that it be  
18 adopted by this committee and that we encourage the  
19 commission to adopt those recommendations as soon as  
20 possible.

21 SHIRLEY ROOKER: We have other comments.

22 THE AUDIENCE: Do you need to take a

1 motion?

2 SHIRLEY ROOKER: Yes. We need a motion.

3 If you want to state that in the form of a motion,

4 Jim.

5 JIM TOBIAS: I move we adopt the

6 recommendations.

7 SHIRLEY ROOKER: As presented?

8 JIM TOBIAS: As presented.

9 SHIRLEY ROOKER: Do we have a second to

10 that motion?

11 All right, all right. We have a motion on

12 the floor that's been seconded. Forwarding to the

13 FCC the recommendations of the Working Group. May I

14 take a vote? May I see hands for yeses.

15 THE AUDIENCE: (Indicating.)

16 SHIRLEY ROOKER: Opposed?

17 It passes.

18 I want to say you have done a great job,

19 Dixie Ziegler, I have E-mails to prove it.

20 DIXIE ZIEGLER: I have a couple of more.

21 Continuing on the next item that we have to present

22 to you today, before I do that I would like to thank

1 Jim for his comments. I agree the group is  
2 pleasantly surprising and has so many different  
3 agencies involved, really a cross sector of agencies  
4 addressing these issues and a lot of support from the  
5 Federal Government which has really been refreshing.

6 Moving onto the next item in your packet,  
7 and that is an item addressing Internet captioned  
8 telephone funding. If you recall you talked about  
9 caption telephones several times over the last two  
10 years in this group. We brought to you an initial  
11 proceeding on cap tele asking for support from a main  
12 date, I went back to work after that, had some  
13 difficulty casting.

14 Lastly an item to help develop an NPRM on  
15 captioned telephone, a mandate that provides  
16 captioned telephone. And as a part of that initial  
17 petition that began all of this work, began all for  
18 the mandate, a part of that petition asked for  
19 funding for Internet protocol captioned telephone  
20 service. And so we come forward, our Working Group,  
21 today to ask for the cap tele -- require the  
22 Interstate TRS Fund pay for captioned telephone.

1 They have taken a lead on working on the force and  
2 this technology. I ask Karen to give you more  
3 information.

4 KAREN PELZ STRAUSS: Thank you. You are  
5 familiar now with captioned telephone. It is a form  
6 of relay service that enables a service that  
7 typically -- they don't have to have -- typically  
8 have residual -- to see to the destination party and  
9 to hear back over the telephone and read captions of  
10 what that person is saying. Captions are provided  
11 through an individual, a relay operator at a remote  
12 location and revoicing what the responding party is  
13 saying and that revoicing goes to a computer for  
14 speech recognition to spit out the captions to the  
15 telephone users.

16 Internet-based captioned telephone pretty  
17 much works the same way, except that the delivery,  
18 the transport that's taking place is occurring over  
19 the Internet and sometimes over the PSTN as well.  
20 There is actually around six different types of  
21 captioned based telephone that use PSTN and Internet  
22 to varying degrees.

1                   For example, one method actually allows to  
2     you to use any -- I think we may have talked about  
3     this a little bit at the last meeting, but allows to  
4     you use any telephone at all whether it is a PSTN  
5     phone or digital phone, a voip phone to make your  
6     phone call to the other party. And what we do is  
7     connect that hand set to a computer with a \$15 device  
8     from perhaps Radio Shack and the captions come back  
9     over the Internet. It is nice with that device you  
10    can have access to 911, call forwarding, your phone  
11    is the same as it always is, but yet you're getting  
12    your captions back over the Internet.

13                   There is another kind where you initiate  
14    the call over the Internet and someone can call you  
15    back using a PSTN line, so it is PSTN to PSTN, the  
16    captions come over the Internet. There is a form  
17    where it is strictly over the Internet where you log  
18    onto the Internet and dial the destination party from  
19    the Internet and again the relay operator is  
20    connected and the captions come back over the  
21    Internet and you can actually speak over the  
22    Internet.

1           The reason this is an important  
2    technology, many employers, five different reasons  
3    that it is really critical that this get approved  
4    soon. As many of you know the FCC has already put  
5    captioned telephone over PSTN and approved IP relay  
6    for text based. Some may wonder why do we need this  
7    approval. I've actually wondered that myself. I  
8    believe it is a no-brainer and should be approved,  
9    but unfortunately, although it was put out on public  
10   comment it still hasn't been resolved.

11           The reason this is troublesome is a lot of  
12   employers are switching their system from analog to  
13   digital systems. In fact I do represent Ultratech in  
14   this matter, I want to make that clear, I think many  
15   of you know my background and I am concerned about  
16   getting the service out to consumers, there are  
17   consumers who don't have it and I want them to have  
18   it.

19           I did going to the FCC and had several  
20   meetings with commissioners and what was interesting  
21   was we wanted to show them this technology, we wanted  
22   to compare the analog version and the digital



1 version, we couldn't show them the analog version  
2 because the FCC switched to digital.

3 We thought that kind of proved our point  
4 and we should get captioned telephone on the way out,  
5 but it didn't happen. People who are able to use  
6 captioned telephone now are starting to lose that  
7 access as their employers switch over to digital.  
8 This would allow them to continue using captioned  
9 telephone.

10 Another really important reason this is  
11 critical is that with IP version you can use a wide  
12 range of devices. Right now with analog you can only  
13 use captioned telephone, the actual telephone, which  
14 is expensive, individuals have to pay for it. With  
15 this you can use any range of device, desk, laptop  
16 computers, personal desk assistants, cell phones, any  
17 wireless device. It is ubiquitous.

18 Another important reason it is critical is  
19 it enables, if you can use a computer, that means you  
20 can change the font and the size and that makes for  
21 benefits for people with multiple disabilities as  
22 well. You can have a braille output device that you

1 can attach to the computer.

2           There are other reasons. It is much  
3 better for conference calling, it allows people to  
4 receive calls directly from hearing impaired people.  
5 Right now if you're using a one line captioned  
6 telephone, the hearing individual has to dial the  
7 captioned telephone relay center first and they give  
8 the number of the recipient to the call. With this  
9 you can dial directly. You can add or drop captions  
10 on a call as necessary.

11           This is a really important point. I think  
12 in today's day and age relay services are not cheap,  
13 they are expensive and what we have found is that  
14 with Two-Line Captioned telephone you can do this as  
15 well. An individual can be on the phone and not be  
16 using captions and all of a sudden they can press a  
17 button to get those captions, but then when they  
18 don't need them, they can turn it off. That is a  
19 cost saving device. You can do this with IP.

20           I think I've covered all the benefits.  
21 There are actually a few more, but those are the  
22 central benefits, one of the other ones that will

1 increase competition as well. This will allow  
2 entrants into the field because you don't need that  
3 captioned telephone again. What we are proposing in  
4 this proposal is to have the CAC approve our  
5 recommendation to the SEC to approve Internet  
6 protocol captioned telephone as a relay service. It  
7 would be reimbursable by interstate relay funds.

8 SHIRLEY ROOKER: Now, okay, so we have the  
9 comments on the second recommendation from the TRS  
10 Working Group and I will open the floor to  
11 discussion.

12 LARRY GOLDBERG: When you say this  
13 petition will allow captioning of IT services, you  
14 can get compensated from the fund, it is allowed or  
15 available, it is compensated from the fund.

16 KAREN PELZ STRAUSS: That's right.

17 LARRY GOLDBERG: Will patents allow  
18 competition?

19 KAREN PELZ STRAUSS: This is a lot -- you  
20 can use any device and you can use various transport  
21 modes. I can talk to you about it in more detail, it  
22 is a complicated question. It is very likely to

1 increase competition.

2 One of the reasons is that this will also  
3 increase the number of captioned telephone users  
4 which is going to make it much more valuable, much  
5 more of an incentive to get involved. Right now the  
6 numbers have been kept artificially low because the  
7 states -- most of the states, there are only two who  
8 don't do this, limit the number of captioned users  
9 that can join each --

10 LARRY GOLDBERG: The number of providers  
11 are not limited.

12 KAREN PELZ STRAUSS: There is no  
13 incentive, because the market, the states gave  
14 artificially kept down the market.

15 LARRY GOLDBERG: If MCI wants to start  
16 providing this, you couldn't do that today?

17 KAREN PELZ STRAUSS: There are ways to  
18 provide real-time captioning services, there are  
19 other ways to do it besides the way Ultratech is  
20 doing it.

21 LARRY GOLDBERG: Ultratech wouldn't forbid  
22 that?

1                   KAREN PELZ STRAUSS: I'm told over and  
2 over again there are ways this can be done, that's  
3 all I can tell you.

4                   SHIRLEY ROOKER: Do we have any other  
5 questions?

6                   KAREN PELZ STRAUSS: There is a statement  
7 on the record to that effect by people who analyzing  
8 this situation.

9                   SHIRLEY ROOKER: We have a recommendation  
10 for the TRS Working Group, do I hear a motion that we  
11 vote on this?

12                   CLAUDE STOUT: I move.

13                   SHIRLEY ROOKER: Claude Stout has moved we  
14 put this up to a vote. Second?

15                   JANICE SCHACTER: Second.

16                   SHIRLEY ROOKER: Thank you, motion  
17 seconded. The recommendation the TRS on the  
18 captioning is up for a vote, so just show your hands.

19                   THE AUDIENCE: (Indicating.)

20                   SHIRLEY ROOKER: Okay, okay, we have two  
21 abstentions.

22                   THE AUDIENCE: (Indicating.)

1           SHIRLEY ROOKER: We have two.

2           THE AUDIENCE: I didn't see abstentions.

3           SHIRLEY ROOKER: I did.

4           THE AUDIENCE: (Indicating.)

5           SHIRLEY ROOKER: We have three

6           abstentions. That will be noted on the record.

7           I apologize, I did not ask for abstention  
8           on item 1. Did we have anyone who wanted to abstain  
9           on item 1?

10          All right then, the item has been  
11          approved. There were three abstentions on this item.  
12          Okay.

13          Thank you very much Dixie Ziegler for the  
14          work. That ends your presentation, or you have more?

15          DIXIE ZIEGLER: I have three more. The  
16          next item is simply a list of items we thought we  
17          wanted to do a better job at capturing into the  
18          record what topics need to be addressed by the next  
19          TRS work group; hopefully there will be one.

20          We wanted to put an item on the record to  
21          identify them. Some were identified by Monica this  
22          morning as desirous of initial feedback. That

1 includes item 1, the IP TRS misuse item, the standard  
2 numbering system, item number 2, the rate methodology  
3 items, we do have some comments on, as far as  
4 encouraging different entities to pay to the TRS  
5 relay fund, a penalty item to comment on.

6 And then the next item we can remove from  
7 our list, and I will do that before submitting the  
8 final copy to the FCC. As Gene Crick's group  
9 discusses later today, we're happy about that and  
10 appreciate that work of that committee. And the last  
11 item is a standard CAC assist to consumer.

12 Any questions on this item?

13 SHIRLEY ROOKER: You're proposing we vote  
14 on this and send this forward to the next CAC for  
15 consideration for TRS Working Group?

16 DIXIE ZIEGLER: That's correct. However  
17 you want to handle that.

18 SHIRLEY ROOKER: There is every reason you  
19 would want to provide information and input to the  
20 next CAC. I'm not sure about whether or not we  
21 should make it a recommendation or just a suggestion.

22 Debra, do you have a comment?

1                   DEBRA BERLYN: I would just question how  
2 we do this, because there are policy implications for  
3 each of these recommendations. I don't know whether  
4 there's any -- implied support for this list or it is  
5 just a list to say these are some topics you may want  
6 to discuss. I don't think we should formally do it  
7 as a recommendation for the CAC.

8                   SHIRLEY ROOKER: That would be my sense of  
9 it too, if that's acceptable to you all, is that we  
10 informally submit this from the TRS working group  
11 that you think these things should be passed on and  
12 considered.

13                   DIXIE ZIEGLER: That's fine, we are not  
14 taking positions, you're right.

15                   SHIRLEY ROOKER: All right, all right.

16                   So what we will do is see to it that these  
17 items are forwarded on to the next CAC. Without our  
18 endorsement.

19                   THE AUDIENCE: Are we going to pass onto  
20 the next CAC on the consumer bureau or who are we  
21 passing on to? I read it --

22                   SHIRLEY ROOKER: I'm sorry.



1 DR. HELENA MITCHELL: Oh, Helena Mitchell.

2 I was addressing the last point about not  
3 doing it formally. But I read it think and it is  
4 important, I worked for the commission before, if it  
5 doesn't follow up to the top, it doesn't go any  
6 place. We need to be able to say a lot of people  
7 here came to all these meetings and spent time  
8 working on the proposals and I do think it needs to  
9 go some place. Maybe they can tell us who else we  
10 should copy on it, not wait for the next CAC.

11 SHIRLEY ROOKER: Are you making a motion?  
12 You're saying you feel we should vote on this, is  
13 that what you're saying? I'm sorry.

14 DR. HELENA MITCHELL: I don't think we  
15 should pass it onto the next CAC, I think we should  
16 talk to Monica and Scott and take their advice on  
17 what should be done in offering some good  
18 suggestions. Why don't we bring it to Monica's  
19 attention and since Scott is here, we can ask him to  
20 do that and these are things we feel are important  
21 that we pass on the TRS --

22 DEBRA BERLYN: There are items on here

1       that we have not discussed with the CAC, so I don't  
2       feel comfortable.

3               SHIRLEY ROOKER:  I don't feel comfortable  
4       making it a recommendation to the CAC.  If the TRS  
5       Working Group wants it -- is that what you mean  
6       Debra?

7               DEBRA BERLYN:  The working ground not the  
8       CAC?

9               SHIRLEY ROOKER:  That's correct.

10              DEBRA BERLYN:  I don't know what --

11              SHIRLEY ROOKER:  It would be something  
12       that the TRS Working Group is suggesting and it's not  
13       something proposed by the committee.

14              DR. HELENA MITCHELL:  It says proposed by  
15       an ad hoc group --

16              SHIRLEY ROOKER:  We're talking about a  
17       list of items.  What are you looking at?

18              (Indicating.)

19              SHIRLEY ROOKER:  No, that's not what we're  
20       talking about right now, okay?  It is not to this  
21       point.  So what we will do then is make that -- you  
22       have some other points?

1           DIXIE ZIEGLER: We will forward it to --  
2       instead of sending it, we will make sure it goes to  
3       CAC for the next half.

4           Next item is an item that Monica discussed  
5       this morning about a rate -- taking place at the FCC  
6       this is a cycle --

7           SHIRLEY ROOKER: May I interrupt you for a  
8       second? I don't seem to have that document. I have  
9       two copies of recommendations of E9-1-11 emergency  
10      alerts, but I don't have that one. Oh, it's your  
11      comments, it is formal comments, oh, all right.

12          DIXIE ZIEGLER: This particular document  
13      or -- other things in the written comment cycle  
14      usually doesn't have that luxury. This is a window  
15      of opportunity here to file in a proceeding that's  
16      ongoing at the moment.

17          What this particular document does is  
18      answer some of the questions that were brought up by  
19      the FCC and an FNPRM methodology, it gives some  
20      direction, we do not make a recommendation per rate  
21      methodology that we give guidelines to the FCC to  
22      make sure they give thought to and consider when

1 selecting a rate methodology. In this proceeding --  
2 in the last several years the current rate  
3 methodology used for the interstate TRS services has  
4 been severely broken, the rules have changed  
5 annually, there hasn't been reasons as to why, and  
6 every party, including the FCC recognizes, that it is  
7 broken and the FNPRM has been released.

8 Really the highlights of this particular  
9 document is that we certainly want a rate methodology  
10 to support access to TRS for all of those  
11 individuals, including hearing people, who use the  
12 services. We wanted the fundamental items we  
13 believed to be important including a rate  
14 methodology, education and outreach funding.

15 In December of '03 this group commented to  
16 the FCC asking that a national outreach campaign for  
17 TRS be funded. The FCC has not acted on that request  
18 from this group. That was filed back in '03. We  
19 asked again in this document that funding be allowed  
20 for an outreach program and in addition that outreach  
21 and marketing costs be part of the rate methodology  
22 that is established by the FCC for interstate TRS

1 services.

2 Other highlights include wanting to make  
3 sure that a rate methodology supports functional  
4 equivalency, including some of the things we already  
5 talked about today, 911 services. And finally we  
6 want a rate methodology to preserve competition. We  
7 believe that consumers have benefited being able to  
8 choose providers and believe a great methodology that  
9 preserves competition is important. Sorry -- there  
10 was one more item.

11 Finally a rate methodology should maintain  
12 stable and predictable rates so that there can be  
13 continued investment by those offering those services  
14 to continue to add word functionality and achieve the  
15 goals of the TRS program was designed to accomplish.

16 I'll take questions about this particular  
17 item.

18 SHIRLEY ROOKER: This is a draft of what  
19 you're suggesting that we submit. Have we voted on  
20 this issue before?

21 DIXIE ZIEGLER: We have not.

22 SHIRLEY ROOKER: Well, did we vote on the

1 recommendations? It says the CAC presents this.

2 DIXIE ZIEGLER: This is how we propose to  
3 send it in. We drafted this hoping it will receive a  
4 recommendation today and we can submit it on behalf  
5 of the CAC.

6 SHIRLEY ROOKER: All right, so we have a  
7 little work to do to discuss it. All right so we  
8 have the suggestions. On -- this is the form that  
9 you used. I see it is a draft, but I was a little  
10 bit confused. Excuse me. The mind is getting old.

11 What we need to do at this point is open  
12 the floor for discussion or questions. Any comments?

13 THE AUDIENCE: No response.

14 SHIRLEY ROOKER: Do I hear a motion to  
15 accept this as presented?

16 Karen Pelz Strauss makes a motion and --

17 GENE CRICK: I don't know if this place is  
18 specific for this motion, but based upon my colleague  
19 Larry Goldberg's body language I would like to ask  
20 Dixie if might be appropriate to include somewhere --  
21 but it is simply another bullet that we endorse the  
22 principle that FCC support for TRS and other

1 assistive services encourages --

2 SHIRLEY ROOKER: Gene, excuse me, I think  
3 it's appropriate for to get a second for the initial  
4 motion and then you can --

5 GENE CRICK: I didn't know --

6 SHIRLEY ROOKER: I thought you were going  
7 to second it. Linda, you second the initial motion.

8 GENE CRICK: You can tell me --

9 SHIRLEY ROOKER: Good-bye, Gene.

10 GENE CRICK: I propose something that says  
11 that we endorse the principle that FCC support for  
12 TRS and other assistive services, encourage to the  
13 greatest degree possible open standards --

14 SHIRLEY ROOKER: We're going to take a  
15 pause here, because we are delighted that we have  
16 been joined by Commissioner Copps. Please join me in  
17 welcoming the FCC Commissioner Copps.

18 (Applause.)

19 COMMISSIONER MICHAEL COPPS: Good morning.

20 THE AUDIENCE: Good morning.

21 COMMISSIONER MICHAEL COPPS: It is good to  
22 see you all. Excuse me, I am delighted to be here, I

1 would have been here earlier, as you know the FCC had  
2 meeting this morning, but the good news is it didn't  
3 last all that long so I got to come out here.

4 I've really been looking forward to this  
5 because I think this committee really deserves the  
6 commendation and the gratitude of all of us at the  
7 FCC. This has been really a proactive committee,  
8 it's been a self-lead committee, it's been an  
9 aggressive committee and it has been an oh, so  
10 germane committee, focusing on issues that so  
11 directly impact consumers all across this land of  
12 ours.

13 Your charge and my charge are similar  
14 because we're both charged with serving the public  
15 interest and I really commend you on focusing on that  
16 as you have.

17 I've told some of you before that when I  
18 was Assistant Secretary of Commerce in the Clinton  
19 administration I had administrative responsibility  
20 and oversight of all of our almost two dozen sector  
21 advisory committees. So I have a little bit of  
22 experience in watching advisory committees and I have



1 always been impressed, just as I am impressed with  
2 the commitment you folks have brought to your job,  
3 I've always been impressed with the commitment and  
4 willingness to sacrifice that people in the private  
5 sector bring your role as members of advisory  
6 committees. And we really can't do our job properly  
7 without that kind of input and that kind of  
8 perspective and that kind of analysis.

9           But I also learned when I was at the  
10 Department of Commerce we really need to be more  
11 appreciative and make more use of the advice and  
12 counsel that we receive from advisory committees like  
13 this. People -- you folks serve on these committees  
14 at a cost to yourself, that's at a sacrifice to  
15 yourself and you devote a lot of energy and brain  
16 power to forging recommendations and trying to come  
17 to consensus for things that will advance consumer  
18 welfare and well-being in the telecommunications  
19 environment.

20           In return for that sacrifice and that  
21 commitment you deserve a prompt response when you  
22 forward recommendations. You deserve a considered

1 treatment by all the commissioners of your  
2 recommendations and some action. You need to have a  
3 field at which what you are doing has a chance to  
4 influence the development of public policy. And I  
5 think right now the commission has a ways to go to  
6 impart that kind of feeling to all of you folks.

7 I just want to you know from my standpoint  
8 that I am appreciative of everything that you have  
9 done. I welcome that and encourage it. But if we're  
10 going to continue to attract folks, if we're going to  
11 continue to solicit the participation of the nation's  
12 best and brightest in the industry and advocacy and  
13 consumer groups and what else, you have to know going  
14 in that what you will be saying will be seen, heard,  
15 listened to will be listened to and considered. I  
16 intend to do whatever I can to make sure that that  
17 happens; that goes without saying. I think we've got  
18 a long way to go, and are playing a little bit fast  
19 and loose with that kind of approach to advisory  
20 committees.

21 Let me focus on some of the priorities  
22 that you have addressed and I know you've addressed a

1 whole bunch of them over the period of the last  
2 couple of years.

3           It is no secret to any of you that my  
4 number one priority since coming to this commission  
5 has been the ownership and what have been the effects  
6 of media consolidation on localism and competition  
7 and diversity across this great land of ours. And I  
8 have tried to travel as much as I can across this  
9 great land of ours to talk to people in local media  
10 markets to get their reaction to what's going on. I  
11 have probably been to three to four hearings in the  
12 last month and there's lots more scheduled, and I'm  
13 waiting anxiously to learn where the rest of the  
14 official FCC hearings will be.

15           Mr. Adelstein and I have attended a lot of  
16 hearings around the country, our media is so  
17 precious, it is how we converse with each other,  
18 entertain each other. How we govern ourselves is  
19 influenced by the -- there is no question in my mind  
20 the most powerful business in the United States of  
21 America is the media. And if we're smart about it,  
22 we will encourage a media environment that reflects

1 and enriches the diversity and genius of all our  
2 people, no matter where they live. It is important  
3 that we get that right. If we don't it will dumb us  
4 all down and we're going to end up worse off than we  
5 currently are.

6 This is about a substantive issue, you  
7 know, I know you're addressing the substantive. It  
8 is also about process. All of us are stakeholders,  
9 nobody owns the airwaves other than the people of the  
10 United States collectively. All stakeholders have to  
11 have access to this process, they have to know what's  
12 going on and know the item is teed up. At the end of  
13 the day, when we find what direction they want to go  
14 at the FCC, or where the chairman is going to take  
15 us, I think they are entitled to know what those  
16 particularly are, before we vote on them.

17 Further Notice of Proposed Rulemaking -- I  
18 think the Third Circuit Court in Philadelphia pretty  
19 much took us to task for not doing that the last time  
20 around, that we were not learning our lesson well  
21 enough. Maybe we need a little more encouragement.  
22 The hearings, the opportunity to comment, all of

1 these things are so important. So I commend the work  
2 that you have done with the consideration and the  
3 attention that you have given the ownership. I don't  
4 think there's anything more important that you could  
5 be addressing.

6 I know you've gotten into the closely  
7 related public interest obligations of DTV  
8 broadcasters. We have to find a way to reinvigorate  
9 public interest. I think we have gone too far from  
10 the opposite direction of where we used to be. It  
11 used to be every three years if you wanted to renew  
12 your broadcast license you had to come in and  
13 demonstrate that you were -- had met a rather  
14 explicit list of public interest obligations. Now  
15 you send a postcard every eight years. Unless there  
16 is a character -- the application will be granted.

17 We don't have to go back to something that  
18 is micro regulatory or super burdensome, we should be  
19 able to find a way when a license is renewed at the  
20 FCC that the commission says, this station is serving  
21 the public interest and we can demonstrate that, but  
22 there ought to be a few obligations that would help

1 us make that judgment. So this is important, this  
2 proceeding has been languishing since 1999 and 2000,  
3 it just kind of got lost. We managed to get the  
4 children's TV up, thanks to the work of many people  
5 in this room, and we did make some positive steps on  
6 that. The other general obligations are still  
7 languishing.

8 But here is the biggest question of all,  
9 how does the DV transition effect consumers, what  
10 does it mean for them? The ability to multicast  
11 several streams in the community -- what's that mean  
12 for consumers, how will that enhance competition? We  
13 have not had that conversation at the FCC, people  
14 have not stepped up to the plate.

15 I appreciate a lot of the work -- I see my  
16 friend Charles Benton over there and others who have  
17 worked so hard to bring this to the fore, I  
18 congratulate you for that. You have done good and  
19 productive work on VRS and blocking, and that was  
20 good, you did a lot of work for E9-1-1 for the  
21 disabled community. It is an important part. And  
22 what they have to expect from the public airways, I

1 commend the work you're doing and talking about  
2 broadband and should that somehow be folded into  
3 universal services and telecommunications in the 21st  
4 century if you're not talking about the participation  
5 of broadband. The big question is one we need to  
6 address.

7           So I'm happy that you're looking at that.  
8 There is a new study out that's got the United States  
9 of America, which is has been ranked I think the last  
10 couple of years by the ITU as 15th or 16th nation in  
11 the world in broadband, the new study includes  
12 wireless and the factors in cost and computers, and  
13 with all that, we' 21. Your country, my country,  
14 number 21, we're right behind Estonia. And I think  
15 we have a ways to go because we are the only  
16 industrial country that doesn't seem to have a  
17 national strategy in broadband.

18           With emergency alerts I know you will talk  
19 about some recommendations for what we talked about  
20 earlier including the effectiveness of advisory  
21 committees, and we need to do that.

22           So you leave a proud legacy, I think this

1 is -- the committee I've watched with a lot of  
2 admiration over the years. When you tell the  
3 committees establish your own priorities, make your  
4 own agenda, use the staff we have to help you, but  
5 not to control where you're going and I think you  
6 folks have done a commendable job and I commend your  
7 chairman, Shirley, for the tremendous job that she  
8 has done too. So we're proud of the work you've  
9 done, I want you to know. I am one of five  
10 commissioners, but there are others, too, who value  
11 the recommendations and analysis that you do and look  
12 forward to it and I hope many of the members will be  
13 back here so we can continue with this work, because  
14 goodness knows it is nowhere near done.

15 I just came to say thanks and if anybody  
16 has an observation I will take it. But if you want  
17 to move on, I will understand that too.

18 SHIRLEY ROOKER: We will allow you,  
19 Commissioner Copps, you have been wonderful attending  
20 our meetings, we appreciate your support.

21 LAURA FORLANO: This is Laura Forlano from  
22 NYCWireless in New York. Thank you very much for



1 that interesting overview and support for the work of  
2 this committee. My question actually has to do with  
3 wireless networks that I was familiar with.

4 I'm wondering, given your focus on media  
5 ownership, I was kind of thinking about a statement  
6 that I read in the New York Times about a week ago  
7 where Starbucks announced they viewed their wireless  
8 networks as a very important communication channel  
9 and they see themselves really in the business of  
10 culture and media rather than coffee and they realize  
11 wireless network is an important part of their draw.

12 Given that statement, I'm wondering --  
13 given that wireless networks actually penetrate  
14 physical geography and reach out to public spaces,  
15 regardless of who is providing them, is there any  
16 framework in which you could imagine a wireless hot  
17 spot/page/ portal page as a content channel? And how  
18 would that fit into the media ownership debates we  
19 are participating in? Normally Internet and other  
20 sorts of media are somehow separated in a lot of  
21 regulatory policies. I'm wondering if you have any  
22 thought on that at all.

1                   COMMISSIONER MICHAEL COPPS: I think in  
2                   the current Washington environment, it would be a  
3                   stretch to get that teed up as a priority. I at the  
4                   commission think we do have to find a way in this  
5                   country to look more holistically at our  
6                   communications and at our media, and will spend a lot  
7                   of time depending -- I spoke about this 15 minutes  
8                   ago, speaking of broadband over power lines. And the  
9                   commission not surprisingly was - that information  
10                  services and changing the classification will somehow  
11                  link to the build out of business plans and all that.

12                  We studiously avoided talking about what  
13                  is obvious: Telecommunications of the century will  
14                  make the modern communications of the 21st century.  
15                  When you talk about title I they will have a  
16                  difficult time making that transition, I know some of  
17                  the wireless folks are thinking about the matters  
18                  such as indecent speech and some are planning for the  
19                  future and that's one way where there is some coming  
20                  together.

21                  At some point I would like us to get  
22                  beyond just parsing language in order to create

1 divisions and do away with obligations and start to  
2 look more holistically in technology for how we  
3 communicate as a country. And as you say it is  
4 pervasive, but it is becoming more pervasive, given  
5 some special credence to the pervasiveness of  
6 communications and its impact in the home and impact  
7 on the kids and all that. So I think the basis is  
8 there for that discussion, but it is not priority  
9 number one at the FCC right this minute.

10 SHIRLEY ROOKER: Okay, we have one more  
11 short question.

12 Well, Commissioner Copps, thanks so much  
13 for being with us this morning.

14 (Applause.)

15 SHIRLEY ROOKER: Okay, Gene, before I  
16 interrupted you, you were making a proposed addition  
17 to the recommendations from TRS Working Group.

18 GENE CRICK: Actually after  
19 conversation -- but not including -- oh.

20 Actually after conversation I am assured  
21 that the competition and open standards which are two  
22 things I care about will prevail through the

1 development, wherever possible. With that said, I  
2 thank you for your time, consideration, and patience  
3 and let you get back --

4 SHIRLEY ROOKER: Thank you, Gene.

5 Actually then we're not putting a motion  
6 on the floor. We had a motion on the floor that has  
7 been seconded to approve the recommendations of the  
8 TRS working group. Do I hear -- do we take a motion  
9 on that? Is there no further discussion?

10 DEBRA BERLYN: Debra Berlyn, AARP. Any of  
11 the recommendations in here will increase the costs  
12 for consumers for TRS.

13 DIXIE ZIEGLER: The TRS as you know is  
14 paid for through funding source of carriers and  
15 consumers paid on their bills associated services and  
16 the fact trying to figure out how to even out the  
17 funding sources that are less burden on consumers and  
18 those that should be paying in are paying equitably.  
19 So no, I do not believe --

20 SHIRLEY ROOKER: Asked and answered.

21 Sorry.

22 Cheryl.

1 MARY LIGHT: Mary Light, alternate.

2 I do have one question on page 4 that  
3 talks about with the outreach recognizing and  
4 responding to different segments of deaf, hard of  
5 hearing and speech depending on the individual  
6 needs -- I apologize to the interpreter. The  
7 differentiation is generally lacking. What exactly  
8 -- what is that proposing with that language there  
9 with responsibilities to the CAs?

10 DIXIE ZIEGLER: We are trying to outline  
11 that if a national outreach program was established  
12 by the FCC, that they need to take in that there are  
13 specific target communities within relay that might  
14 need different outreach approaches. We are trying to  
15 tell the FCC they need to be mindful of that.

16 Does that require that we add a sentence  
17 or -- Cheryl -- asked and answered, okay.

18 We have a motion on the floor, it has been  
19 seconded. All in favor.

20 THE AUDIENCE: (Indicating.)

21 SHIRLEY ROOKER: Abstaining or opposed?

22 THE AUDIENCE: (Indicating.)

1                   DIXIE ZIEGLER: Our last item is in  
2           regards to, I think an item that we brought to our  
3           first CAC meeting, asking that a speech to speech  
4           call be increased from 15 minutes to 20 minutes. At  
5           the time we brought this item the CAC brought it in  
6           the petition, and it was determined that the Consumer  
7           Advisory Committee could not file a petition. So a  
8           couple of individuals filed the petition on behalf of  
9           speech to speech users, and this single document is  
10          in support of that petition filed by Bob Spiegleman,  
11          saying that the CAC agrees with the system and it  
12          should be on called and increased from 15 to  
13          20 minutes.

14                   SHIRLEY ROOKER: Do we have discussion of  
15          this proposal?

16                   Do we have a motion to accept this  
17          proposal?

18                   BRENDA KELLY-FREY: I second.

19                   SHIRLEY ROOKER: Brenda Kelly-Frey moves  
20          that we accept it.

21                   Okay, we'll take a vote, all in favor. A  
22          show of hands.

1 THE AUDIENCE: (Indicating.)

2 SHIRLEY ROOKER: Opposed or abstaining?

3 Okay, the motion has been accepted.

4 Is that it?

5 DIXIE ZIEGLER. Yes, we appreciate all of  
6 your support and thank our committee who has been  
7 very hard working.

8 SHIRLEY ROOKER: Thank you. You all have  
9 really done a great job.

10 KAREN PELZ STRAUSS: I don't know if it  
11 has already been said. Dixie Ziegler has been  
12 absolutely amazing, I think -- all the --

13 (Applause.)

14 SHIRLEY ROOKER: Well said, well said.  
15 Thank you, Dixie Ziegler.

16 Scott and I will confer briefly. So  
17 please bear with us.

18 I do apologize, there was some question as  
19 to whether I should continue right now -- I'm joking.

20 (Laughter.)

21 SHIRLEY ROOKER: You're hoping. Forget  
22 it. We're going to move on to our next agenda item,

1 Denis Moynihan is on the phone, but has had a little  
2 work done on his throat so Dennis is not going to be  
3 talking a whole lot today. Instead Charles Benton is  
4 going to take over the recommendations of the working  
5 group. Charles, I turn the floor over to you.

6 CHARLES BENTON: First, thank you very  
7 much, Shirley. Dennis, get well quickly.

8 DENIS MOYNIHAN: Thank you very much.

9 CHARLES BENTON: I think Dixie Ziegler  
10 provided a model for all working groups for  
11 effectiveness and follow through. That is in fact  
12 what our Working Group is doing, is following through  
13 on the earlier discussion and resolution that was  
14 passed almost unanimously by the CAC membership. So  
15 I'd like to read a brief statement that will  
16 hopefully put this discussion in context. You have  
17 your packets, the piece on recommendations regarding  
18 the 2006 biennial regulatory review of the  
19 commission's media ownership rules. It received a  
20 vote on from the CAC facing the problems just heard  
21 about.

22 So it has been a year now since this



1 committee heard from a panel of speakers on the  
2 importance of the commission's media ownership rules.  
3 Our markets and our democracy rely on a free flow of  
4 information to and between consumers and citizens --  
5 -- sitting next to me was on that panel and will  
6 respond following my comments.

7           The law requires the FCC to promote the  
8 public interest. Over seven decades it has done so  
9 by promoting the goals of diversity, localism and  
10 competition. In addition the commission has  
11 protected the rights of people with disabilities,  
12 such as hearing, visual, speech, other types of  
13 disability to the same opportunities as every one  
14 else to telecommunicate. These goals which promote  
15 both consumer choice and values central to freedom of  
16 speech go to the core of what kinds of  
17 communications, education and entertainment American  
18 consumers use. This is about everything which we  
19 hear and see and read from the media. And TV, radio,  
20 newspapers and even the emerging media will look --  
21 what role they will play in citizens' lives and who,  
22 if anyone, will control them and for what purposes.

1                   Last April and again in July this  
2                   committee considered and adopted nearly unanimously a  
3                   recommendation that the commission adopt a process in  
4                   the 2006 media ownership review that provides a full  
5                   record of the potential impact of media ownership  
6                   concentration and actively engages consumers in the  
7                   proceeding.

8                   Today we consider a recommendation crafted  
9                   by the media group which asks the FCC to adopt  
10                  ownership rules or create an environment for civic  
11                  discourse where numerous independently owned,  
12                  institutionally distinct media outlets are accessible  
13                  to the public, including persons with disabilities,  
14                  responsive to social needs and reflective of diverse  
15                  social-economic points of view. The overarching goal  
16                  here is to advance the values of the First Amendment,  
17                  which as the Supreme Court stated, "rest on the  
18                  assumption that the widest possible dissemination of  
19                  information from diverse and antagonistic sources is  
20                  essential to the welfare of the public."

21                  The FCC elaborated on the Supreme Court's  
22                  view: "The greater the ownership of a particular

1 area the less chance a single person or -- can have  
2 an inordinate effect in a political editorial or  
3 similar programming sense on public opinion below the  
4 regional level."

5 Today we ask the FCC to adopt rules that  
6 number one promote local ownership of outlets. The  
7 FCC own recently released research proves that  
8 locally owned stations produce more local news.  
9 Remember that was delayed, the release of that  
10 research.

11 Number two, rules that can justify with  
12 the delivery of benefits of competition: innovation,  
13 better service and low prices. We believe as  
14 representatives of consumers that these benefits  
15 should be manifested through increased responsiveness  
16 to community need and increased diversity in  
17 programming.

18 Number three, for minorities, women and  
19 people with disabilities. As Mr. Michael Copps has  
20 said, recent research shows the state of ownership  
21 for these groups is a national disgrace. Moreover  
22 the courts in part turned back the commission's 2003

1 media ownership decision because it had not  
2 sufficiently addressed minority ownership.

3 In addition, today's recommendation  
4 reiterates the CAC's previous call to compile a  
5 complete record and issues specific rule changes for  
6 public comment, which we just heard 15 minutes ago  
7 from Mr. Copps.

8 Finally we ask the commission to  
9 aggressively enforce the media ownership rules.

10 Both within and outside the Working Group,  
11 I want to recognize the leadership of our Working  
12 Group chair, Denis Moynihan. I do not think it is a  
13 coincidence that today's recommendation comes from a  
14 group led by an independent media outlet which  
15 understands the perils of more concentrated media  
16 ownership in this country. And that people need easy  
17 access to independent diverse sources of news and  
18 information for a true democracy to work.

19 So many consumers have contacted our  
20 committee in support of this recommendation. I would  
21 like to highlight three letters, first from Shelly.  
22 Second Cheryl Lenza, the new managing director of the

1 Office of Communication, United Church of Christ. We  
2 got a wonderful letter this morning from the Office  
3 of General Counsel of the United States Conference  
4 Catholic Bishops with a membership of 69.1 million  
5 members.

6 Who -- was here the editor of our  
7 Communications Headlines, I hope you all are  
8 subscribing to it, it's free and it's a wonderful  
9 service. And also our new president is also here and  
10 has been enormously helpful in all of this.

11 We have also David Hoenig who arranged  
12 with Scott to make a short statement and Andy  
13 Schwartzman is here as well to help with the Q and A  
14 and be responsive to your questions and concerns.  
15 David is the executive director of the Minority Media  
16 Telecommunications Council which he co-founded in  
17 1986, the organization for minority participation in  
18 broadcasting, cable telephone, wireless industry via  
19 minority ownership and equal employment opportunity  
20 and universal telephone service.

21 I think Andy needs almost no introduction.  
22 He has been CEO of the Media Access Project since

1 1978 and that is a nonprofit interest law firm to  
2 represent the public in promoting First Amendment  
3 rights. As the chief legal strategist in efforts to  
4 oppose the mergers and preserve policy and media  
5 diversity, he was a leader in the FCC case that ended  
6 in the remanding of the FCC 2000 media ownership  
7 decisions. So it is wonderful to have both David and  
8 Andy here to help us with questions and concerns.

9 We finished the fine tuning of the  
10 resolution before we heard from Jim Tobias and he has  
11 an amendment, and maybe we can get this amendment on  
12 the table too so that -- maybe we could add your  
13 points and have a full record of what we want and  
14 couldn't do with the timing. Maybe you could make  
15 your amendment.

16 JIM TOBIAS: Do you need a motion?

17 SHIRLEY ROOKER: It is not appropriate to  
18 do that until you have a motion. So we should  
19 continue our discussion and you have some other  
20 person who wants to speak to that.

21 VOICE: That's right, okay. Let's finish  
22 the introduction here.

1           DAVID HOENIG: Thank you very much. It is  
2 a privilege to be here.

3           I want to first point out that the  
4 commission in 1982 recognized that the primary reason  
5 for having policies that foster female ownership is  
6 that they benefit consumers, the listeners of the  
7 stations, not the entrepreneurs. They are going to  
8 be exposed to the and information that they wouldn't  
9 normally receive if we had homogenous ownership.

10           The practice and implementation of the  
11 principle has been much more daunting, unfortunately.  
12 By 1995 all of the minority ownership policies  
13 previously in effect had either been suspended,  
14 repealed or no longer enforced. Consequently --  
15 aided unfortunately in many instances by the  
16 consequences of ownership deregulation -- we have  
17 seen both the number of owners and the number of  
18 stations and asset value of minority owned stations  
19 to be decreased -- in some cases it is not really  
20 particular clear on this or decreasing relative to  
21 other media.

22           What can be done about this?

1           It is not because the commission hasn't  
2       tried to ramp up proposals that there's been no  
3       action. One of the proposals that you have before  
4       you, the matter of minority ownership in 1992, that  
5       proposal came out of the commission in a notice of  
6       proposed rule making in '92, was rolled into another  
7       rule making in '95, another one in 2002, another one  
8       in 2003. And here it is again for the fifth time  
9       with no action.

10           All of the recommendations before you  
11       here, as well as the 14 recommendations presented by  
12       the diversity competition supporters which I  
13       represent -- 29 national organizations -- as well as  
14       the recommendations, I think there are 44, of which  
15       17 deals with this subject, developed by the SEC  
16       diversity committee, have been pending for between 2  
17       and 14 years.

18           So this is really a much-needed and long  
19       overdue initiative to bring to bear the expertise,  
20       experience and moral goodwill of this body to stand  
21       with those who feel it is important for the  
22       commission not just to say that diversity is



1 important, but to do something about it. These are  
2 very modest steps, they are primarily deregulatory  
3 and enforcement based steps, they enjoy the support  
4 of many in the industry, in some cases they generated  
5 no opposition whatsoever, and all of them are pending  
6 before the commission now.

7 I should add 14 proposals, including these  
8 that were before the commission in the multiple  
9 ownership rule making, the commission failed to  
10 mention the existence of them in the Third Circuit  
11 Court of Appeals in Philadelphia that said comment  
12 had to be taken. And we're still waiting for the  
13 commission to put out notices to describe and ramp up  
14 proposals. There is still a lot of work to be done,  
15 which underscores the need for a wide body of  
16 representatives of consumers, the beneficiaries of  
17 the proposals to be heard in support. And I am very  
18 happy you put this in your agenda.

19 SHIRLEY ROOKER: Did you have someone else  
20 speaking on it?

21 ANDREW SCHWARTZMAN: A few more words.  
22 This is Andrew Schwartzman. In light of what has

1 already been said I really don't have anything to add  
2 to what's already been said.

3 SHIRLEY ROOKER: Okay.

4 VOICE: Good you're here.

5 SHIRLEY ROOKER: Wait a minute, did you  
6 have a comment or question?

7 VOICE: I have a question, not so much  
8 about your proposal. Captioning is mentioned in the  
9 proposal, my only cause of concern is you listed a  
10 variety of religious organizations. In light of the  
11 commission's recent exclusion of captioning for  
12 religious organizations, how do we make sure that  
13 when we open it up to diversity in ownership -- and  
14 my comment is how do we ensure to make sure that  
15 captioning is really strongly considered as part of  
16 that?

17 VOICE: It is a wonderful question and  
18 that question was going to be or is, I think will be  
19 addressed almost immediately.

20 SHIRLEY ROOKER: Let's move on.

21 Jim Tobias: What you're doing is  
22 comments. This should not be appropriately be done

1 after we have a motion?

2 SHIRLEY ROOKER: You're offering it as an  
3 amendment?

4 THE AUDIENCE: We need a mike.

5 SHIRLEY ROOKER: Take it off the cradle,  
6 it is much easier to pass.

7 ANN MARIE MICKELSON: I have a couple of  
8 brief comments. Our position for those interested in  
9 reading through what we affectionately call the -- up  
10 has been submitted into the record. It is on the  
11 website and I will not go into the detail of that.  
12 We cannot support the general gist of the  
13 recommendation, but I --

14 SHIRLEY ROOKER: I don't mean to be rude,  
15 but I think we need to wait for your comments until  
16 after --

17 ANN MARIE MICKELSON: Actually I just  
18 would like, this is quick.

19 SHIRLEY ROOKER: Okay.

20 ANN MARIE MICKELSON: Having said that I  
21 do want to recognize all the efforts put forth by  
22 David Hoenig and his group. Our dissent is not that

1 -- discussions to promote minority, female and  
2 persons with disabilities.

3           Rolled into Mr. Tobias's recommendation is  
4 the -- -the title should be corrected to say 2006, it  
5 is now quadrennial review.

6           SHIRLEY ROOKER: We still need to make a  
7 motion. We need to have a motion from the floor on  
8 the proposal by the Media Ownership Working Group.

9 Laura?

10           And do we have a second? Karen Strauss  
11 seconds it.

12           Now we open the floor for discussion.  
13 Ann, we'll move your comments to discussion. But Jim  
14 Tobias, you have some comments.

15           JIM TOBIAS: I propose two friendly  
16 amendments to this and I will identify those and give  
17 a minute of background. The first would be at the  
18 bottom of page 2, under the diversity, first  
19 reference under recommendation, simply change  
20 ownership opportunities for minorities and women to  
21 ownership opportunities for minorities, women and  
22 people with disabilities.

1           And the second reference is similar; down  
2     at the bottom of page 3 under Roman Numeral II --  
3     bottom of page 2.

4           That we add after women, "and people with  
5     disability." Minorities, women and people with  
6     disabilities. Thank you.

7           JIM TOBIAS: Down at the bottom of page 3  
8     location and type of broadcast stations owned by --  
9     instead of "minorities and women," minorities, women  
10    and people with disabilities.

11           I see gaps in our current media ecology  
12    with respect to people with disabilities. We dealt  
13    with some of them and I just want to refocus us a  
14    little bit here. The first is to make sure that the  
15    media content is accessible. And I think we may have  
16    another amendment offered with respect to that.

17           The second is how people with disabilities  
18    are portrayed in the media in general. And I know  
19    there is a longstanding concern from many people with  
20    disabilities that insufficient attention has been  
21    paid in that direction.

22           The third is, is content that is of

1 special interest to people with disabilities  
2 available as broadly as it should be. There are  
3 there programs that address specific needs or  
4 cultural environments of people with disabilities,  
5 are those available as well? I think the answer is  
6 no. All three: accessible media, portrayal of  
7 people with disability in the media and content. I'm  
8 not usually in favor of using what I think of as  
9 identity politics as a heavy club to make  
10 improvements in those areas, but in this case I think  
11 it is justified and I can't let pass the specific  
12 recent comments, hateful disrespectful comments by  
13 Rush Limbaugh.

14           And third is ownership.

15           SHIRLEY ROOKER: All right, so we have two  
16 proposed changes to the media ownership rules. One  
17 is the under diversity that we make it include people  
18 with disabilities and then on page 3 under a complete  
19 record that is also stations owned by minorities,  
20 women and people with disabilities. So with have  
21 those two. Do I have a --

22           THE AUDIENCE: Second.

1                   SHIRLEY ROOKER: All right.

2                   VOICE: This is just a real short comment.

3                   But I noticed of all the statistics they gathered  
4                   they have no mention of any Native American owned,  
5                   ownership. But I back everything, I just want to  
6                   bring it to their attention as they are gathering the  
7                   statistics, they have women, Hispanics, Asian,  
8                   African-American, non Hispanic, white. Our Native  
9                   people are forgotten.

10                  VOICE: If I may comment on that point.

11                  The statistics are the studies only for full power TV  
12                  stations. Unfortunately there is no full power TV  
13                  station owned by Native Americans, zero. The system  
14                  is flawed in that fact.

15                  SHIRLEY ROOKER: Joel?

16                  JOEL SNYDER: I offer a second.

17                  SHIRLEY ROOKER: Actually -- okay.

18                  Skip to the amendment. We have an  
19                  amendment proposed and seconded. Do we have a vote?  
20                  Could we see all hands in favor?

21                  THE AUDIENCE: (Indicating.)

22                  SHIRLEY ROOKER: Opposed or abstaining.

1 SCOTT MARSHALL: Is it Joel's?

2 SHIRLEY ROOKER: It is Jim's.

3 SCOTT MARSHALL: Sorry.

4 SHIRLEY ROOKER: What about the other  
5 discussion, Joel?

6 JOEL SNYDER: I have another friendly  
7 amendment to offer just 2 words on page 2, Roman  
8 Numeral I, the introductory paragraph to add after  
9 including the last sentence there following including  
10 appropriate quality captioning to include the words  
11 "and description following quality captioning."

12 SHIRLEY ROOKER: So he is proposing  
13 competition and diversity, the first paragraph, the  
14 last sentence be restated to include appropriate  
15 quality captioning and description. Do I have a  
16 second for that motion?

17 THE AUDIENCE: Claude Stout.

18 SHIRLEY ROOKER: We have more people  
19 seconding this motion.

20 At any rate the motion has been made and  
21 seconded. Let's take a vote on the addition of the  
22 words and description. Show of hands.



1 THE AUDIENCE: (Indicating.)

2 SHIRLEY ROOKER: Against or abstaining?

3 ANN MARIE MICKELSON: Against.

4 JOEL SNYDER: That was?

5 SHIRLEY ROOKER: Ann.

6 Anyone else?

7 Okay, all right. We are -- I'd like to  
8 ask a question. Could you explain to me on the last  
9 page when it says commission freeze on all media  
10 ownership rule making, what does that mean?

11 JOEL SNYDER: Where are you?

12 SHIRLEY ROOKER: The last page at the very  
13 top, the sentence CAC urges the commission freeze all  
14 media ownership rule making. What impact does that  
15 have on broadcasters?

16 VOICE: It is the -- Senator Boxer has  
17 written to the Federal Communications Commission  
18 asking about whether there are studies which the FCC  
19 has conducted which have not been released. Issues  
20 were raised and an Inspector General investigation  
21 has been started. The division asks that the FCC  
22 hold off any action until completion of the Inspector

1 General's investigation.

2 SHIRLEY ROOKER: I understand what it  
3 says, I'm asking what it means. I'm just trying to  
4 understand what scope you mean by this statement.

5 BRENDA: This is Brenda. We haven't been  
6 introduced so it is clear for the CART.

7 ANDREW SCHWARTZMAN: Andrew Schwartzman  
8 speaking.

9 The FCC ownership rules is independent of  
10 the license renewal process which continues under the  
11 presently operative rule. So this will not affect  
12 the license renewals which are going forward on a  
13 regular basis.

14 SHIRLEY ROOKER: Is that commonly  
15 understood? I read it and I didn't understand it.  
16 Does anyone think that needs clarification?

17 (No response from audience.)

18 SHIRLEY ROOKER: No? Okay. Thank you for  
19 asking that question.

20 We have a motion -- we have an amended  
21 motion, two amendments to the recommendations and any  
22 other discussion?

1 JOEL SNYDER: I have a question.

2 SHIRLEY ROOKER: Yes.

3 LARRY GOLDBERG: Janice brought up the  
4 question of the support by the religious  
5 organizations, these two who have the asked for the  
6 captioning rule and the other -- I wonder whether  
7 they are aware that this recommendation which looks  
8 for multiplicity also says that captioning should be  
9 a requirement of a licensee so they wouldn't get the  
10 benefit of the diversity ownership and --

11 GLORIA FASONNY: Gloria Fasonny speaking.  
12 Both the organizations are fully aware of the  
13 recommendation and the implications.

14 VOICE: I feel great with this team here,  
15 it is fabulous.

16 SHIRLEY ROOKER: Do we have any more  
17 comments or questions?

18 And on the phone, I'm sorry if I've  
19 ignored you. You cannot throw things at me, so  
20 that's what you get. Remember how you get to being a  
21 voice person, star 6.

22 STEVE JACOBS: Steve Jacobs, no comments

1 or questions.

2 VOICE: This is Greg, maybe some of you  
3 may know and maybe you haven't heard about this, but  
4 there are other religious programs, if I understand  
5 it correctly of what's being said here today, that  
6 some of them have been excluded from providing  
7 specific captioning services, but have brought on  
8 interpreting, for example. Are there some others  
9 that are required that they have to provide  
10 captioning, am I understanding this correctly? I  
11 just need clarification.

12 SHIRLEY ROOKER: Can we answer that,  
13 Karen?

14 KAREN PELZ STRAUSS: Karen Strauss. The  
15 FCC's rules require captioning on all stations, all  
16 television programs. Religious organization are not  
17 automatically exempt.

18 What occurred recently, the FCC decided to  
19 exempt after receiving -- actually around 600  
20 requests and granted around 300 requests for  
21 exemption. Those requests were submitted at the time  
22 by individual programmers that claim that providing

1 captioning would impose an undue burden.

2           So if there is no categorical exemption  
3 within the rules -- I want to add that this action  
4 the FCC took, which may be talked about a little bit  
5 more later, was taken without notice of the public.  
6 That's why it was so upsetting to community. But the  
7 Benton Foundation and -- they are very outspoken in  
8 opposition to granting categorical exemptions for  
9 religious programmers and especially granting  
10 exemptions without notice and comments to the public.

11           SHIRLEY ROOKER: Okay. Do we have any  
12 other comments or questions before we take a vote?

13           We have a motion on the floor to accept  
14 the media ownership rules, recommendations as amended  
15 to amendments. And I guess it's time we take a vote  
16 with another question or comments.

17           VOICE: -- Insert of the word quadrennial.

18           SHIRLEY ROOKER: That's right, that's  
19 technical.

20           We have a motion to -- the quadrennial  
21 services, the recommendation the motion has been made  
22 and seconded and two amendments have been made and

1 seconded. A show of hands as approving these as  
2 amended.

3 AUDIENCE: (Indicating.)

4 SHIRLEY ROOKER: Abstaining or voting no?

5 AUDIENCE: (Indicating.)

6 SCOTT MARSHALL: Get on the record who you  
7 are.

8 SHIRLEY ROOKER: I'm sorry.

9 VOICE: Dissenting.

10 SHIRLEY ROOKER: We have one dissenting.

11 I think we have completed our agenda. I would  
12 suggest we have a few minutes. Where is lunch going  
13 to be set up?

14 VOICE: Right here.

15 VOICE: It's in the hallway.

16 SHIRLEY ROOKER: Please, I do want for  
17 committee members only. I'm sorry I cannot invite  
18 others to partake in lunch, but there are some  
19 restaurants in the area and there is a snack bar  
20 around the corner, if chips and a soda will do you.  
21 Do you have a comment or question?

22 VOICE: A quick head count -- if you want

1 committee members to eat first.

2 SHIRLEY ROOKER: I also want to remind  
3 you, this is an excellent opportunity to come up and  
4 get your certificates. I am truly sorry.

5 SCOTT MARSHALL: And to sign the seal.

6 SHIRLEY ROOKER: My seal, that's right.  
7 Please. And I really do apologize, I am simply,  
8 logistically do not have time to recognize this by  
9 giving it to you individually. Please forgive us and  
10 enjoy your lunch. Sign the seal, sign the seal,  
11 that's the key. You don't get lunch. Thank you.

12 (LUNCHEON RECESS.)

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1 different members of the committee on the slide and I  
2 would like to thank them for their expertise, their  
3 ideas, recommendations. It's not any one of us who  
4 has been the lead expert, it's everyone lending all  
5 their skills together to create this wonderful  
6 report. So thank you very much for your work on the  
7 disability access committee.

8 The interpreter has asked for a little bit  
9 of water, a little technical difficulty.

10 (Laughter.)

11 SHIRLEY ROOKER: I'll talk about something  
12 that wasn't a difficulty, that was enjoying lunch,  
13 and Dane thank you for making it possible and CTIA.

14 (Applause.)

15 SHIRLEY ROOKER: And thank you, he  
16 personally went out and started the gas heater. But  
17 Dane Snowden many of you know from the FCC, and we  
18 appreciate his contributions for lunch, and Rich,  
19 again thank you for the facility and the heat, if  
20 you'd just get it to us, thank you.

21 CLAUDE STOUT: All right, well let me go  
22 ahead with our report. The report covers five

1 separate issues -- sorry, really there are six, TV  
2 captioning, effective communication, web captioning  
3 interoperability, Internet enabled services,  
4 captioning of high definition television programming,  
5 and finally hearing aid compatibility with cell  
6 phones.

7           Next slide, please.

8           The first issue we'd like to address is TV  
9 captioning, and previous CAC meetings mentioned their  
10 experiences with TV captioning problems. We  
11 experienced many different kinds of problems,  
12 sometimes the captions are missing and sometimes the  
13 captions are garbled. Often I may be watching a  
14 great movie and it is going fine until 10 minutes or  
15 30 minutes before the end of the movie and all of a  
16 sudden the captions disappear. Here we are  
17 frustrated, wanting to know what's happening next and  
18 being very much involved with the movie but unable to  
19 know what has happened.

20           Thus far -- excuse me, next slide, please.

21           There are six different consumer advocacy  
22 organizations, for and by people with disabilities,

1 deaf in particular. We have filed a petition with  
2 the FCC in 2004.

3           The petition that was filed two years ago  
4 included a basic message to the FCC that they had  
5 done a good job thus far. In 1998 they put on the  
6 books there would be a phase-in schedule for  
7 captioning, in Spanish language programming and  
8 likewise for pre-rule programming. As of January  
9 1st, 2006 all new television programming was to be  
10 100 percent captioned.

11           Now Spanish programming is not yet at the  
12 100 percent level, they are currently at a 30 percent  
13 level. In 2007 or 2008 that percentage will go up to  
14 75 percent. At any rate, we the consumers told the  
15 FCC this is all wonderful, we are getting captioning  
16 and we've been getting different levels for an  
17 eight-year time period, but it's high time the FCC  
18 look at their rules and see where they can monitor  
19 the captioning that's out there in the industry,  
20 where they need to see whether they are able to  
21 enforce their rules to see where problems exist.

22           And where individual consumers had filed

1 complaints with programmers or with the FCC or video  
2 distributors -- for example a cable company or a  
3 satellite program offering, we file complaints but we  
4 were not hearing back from them. Frequently it's  
5 because those complaints simply went to a general  
6 complaint center, not to some place that dealt with  
7 captioning. As a result we weren't getting replies  
8 and we therefore have filed with the FCC office.

9           When we filed our complaints with the FCC  
10 the system currently in place would be that they  
11 would respond to complaints after 140 -- within  
12 145 days. Now understand, that's more than 4 months,  
13 it is about four and a half months, excuse me, my  
14 math is off, that's nearly 5 months of waiting.  
15 That's not good for consumers, it is not even a good  
16 business practice to wait 5 or 6 months. So we came  
17 up with some other ideas that could be used.

18           In the petition we said that we felt if  
19 you file a complaint you should be able to file it on  
20 a very easy to use form, and either the program  
21 distributors could get it or the television station  
22 could get it or the captioning center could get it.

1 We would simply ask that a database be put together  
2 of all the TV industry contacts where the name of the  
3 person that would be the appropriate complaint person  
4 or for a specific TV station, the specific TV  
5 programmer or whoever, would be the point of contact,  
6 that that person's name should be listed so that we  
7 would know who to contact.

8           And if we didn't get a response, where we  
9 could follow up later. And where we could have  
10 second and third contacts to see exactly what was  
11 going on and we could send a letter to say "Excuse  
12 me, I filed this complaint; what happened? I have  
13 not heard back from you, what have you decided to do,  
14 what is your response, what is your resolution to  
15 this problem?"

16           We would like to have an ongoing dialogue  
17 with industry and with the FCC to make sure these  
18 problems are resolved. We expect the FCC to enforce  
19 the rules and we would like the FCC to do a better  
20 job at their enforcement and with industry and to  
21 include penalties for those who do not follow the  
22 rules.

1           We believe that if we established a system  
2 of penalties, then industry and TV stations would  
3 respond better. Without some form of penalty in the  
4 enforcement there is not sufficient compliance with  
5 the rules.

6           These are the rationales we have placed in  
7 our television captioning petition.

8           I would like to talk about two other areas  
9 that are somewhat unrelated. The August 7th decision  
10 that the FCC made where they announced -- really it  
11 was rather a lengthy decision, but I will try and  
12 encapsulate it. They sent out a public notice to the  
13 broadcasters to let them know that they needed to pay  
14 attention to the need to have emergency broadcast  
15 information made accessible. They didn't say that  
16 captioning per se was necessary, but that visual  
17 information was required, so anything that was in  
18 audio had to be put in some visual form, so if there  
19 was some catastrophe, that information had to be  
20 presented visually.

21           The FCC disseminated that public notice in  
22 July, then on August 7th the FCC disseminated what

1 they called a clarification notice, and basically  
2 they told the television distributors that if you  
3 currently provide real-time captioning for emergency  
4 information broadcasts, that they would now  
5 understand, that the FCC was assuming that there  
6 might be situations that might arise when they would  
7 be unable to reach captioning agencies to provide  
8 captions. And the FCC wanted broadcasters to know  
9 that they understood that situation and what did they  
10 call that? We feel that that would have a ripple  
11 effect, and we feel that decision was based on some  
12 wrong assumptions.

13 TV distributors thus far, TV producers who  
14 have had to provide real-time captioning, those -- in  
15 this clarification memo the FCC said we are not going  
16 to second guess what the broadcasters have done, and  
17 those companies who perhaps did not have a contract  
18 with captioners would not be able to get those  
19 captioning services, and the FCC said they were not  
20 going to second-guess their motives.

21 I know the interpreters are having some  
22 difficulty with interpreting for me, but let me go



1 on.

2 We the consumers are very upset because  
3 the FCC went ahead and disseminated that  
4 clarification notice, without following the proper  
5 process, whether or not they would be acceptable to  
6 the industry. We don't know because there was no  
7 process in place, there was no feedback opportunity  
8 with the FCC.

9 The third area of concern that I'd like to  
10 bring up with you is related to the permanent waivers  
11 that TV programmers received regarding their need to  
12 provide captioning. You may have heard a little bit  
13 about this this morning, where there was a group of  
14 programs that received waivers of their captioning  
15 requirements. When the FCC made that decision they  
16 did not mention religious broadcasts, in particular;  
17 they mentioned non-profit organizations. They  
18 exempted a large number of non-profit organizations  
19 from their captioning obligations. That was a formal  
20 decisions rendered for two organization, one was  
21 ANGLERS and the other was New Beginnings.

22 From 1999 to 2005 the FCC posted a total

1 of approximately 70 petitions from programmers who  
2 were requesting exemptions from their captioning  
3 obligations. Out of those 70, 67 were turned down,  
4 they were turned down in their request for an  
5 exemption, three were granted exemptions, my  
6 understanding is that these were temporary. The  
7 reason they turned down the 67 requests was they  
8 asked them to do their homework, essentially, they  
9 asked the companies to provide rationale for why they  
10 were asking for the exemption, whether it was for  
11 high costs or budget issues or whatever. So the  
12 companies had to go out and find a range of  
13 captioning estimates. If they did not do a good job  
14 of calculating what their revenue was as opposed to  
15 the cost to cover their captioning, then the FCC did  
16 not grant their petition.

17           You know there are many ways to skin a  
18 cat. If the FCC turned down three requests, but they  
19 did grant three temporary waivers to give these  
20 companies time to get themselves together in order to  
21 comply with the captioning requirements. Because on  
22 January 1st of 2006, as we came to the level of the

1 benchmark which said all new television programming  
2 was to receive captions, there suddenly was this huge  
3 batch of requests for waivers, over 500 waivers, as  
4 was mentioned this morning.

5           What's more, and what's also sad, is that  
6 FCC decided to grant 297 of them. 297 of those  
7 petitions were given permanent waivers. The FCC  
8 chose to handle those requests in a different way  
9 than they have done in the past. This was an  
10 entirely new process that received no review from the  
11 consumers. We the consumers were not given an  
12 opportunity to provide feedback on the process the  
13 FCC was proposing.

14           SHIRLEY ROOKER: Wait just a minute. They  
15 need to mute you on the phone, press star 6, please,  
16 because we're getting terrible feedback here. Did  
17 you hear that? I said here three times. Thank you  
18 very much. We'll continue.

19           CLAUDE STOUT: Those 290 some waivers,  
20 most of them -- most of those decisions were not  
21 posted as a public notice. The documentation for  
22 those waivers were simply put in the FCC reference

1 room, that's all they did.

2 We were greatly upset, all the consumer  
3 groups were greatly upset. We believed the FCC  
4 should play fair. From 1999 to 2005 we played by the  
5 rules and we fully expected the FCC would play by  
6 their own rules as well, just as we had been doing.

7 Next slide, please.

8 Let me explain a little bit about the two  
9 decisions that have caused such dismay. These two --  
10 there are two filings in two different areas, one has  
11 to do with emergency access to -- access to emergency  
12 information and the other has to do with closed  
13 captioning waivers. The consumer groups have  
14 basically asked the FCC to have the access to  
15 emergency captioning -- emergency information  
16 clarification -- we have asked them to withdraw that  
17 clarification and to reclarify the video programmers'  
18 requirements on required access to emergency  
19 information and that they should use captioning to  
20 make emergency programming information visible to  
21 people with hearing loss.

22 Regarding the exemptions with the

1 nonprofit groups -- well, let me go back a moment.

2           The 200 some odd waivers that were  
3 granted, one more thing that really upset us was that  
4 each of those waiver petitions were not given an  
5 individual analysis for undue burden. We know for a  
6 fact that some of those petitioners came from  
7 programmers who had very large financial resources,  
8 production resources, that they had assets in the  
9 millions of dollars. One group in Florida had  
10 \$11 million worth of assets.

11           Now, in order to maintain \$11 million in  
12 assets, you must have a healthy budget process,  
13 there's no way you can have that much -- that level  
14 of resource without good processes. Now we have  
15 filed a petition for review or an application for  
16 review on this issue and we have asked the FCC to  
17 rescind their orders. In all 297 cases we have asked  
18 them to rescind the orders that they have given on  
19 waivers and then to review each case for undue --  
20 with an individual analysis of the facts.

21           We feel that each petitioner needs to be  
22 very carefully analyzed. We have also asked that the

1 FCC make sure that consumers -- government agencies  
2 and bureaus and divisions post information about  
3 the -- when the petitions arrive and before they make  
4 a decision.

5 Next slide, please.

6 I would like to first allow you an  
7 opportunity to ask questions before I review our  
8 proposed action items for this. Are there any  
9 questions about the petition or the emergency  
10 information access issue or about the waivers given  
11 for closed captioning to the nonprofit organizations?

12 Are there any questions at all?

13 No questions, all right. I will go ahead  
14 with our three proposed action items.

15 Item A, the Consumer Advisory Committee  
16 support TDI et al. petition for rule making on TV  
17 captioning quality issues and commends the FCC for  
18 its recent proceeding on this petition. The CAC  
19 respectfully requests that the FCC take formal action  
20 soon on the petition. That's because the petition  
21 was filed several years ago and the formal process  
22 began a year ago, and we respectfully ask that the

1 FCC immediately take formal action because we are  
2 currently in the third year of this process. I would  
3 like to move that the CAC adopt this motion.

4 JOEL SNYDER: I second it.

5 CLAUDE STOUT: Any discussion or questions  
6 on this issue?

7 SHIRLEY ROOKER: We will vote on each of  
8 your items separately; is that correct? So we are  
9 now --

10 CLAUDE STOUT: I think Gloria has  
11 something she would like to say.

12 LORETTA POLK: I'm with NCTA and a member  
13 of the Disability Access Working Group and I want to  
14 commend Claude and other members of the committee for  
15 their hard work on the various proposals in the  
16 report. However there is one aspect of the report,  
17 the captioning standards issues, that unfortunately  
18 we cannot support at this time. NCTA has gone on  
19 record in the proceeding with details as to our  
20 concerns here, basically they go to the fact that we  
21 don't think that creating a whole new regulatory  
22 regime which would require extensive monitoring and

1 reporting and record keeping of the thousands and  
2 thousands of programming currently captioned on cable  
3 networks is a way to proceed. And we would like to  
4 continue the dialogue that we've had with members of  
5 the applicants of the deaf community, but we can't at  
6 this time support the petition and we've gone on  
7 record in the proceeding.

8 SHIRLEY ROOKER: We have several comments.  
9 I saw Karen first, then I saw Larry, Charles, then  
10 Janice.

11 KAREN PELZ STRAUSS: When the FCC issued  
12 its rules back in 1988 on captioning it declined to  
13 require standards of captioning quality because  
14 captioning was fairly new, and there were only a  
15 couple of providers and for the most part the  
16 providers were national and they provided a solid  
17 level of high level captioning. As consumers, we  
18 have said to the FCC we fully expected a huge  
19 proliferation of captioning agencies and were  
20 concerned when this occurred, the quality would  
21 decline, and in fact unfortunately that has happened.  
22 The price has come down, but the quality has as well.



1 As a consequence, if any of you sit at your TV and  
2 turn on captions you are more frequently seeing  
3 garbled, dropping off, missing captions. It has  
4 become a really serious problem. I want to give you  
5 some background; that's the reason the consumers are  
6 going forward to the FCC and saying, please set some  
7 standards of quality, it doesn't have to be micro  
8 managing, but set some parameters, some guidelines.

9 SHIRLEY ROOKER: Thank you, Karen.

10 Larry?

11 LARRY GOLDBERG: I just wanted to note  
12 that the recommendation simply asked for action, not  
13 positive, negative or anything. Would NCTA oppose  
14 any action at all?

15 LORETTA POLK: No. We can't -- the report  
16 as written supports the petition as drafted and we  
17 have some issues with the way the petition is drafted  
18 and the whole regulatory regime.

19 JOEL SNYDER: They are asking to the  
20 commission act, because they have been sitting on it.

21 LORETTA POLK: It says supports the TDI  
22 petition for rule making and then calls for FCC

1 action.

2 JOEL SNYDER: Two separate issues.

3 SHIRLEY ROOKER: The discussion was  
4 between Larry Goldberg and Loretta Polk.

5 Charles?

6 CHARLES BENTON: I have to remember who I  
7 am, thank you.

8 I'd like to voice my support for the  
9 disability act and the recommendations on closing  
10 captioning. For 28 million Americans who are deaf  
11 and hard of hearing closed captioning provides a  
12 critical link to news, education, entertainment,  
13 enabling those individuals to be a part of mainstream  
14 society. For individuals whose native languages are  
15 not English it improves comprehension and fluency.  
16 For children it has helped them to read and improve  
17 literacy skills. It allows others to watch TV in  
18 restaurants, fitness centers and other public places  
19 where it is hard to listen.

20 In July 2000 the FCC acted to ensure the  
21 visually impaired could more effectively benefit from  
22 visual description. Two years later a federal court

1 struck down the rules, nonetheless some broadcasters  
2 continue to provide video strippings during  
3 programming and more should do the same to be fully  
4 accessible through the provision of closing  
5 captioning. And it is a fine example when properly  
6 enforced of how public obligations -- how  
7 broadcasters can be making a tangible and positive  
8 difference in people's lives.

9           Hundreds of frustrated letters have  
10 streamed to the FCC offices in the last month since  
11 it was made easier for nonprofit organization to opt  
12 out. I believe our vote today magnifies the voices  
13 of these concerns and congratulate Claude for this  
14 amazing account.

15           JANICE SCHACTER: When people talk about  
16 how it is possible to fix captioning without  
17 regulations, I want to give a personal perspective.  
18 I think we need to put a person to it.

19           First off the problem is there are no  
20 regulations so there is no knowledge of when you can  
21 caption live and when you can't caption live. As the  
22 networks are moving toward everything being captioned

1 live, shows that are filmed well in advance are being  
2 captioned live because of their fear of the ending  
3 being disclosed. So even though they have the show  
4 well finished in advance and edited, they are  
5 captioning it live and therefore the error rate is  
6 greater than if it was not live.

7 In addition for pre-programmed shows,  
8 where there should be a zero tolerance for anything,  
9 any error rate, there are still errors. Some  
10 networks or stations don't even have someone in  
11 charge of captioning to complain to. Lifetime  
12 Network for example has all the old shows they feel  
13 don't need to be captioned and they don't caption,  
14 that's generalities.

15 Our family -- I have a 12-year old  
16 daughter who is hard of hearing. This was one  
17 particular show, a reality show, they are working on  
18 it. I spent a year and over 60 phone calls trying to  
19 get this corrected. The reality show told me that my  
20 standards were too high. They spelled words like  
21 "Bordeaux" as two animals, BOAR and DOE. My child  
22 learned negative spelling in 20 minutes trying to

1 understand why the region of France was spelled by  
2 two animals. I called Mark Burnett Productions and I  
3 called every single person straight down the line and  
4 I was put off. I kept a phone log of over 50 to 60  
5 phone calls and I couldn't get this accomplished.

6 Let me tell you something, if I who live  
7 in New York, who has been called by the New York  
8 times as a pushy mom, and am on the New York CAC  
9 committee can't get this fixed, how is any person in  
10 America supposed to get this fixed?

11 So please understand I am the voice of  
12 every person with a hearing loss that can't get this  
13 fixed. This isn't just something making up stuff and  
14 whining. I decided I had to put my money behind this  
15 because I couldn't come to this meeting unless I had  
16 tried, and I could not do more. I met with  
17 commissioners, I met with every single person, I met  
18 with networks, I'm not sure what else I could have  
19 done.

20 If you have a suggestion, I would like to  
21 know. I called the Trump organization, used school  
22 conducts, his assistant's daughter goes to my

1 daughters school, I'm willing to do that.

2 SHIRLEY ROOKER: Joel, Ann and then we're  
3 closing.

4 JOEL SNYDER: This is Joel Snyder from the  
5 National Captioning Institute. That's a tough act to  
6 follow. Well, the National Captioning Institute has  
7 invented closed captioning, ever since that time I  
8 know we've been strong supporters of excellence in  
9 captioning and the highest standards. I'm a member  
10 of this Working Group and applaud Claude and all the  
11 colleagues and are totally supportive of this  
12 recommendation.

13 And as I say, these standards, I would  
14 simply suggest that the details be worked out  
15 ultimately by the FCC, not in the petition. That's  
16 my understanding more of course in the recommendation  
17 where --I think that's where a lot of consideration  
18 has to be placed ultimately. Enforcement has to be  
19 based on sampling and a pattern of abuse, as many of  
20 you know, captioning quality and what is ultimately  
21 received by the end user, those garbled transmissions  
22 and those errors can happen anywhere along the line

1 from the captioner to the end user's actual  
2 television set. So that it is a complicated process  
3 in other words. And I think ultimately when a system  
4 is developed, if a system is developed for tracking  
5 captioning quality, that pattern of abuse has got to  
6 be tracked carefully and any sort of fines or  
7 whatever, penalties have got to be based on a pattern  
8 of abuse as opposed it a per instance type of thing.  
9 And a measurement period needs to be set quarterly,  
10 if not shorter than that, and has to be tracked  
11 carefully and understood in the transmission process  
12 that captioning involves.

13 SHIRLEY ROOKER: Thank you, Joel.

14 ANN MARIE MICKELSON: I want to thank Joel  
15 for identifying some of the problems down the chain.  
16 I want to express to Janice -- and of course my  
17 mother is hard of hearing so I'm not ignorant of her  
18 constant complaints. We have supported streamlining  
19 the complaint process. If I call a station and say  
20 what went on with the show last night, it is not easy  
21 to get a response, even as a representative of the  
22 National Association of Broadcasters. I would

1        imagine for the average consumer it is very  
2        frustrating, I can think we are on record saying  
3        there has to be an easier, streamline way and we are  
4        willing to sit down and work this through with other  
5        video programming providers and with the FCC to see  
6        what's the reasonable way to improve the process.

7                    And to reiterate what Joel said, that has  
8        to be a measured way to judge quality and captioning  
9        standards as we just saw in a demonstrated -- simple  
10       isolated instances. Low quality of captioning,  
11       that's a different question . That's something the  
12       FCC has to take a comprehensive look on, rather than  
13       holding one to a 97, 98, 99 percent standard. If you  
14       asked people in the room, I think you would get  
15       different captioning quality standards, 10 different  
16       answers. We look forward to working with the  
17       captioning --

18                    My final point is when these rules went  
19       into effect in 1997, I think when we ramped up to  
20       2006 and hit 100 percent captioning requirements,  
21       everyone assumed we would be in a technologically  
22       advanced state where we would have voice recognition



1 software to do this. Unfortunately this is done by  
2 real-time captioning, and human error cannot be  
3 discounted, and that's an issue we struggle with  
4 every day.

5 SHIRLEY ROOKER: We are really running out  
6 of time.

7 JOEL SNYDER: I have no problem in  
8 understanding human error. My problem is that  
9 captioning live should be live, shows like Martha  
10 Stewart, where the words are not given in advance to  
11 build a dictionary. I have tried, it was the entire  
12 series and it got worse and worse. The captioners  
13 dropped sentences, so when you looked at the script  
14 you couldn't see the spelling errors because the  
15 sentence was just gone. That started to happen, it  
16 was multiple shows and over and over, I followed one  
17 show to have a consistency.

18 SHIRLEY ROOKER: Thank you, we have a  
19 motion on the floor.

20 TV captioning proposal from the Disability  
21 Working Group. I would like to see a show of hands  
22 in favor of accepting.

1           Opposed? All right, thank you very much.

2           CLAUDE STOUT: Before we go it on the next  
3 item from the --

4           SHIRLEY ROOKER: Excuse me, I just wanted  
5 to clarify for Scott, there were two votes  
6 dissenting.

7           Do you want to abstain or dissent -- no  
8 vote, okay, thank you.

9           All right, we have the section on  
10 effective communication.

11           CLAUDE STOUT: There is one more action  
12 item under the captioning issue, it is currently on  
13 the slide. Why don't you read it from the slide.

14           The Consumer Advisory Committee  
15 respectfully requests that the FCC consider its  
16 recent action on captioning conceptions and emergency  
17 information broadcasts and implement the following  
18 remedial action, 1, the FCC rescind the ANGLERS order  
19 and all 297 grants of exemption based on it and  
20 require the consumer governmental affairs bureau  
21 individually review each undue burden petition to  
22 determine whether an undue burden will result.

1           The bureau is also instructed to place all  
2           current and future petitions on public notice.

3           Two, the FCC withdraw the August 7th, 2006  
4           clarification notice and reclarify that video  
5           programming producer/distributors otherwise required  
6           to provide and those who are providing real-time  
7           captioning of their live news programming must use  
8           captioning to make their emergency programming  
9           visually accessible to people with hearing loss.

10           So moved.

11           SHIRLEY ROOKER: We have made a motion on  
12           the floor. A second? Janice.

13           Discussion?

14           Okay, we'll see a vote. All those in  
15           favor?

16           Opposed? One opposed, Ann opposed.

17           An abstention, Loretta is abstaining. I'm  
18           sorry, Dane.

19           VOICE: Abstention.

20           SHIRLEY ROOKER: And Shelly. All right.

21           CLAUDE STOUT: The Disability Access  
22           Working Group has proposed a definition for effective

1 communication. If you recall maybe one or two  
2 meetings ago there was a general acceptance of the  
3 definition of intercommunication assistance, VRS and  
4 traditional relay services. We the CAC did  
5 acknowledge that members of the CAC understood that  
6 people have different sorts of disabilities that have  
7 different needs and that different accommodations  
8 need to be made in order to meet those different  
9 needs.

10 To go one step further in that process.  
11 The FCC has been the most recognizable federal agency  
12 as far as producing disability access procedures.  
13 And we need to applaud them for that. We want to be  
14 able to function on an equal basis with everyone in  
15 the mainstream.

16 Now, we would like to clarify what we mean  
17 by effective communication. This language was  
18 developed by Judy Viera who did a wonderful job, we  
19 -- some discussion with the TRS Working Group and we  
20 have now taken on the discussion as well. We would  
21 like to define effective communication as a three-  
22 prong definition.

1           One, the ability of two or more parties to  
2 participate fully and equally in a conversation or  
3 event. Secondly, each is able to communicate both  
4 clearly and accurately through use of appropriate  
5 auxiliary aids and services. And thirdly, primary  
6 consideration is given to requests of individuals  
7 with disabilities for the types of aids and services.

8           What the Disability Access Working Group  
9 is asking from you all is to endorse this definition.  
10 This definition incorporates a philosophy and  
11 approach that the FCC can use in exercising their  
12 work, both inside the FCC and in dialogue with their  
13 sister federal agencies.

14           For example, if Joe, who is hard of  
15 hearing, if he goes to a meeting perhaps and they  
16 bring in a sign language interpreter for him, that's  
17 not the need that he has and we would not therefore  
18 call that effective communication. The reason that  
19 would happen would be that they didn't check with Joe  
20 to ask what he wanted and to get his feedback as to  
21 what he needed in order to participate in that  
22 meeting.

1           It's -- the principle is that a business  
2           or federal agency should ask the consumer first what  
3           it is that they need. Before you hire a captioner,  
4           you would need to ask the person if perhaps they need  
5           captioning or maybe it is an assistive listening  
6           device. The idea is to understand that they need to  
7           meet the need of the consumer and take care of the  
8           need at the site.

9           For me, I am deaf and I would not be able  
10          to use an assistive listening device. I could watch  
11          the CART writer, but my real preference is to watch a  
12          sign language interpreter, the other advantage is  
13          they can voice for me. Other disability people out  
14          in the mainstream and in the marketplace that you  
15          meet on the street, they might have a hard time  
16          determining what accommodation needs are for any  
17          specific communication.

18          We would like people who are paying for  
19          these devices and making the decisions to make sure  
20          they contact us the consumer first, before making the  
21          decision as to what accomodation will be put in  
22          place, it is really a need for communication. This

1 philosophy that we have explained in this definition  
2 is to make sure the communication takes place with  
3 the person with the disability, not just telling the  
4 person with the disability what they need, but  
5 getting feedback from them and input from them as to  
6 what is needed. Then that way we can invite dialogue  
7 between both the provider and the person receiving  
8 the accommodation, not just ordering or prescribing  
9 resources, but incorporating a dialogue, so that we  
10 have the appropriate resources in place.

11           For example, here I'm not the only person  
12 with a disability, I can chat with any of you, I am  
13 giving a presentation now and the reason that is  
14 possible is because there's an interpreter there who  
15 can understand what I say and communicate it to you  
16 and understand what you say and communicate it to me.  
17 Without that you would not be able to understand me  
18 and I would not be able to understand you. That's  
19 what the purpose of this definition is, to make sure  
20 there is effective communication taking place.

21           Are there any questions?

22           SHIRLEY ROOKER: I think we're going to

1 take a -- we'll get a motion to accept this as a  
2 recommendation, is that a motion? Do I hear a motion  
3 that we accept?

4 JIM TOBIAS: I move.

5 SHIRLEY ROOKER: Janice Schacter is  
6 seconding the motion. Now we're opening it for  
7 discussion. Judy is using video relay and is going  
8 to join us, she has been working very hard on this  
9 issue. Their arriving at this definition was ab  
10 effective use of communication because they did a lot  
11 of back and forth in discussing it, so they put a lot  
12 of time in it.

13 I'm not sure Judy has joined us. I don't  
14 think so, I'm sorry. She isn't -- Dane you have a  
15 comment?

16 K. DANE SNOWDEN: Is the motion or  
17 proposal to have the FCC adopt the definition and  
18 then work with other agencies, or what exactly is the  
19 motion?

20 CLAUDE STOUT: Here's the motion in its  
21 entirety.

22 VOICE: That answers my question, thank



1 you.

2 SHIRLEY ROOKER: Okay. Do we have other  
3 questions or comments?

4 AUDIENCE: (No response.)

5 SHIRLEY ROOKER: We'll take a vote. All  
6 in favor of the motion.

7 AUDIENCE: (Indicating.)

8 SHIRLEY ROOKER: Do we have abstentions or  
9 a no?

10 VOICE: Ann is abstaining.

11 SHIRLEY ROOKER: All right, item number 3,  
12 Claude.

13 CLAUDE STOUT: The remainder of the report  
14 does not ask for any action on the part of the CAC,  
15 but it does list four items and these are items for  
16 your information and consideration. I'm hoping that  
17 in future CAC meetings and future meetings of this  
18 group or the Disability Access Working Group they  
19 will be able to address these four issues in their  
20 deliberations. The members of the Working Group did  
21 a lot of work on these items and I would like to ask  
22 Larry Goldberg to give a summary of the deliberations

1 that took place regarding webcasting  
2 interoperability.

3 If we could keep these to three minutes  
4 apiece.

5 LARRY GOLDBERG: A few meetings ago I did  
6 a demonstration on how captions can be carried on  
7 online video content. The progress has been slow but  
8 sure. The technology is getting better and better.  
9 I should mention captioning has been available online  
10 for a number of years starting with PBS's Nova  
11 program, but it only makes sense, that's where it was  
12 invented by NCI -- it continues to grow over the  
13 years and as much as we might want to consider FCC  
14 action, in fact the development of the technology,  
15 the processes and delivery, if you read the report --  
16 I would be certain to say within one year the tools  
17 would be ready.

18 In light of the fact that regulation is  
19 still a very controversial issue, we're not likely to  
20 ask for a recommendation right now. I'm glad we had  
21 a chance to lay out all the issues, especially  
22 regarding programs with captioning, which is a

1 relatively simple technique for getting captions on  
2 online media. That's a basic summary of where we  
3 stand and where we're going to be in a very short  
4 time. Even in the past few weeks, Google has been  
5 putting captions in online media and you will see  
6 more of it as the months go on.

7 Shirley, "Prime Suspect" starts next month  
8 with captions.

9 SHIRLEY ROOKER: If you don't know what  
10 he's talking about, I'm not going to tell you.

11 (Laughter.)

12 SHIRLEY ROOKER: That's the most important  
13 information I've gotten today. For those of you who  
14 are mystery fans, Helen Mirren's "Prime Suspect"  
15 starts in November. You didn't know you would get a  
16 scoop here, did you?

17 Pardon me, it is late in the afternoon.  
18 We have -- I don't think this is an item for vote,  
19 because we're not making any recommendations, so it  
20 is an information item.

21 CLAUDE STOUT: The next topic is we would  
22 like to have Steve Jacobs talk to us about -- give us

1 his summary regarding Internet protocol enabled  
2 services.

3 STEVE JACOBS: I apologize.

4 (Laughter.)

5 SHIRLEY ROOKER: Thank you.

6 STEVE JACOBS: This is Steve Jacobs and I  
7 just thought I would mention, I have moved my  
8 microphone and I had my phone on mute. At any rate  
9 IT enabled services can provide significant benefits  
10 for millions of people, including people with  
11 disabilities.

12 The transporting of a wide variety of  
13 services over a multitude of platforms has become  
14 commonplace. Often it is difficult, even impossible  
15 to determine where a particular product or service  
16 begins and where it ends. Unfortunately, separating  
17 IP enabled services into telecommunications and  
18 information service categories based on their  
19 underlying technology results in uneven playing  
20 fields for both companies and consumer, since  
21 different rules to cover identical services have to  
22 be provided over different transmission protocols.

1           We understand the importance and benefits  
2     to the market forces, and we believe the commission  
3     should focus on function and not form in determining  
4     a regulatory framework for disability access.

5           To the extent that IT enabled services are  
6     used to achieve communications that are functional or  
7     similar to or provide a substitute for those to  
8     provide traditional services, services as well as the  
9     products used with them should have -- for  
10    accessibility. They should hold true, regardless to  
11    form, be it text, video or voice or the transmission  
12    media, wireless or satellite communication travel.

13           More specifically TTY compatibility and  
14    accessibility. There are a number of TTY  
15    compatibility issues. First a direct connection of  
16    an internal analog device like TTY may be  
17    unavailable. Even if connection can be made, there  
18    are still concerns about the extent to which TTY  
19    transmission can be effectively carried over IT  
20    enabled services. Just product -- and talk to analog  
21    voice product -- with analog product.

22           Within the IT environment there also needs

1 to be a common protocol that is equally designed,  
2 there needs to be coordination of many  
3 standard- setting activities directed as the problem.  
4 Unless -- IXC interoperability and international  
5 harmonization.

6           Hearing Aid Compatibility act of 1988  
7 requires all telephones to be compatible with hearing  
8 aids, the FCC has very strict rules requiring wire  
9 lines and some wireless telephones to be hearing aid  
10 compatible. New equipment must similarly be  
11 acceptable by people who use hearing aids and  
12 cochlear implants. Simply hook up a spring indicator  
13 to alert them to incoming calls, IT needs to be  
14 constructed -- or vibrating signals, personal  
15 communication devices.

16           Speech quality. Speech compression us  
17 commonly used an IT transmission. People who are  
18 hard of hearing, especially those with hearing loss,  
19 often find it difficult to understand speech that has  
20 been greatly compressed. Hard of hearing people --  
21 my speech quality is low and it can present a  
22 problem, people have a difficult time. This equips

1 people with speech disabilities, as well as people  
2 who are deaf and hard of hearing, or voice carry over  
3 or hearing carry over.

4 711 relay. Verizon Technology produced a  
5 substitute, its critical IT provider similarly  
6 provides a 711 relay, it is not the benefit provided  
7 by national numbers will disappear. IT enabled  
8 services, both usable for people with disabilities,  
9 just as it is critical to require access to IT  
10 enabled services to ensure people with disabilities  
11 are able to use the services.

12 SHIRLEY ROOKER: Jim, I hate to interrupt  
13 you. I just did and apologize, but do you think you  
14 could give a synopsis of this? They are rather  
15 lengthy and we really need to move on. I do  
16 apologize.

17 JIM TOBIAS: The next topic is  
18 interoperability. And basically if one vendor serves  
19 us with products not compatible with another vendor's  
20 for the same type of service, there is a problem.  
21 And the last thing, and this will take about  
22 30 seconds, telecommunication services versus

1 information services. IT services based on  
2 functionality.

3 IT services today -- video and data  
4 capability make it increasingly difficult --  
5 artificial services that the categories based  
6 underlying technology can -- disability issue. It  
7 also is uneven playing field for a company and there  
8 is no -- to be taking this information, passed on to  
9 consumers advisory committee for further  
10 conversation. So no formal action is needed at this  
11 time.

12 SHIRLEY ROOKER: Thank you. Sorry to rush  
13 you through it. I think you've done an excellent job  
14 summarizing.

15 We don't really need to take a vote on it  
16 and we can move on to the other topic I guess, which  
17 is captioning.

18 Claude Stout? There are two more topics,  
19 I should have said next, not only one.

20 CLAUDE STOUT: I apologize for stealing  
21 several minutes from the next working session. Ron,  
22 could you talk about captioning of HD television



1 programs?

2           RON JONES: Before I start have to take a  
3 quick census. I would like to know how many of you  
4 have an HDTV and in addition to the HDTV, you  
5 subscribe to the HD standard to activate the special  
6 HD channels. How many of you?

7           AUDIENCE: (Indicating.)

8           RON JONES: Maybe about half. You  
9 understand what I'm talking about. What starts to  
10 happen with the HD broadcasting is they are not  
11 necessarily coming in captions. January 2006 there  
12 was supposed to be 100 percent captioning. And a  
13 couple of legal -- to take advantage -- the access  
14 Working Group --

15           SHIRLEY ROOKER: Can I interrupt. -- I  
16 think Steve's phone is still on mute.

17           STEVE JACOBS: Let me do a star 6.

18           SHIRLEY ROOKER: Thanks, Steve.

19           RON JONES: Thank you, Steve. And so the  
20 Access Working Group writes a letter and that letter  
21 to Richard Stenger for certification for broadcast  
22 for an exception, even though the current net -- held

1 to the standard of the -- network. NPRM if FCC would  
2 come out and really the public inference -- and  
3 tomorrow we would have 100 percent captioning on HD  
4 broadcasting.

5 SHIRLEY ROOKER: Thank you, Ron.

6 CLAUDE STOUT: The final item, Janice  
7 Schacter will be talking about hearing aid  
8 compatibility.

9 JANICE SCHACTER: Hearing aid compatible  
10 phones, as some of you may or may not be aware, there  
11 are essentially two networks of phones, CDMA and CGSM  
12 networks, and depending on which cell phone carrier  
13 and the network only covers certain regions --  
14 Verizon are CDMA networks, which primarily covers  
15 United States and parts of South America.

16 And jump in if I get this incorrect. And  
17 T-Mobile and Cingular covers the United States,  
18 Europe and other parts and there are other parts of  
19 the world as well.

20 The problem is hearing aid compatibility.  
21 For hearing aid compatibility, the FCC requirement is  
22 the minimum threshold is M3, M4 -- that's M3T3 with

1 the high -- sorry, M3T3 with the high of M4T4. The  
2 problem is what the M stands for is microphone  
3 interference when you're speaking to a person and  
4 you're hearing them. And the T part is for telecoil.  
5 The problem is currently, the CDMA network is able to  
6 achieve the higher standards of M4T4. The GSM  
7 network is not able to achieve that standard. The  
8 question is are they able to, and are resources being  
9 devoted to it, or are they just achieving a lower  
10 threshold? I can't answer that question. It is  
11 something we would like the FCC to delve into.

12 Now the reason is -- and to let you know  
13 what the impact of this, it is not only that  
14 employer -- employees or people who work can't travel  
15 overseas to Europe, we need to be able to travel and  
16 have cell phone coverage around the world in the same  
17 way everyone else does.

18 It also affects for example, back to my  
19 family, if I have T-Mobile and I want to buy a cell  
20 phone for my daughter and use the children's rate  
21 that T-Mobile so graciously offers of 9.95, I can't  
22 do that because it doesn't work for her hearing aids.

1 I have to, instead of getting a 9.95 a month plan  
2 have to go to Verizon or Sprint and go 49.95 and go  
3 out of network and I can't have in network minutes.

4 Not only can't I get -- somebody with  
5 hearing loss can't get in network coverage, but they  
6 are also restricted to two different carriers. We  
7 would like the FCC to look into are they devoting  
8 enough resources. I hope that's clear. If you're  
9 not really sure, you can Google me, I had a letter in  
10 the New York Times on this issue.

11 SHIRLEY ROOKER: Thank you.

12 CLAUDE STOUT: That concluded the report  
13 from the Disability Working Group and again I would  
14 like to thank everyone on the CAC for the actions  
15 you've taken on our items. Thank you very much.

16 SHIRLEY ROOKER: Thank you, Claude, for  
17 being an outstanding chair of the working group.

18 (Applause.)

19 VOICE: On behalf of T-Mobile, I spoke to  
20 Janice earlier, we are very well aware of your  
21 concern regarding achieving the M4T4 rating which you  
22 just described. I just want to mention that T-Mobile

1 is fully in compliance with the FCC rules which do  
2 mention, currently the threshold rating M3, T3.  
3 There were always been challenges with the GSM  
4 technology, it is a technical issue. We are very  
5 much involved, in terms of your question about  
6 devotion of resources, very much involved with an  
7 entity called the heck incubator, which was comprised  
8 of carriers and other consumer groups, Hearing Loss  
9 Association of America and Gallaudet University, to  
10 talk about that technical issue.

11 Then to try to find a way to bring on the  
12 GSM side the M4 T4 rated handsets to the market is an  
13 issue, a technical issue. It is a very challenging  
14 one, but please know we're working diligently on it,  
15 thank you.

16 SHIRLEY ROOKER: And I think Dane wants to  
17 make one final comment, thank you.

18 K. DANE SNOWDEN: I will be quick, I thank  
19 Janice for the presentation and Claude for his  
20 leadership as the chair of this committee as well. I  
21 think four or five people sent the article to me, I  
22 didn't want to read it four or five times, I read it

1 the one time. As Shelly was saying, this is an issue  
2 that involves -- it is a matter of physics, is what  
3 it really comes down to. That is coupled with I  
4 think the FCC the FDA and technologists have to come  
5 together to figure out this issue. It's not a lack  
6 of will, it's a lack of technology and that's where  
7 we are today.

8 I think that the idea of having parties  
9 sit down together is a good one and we support that  
10 idea wholeheartedly. It is a carrier issue, a  
11 manufacturer issue, it is a government issue and most  
12 importantly it is a physics issue. And my disclaimer  
13 is I'm not a technologist nor am I a physicist. I  
14 leave it at that.

15 Thank you for outstanding work on the  
16 entire committee.

17 JANICE SCHACTER: Just so you know,  
18 Shelly, I'm on that incubator, I've been invited to  
19 join that. Dane reminded me it is important because  
20 it does involve hearing aid manufacturers. I would  
21 implore that the FCC work with the FDA to work on the  
22 interference of hearing aids and it has to bring the

1 two together. If we sit down at the table we can  
2 resolve some of the issues.

3 SHIRLEY ROOKER: We turn the floor over to  
4 John Morris of the -- actually I don't think we  
5 called it a working group, it is an ad hoc group on  
6 effectiveness and communications. I will turn the  
7 phone over -- I will let John have it.

8 JOHN MORRIS: It is a working group of  
9 three people, Charles Benton, Debra and me. I didn't  
10 do a lot of chairing to keep them -- so the three of  
11 us really stem from a conversation that this group  
12 had the last time we met, where there were some  
13 people expressing some frustration about questions  
14 like whether our recommendations were really reaching  
15 the people they needed to reach, or whether people at  
16 the commission were paying attention to the  
17 recommendations.

18 And just a small group of us decided to  
19 try to sit down and see if there were some specific  
20 suggestions that we could make to the commission  
21 about how to improve the effectiveness and relevance  
22 and the visibility of this committee. So the three

1 of us got together with also Gloria and Kevin from  
2 the Benton Foundation and we were able to consult  
3 with Scott Marshall and Shirley to get their input.  
4 Although this proposal is really from the three of  
5 us.

6           These are suggestions about things that we  
7 think if the FCC appoints a new Consumer Advisory  
8 Committee, which we strongly support, there are four  
9 specific things that we think could help improve our  
10 effectiveness. Before getting to those specific  
11 questions, let me make very, very clear that nothing  
12 that we are suggesting is a criticism in the least of  
13 the work that the CGB bureau and Scott has been  
14 doing.

15           We are in a sense trying to further  
16 empower the bureau to help us get our messages to the  
17 right people and in the commission. The specific  
18 frustrations that some people had and let me just  
19 interject to say that in this recommendation, we  
20 tried to do two things. We've tried to be as polite  
21 as possible, in other words, and not express  
22 frustration on any particular issues.



1           And what we also have tried to make clear  
2       is that some of the concerns are not necessarily  
3       concerns that everyone in this room has. And as we  
4       are not trying to have a vote to say is everybody  
5       frustrated, so we're only trying to convey that some  
6       people have some of these concerns. We're not trying  
7       to get consensus on the concerns, but we hope we can  
8       get consensus on the suggestions.

9           And the concerns that some people have had  
10      are the inability or lack of feedback from the  
11      commission and the commission staff about whether  
12      they understood our recommendations, whether they  
13      think our recommendations were on point or perhaps  
14      they think we missed an aspect of the problem and  
15      that we might benefit from thinking about the problem  
16      more. But we don't really have a good way to get  
17      feedback from the commission.

18           We also really don't have a good way for  
19      the committee members here and the public at large to  
20      know the status of the proceedings. Certainly  
21      individually, individual members might be very active  
22      in a particular proceeding before the commission, so

1 we might know what's going on in the proceeding, but  
2 the committee as a whole might not really be aware of  
3 what's going on in a particular proceeding.

4           The final frustration is that, and I  
5 understand from Scott and Shirley it has happened in  
6 the past in this term of this committee, I've not  
7 felt that we've gotten much guidance from the  
8 commission itself, about what issues would the  
9 commission like us to think about, are there  
10 particular problems that the commission knows it's  
11 going to be phasing in in 6 months, it might benefit  
12 from some consideration.

13           So we have four proposals. I will quickly  
14 run through them and point out the highlights and  
15 then we can open it up for questions and comments.  
16 One is an easy proposal to enhance the CAC's website.  
17 There is a website and Scott and his staff get all of  
18 our recommendations up on to the website after  
19 they've been -- after they've been passed or  
20 approved. And frankly, we're suggesting some tweaks  
21 to that website such that in addition to the lengthy  
22 recommendations, there could be a short summary that

1 places the recommendation in context and summarizes  
2 the recommendation.

3           And there might be a status of the  
4 proceeding that the recommendation is in just to  
5 report back, and again, to provide information both  
6 back to us about what's happening in the proceeding  
7 that we've weighed in, but also provide information  
8 to the public at large.

9           As a nut and bolt in this specific  
10 recommendation, our vision had been that perhaps the  
11 working group chairperson would be the one to draft  
12 the brief summary of the piece. And so it wouldn't  
13 have to be a summary approved by the commission, it  
14 could be really -- it could be the CAC speaking, so  
15 Dixie Ziegler would be able to summarize the  
16 recommendations that the TRS group made earlier  
17 today. That's one recommendation, an improved  
18 enhanced website.

19           Another second recommendation, I think  
20 probably the most important recommendation, but  
21 perhaps the one that will ruffle the most feathers is  
22 to have -- create and have the commission adopt a

1 system of follow up inquiry, so that after we have  
2 submitted a recommendation, for example, let's say a  
3 few weeks before our next meeting, the commission or  
4 our committee could send out an inquiry back to the  
5 person who received a recommendation or the bureau  
6 which received the recommendation and basically asked  
7 them, what's happened with our recommendation? I  
8 mean, have you moved forward? It is really an  
9 attempt to create a little bit of a dialogue with the  
10 staff and the commissioners themselves about what  
11 we've recommended.

12 Now, just as an acknowledgement, there are  
13 some proceedings that we may weigh in on that are  
14 restricted proceedings that are limited in terms of  
15 the ex parte communications, the rules that the  
16 commission may not be able to give us much feedback  
17 in some proceedings. But in a lot of proceedings we  
18 would be able to get substantive feedback on our  
19 recommendations. So that's the second  
20 recommendation, kind of a system for follow up  
21 inquiries.

22 The third recommendation is really a

1 recognition that the chairman of the commission, now  
2 Kevin Martin, the chairman, whoever it is, is really  
3 the one who is able to set the agenda for the  
4 commission and really is able to guide the commission  
5 and pursue a particular agenda.

6           And so, as useful as it is to have Monica  
7 or a representative come talk to us at the beginning  
8 of each meeting, we also would welcome, like and  
9 request to have a representative of the chairman's  
10 office come and talk to us as well, just so we can  
11 have a little more direct interaction with the office  
12 that really is studying the agenda for the  
13 commission.

14           And then the final recommendation is kind  
15 of a more formalized request to the commission, to  
16 give us guidance about what issues would be most  
17 relevant for us to work on, because there may well be  
18 consumer issues that are cropping up, but that none  
19 of us really realize will be coming up in a few  
20 months' time.

21           The fourth and final recommendation  
22 doesn't ask for that kind of guidance and it does

1 make clear that the CAC would benefit from guidance  
2 from an individual commissioner. So even if the  
3 entire commission as a whole chooses not to provide  
4 us guidance, it would be useful to hear from an  
5 individual commissioner that he or she thinks  
6 something is worth us looking into. And then  
7 obviously we as a committee can decide what we're  
8 going to spend our time on, but getting that kind of  
9 guidance I think -- we think would be very helpful.

10 So those are the four proposals and I open  
11 it up for questions.

12 SHIRLEY ROOKER: Before we do that, we  
13 should get a motion that recommend these proposals to  
14 the FCC. All right, now we will open it up for  
15 discussion.

16 Larry?

17 LARRY GOLDBERG: I was pleased to see  
18 these recommendations in my packet today and I was  
19 thrilled to see them because they directly reflect  
20 some of my own concerns. And in short, I believe  
21 very strongly that every one of these will make it a  
22 much more effectively commission and that it is taken

1 seriously.

2 SHIRLEY ROOKER: I had an editorial  
3 change. The fourth paragraph -- on page two, last  
4 line, take out the who.

5 Jim Tobias?

6 JIM TOBIAS: Yeah, I want to echo Larry  
7 Goldberg's comments. I think what we see in these  
8 recommendations is really those of us who are  
9 familiar with transitions to E government, these are  
10 straight down the middle of the road. A 19th century  
11 regulatory model, using raw materials of wood and  
12 stone. We have opportunity now to get much flatter,  
13 much more open dialogue going between government  
14 agencies and the citizens, whether the citizens are  
15 members of a committee like this one or members of  
16 the public.

17 Why is it that we can vote for, you know,  
18 what kind of hat should be worn by a bowl queen, but  
19 we can't seem to get a survey or simple polling done  
20 for interests of significance. I strongly support  
21 these recommendations.

22 Charles?

1 CHARLES BENTON: I can't let this moment  
2 go by without congratulating and thanking John for  
3 planning this, writing this really terrific document.  
4 You did a great job on this and you reflected all the  
5 things we said, and more. And it just is a wonderful  
6 piece of work, thank you very much.

7 JOEL SNYDER: I second that.

8 (Applause.)

9 SHIRLEY ROOKER: Any other comments?

10 KAREN PELZ STRAUSS: To have more of a  
11 presence from the FCC at these meetings, Scott is  
12 here and Greg is back there. And we have a couple of  
13 interpreters, but I still think it would be important  
14 to have active presence at every meeting. We don't  
15 have meetings that often, we have them what, 2 or 3  
16 times a year. And for example, at least today, at  
17 least 50 percent of our issues involve disability  
18 access.

19 I think it would be good to have the chief  
20 of the disability rights office here or at least  
21 somebody fairly high up on disability access and  
22 consumer access. I think it is hard sometimes, when



1 we're saying things and putting them on the record,  
2 but for those of us who have worked at the agency, we  
3 don't have the time working at an agency to go over  
4 transcripts. I think it is different when people are  
5 actually in the room interacting with all of these  
6 individuals.

7           And if all of these people are coming  
8 here, look at how much time and resources are being  
9 given to the agency. I think it is incumbent to the  
10 agency to give back. I don't know if you want to add  
11 that to as another recommendation, but --

12           AUDIENCE: Yes, let's do it.

13           If you can amend number 4.

14           SHIRLEY ROOKER: I will say one comment,  
15 we have had a lot of presence from the FCC at our  
16 meetings. Today we don't particularly have a lot of  
17 presence, I suspect for a couple of reasons, because  
18 we are off site and in our agenda, we didn't invite  
19 them. But we've often had a number of members.

20           JOEL SNYDER: The commissioners -- what  
21 happens --

22           SHIRLEY ROOKER: I'm just making the

1 statement.

2 JOEL SNYDER: It is very helpful to have  
3 the commissioners come in, they come in, make a  
4 statement and leave.

5 SHIRLEY ROOKER: I'm not talking about  
6 them, the members who have given lots of their time  
7 to come and talk to us.

8 JOEL SNYDER: I haven't seen people from  
9 the disability rights office throughout the day, no,  
10 never, not a part of the time I've been with this  
11 committee and the same with the front office of CGB,  
12 that's a bureau who will be making these decisions by  
13 and large, but they are the focal point and it's  
14 different when they come and talk at us rather than  
15 with us and that's really what I'm talking about.

16 SHIRLEY ROOKER: Um-hum, okay. All right.  
17 We have one more comment.

18 CLAUDE STOUT: You know when we were  
19 talking about the media issue --

20 SHIRLEY ROOKER: Just a minute, I'm sorry.

21 JOEL SNYDER: I wanted to offer a possible  
22 amendment.

1                   SHIRLEY ROOKER:  Sorry, Claude.

2                   JOEL SNYDER:  Put some language in number  
3   4 and like the rest of the recommendation, it is not  
4   to point fingers, it is meant to enhance the  
5   effectiveness so we can maintain that tone, I think  
6   we might want to add something in that says the  
7   appropriate staff attend meetings or participate in  
8   dialogue on an ongoing basis.

9                   SHIRLEY ROOKER:  We have to put it in the  
10   form of some proposal, so would you frame it for us?  
11   Or John, do you want to do that?

12                  JOHN BREYVAULT:  Not to disrupt our agenda,  
13   but if one of us writes out a couple of sentences and  
14   we could add to this --

15                  JOEL SNYDER:  Let's do that during the  
16   break.

17                  SHIRLEY ROOKER:  That's a great idea.  If  
18   Claude has a comment -- that's okay with you, Claude?  
19   Why don't we take a break, come back in 15 minutes,  
20   pick up on this with a sentence or two to add to the  
21   amendment and we'll see you here at 3 o'clock.  And  
22   don't forget to sign the seal, that's the order of

1 the day.

2 (Recess.)

3 SHIRLEY ROOKER: We have one more order of  
4 business.

5 We've got a motion on the floor and we've  
6 had discussion and we're going to have an amendment  
7 that has been written by John.

8 JOHN BREYVAULT: The proposal is to create  
9 a fifth recommendation. We're inserting number 3 to  
10 number 4, number 4 will be number 5. I will read it  
11 to you, the heading would be attendance by relevant  
12 commission staff members at CAC meetings.

13 And then there are two sentences that  
14 follow this. "To enhance the value of the CAC and  
15 increase the dialogue between the CAC and the  
16 commission staff members with particular expertise on  
17 topics under discussion by the CAC should attend CAC  
18 meetings. For example, when the CAC addresses a  
19 disabilities rights issue, the appropriate staffer  
20 from the Disabilities Rights Office and/or other  
21 relevant bureaus or offices should attend."

22 That's the end of the additional language

1 that somebody is proposing. I will propose -- I'll  
2 move the amendment.

3 SHIRLEY ROOKER: Do we have a second?

4 DEBRA BERLYN: I second.

5 SHIRLEY ROOKER: Any discussion?

6 We will put the entire motion -- do we  
7 have comments or -- I think it has been amended and  
8 we have -- I guess we have to vote on the amendment.  
9 May I see a show of hands who approves the amendment?

10 Now, for the entire paper, I don't think  
11 you need the rereading of that statement. You've  
12 already accepted it.

13 May I see a hands for the ad hoc group.

14 (Indicating.) Any dissenting or no?

15 Okay.

16 JOEL SNYDER: He's on his way back in.

17 SHIRLEY ROOKER: I think you've been  
18 wonderful and of course Scott has been fabulous and  
19 thanks to Rich and our facilities and our audio and  
20 visual equipment and to Dane for providing an  
21 excellent lunch. I understand he stayed up all night  
22 last night doing it. We're very appreciative.

1           On a personal note, I've decided that and  
2 I believe the group will be rechartered, I help so,  
3 that would be my recommendation to the FCC. But I  
4 think I've enjoyed 6 years of chairing the group and  
5 it is time to move on. I would like to stay with the  
6 group if I get selected. I would like to thank all  
7 of you and threaten you if you didn't sign my seal.

8           Just in time we've got the man himself  
9 here. Gene, we will turn the floor over to you.

10           GENE CRICK: Thank you. It is a pleasure  
11 to be here, anybody here from out of town?

12           My name is Gene Crick, I will run this as  
13 effectively as I can, so if you have a little summary  
14 of what we're talking about, it will make it as  
15 effective as possible.

16           We have three recommendations coming under  
17 the working group, we have copies that have been  
18 provided in advance. I am going -- they are there, I  
19 don't need to lip sync them for you.

20           The first one is emergency services,  
21 emergency telecommunication services and emergency  
22 alert systems, both of which are particularly timely

1 for those of us in underserved areas. In this  
2 particular case, as we know in Texas, as it happens,  
3 when Hurricane Katrina hit, my colleague to my right,  
4 Will Reed, worked out an arrangement in dealing with  
5 the impact, it was massive.

6           And the arrangement was he would work  
7 16-hour days dealing with relief efforts and I would  
8 take the credit. To me, this is a happy day, I  
9 entered community communications. We learned a great  
10 deal, I'll summarize it by saying two things. One, I  
11 am firmly convinced that we communities ourselves  
12 need to take a great deal of leadership for  
13 preparedness and telecommunications channels. I  
14 don't mean that we should do this -- I mean that we  
15 shouldn't expect any agency, federal or otherwise, to  
16 provide the answers and bring them to us. Instead we  
17 should ask for answers, we should support efforts and  
18 we should develop plans, largely based on models,  
19 very important to me, on models that we work together  
20 to develop on how a community can become aware,  
21 prepared and respond when emergency conditions arise.

22           They obviously can be anything that you

1 would consider on an emergency, a crisis situation,  
2 whether a hostile act or some pandemic or a natural  
3 event, weather events such as we faced with the  
4 hurricanes. The point is do we have communications  
5 plans in place that will enable emergency management.  
6 And a particular concern of mine that I mentioned  
7 earlier in the day that will enable us to notify and  
8 support everyone, because a lot of people -- we sit  
9 here in an IT enriched world, that's not the case  
10 with a lot of people who are directly and powerfully  
11 affected by some condition.

12           So this affects primarily two dockets  
13 before the commission, and is for the most part  
14 simply an affirmation of the importance and an  
15 application to the commission to be sure that they  
16 consider and include community level participants  
17 that we look at both ends of the system.

18           After Katrina, I looked at how Emergency  
19 Alert System messages were handled. I learned a  
20 great deal. I learned a great deal about what is not  
21 in place and not prepared. I understand the nature  
22 of government process with many, many priorities and



1 many things to do, but that said, I'll make my second  
2 point. And that is those of you who as I have a  
3 foundation in faith, I implore you to, well, frankly,  
4 pray that we don't need anything from the Department  
5 of Homeland Security and FEMA right away. They are  
6 wonderful people, but it is a big task and the  
7 consumers need to hold up our end of the deal. We  
8 need to ask and we need to work.

9           So this recommendation offers that view to  
10 the commission, again affirming that this is a  
11 priority, that we hope the commission will take not  
12 only action -- the commission by no means is ignoring  
13 this issue, that the commission and the staff will  
14 help us as we work to develop some models we can  
15 share, because one of the things that we encountered  
16 was that smaller communities with less technology  
17 capacity, not surprisingly, are going to have a more  
18 difficult time being ready. We can help, we being  
19 every one of us working together. So I offer this  
20 recommendation, so unless there are questions, that's  
21 all I really need to say on that one.

22           SHIRLEY ROOKER: Okay, you're -- we're

1 talking about the one sheet emergency alerts in  
2 crisis telecommunications?

3 GENE CRICK: Yes, ma'am.

4 SHIRLEY ROOKER: Do I have the correct  
5 thing here? Okay, it's the first one which refers to  
6 the two docket numbers, the FCC docket numbers.

7 GENE CRICK: Right.

8 SHIRLEY ROOKER: Are you making that in  
9 the form of a motion or --

10 GENE CRICK: I would like to make that as  
11 a motion.

12 SHIRLEY ROOKER: Linda, all right. And  
13 discussion.

14 K. DANE SNOWDEN: How does this relate to  
15 the WARN Act?

16 SHIRLEY ROOKER: Dane is asking, Gene, how  
17 this works relative to the WARN Act.

18 GENE CRICK: The order of June 26th calls  
19 for this. One of the things that President Bush  
20 calls for is a common alerting protocol, standardized  
21 format which was a tradition until RSS, but a  
22 standardized format by which every community knows

1     what messages will be coming, how they will be coming  
2     and the device and means to receive them, to  
3     authenticate them and redistribute the information  
4     appropriately within the community.  And so this  
5     is -- I've spent a great deal of time with the  
6     protocol and this is founded in the executive order.

7                 SHIRLEY ROOKER:  Do we have any other  
8     comments or questions or concerns?

9                 Larry.

10                LARRY GOLDBERG:  My organization in Helena  
11     and making sure they are accessible to people with  
12     disabilities, that's been a lot of the discussion  
13     nationally as well.  I wonder if that automatically  
14     fits into your recommendation or something should be  
15     added.

16                GENE CRICK:  I consider it absolutely  
17     intrinsic because the notion of notification schemes  
18     that ignore people with special needs is terrible and  
19     incomplete and it's not just the ones that we know of  
20     so familiarly here.  It goes a little beyond that.

21                I am speaking mostly of the intent, it is  
22     straightforward language, we can add anything you

1 want for clarification, but I think also intrinsic to  
2 this is the notion that we should be looking at  
3 broadband access, at least to areas for  
4 redistribution.

5 I think we should be looking at issues  
6 like nursing home populations, these are folks in a  
7 special needs position. I have sympathy for a  
8 nursing home operator, think about the challenge that  
9 those people face. On the one hand, they recognize  
10 that evacuating a population and the medical risk for  
11 that very population and we don't like to use the L  
12 word in public, but there is some liability attached  
13 to that.

14 The flip side, if they fail to evacuate,  
15 that can be a terrible outcome, too. What we need is  
16 to decide what's the standard, what's the best  
17 prevailing standard in government. And others can  
18 participate in advance to determine the best response  
19 to that.

20 And there's even -- this is one, another  
21 learning experience, it seems they just keep coming,  
22 issues of emergencies with people to use an example,

1 renal failure, kidney problems, evacuation and  
2 ongoing relief is not the same for people who need  
3 dialysis 3 or 4 times a day as it is for others who  
4 simply need shelter and food. And yet while there  
5 are 500,000 people in that condition throughout the  
6 country, they will be widely distributed. That's a  
7 case where we need to do some shared planning. Can  
8 we as the CAC do that? Those are issues I would like  
9 to see --

10 SHIRLEY ROOKER: Okay, so we're moving  
11 ahead with this recommendation, right?

12 Okay, do we have other discussion?

13 We will put the motion to the vote. The  
14 recommendation for the rural and populations working  
15 group. Show of hands in support of the  
16 recommendation?

17 Opposed? No opposed, all right.

18 GENE CRICK: The second one is even  
19 simpler than the first. And this one I'm proud to  
20 say I don't think I'm offending a soul at the FCC, it  
21 is simple, I am suggesting that we augment the  
22 current FCC information resources, electronic

1 information resources by adding an RSS feed. And for  
2 those of who you don't wear propellers on your hat,  
3 that is a simple XML procedure. All it means when  
4 the electronic format comes out and goes to the  
5 website and may also go out through the consumer  
6 information registry, which is a nice project via  
7 E-mail, it also is rounded to an RSS feed.

8           And the RSS feed is simply, it is most  
9 analogous to -- there it is not a push, you don't get  
10 any information unless you say that interests you,  
11 but it's available. And if you want to put it on a  
12 comparative basis, I checked as many other agencies  
13 and cabinet level departments as I could, and it  
14 seems that they all have RSS feeds with the -- I'm  
15 sure there will be an exception, I just didn't happen  
16 to encounter one in 51 cases.

17           SHIRLEY ROOKER: Is there any  
18 discussion -- this is a recommendation, do you want  
19 to propose that as a recommendation?

20           GENE CRICK: I do.

21           SHIRLEY ROOKER: And second.

22           JOHN MORRIS: I second.

1           SHIRLEY ROOKER: All in favor? Opposed?

2           And it passes.

3           Moving right along.

4           GENE CRICK: First I want to thank the  
5 Academy.

6           (Laughter.)

7           GENE CRICK: Two items I want to bring  
8 forward. They do not call for a recommendation they  
9 relate to the working group, and I think deserve it.  
10 Related to Katrina, as I mentioned, I can't take the  
11 credit, my colleague has been working in Houston.  
12 And since Hurricane Katrina, Houston has -- simply  
13 because it represents on a large scale a fully  
14 publicly adopted community telecommunications  
15 project.

16           And a part of the importance is that it  
17 represents the support, endorsement and leadership of  
18 government and of economics and of the public and  
19 private sector and nonprofit. Any time you have a  
20 new initiative that includes both our nonprofit  
21 groups and AT&T, you know -- if you will give a quick  
22 moment, Will can explain that.

1           WILL REED: I have with me some brochures  
2 about the project that was really an outgrowth of a  
3 committee in Houston. Like Gene said, public sector,  
4 private, business, health care, non-profits, et  
5 cetera. And its a 600-square mile project. My  
6 nonprofit technology has a small research project, 4  
7 square kilometers, that was being leased for research  
8 at Rice University. It is kind of a catalyst for the  
9 committee that got started and now they have adopted  
10 the city and is to announce it in 3 or 4 weeks. If  
11 you are interested in that, we do have some brochures  
12 to describe the committee's work that then led into  
13 the municipal project.

14           SHIRLEY ROOKER: Thank you very much,  
15 Will. They will be available, you will have copies  
16 of the brochure.

17           GENE CRICK: And Will will be available  
18 after the meeting, I'm sure.

19           The next item, my friend and colleague  
20 Linda has a suggestion to offer it for initial  
21 consideration about -- Linda --

22           SHIRLEY ROOKER: Just let me say we passed



1 this around, did everyone get a copy? And we will  
2 E-mail it to the people on the phone.

3 LINDA WEST: Thanks. Just a short word I  
4 want to tell everybody how much I appreciated working  
5 with all of you the last two years, I definitely  
6 learned a lot. As Gene said, this does not call for  
7 any action, it's a topic that is of great interest to  
8 me and I wanted to share it so we can get it on the  
9 record.

10 The FCC commissioners are currently  
11 considering a bill keep in its intercarrier  
12 compensation docket a possible national compensatory  
13 mechanism to replace -- I'm sorry -- to replace the  
14 existing access charge and reciprocal compensation  
15 systems.

16 Before making any final decision, the FCC,  
17 CAC would like them to consider the following  
18 information. The proposal was formulated on the  
19 premise that competing companies in the same area are  
20 incurring costs to provide service. The FCC  
21 commissioners realized this is not the case given the  
22 differences in technologies and embedded incumbent

1 structures -- service providing service to Indian  
2 reservations, rural America and sparsely populated  
3 areas to obtain federal subsidies to pick up the  
4 slack.

5           Please note that these areas are also  
6 historically the most economically challenged areas  
7 of the country. The consumers of rural incumbent  
8 companies appreciate the efforts to support  
9 affordable service in rural areas. However, they  
10 realize a federal subsidy is a fickle mistress, here  
11 today, gone tomorrow. This deters rural service  
12 providers from formulating any long range investment  
13 and upgrade plans.

14           In spite of the uncertainty outlined above  
15 regarding switched access, reciprocal compensation  
16 and universal service subsidies, it has been my  
17 experience that these rural companies continue to  
18 maintain their systems and provide their customers  
19 with access to the latest in modern technology.  
20 These companies may not take the risk of providing  
21 these advance services if they have to depend on a  
22 federal subsidy subject to political whims for an

1 increasing percentage of their overall revenues.

2 It would be a year to year function, not  
3 knowing when or if a subsidy would be there.

4 Ultimately if the subsidies are decreased or  
5 withdrawn consumers would end up paying more for  
6 their service, possibly more than they can afford.

7 There are programs like the various lifeline programs  
8 in place for low income families. However, there are  
9 many borderline consumers that could very possibly be  
10 forced to drop their service because of rising  
11 unaffordable rates.

12 Therefore, I would recommend that all  
13 service providers terminating calls, one of their  
14 competitors be compelled to enter into  
15 interconnection arrangements and pay a fair rate for  
16 services provided. This rate should take into  
17 consideration the company's actual cost providing the  
18 service. The actual costs of providing service in  
19 rural areas should be shared fairly by competing  
20 providers that use the rural network, not supported  
21 by artificial and political, if I can call it that,  
22 subsidies because of the importance of land line

1 companies providing these services. Thank you.

2 SHIRLEY ROOKER: This is just a suggestion  
3 for us for consideration in the next charter of the  
4 FCC CAC.

5 LINDA WEST: Correct.

6 SHIRLEY ROOKER: Thank you very much,  
7 Linda.

8 GENE CRICK: I am shifting gears -- the ad  
9 hoc group on that, I will recite that and turn the  
10 microphone over. Future directions for the FCC sent  
11 suggestions and observations, one is external and  
12 that's to continue what we've done. And that's  
13 opening the FCC issues and process to normal  
14 consumers and citizens. This particularly includes  
15 the use of newly available technologies, like the RSS  
16 feeds discussed.

17 Internally, I suggested within the CAC  
18 that we look to and develop an enhanced sharing of  
19 activities within and among our working groups, I  
20 know sometimes a working group will be addressing an  
21 issue that I think is absolutely fascinating and  
22 important and have relevance for rural populations,

1 but I'm not able to participate in every working  
2 group nor they in ours.

3           And it would be nice to know more of  
4 others work and we could use some of the  
5 newer information technologies to do that, an example  
6 being what we might do to save meeting time, we might  
7 do a little bit richer pre-meeting sharing of the  
8 proposals and what's coming forward. It is possible  
9 the brighter minds may encourage dialogue in advance  
10 to enrich that.

11           The other thing is to broaden the working  
12 groups themselves. I don't mean increase the number  
13 of working groups, nor change the constitution of the  
14 working group, but instead what's been allowed to do  
15 so far that is to include in the group itself the  
16 process of deliberation, the voices of experts,  
17 outside experts on the issues appropriate to that  
18 group, they can greatly craft comments and  
19 recommendations. An example being academics might be  
20 able to inform us of research that comes to bear on  
21 what we're saying or economists could give us what we  
22 call in policy making the fiscal notes on something.

1 It may be a worthwhile idea, but we need to  
2 understand the cost that's likely before we decide if  
3 it is a practical idea.

4 I want to affirm what others have said. I  
5 personally feel the work of the CAC is extremely  
6 important and it might be more so if we use every  
7 tool we can to support the staff like CGB in greater  
8 participation. It is not a direct CAC mission. I  
9 hope that each of you as individuals and as members  
10 of our group can help find ways for consumers to  
11 share their ideas, seek consensus and work with the  
12 industry to develop at least the framework of more of  
13 a national plan for public interest and  
14 telecommunications, I think that's going to help us  
15 develop a richer policy overall.

16 SHIRLEY ROOKER: I have one comment. You  
17 are permitted to bring anyone you want to into a  
18 working group. You were aware of that?

19 GENE CRICK: Yes, ma'am, and I have.

20 SHIRLEY ROOKER: You wanted to reaffirm  
21 it.

22 GENE CRICK: Yes, I've brought Dr. Andrew

1 Cahill, he knows that a lot better than I. I am  
2 frankly getting old enough to admit it.

3 Our grand finale, our universal service  
4 funding recommendations and the principles of  
5 implementation. Most of you know and I am very  
6 privileged to be part of it, most of you know that  
7 the Benton Foundation, and we have Charles here and  
8 we have Gloria the director, an indescribable asset  
9 to that foundation. They have assembled a group of  
10 people and policies to craft practicable  
11 recommendations for that.

12 I will turn it over to Charles.

13 CHARLES BENTON: Thanks, Gene.

14 We have been working for over a year on  
15 actually at Penn State and their colleagues all over  
16 the country in trying to come up with papers and  
17 recommendations on how to improve the universal  
18 service system which is, if not broken, is in  
19 trouble.

20 We're now spending about \$7.2 billion a  
21 year in supporting universal service which is  
22 certainly the largest commitment in public

1 communication anywhere. And I have a couple of short  
2 paragraphs to read, and I will conclude with a  
3 comment and then back to Gene on the resolution  
4 that's on the table, we do have a resolution on the  
5 table.

6           The recommendation regarding general  
7 principles implementing service reform which is in  
8 your folder here. Anyway, in this decade, one of the  
9 central questions policy makers must now answer is  
10 how we become a digital nation and extend the  
11 benefits of broadband and the opportunities that it  
12 delivers to all Americans.

13           The recommendation before us now builds on  
14 our historical commitment to universal service,  
15 recognizing that as communications technologies  
16 evolve, universal service must evolve with it. The  
17 recommendation calls upon the FCC to broaden both the  
18 services supported by the universal service fund  
19 which is a sub -- USF sub-organization of the FCC and  
20 the base of contributions into the fund.

21           We ask for the commission to discipline  
22 the size of the fund by effective oversight and we



1 couple universal service reform with other needed  
2 reforms to encourage competition investing in rural  
3 broadband infrastructure funding, telecom relay  
4 service and spectrum management and opening of more  
5 of the airways for the broadband. Just a few  
6 details.

7           There is no easy solution to the challenge  
8 of bringing broadband to rural consumers, these  
9 challenges must be addressed based on the same  
10 principles that have also guided the rest of  
11 communication policies for affordable access to the  
12 most important technologies of the era. Of the \$7.2  
13 billion spent annually in support of universal  
14 service, about 4 and a quarter billion are for the  
15 so-called high cost areas almost entirely in the  
16 rural and mountain parts of our country. So this is  
17 a very important area for that. The FCC is involved  
18 in and it is struggling with and will be struggling  
19 with in the future. So hopefully these comments and  
20 the two pages will provide some help. And Shirley,  
21 we want to put this -- I -- we need a resolution.

22           Gene is moving the resolution.

1                   Is there a second?

2                   Maybe you should be doing this. That's  
3 your job.

4                   (Laughter.)

5                   SHIRLEY ROOKER: Yes. Quit trying to  
6 preempt me, I haven't left yet.

7                   (Laughter.)

8                   SHIRLEY ROOKER: We have a recommendation  
9 for regarding the principles of universal service  
10 reform. And do I have a motion that we accept this  
11 recommendation?

12                   Linda West. And second, and now we're  
13 open for discussion.

14                   I saw Debbie first, and Karen, you have  
15 the microphone. Go ahead and talk.

16                   KAREN PELZ STRAUS: I just wondered if I  
17 could make a friendly amendment, Charles. I assume  
18 we're talking about the bullets on the second page;  
19 is that right?

20                   CHARLES BENTON: Yes.

21                   KAREN PELZ STRAUS: Relay service funding  
22 in the past has never been used for people with

1 disabilities. What's happened now, broadband is very  
2 expensive but the best way for many people with  
3 disabilities to communicate and deaf people who use  
4 video, this involves broadband services and  
5 equipment.

6           So what I'd like to do is to add a  
7 sub-bullet at the end where it says reform USF in  
8 conjunction with a comprehensive set of program  
9 policies. He should include -- I would like to add  
10 allowing use of USF support for broadband equipment  
11 and services used by people with disabilities.

12           SHIRLEY ROOKER: Would you give me that  
13 one more time?

14           KAREN PELZ STRAUS: It would be allowing  
15 use of USF support for broadband equipment and  
16 services used by people with disabilities.

17           SHIRLEY ROOKER: So that amendment would  
18 be allow use of USF support for broadband equipment  
19 and services for people with disabilities. Do I hear  
20 a second on that motion?

21           JOEL SNYDER: Second.

22           SHIRLEY ROOKER: We'll vote on the motion

1 to amend.

2 All in favor?

3 Opposed or dissenting? Okay.

4 Okay, what --

5 JOEL SNYDER: I'm abstaining.

6 SHIRLEY ROOKER: Who have we got down  
7 there? Rich and -- no, that's not Loretta. Tammy.  
8 And Dane and Shelly. We have five abstentions; is  
9 that correct?

10 Oh, and Tony.

11 SCOTT MARSHALL: Okay.

12 SHIRLEY ROOKER: I hope we never get two  
13 people with the same name on this committee, Scott  
14 will really be in trouble.

15 We have a recommendation that's been  
16 amended, and an extension on the amendment. But the  
17 recommendation has been approved by a majority  
18 vote -- the amendment. Further discussion?

19 DEBRA BERLYN: I completely support the  
20 bullet points under the promise and the challenge  
21 here, I think we certainly -- certainly also have  
22 interest in making sure that all consumers have

1 access to affordable broadband services. However,  
2 under the second page recommendations, we have not as  
3 of yet endorsed a particular way of getting there in  
4 terms of specifically here whether or not the  
5 universal service fund should be used to support  
6 broadband.

7 So I would bring that up as a hesitation  
8 that I have at this point to move forward. That will  
9 mean increased costs to all consumers.

10 RICHARD ELLIS: At the very last part of  
11 the day, when I'm sure a lot of folks haven't thought  
12 through all of the implications of these things, this  
13 is a big deal. I don't want to say yes or no, but it  
14 just seems to me we are throwing it in the last  
15 minute to folks and it has literally billions of  
16 dollars of implications. So just with that caution,  
17 it requires some thought.

18 SHIRLEY ROOKER: Okay, we have another  
19 comment down here.

20 HELENA MITCHELL: Where we say we  
21 recommend the CAC examine this issue, a more thorough  
22 evaluation or something like that.

1                   SHIRLEY ROOKER: We're having a motion  
2           that we table this until the next committee. There  
3           is some validity to that, this is a complex subject.  
4           Let's hear from some other members of the group, I  
5           think it is something that deserves some time. Dane,  
6           then we'll come to you.

7                   K. DANE SNOWDEN: When the time is right,  
8           I would second Helena's motion, along the lines of  
9           Debbie and Rich. It will increase the costs to  
10          consumers. The wireless industry does have strong  
11          positions on supporting USF and the efficient use of  
12          USF funds. And we all know in a matter of -- what  
13          technology you're using, consumers are paying that  
14          monthly on their bill.

15                   It is something we have a goal that the  
16          system be more efficient, not only in the  
17          administration of the money, but also as it does the  
18          process of different programs that it does support.  
19          So I support the ideas and the principles that were  
20          outlined on page 1. It is just at this time the  
21          wireless industry can not support the recommendation,  
22          not because anything is wrong with it, it is just

1 premature.

2 SHIRLEY ROOKER: The intent is good, but  
3 there is cost and other factors --

4 K. DANE SNOWDEN: The current review of  
5 the comp system right now that is before the FCC that  
6 involves the FCC -- there is a lot of debate going on  
7 around this particular subject.

8 SHIRLEY ROOKER: We have a motion on the  
9 floor to delay this. I'm not sure what protocol is  
10 when you have a previous motion and this motion would  
11 preempt it.

12 VOICE: How about if I withdraw my motion?

13 SHIRLEY ROOKER: She will withdraw her  
14 motion and make -- you want to make a motion to table  
15 it instead?

16 LINDA WEST: To table it and use this as a  
17 model, a steppingstone, a first steppingstone for the  
18 next --

19 SHIRLEY ROOKER: Thank you, Linda. Linda  
20 is recommending that instead that we table this and  
21 reserve it as something that deserves serious  
22 consideration in a future CAC. So she's making that

1 motion. Do I hear a second to it?

2 AUDIENCE: (Indicating.)

3 SHIRLEY ROOKER: So let's see a show of  
4 hands on the motion to table this until our next CAC  
5 meeting, making certain that it's given prominent  
6 attention by that committee.

7 SCOTT MARSHALL: To clarify, until the  
8 next meeting, or are we referring it to the next  
9 committee for further consideration?

10 SHIRLEY ROOKER: I think we're referring  
11 it to the next committee for consideration, would  
12 that be correct? Yes.

13 SCOTT MARSHALL: Thanks.

14 SHIRLEY ROOKER: All right. So we have --

15 VOICE: With the recommendation it be  
16 given high priority.

17 SHIRLEY ROOKER: Yes.

18 We have a recommendation on the floor and  
19 it has been seconded.

20 Gene?

21 GENE CRICK: I don't know the form, you  
22 are more the expert, but I would like to inform --



1 because it is ongoing, I would like to inform the  
2 commission of this being considered, you know what I  
3 mean? I'm not saying -- I'm just saying --

4 SHIRLEY ROOKER: You'd like for us to make  
5 it known to the FCC that it will be --

6 GENE CRICK: We don't agree on the  
7 mechanics, but think the issues are -- rather than  
8 have it surface in April.

9 SHIRLEY ROOKER: Is there some way we can  
10 do that? We can do a letter to that effect. I'll  
11 tell you what, let's take the motion of tabling it,  
12 and put your motion into effect that we write a  
13 letter to that effect, somehow that --

14 GENE CRICK: Yeah.

15 SHIRLEY ROOKER: With a great deal of  
16 priority in the next CAC meetings. May I see a show  
17 of hands for that, please?

18 VOICE: You get a telephone hand, that's  
19 John.

20 GENE CRICK: We'll be bringing them  
21 forward and --

22 SHIRLEY ROOKER: Okay. A second to that?

1                   VOICE: No, no, no, I wanted to discuss  
2 it.

3                   SHIRLEY ROOKER: Also, it has been  
4 seconded by Linda. And Debra, you want to discuss  
5 it?

6                   You know you're all that stands between us  
7 and taxi cabs.

8                   DEBRA BERLYN: At least it is not cocktail  
9 hour yet.

10                  I would like to offer to have the letter  
11 reflect the bullet points as opposed to the  
12 recommendations. Let's raise the issue, but not  
13 propose the solution yet until we've had an  
14 opportunity to really discuss that.

15                  SHIRLEY ROOKER: So that would mean that  
16 broadband has now become vital to our personal  
17 success in daily life, correct?

18                  GENE CRICK: I accept that friendly  
19 amendment.

20                  SHIRLEY ROOKER: All right, okay. Let's  
21 vote on the motion to write a letter with Debra's  
22 points with the amendment. Can I see a show of hands

1 on that, please?

2 Opposed?

3 All right, then that will be done, it's  
4 been adopted, absolutely.

5 I think unless someone has some  
6 significant items to bring up that -- Gene, you're  
7 finished? Gene's finished.

8 GENE CRICK: Oh, yes.

9 SHIRLEY ROOKER: I just decided he's  
10 finished. We appreciate the hard work you all have  
11 put into this, and I think this will make some very  
12 interesting discussions for the future CAC.

13 K. DANE SNOWDEN: I think you were about  
14 to wrap up; is that correct?

15 SHIRLEY ROOKER: Yes.

16 K. DANE SNOWDEN: I would like to throw  
17 whether it is a motion or suggestion or comment or  
18 whatever it might be, but I would like to say  
19 six years ago, Scott Marshall walked in my office and  
20 said to me when I was a staffer at the FCC that we  
21 had to have this person, Shirley Rooker, be chair of  
22 the CAC. And I wanted to offer for this group on the

1 record that we thank you, Shirley, for your  
2 dedication, for your leadership and for your always  
3 allowing multiple voices to be heard, for your wit,  
4 for your grace and steadfast dedication to the  
5 community. And for that, I ask for applause.

6 (Applause.)

7 SHIRLEY ROOKER: Thank you. That's very  
8 nice, I didn't know Scott was to blame for this.  
9 I've been blaming you all this time.

10 We now open the floor to the public  
11 comments from members of the public who have been  
12 sitting here patiently all day.

13 Do we have comments?

14 If not, Scott wants 30 seconds.

15 SCOTT MARSHALL: 15.

16 SHIRLEY ROOKER: 15. Time him.

17 SCOTT MARSHALL: I want to thank you all,  
18 you've been a marvelous group to work with these past  
19 years, I've learned so much from you, I've shared  
20 your frustrations, I've shared your successes. And  
21 for most of my professional career, I was sitting  
22 over on the other side of the table as an advisory

1 committee member, so it has been a great ride and  
2 thank you all for being patient with me, I know  
3 that's not always easy.

4 SHIRLEY ROOKER: Oh, yes, it is.

5 AUDIENCE: You're a pleasure.

6 SHIRLEY ROOKER: Isn't that the truth? He  
7 has really kept this group together. Thank all of  
8 you so much. I hope to see you next year when we're  
9 rechartered and somebody else is sitting up here  
10 making you behave. Thank you very much. I guess  
11 that concludes the meeting.

12 AUDIENCE: Motion to adjourn.

13 SHIRLEY ROOKER: Second?

14 AUDIENCE: Second.

15 (Whereupon, at 3:51 p.m., the meeting  
16 adjourned.)

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