

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE

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MEETING

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MONDAY
APRIL 27, 2020

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The Advisory Committee met via teleconference at 10:30
a.m., Steve Pociask, Chairman, presiding.

COMMITTEE MEMBERS PRESENT:

STEVE POCIASK, Committee Chairman
ZAINAB ALKEBSI, Deaf and Hard of Hearing Consumer Advocacy
Network
WILLIAM BENDETSON, Massachusetts Department of
Telecommunications & Cable
DEBRA R. BERLYN, National Consumers League
SAM BRINTON, The Trevor Project
JOSLYN DAY, Massachusetts Department of Telecommunications
& Cable
MARK DEFALCO, Appalachian Regional Commission
B. LYNN FOLLANSBEE, USTelecom
SUSAN GRANT, Consumer Federation of America
KYLE J. HILDEBRAND, serving individually as a subject-
matter expert, Special Government Employee
BRIAN HURLEY, America's Communications Association - ACA
Connects
THADDEUS JOHNSON, National Association of State Utility
Consumer Advocates
DAWIT KAHSAI, AARP
JOHNNY KAMPIS, serving individually as a subject-matter
expert, Special Government Employee

ERIC KOCH, serving individually as a subject-matter expert,
Special Government Employee
IRENE LEECH, Consumer Federation of America
SARAH LEGGIN, CTIA
VONDA LONG-DILLARD, AT&T
KATIE MCAULIFFE, Americans for Tax Reform
STEVEN MORRIS, NCTA - The Internet and Television
Association
RACHEL NEMETH, Consumer Technology Association
MICHAEL SANTORELLI, serving individually as a subject-
matter expert, Special Government Employee
BARRY UMANSKY, Digital Policy Institute
LINDA VANDELOOP, AT&T
LARRY WALKE, National Association of Broadcasters
OLIVIA WEIN, National Consumer Law Center
BOHDAN ZACHARY, Milwaukee PBS

COMMISSION STAFF:

SCOTT MARSHALL, Designated Federal Official
GREGORY V. HALEDJIAN, Deputy Designated Federal Official
EDUARD BARTHOLME
DIANE BURSTEIN
JUSTIN CAIN
ADAM COPELAND
CHARLES EBERLE
BARBARA ESBIN
GABRIELA GROSS
CATHERINE LANGSTON
CHARLES MATHIAS
C. SEAN SPIVEY
MARK STONE
PATRICK WEBRE

Welcome & Call to Order

Steve Pociask, CAC Chairperson, & Debra Berlyn, CAC Vice Chairperson

Steve Pociask, Chairperson of the Consumer Advisory Committee (CAC), called the meeting to order at 10:31 am. He welcomed CAC members and staff and thanked them for their attendance.

Introductions & Meeting Logistics

Steve Pociask & Scott Marshall, CAC DFO

Chair Pociask called roll and determined that a quorum was present.

Overview of FCC Presentations

Patrick Webre, Chief, CGB

Mr. Webre welcomed members to the CAC's first virtual meeting. FCC staff have been teleworking since mid-March and are adjusting their personal and professional lives to continue serving the American people. FCC has taken various actions to keep Americans connected during the COVID-19 pandemic, such as the recently launched Keep Americans Connected Pledge. More than 700 providers of wireless and wireline phone and broadband services have pledged, for the next 60 days, to not terminate service to any residential or small business customers who are unable to pay bills due to disruptions caused by the pandemic, to waive any associated late fees, and to open wifi hotspots for those who need them. Many providers are going further by expanding broadband programs for low-income consumers and taking steps to advance remote learning and telehealth. Mr. Webre gave an overview of the meeting's agenda and thanked members for their work.

Network Performance During COVID-19 (Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau)

Justin N. Cain, Acting Chief, Operations and Emergency Management Division, PSHSB

The FCC is tasked with the responsibility to ensure that rapid and efficient nationwide and worldwide radio communication service for national defense and the safety of life and property is available to all people in the U.S. It is important that people in the U.S. have unfettered access to communication services as the pandemic causes more people to stay at home. The FCC is concerned whether networks will be able to withstand the increase in people working from home. The FCC has been meeting with industry since March 3rd to receive updates on network performance, discuss mitigative techniques in the event of network overload, and respond to industry challenges (such as using available spectrum and obtaining necessary personal protective equipment). Mr. Cain is impressed with how industry has been managing thus far.

Industry has been very responsive and has taken the steps necessary to ensure personnel safety. Industry members have joined the Communications Information Sharing and Analysis Center and have convened a weekly COVID-19 working group. Industry also worked to ensure staff could remotely access network management systems and developed contingency protocols for network failure before Americans began to telework en masse. Industry is concerned about initial access problems. States are responding to COVID-19 differently and often consider different businesses to be essential. Industry has had to remind states and localities that the communications industry is responsible for ensuring the promulgation of healthcare communication and that some communities have specific communication needs that are often overlooked. Businesses that serve these specific communication needs should be considered essential.

The FCC worked closely with the Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency to provide input on the guidance on essential critical infrastructure workforce and to provide outreach to state and local partners. FCC's Keep Americans Connected Pledge has been critical to public safety. Ensuring connectivity allows Americans to be able to call 911 and receive emergency alerts. The FCC has issued Special Temporary Authority (STA) applications and provided waiver

of power rules to allow industry to fulfill the pledge. The FCC has worked to increase telehealth and rural healthcare funding. The FCC will maintain contact with DHS and industry to ensure a coordinated effort when managing the impacts of the COVID-19 pandemic. FCC wants to ensure that protocols are in place to mitigate potential network disruptions. Resources related to FCC's COVID-19 response can be found at www.fcc.gov/coronavirus.

Charles Mathias, Associate Chief, WTB, and C. Sean Spivey, Legal and Policy Advisor, Office of the Bureau Chief, WTB

An STA is an application for temporary or immediate use of spectrum for a maximum period of 180 days. It allows quick access to spectrum under certain conditions. These conditions include emergency situations, to continue communication services during restoration and relocation of existing facilities, temporary, non-recurring service in situations where a regular authorization is not appropriate, and other situations in which delay of temporary service would seriously prejudice the public interest. In the context of COVID-19, the FCC and industry have used STAs provide quick access to spectrum resources to expand broadband connectivity in a variety of circumstances.

The FCC has granted roughly 200 STAs. The STAs are initially granted for a period of 60 days but can be renewed. Examples include granting applications for AT&T and Verizon to access AWS-3 spectrum in the FCC's inventory and for providers to use microwave backhaul links to provide connectivity to COVID-19 field hospitals. Although much of the STA activity can be attributed to the three national carriers (AT&T, T-Mobile, and Verizon), there have also been requests by rural carriers. Many rural carriers are swapping spectrum with other providers. FCC has granted STAs submitted by wireless internet service providers (WISPs) to increase their capacity. WISPs provide wireless service in areas where there is potentially no fixed service or effective cell capacity. The FCC has not been able to grant these STAs in instances where there is competing existing license use or area exclusion due to an existing federal user. FCC has also granted STAs to expand broadband connectivity on tribal lands. Examples include granting applications for the A:shiwi College and Career Readiness Center and the Navajo Nation to use unassigned 2.5 GHz spectrum on a secondary, non-interference basis. STAs do not affect the rights of applicants in regards to the Rural Tribal Priority Filing Window.

Discussion

Member Leech asked if the PSHSB and WTB Bureaus have directly contacted the ultimate customers to understand how effective the FCC's COVID-19 response has been in underserved areas. Mr. Cain responded that the PSHSB often relies on social media to receive consumer feedback. This feedback is verified through technical mechanisms such as the Network Outage Reporting System. The PSHSB also communicates with state and local emergency management officials through the Regional Emergency Communications Coordination Working Group's representation to receive consumer information.

Promoting Telehealth and Distance Learning During COVID-19 (Wireline Competition Bureau)

Adam Copeland, Associate Chief, WCB

The FCC has made three recent changes to its Rural Health Care Program (RHCP). First, it adopted an order to fund all program demand for funding year 2019 and passed waivers to ensure that this can happen. Second, the WCB issued a waiver of the RHCP and E-rate gift rules to allow program participants to solicit

and accept equipment and services from communications providers to address pandemic-related needs. Third, the WCB adopted a waiver order, with the goal to assist rural health care providers with the RHCP's administrative tasks to help providers maintain focus on their pandemic response. The order extended the RHCP's filing window, extended the period providers have to respond to information requests from the Universal Service Administrative Company (USAC), extended the service delivery deadline for non-recurring services in funding year 2019, extended the invoice filing deadline for rural health care participants in the Healthcare Connect Fund, and extended the period providers have to file appeals and waivers to the FCC and USAC.

Gabriela L. Gross, Deputy Chief, Telecommunications Access Policy Division, WCB

The WCB has issued guidance and waived several program rules in order to promote broadband connectivity and relieve administrative and compliance burdens for schools and libraries. For example, it has waived the E-rate Program's gift rule until September 30, 2020 in order to allow service providers to gift program participants with equipment and services to support remote learning. It has waived the application filing window for funding year 2020 and extended the deadline and has waived and extended the service implementation deadline for special construction to deploy fiber. Other extended deadlines include the invoice filing deadline and the deadline to file appeals and waiver requests. WCB also issued a reminder to schools and libraries that have closed as a result of COVID-19 that they may allow the general public to use the E-rate supported wifi networks on their properties.

Chas Eberle, Senior Counsel, Telecommunications Access Policy Division, WCB

Healthcare providers across the country are expanding telehealth services in response to COVID-19. The CARES Act appropriated \$200 million to the FCC to assist healthcare providers in addressing COVID-19 by providing telecommunications services, information services, and devices necessary to enable the provision of telehealth. The FCC established the COVID-19 Telehealth Program on April 2nd to fund eligible healthcare providers. To be eligible, providers must be public or non-profit healthcare providers as defined in the Telecommunications Act.

Eligible providers can apply for funding on www.fcc.gov/COVID-19-telehealth-program. Applications are reviewed on a rolling basis, and funding will remain available until exhausted or the pandemic has ended. Funding is targeted to areas that have been hit the hardest by COVID-19. The FCC does not expect to award any individual applicant more than \$1 million. As of April 24th, the program has funded 17 healthcare providers in 10 states and has issued \$9.5 million in funding commitments. Mr. Eberle expects an increase in the pace of commitments in the coming weeks.

Discussion

Member Grant asked what will happen to equipment and services acquired during the waiver period once the waiver period expires. Mr. Copeland responded that at this point, recipients can either begin paying for the services and equipment, stop receiving the services and equipment, or apply for a waiver for services provided by the FCC. The FCC will continue to reassess rules if the pandemic lasts longer than expected. Vice Chair Berlyn asked for more information on other agencies' federal funding for telehealth programs. Mr. Eberle responded that he does not have information on specific agencies' telehealth funding programs. However, the WCB has been working with HHS, FEMA, and CDC staff to develop broader telehealth

responses.

Consumer and Governmental Affairs Bureau Update: Focus on CGB Response to COVID-19 Pandemic

Mark Stone, Deputy Chief, CGB

On March 20th, CGB released an order enabling healthcare providers and others to send critical robocalls and texts related to the COVID-19 pandemic to consumers. The order interpreted the Telephone Consumer Protection Act (TCPA) emergency purposes exemption from the prior expressed consent requirement to include certain calls and texts related to the pandemic. Exempted calls and texts must be from a hospital, healthcare provider, state or local health official, government official, or an individual expressly directed to act on such an organization's behalf. The call and text content must be solely informational, made necessary because of the pandemic, and directly related to the imminent health or safety risk arising from the pandemic. This order should not be seen as a retreat from the work CGB has done stopping illegal robocalls. Scams, debt collection, and telemarketing calls do not qualify for exemption. The CGB continues to move forward on other robocalls work, including implementation of the TRACED Act. Mr. Stone thanked members for their work on the Truth-in-Billing recommendation.

Barbara Esbin, Deputy Chief, CGB

The Office of Native Affairs and Policy (ONAP) has been regularly disseminating information on FCC's COVID-19 response actions that have the potential to help tribal governments and their people maintain adequate and affordable communication services. The National Tribal Telecommunications Association (NTTA) and its members have pledged to preserve customer connectivity during the pandemic. Several NTTA tribal council members have taken FCC's Keep America Connected Pledge; NTTA has also developed a set of pledge obligations tailored to tribes. ONAP is collaborating with other bureaus to maintain tribal outreach on pending proceedings, such as the Rural Digital Opportunity Fund (RDOF) Auction 904 and the planning and intergovernmental informational webinar scheduled for May. ONAP collaborated with WCB to finalize the award of Connect America Fund (CAF) II funds to tribal recipients. In light of the pandemic, plans for the National Tribal Broadband Summit are being revised. ONAP appointed nine new tribal members to the Native Nations Communications Task Force.

The Office of Intergovernmental Affairs (IGA) has disseminated information on FCC's COVID-19 response to state and local governments, as well as advice to help maintain communication services during the pandemic. IGA has continued outreach on the RDOF Auction 904 and coordinated five regional calls to provide more information on the auction. IGA released a public notice soliciting nominations for membership for a new FCC advisory committee: the Hospital Robocall Protection Group. IGA has processed applications for membership on an intergovernmental advisory committee and hopes to make announcements on this committee soon.

Diane Burstein, Deputy Chief, CGB

The Disability Rights Office (DRO) continues to receive and process accessibility complaints. Over the past month, DRO has received a number of complaints related to the inaccessibility of certain information about the COVID-19 pandemic. DRO has updated and distributed various resources about the requirements for accessible emergency information on the pandemic to consumers and industry. DRO has encouraged video

programming distributors and programmers to ensure that, when present, sign language interpreters are visible on the TV screen at all times during emergency announcements. The FCC is working hard to ensure that those with disabilities can still receive services funded by the Telecommunications Relay Service (TRS) Fund. Those providing TRS-funded services face challenges such as a significant increase in service usage and the inability to continue call center operations. The FCC has granted a variety of temporary waivers of TRS rules. These waivers loosened restrictions to allow interpreters to be better able to work from home and provided flexibility to IP Captioned Telephone Service (CTS) providers. On April 3rd, FCC granted a temporary limited waiver to expand the pool of available sign language interpreters to provide video relay service (VRS). The waiver is scheduled to expire on May 15th but may be extended if needed. FCC recently released, for comment, a petition seeking relief for deaf-blind users of TRS services.

Eduard Bartholme, Associate Chief, CGB

The Consumer Education Group has focused on educating consumers about COVID-19-related scams. In mid-March it created a webpage that provides information and examples of different COVID-19 scams. Early scams focused on testing and cures and have now pivoted to financial fears. Other scams have been altered to include references to COVID-19. FCC put out a media advisory to alert consumers about COVID-19 scams. In early April, the Enforcement Bureau joined with the FCC to send warning letters to gateway providers allowing COVID-19 scam calls to enter the network. The warning letters were effective. The Consumer Education Group has developed a home network optimization guide for consumers and created a webpage to showcase how broadcasters are serving their community during the pandemic. The group is working with the Office of Media Relations to post the above information on social media. Spanish translations of the FCC's main COVID-19 response page and Keep Americans Connected Pledge have been made available. The scam education page, networking tips page, and other consumer content has been translated into Spanish, Korean, Tagalog, Traditional Chinese, and Vietnamese. CGB continues to process complaints made through the Consumer Complaints Center. Mr. Bartholme thanked staff for their quick work in transitioning the Consumer Complaint Center to telework.

CGB's outreach team postponed its rural tours in Arkansas and Louisiana. The outreach team is transitioning to telework and held its April partner meeting via WebEx. The team continues to field inquiries regarding FCC's COVID-19 response. Consumer Affairs and Outreach Division (CAOD) staff has attended a number of webinars and conferences to learn best practices for a COVID-19 outreach campaign. CAOD is happy to present on FCC's COVID-19 response at conferences and webinars. Those interested should contact Mr. Bartholme.

Discussion

Member Grant commented that her household has experienced a significant reduction in scam robocalls, and asked why this might be the case. Mr. Stone responded that global stay-at-home orders and lockdowns have significantly disrupted call center activity.

Consideration of Truth-in-Billing Recommendation

Joslyn Day, Co-Chair, Truth-in-Billing Working Group and Vonda Long-Dillard, Co-Chair, Truth-in-Billing Working Group

Co-Chairs Day and Long-Dillard thanked the Truth-in-Billing Working Group for their work on this

recommendation and recognized Steve Pociask, Debra Berlyn, and Scott Marshall for their leadership. They also commended the FCC for releasing the Keep Americans Connected Pledge in the current environment. The Working Group's recommendation was developed in response to the FCC's December 13, 2019 public notice, which sought input on ways to modernize and strengthen the FCC's truth-in-billing rules. The Working Group was tasked with evaluating the various elements of consumer telephone bills and adding interconnected voice services to current truth-in-billing rules.

The Working Group recommended that the FCC continue to examine consumer complaints. If there continue to be significant consumer complaints related to interconnected voice, the Working Group would recommend that the FCC consider a new truth-in-billing public notice regarding the applicability of adding interconnected voice to future rules. The FCC should consider encouraging fundamental principles for consumer bills upon review of the rules and their value to all voice telephony technologies and revising the consumer complaint intake form and online portal to gather more robust data regarding consumer billing complaints. The Working Group also recommended that the FCC create a new CAC working group to: review truth-in-billing rules by holistically examining consumer telephone bills, suggest consumer education for market price comparison, and ensure accessibility processes are updated. The FCC should provide robust consumer telephone bill complaint data to help the new working group articulate recommendations to consumer comparison shop and better understand voice service bills. A motion to adopt the Working Group's recommendation was made and seconded. The motion passed with 18 in favor, two against, and two abstaining.

CAC Member Discussion and Tentative Details for Next Meeting

Members should continue to hold September 5, 2020 as a tentative date for the CAC's next meeting.

Comments from the Public

There were no public comments.

Adjournment

Chair Pociask thanked CAC members and FCC staff for their participation today. There being no other comments, a motion to adjourn the meeting was made, seconded, and passed unanimously. Chair Pociask adjourned the meeting at 12:25 pm.