UNITED STATES OF AMERICA

FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE

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MEETING

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FRIDAY

SEPTEMBER 10, 2021

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The Advisory Committee met via Video Teleconference, at 10:30 a.m. EDT, Steve Pociask, Chair, presiding.

COMMISSIONERS PRESENT:

JESSICA ROSENWORCEL, Acting Chairwoman

BRENDAN CARR, Commissioner

GEOFFREY STARKS, Commissioner

COMMITTEE MEMBERS PRESENT:

STEPHEN POCIASK, Committee Chair

JOSH BERCU, USTelecom

DEBRA BERLYN, Project GOAL

ELLIE BESSETTE, LGBT Technology Institute

RADHIKA BHAT, NCTA

JOHN BREYAULT, National Consumers League

JOSLYN DAY, Massachusetts Department of

Telecommunications and Cable

SAM DORISON, The Trevor Project

FREDERICK ELLROD, National Association of

Telecommunications Officers and

Administrators

ABBIE GRUWELL, National Conference of State

Legislatures

BRIAN HURLEY, ACA Connects

THADDEUS JOHNSON, National Association of State

Utility Consumer Advocates

JOHNNY KAMPIS, Taxpayers Protection Alliance

ERIC KOCH, in his individual capacity

VONDA LONG‑DILLARD, AT&T

IRENE E. LEECH, Consumer Federation of America

SARAH LEGGIN, CTIA - The Wireless Association

TINA METZER, RURAL RISE, a project of National

Center for Resource Development (NCRD)

RACHEL NEMETH, Consumer Technology Association

FRANCELLA OCHILLO, Next Century Cities

CLARK RACHFAL, American Council of the Blind

BLAKE REID, Telecommunications for the Deaf and

Hard of Hearing, Inc.

MICHAEL SANTORELLI, in his individual capacity

LINDSAY STERN, INCOMPAS

BARRY UMANSKY, Digital Policy Institute

LARRY WALKE, National Association of Broadcasters

OLIVIA WEIN, National Consumer Law Center

COMMISSION STAFF:

SCOTT MARSHALL, Designated Federal Official

GREGORY V. HALEDJIAN, Deputy Designated Federal

Official

DAVID AHERN

EDUARD BARTHOLME

JERUSHA BURNETT

ALEXANDER HOBBS

LYLE ISHIDA

TONI MCGOWAN

MOLLY O'CONOR

PAULA SILBERTHAU

MICHAEL SNYDER

DANIEL STEPANICICH

JENNIFER BEST VICKERS

PATRICK WEBRE

ERIC WU

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P‑R‑O‑C‑E‑E‑D‑I‑N‑G‑S

(10:31 a.m.)

CHAIR POCIASK: Good morning. I'm Steve Pociask, I'll be chairing today's Consumer Advisory Committee meeting.

First I want to thank all the members and alternate staff, presenters, and the public for joining in this event.

We have a lot to cover and just a little time to do it, so we need to move ahead. And with that, I hope everyone is healthy and keeping safe.

So I will now call this meeting to order. Before proceeding with a roll call, we have several important key notes from leadership to start us off.

So first, I want to welcome a message from the FCC Acting Chairwoman, Jessica Rosenworcel, who will be kicking off this meeting. So, Chairwoman?

ACTING CHAIRWOMAN ROSENWORCEL: Hello and welcome to the latest meeting of the FCC's Consumer Advisory Committee.

I'm so sorry I couldn't be with you live today because I'm at a meeting of the Competition Council, but I wanted to take the time to send a personal message to let you know how much I value the work of this group.

Part of the FCC's mission -- and this committee has helped guide and shape the Commission's Consumer Protection Agenda for more than two decades, and I think your work has never been more relevant and more important than it is right now.

In fact, just this week, the Commission advanced a new proposal to prevent unwanted robocalls by applying STIR/SHAKEN caller identification to foreign-originated calls.

Of course it was back in 2018 that this committee was one of the first voices pushing for STIR/SHAKEN technology, and you were right, and we took your lead, and we made it happen.

Now, over the past year, the Commission has launched multiple efforts to help Americans stay connected during the pandemic. Programs like the Emergency Broadband Benefit, which has already delivered direct relief to more than 5,000,000 households across the country.

Today, we're going to lean on your expertise to try to build on this progress and make sure these initiatives reach as many people as possible.

In particular, we look forward to discussing consumer awareness and education, which are just so critical to this work.

Now, this committee is collaborative at its core, and I want to thank all of you who have volunteered your time to contribute to its success.

Special recognition of course is due to our Co-Chairs, Steve and Debra, and I want to also offer a hefty thank you to our committee members, and note that I'm especially grateful when you serve or lead on one or more working groups or subcommittees, where the initial work of developing recommendations takes place.

We're of course also grateful for the support of the leadership in the Commission's Consumer and Governmental Affairs Bureau, and to the countless subject matter experts from across the agency who freely share their knowledge with this committee.

I say go ahead, make sure you use them. I also want to thank our AB staff and accessibility staff, who make these meetings possible.

And finally, thanks to Scott Marshall, Greg Haledjian, and Catherine Langston, who support the committee's day-to-day work.

Thank you again for your service on behalf of United States consumers. That's a big deal. Have a great meeting.

CHAIR POCIASK: Great. Well, thank you to the Chairwoman for her pre-recorded comments, as well as her leadership here at the FCC.

So next, we have a pre-recorded message from FCC Commissioner Brendan Carr, and we'll take that away.

COMMISSIONER CARR: Thank you so much to the Consumer Advisory Committee for the chance to offer a couple of quick words.

First and foremost, obviously I want to express my thanks and gratitude for all of you for participating in this committee. It does incredibly important work.

I know that you all take this on on top of your regular day jobs, which are full enough as-is.

The docket that's in front of you I think is some of the most important stuff the FCC does, and obviously it's the consumer-facing stuff that people really notice.

We have a lot of arcane things that we do with the FCC, from tariffing to accounting rules, but the stuff you're looking at right now is so important to the lives of everyday Americans.

Obviously robocalls is going to be top of the list for you all to tackle.

I think we've made a lot of progress over the last couple of years in putting in place technologies that are going to help to finally break the back of these annoying calls.

As you all know as well, (audio interference) have a connection to the $3,000,000,000 program we have designed for all types of low-income Americans.

On top of that, we have the COVID-19 program that's underway, and so I think it's really important right now that we get the feedback from the experts on this group to make sure that the American people get the most bang for the buck.

So what that means is we need extra focus on the execution and administration of these programs.

We don't want to be in a situation a couple years from now where we look back and say, well, we spent billions and billions of dollars and didn't make enough progress getting Americans connected.

I think the feedback that you all are going to provide the FCC is going to be critical to make sure we don't end up in that position, so thanks again for all the work you're doing on the committee.

CHAIR POCIASK: All right, that was Commissioner Carr. Very helpful comments.

And it's now my pleasure to introduce live the FCC Commissioner Geoffrey Starks for his opening statement.

COMMISSIONER STARKS: Well, good morning everyone, and thank you. Steve, as you mentioned, I'm coming to you live here.

And so, thanks for the invitation for today's convening of the Consumer Advisory Committee, and would like to extend a welcome to the three new committee members appointed by the acting Chair, as well.

Consumer Reports, very well known for its reliable and unbiased ratings, reports on consumer products.

Second, the National Association of Telecommunications Officers and Advisors, NATOA, which supports and serves the communications, interests, and needs of local governments, and then last but not least, the National Consumer Law Center, which uses its expertise in consumer law and policy to work for consumer justice, economic security, and those issues for low-income and disadvantaged people.

These additional voices will bring important viewpoints and advocacy to the committee's deliberations, and I'm certain that they will make your recommendations to us even more valuable, so thank you and thank all of you for your service here on the committee.

And so, as our nation continues to face, of course, a number of challenges from the ongoing COVID-19 pandemic to the results of natural disasters, consumers are getting particularly hard hit on a number of fronts.

You know, one need only look at the FTC webpage to discover information about fraudsters posing as the FTC Chair and promising pandemic relief money in exchange for personal information, schemes.

Times like these of course should bring out the best in us, but sometimes they bring out the worst.

Our own website has similar information on, example, coronavirus consumer scams, how to spot them, how to avoid them, and so kudos to our diligent staff in the Consumer and Governmental Affairs Bureau for staying on top of these types of schemes and providing us with valuable resources for consumers to use in these unprecedented times.

As the acting Chair and Commissioner Carr spoke about, a big portion of our pandemic response efforts have been focused on broadband, and I was proud of course to have worked alongside all my colleagues over the last 18 months to implement those over $10,000,000,000 in emergency measures for telehealth, assisting our young learners, tackling internet inequality during the pandemic.

We've also taken pandemic-related consumer protection actions, such as suspending service delivery compliance deadlines for The Rural Health Care Program, to allow health care providers to focus on care for patients impacted by COVID-19.

We've also issued waivers for our rules governing the provisions of relay services to allow providers to change pandemic conditions, while all the while ensuring that consumers continue to have uninterrupted access to those important services.

It's uncertain, obviously, as we all sit here, how many more weeks or months we'll be contending with the pandemic and those conditions, but I certainly pledge to continue to be a steadfast supporter of responsible actions we can take to ease burdens for those that are working to meet our communication needs and consumers for the duration.

And it goes without saying, no discussion of the FCC's consumer protection efforts would be complete without addressing those unwanted and illegal, in many instances, robocalls and texts, which remain the Commission's biggest source of consumer complaints.

The FCC estimates that some 46,000,000,000 robocalls were made in 2020 alone. YouMail estimates that 4,100,000,000 calls were placed just last month, down from July's 4,200,000,000.

I'd love to know how many, if any of those, were car repair warranties that consumers have bought in the last year or so as the result of an illegal robocall.

And I fully supported our increased robocall enforcement efforts, including our proposal of the largest ever robocall fine under the TCPA, and the first action without issuing a prior warning to the alleged perpetrators, and that's because the TCPA has real teeth.

The revised one, and I was pleased to support this action, which exercised the statute's expanded authority here.

And so, our consumer protection plate is full, and not just with pandemic and robocall matters.

You know, what I would commend to you as consumers continue to be plagued of course by cyberdata breaches, as well.

The one that comes to mind was recently experienced by one of our biggest carriers, marking the fifth such breach in four years, that affected nearly 50,000,000 consumers. Compromised data, including some of the most sensitive personal information, consumers' first names, last names, date of birth, social security numbers, driver's license information.

We should all be paying attention here.

And so, thank you for your continued hard work on all of the slate of these issues, the Consumer and Governmental Affairs Bureau and its staff, with all their support that they give to this committee.

And everyone of course, as always, I trust that you'll have a great meeting, and be safe, and be well. Thank you.

CHAIR POCIASK: Thank you, Commissioner. I appreciate your being live and sharing those comments with me.

I have to admit one thing. This morning, I erased a voicemail that was on my phone offering me a warranty on my vehicle, so that was spot-on. Thank you again.

So finally, we have the chief of the FCC's Consumer and Governmental Affairs Bureau, Patrick Webre, who has his opening remarks. Patrick?

MR. WEBRE: Thank you, Steve, and good morning everyone, and welcome to the first meeting of the eleventh term of the Consumer Advisory Committee, or CAC 11, as we'll affectionately call it.

We're very excited that the CAC is back together again, and confident that everyone is refreshed and ready to tackle the telecommunications challenges facing American consumers.

CAC 11 is well-balanced, with 32 members, including non-profit organizations representing consumers, communications companies and trade associations, regulators, and other stakeholders, as well as three individuals serving on their own behalf.

We thank you for your dedicated service to the Commission and to American consumers.

I'd like to extend a warm welcome to our CAC Chair, Steve Pociask, and our Deputy Chair, Debra Berlyn, for their continued leadership with the CAC.

I'd also like to thank Acting Chairwoman Rosenworcel, Commissioner Carr, and Commissioner Starks for their remarks.

And one other thing, I'd like to thank my colleague, Scott Marshall, the CAC's designated federal officer, Greg Haledjian, the CAC's deputy designated federal officer, and our reader assistant, Catherine Langston, who have done so much behind the scenes to make the CAC's work possible.

We're focusing today's session on a broad review of the Commission's recent actions and our ongoing work on consumer-related issues. We're setting aside time for CAC members to ask questions about these items at the end of each session.

We'll also have an opportunity for a more general discussion toward the end of today's meeting.

Much has happened on the consumer protection front at the Commission since the CAC last met.

On the robocalls front, the Commission took several actions to implement the requirements of the TRACED Act, and to crack down on unwanted robocalls by enabling more call blocking, and requiring the implementation of STIR and SHAKEN.

We've also revised and clarified certain provisions of our TCPA rules to further protect consumers from unwanted calls.

And as you've already heard, the Commission's also been very busy implementing COVID-19 pandemic relief and stimulus programs established by Congress in the last several months, including the Emergency Broadband Benefit Program and the Emergency Connectivity Fund. You'll be hearing lots more about these recent Commission actions during our meeting today, and I want to express my thanks in advance to all the FCC staff members who will be providing our briefings.

One other thing. I'd like to remind everyone about the nomination period for the tenth FCC Chair's Awards for Advancement in Accessibility, better known as the FCC Chair's AAA.

This year, we're seeking nominations for innovative practices, technologies, and organizations that have creatively leveraged communications and broadband technology to break down accessibility barriers and ensure that people with disabilities are able to participate equally, despite the challenges associated with the ongoing pandemic.

The nomination period for the FCC Chair's AAA continues through September 17, 2021, which is next Friday, so please get your nominations in.

For more information on the award or how to apply, you can email us at fccaaa@fcc.gov.

Thanks again. I'll now hand the virtual gavel back to Steve to introduce the next segment of our program.

CHAIR POCIASK: Well thank you, Patrick, and also thanks, you know, to acting Chairwoman and our Commissioners for their comments, and the continued leadership of all of you here at the FCC. Thank you.

So today marks the fall 2021 meeting for the CAC, and it'll be our first meeting of this eleventh charter.

At this time, I'd like to just take a moment just to recognize Debra Berlyn, the Vice Chair of the CAC. Good morning, Debra.

And let me just move ahead then to -- MEMBER BERLYN: Good morning, Steve. It takes a second to unmute and put the video on, but good morning, good morning everybody.

CHAIR POCIASK: Yeah. Great seeing you. So, we have a busy schedule, Debra, and with that, let me go ahead and start by taking roll.

So as I call your organization's name, please turn on your audio and video back on, and then pause for a second or two, state your name, and then afterwards, you're present, you're marked present, then mute your audio and turn off your video.

It's going to take a little bit of time to do this, but I think it's important that we get everyone counted for the public record.

So, I will begin roll call by calling on who else but the CAC's Vice Chair, Debra Berlyn. Debra?

MEMBER BERLYN: Thanks, Steve. Debbie Berlyn, Project GOAL, present.

CHAIR POCIASK: Thank you. AARP?

AARP is -- Dawit, are you on?

I'll come back. All right, so we have ACA Connects.

MEMBER HURLEY: Hello. Brian Hurley.

(Simultaneous speaking.)

CHAIR POCIASK: Hi, Brian.

MEMBER HURLEY: Hello. ACA Connects. Present. Pleasure to be here.

CHAIR POCIASK: Okay. The American Council of the Blind. Clark Rachfal, are you there?

MEMBER RACHFAL: Hi, this is Clark Rachfal with the American Council of the Blind.

CHAIR POCIASK: Good morning. AT&T? Do we have a representative online?

AT&T?

MEMBER LONG‑DILLARD: My apologies. Good morning, everyone. This is Vonda Long with AT&T. I hope you can hear me now.

CHAIR POCIASK: We got you, thank you. Call for Action. Shirley Rooker, are you there?

Okay, I don't hear her. So we'll come back. The Consumer Federation of America. Irene Leech, are you there?

Irene?

MEMBER LEECH: Yes, I'm here, and I can't start my video. It says the host has blocked it, but I'm with the Consumer Federation of America.

CHAIR POCIASK: Good to hear you. All right. Next, let's go to Consumer Reports. Jonathan or George, either of you on?

Consumer Reports?

All right. How about Consumer Technology Association?

MEMBER NEMETH: Hello, this is Rachel Nemeth with CTA.

CHAIR POCIASK: Got you, thank you. And CTIA, the wireless association. Sarah, are you on?

MEMBER LEGGIN: Hello, this is Sarah Leggin at CTIA.

CHAIR POCIASK: Okay. And Digital Liberty. That's a project of ATR. Katie McAuliffe, are you on?

Katie?

All right, the Digital Policy Institute. Barry Umansky?

MEMBER UMANSKY: Yeah, Steve. Yeah, Barry Umansky with the DPI. I'm here.

CHAIR POCIASK: Wonderful. Good to hear your voice. How about INCOMPAS? Lindsay Stern?

MEMBER STERN: Hi, this is Lindsay Stern with INCOMPAS.

CHAIR POCIASK: Got you, thank you. Eric Koch, serving as an individual capacity. Eric, are you there?

MEMBER KOCH: I am, Steve, good morning. Eric Koch of Indiana, present.

CHAIR POCIASK: Wonderful. The LGBT Technology Institute. Ellie, are you on?

MEMBER BESSETTE: Hey, good morning. This is Ellie Bessette with LGBT Tech.

CHAIR POCIASK: Wonderful, got you. Okay. The Massachusetts Department of Telecommunications and Cable. Would that be Joslyn, are you there?

MEMBER DAY: I am. Good morning Steve and everyone. Massachusetts Department of Telecommunications and Cable present.

CHAIR POCIASK: Thank you. Good to hear your voice.

And now we're off to Wes Morrison. He's serving as an individual capacity, as a special government employee. Wes, are you on?

Okay, I don't hear from Wes. Let's move on to the National Association of Broadcasters. Larry, are you on?

MEMBER WALKE: Hi, this is Larry Walke from NAB, and my alternate, Liliana Ranon, is also present. Thank you.

CHAIR POCIASK: Wonderful. As noted. Thank you. The National Association of State Utility Consumer Advocates. Thaddeus, are you on?

MEMBER JOHNSON: Good morning, this is Thaddeus on behalf of NASUCA. Good to see everyone.

CHAIR POCIASK: Great. Now the National Association of Telecommunications Officers and Administrators.

MEMBER ELLROD: And Advisors, yes. This is Rick Ellrod of Fairfax County, Virginia, for NATOA, sitting in as alternate for Mitsuko Herrera. Good morning.

CHAIR POCIASK: Good morning. The National Conference of State Legislatures.

MEMBER GRUWELL: Good morning, this is Abbie with NCSL. Thank you for having me.

CHAIR POCIASK: Good morning Abbie. The National Consumer Law Center. Olivia?

MEMBER WEIN: Hi, good morning. Olivia Wein, National Consumer Law Center, and I have a quick disclosure.

I'm also on the board of directors of the Universal Service Administrative Company, USAC, but I'm not authorized to speak on behalf of USAC or USAC's board of directors, I'm here solely in my capacity as a staff attorney at the National Consumer Law Center. Thank you.

CHAIR POCIASK: Thank you. The National Consumers League. John, are you on?

MEMBER BREYAULT: Hi, good morning everyone, yes. This is John Breyault with the National Consumers League.

I'm also joined by NCL's alternate, Cleo Stamatos, who's listening in on the call today.

CHAIR POCIASK: Okay. NCTA. Do we have anyone on for there?

MEMBER BHAT: Hi, it's Radhika Bhat from NCTA. It's nice to meet everyone virtually.

CHAIR POCIASK: Wonderful. I got you down. Next Century Cities?

MEMBER OCHILLO: Good morning everyone. Thank you for your work. My name is Francella Ochillo and I am here on behalf of Next Century Cities.

CHAIR POCIASK: Thank you. Okay. RURAL RISE, a project of the National Center for Resource Development?

MEMBER METZER: Good morning, Tina Metzer, RURAL RISE, present, and I'm also joined by the alternate, Joseph Kapp. Thank you. CHAIR POCIASK: Wonderful, thank you. All right, Michael Santorelli? Excuse me.

He's serving in his individual capacity as a special government employee. Michael, are you there?

Michael Santorelli?

Okay. The Taxpayers Protection Alliance. Johnny Kampis, are you there?

MEMBER KAMPIS: Good morning, Johnny Kampis, Taxpayers Protection Alliance. Good to see you.

CHAIR POCIASK: Thank you. Telecommunications for the Deaf and Hard of Hearing.

MEMBER REID: Hey, this is Blake Reid at the Colorado Law Tech Law and Policy Clinic here for TDI.

Eric Kaika from TDI is also listening in. Good morning.

CHAIR POCIASK: Thank you. Now the Trevor Project. Sam, are you there?

MEMBER DORISON: Hi, this is Sam Dorison from the Trevor Project, the alternate. Sam Brinton is not on today.

CHAIR POCIASK: Okay, I got you down. Thank you very much. And last, I have USTelecom. Josh or Kayla?

MEMBER BERCU: Josh Bercu with USTelecom present. And Kayla's no longer with USTelecom, which we will address separately.

CHAIR POCIASK: Got you, okay. All right, so did we miss anyone who's a member of the CAC? If so, please raise your hand so I can recognize you.

MR. HALEDJIAN: Hey, Steve.

CHAIR POCIASK: Yes?

MR. HALEDJIAN: Michael Santorelli is on, he just couldn't get in to the audio.

CHAIR POCIASK: Okay. Got it, thank you. Anyone else that I may have missed? If so, there is a Zoom function, you can raise your hand, and I can recognize you. All right.

Well, with that, we have a quorum. So before going any further, I would like --

MR. BENDETSON: Excuse me.

CHAIR POCIASK: Yes?

MR. BENDETSON: This is William Bendetson. I'm an alternate with Massachusetts Department of Telecommunications with Joslyn Day.

CHAIR POCIASK: Thank you.

MR. BENDETSON: Thank you.

CHAIR POCIASK: All right.

So again, we have a quorum, and what I'd like to do before going further into the agenda, I'd like to turn it over to Scott Marshall, the designated federal officer, who's going to summarize today's agenda. Scott, are you there?

MR. MARSHALL: Good morning Steve. Thank you very much, and welcome everyone.

My deputy designated federal officer, Greg Haledjian, and I are going to give you a brief overview of what's on tap today.

This morning we're going to hear about the record retention rules required of us here at the FCC and its impact on this committee from our friend and colleague, Toni McGowan, and also Paula Silberthau with our Office of General Counsel will be with us, as she always is, talking about the rules that govern federal advisory committees.

Honestly she's kept me out of trouble for almost 20 years. So, we're always glad to have her.

We'll then move on to our first panel of the day, which is the FCC's response to the COVID-19 pandemic.

We'll first talk about the Emergency Broadband Benefit Program, and we'll be hearing from Eric Wu of the WCB and Telecommunications Access Policy Division about that topic.

And then we'll be hearing from Molly O'Conor regarding the Emergency Connectivity Fund for students, schools, and libraries.

She's also with the Wireline Competition Bureau, Telecommunications Access Policy Division.

Our third segment on panel number one relates to COVID telehealth, and we'll be hearing from Jennifer Best Vickers, also with WCB.

They've been a great help on this agenda, as you can well tell. She's with their COVID-19 health team.

And also Dr. David Ahern, PhD, with our Connect2Health task force, which is a part of our Office of General Counsel's office. They'll all speak with us to talk about the program.

Finally, we will wrap panel 1 with a discussion of outreach to consumers and providers, and our good friends in CGB will be helping us with this.

Lyle Ishida, who is chief of our Consumer Affairs and Outreach Division, and Michael Snyder, who's deputy chief of the Web and Print Publishing Division, will be talking about those topics.

I'm sorry that we cannot deliver to you gourmet sandwiches virtually, but Greg Haledjian is here to talk about our afternoon activities, and we both hope you'll stick around. Greg?

MR. HALEDJIAN: Thanks, Scott. So after our 20-minute lunch break, we're going to have the FCC staff panel number two, and the focus is protecting consumers from unwanted robocalls and scams.

And so, the first panel is dealing with robocall enforcement.

It's Daniel Stepanicich, attorney with EB, the Telecommunications Consumer Division, and then we'll move on to call-blocking proceedings, who is going to be Jerusha Burnett, an attorney advisor with CGB's Consumer Policy Division.

And then we have three more FCC speakers. Alexander Hobbs is going to focus on STIR/SHAKEN. He's an attorney advisor in WCB's Competition Policy Division.

And then next is Ed Bartholme, the associate bureau chief in CGB. He's going to talk about different kinds of consumer scams that we're dealing with lately.

And then that will wrap our substantive piece of the meeting, and then we'll go into Q&A from the public and preview of future CAC meetings and activities. Thank you. Steve?

CHAIR POCIASK: Well, thank you. Thank you Scott and Greg.

So before we begin these panels today, let me just introduce Toni McGowan. She's in the FCC Records Office.

She's going to be discussing the Federal Advisory Committee Act rules and the records retention requirements, and she'll be followed by Paula Silberthau from the Office of the General Counsel, and I ask here, as I will for the other panels, that we hold any questions to the end of the presentation.

So with that, Toni, would you like to start?

MS. McGOWAN: Sure. Thank you, Steve. My presentation is actually very short and very sweet because Scott and Greg are actually responsible for the majority of our requirements in records management.

The federal advisory committee records are to be maintained in accordance with General Record Schedule 6.2.

I'll share an electronic copy of the disposition authority, if folks want it, along with the checklist that outlines all the different types of documentation that will be required for us to accession to the National Archives in accordance with the retention schedule or at the termination of this committee, whichever is sooner.

The Disposition Schedule 6.2 is media-neutral, meaning it applies to all records, regardless of format. They can be paper, audiovisual, electronic.

However, to comply with the December 31, 2022 NARA deadline, all documentation going forward is to be electronic, with the exception of any meetings that will be recorded, and those will be in digital formats that will comply with the National Archives' requirement.

Our AV Department is aware of these, and Geoff and his team are already set to provide the digital files to us.

So what does this mean to all of you? Actually, it's pretty easy. All you will be required to do from a recordkeeping perspective is ensure that you provide the DFOs a complete and accurate record of the documents that the committee deliberates on and decides on.

Scott and Greg have made this pretty easy. Every committee member must copy the DFOs on all the emails pertaining to the business of the committee or its working group.

They've set up an FCC list management software that automatically archives this mail.

The CAC members do not need to do anything special except use the lists that are provided to you. I'll work with Scott and Greg to archive all the records, including mail, at the term conclusion.

I know this sounds pretty simple, and from your viewpoint it really is, so as long as the list gets all of the communications and all the documentation, you guys are off the hook.

If there are any questions, please forward them to Scott, and he'll get them to me because if you have a question, others probably do as well, and we'll actually put out a written answer for you.

So with that, I'll turn it over to Paula.

MS. SILBERTHAU: Thanks Toni, I'm just unmuting here. Now, whoever is running the slides, are you going to put up -- there we go.

I'm going to go through some of the general principles of the Advisory Committee Act, which some of you have heard already, and then I'm going to go into a few pointers that are sort of practical that may come up as you work on different projects or reports, or perhaps later divide into some (audio interference).

So, we operate under the Federal Advisory Committee Act federal statute, and that governs the operations of most federal advisory committees unless a statute expressly exempts a committee from the FACA rules.

And a couple guiding principles under FACA include openness in government.

So as you know, this is, for example, a public meeting, diversity, a balance in membership, and public accountability.

Next slide.

Public notice and open meetings are a keystone of FACA, and therefore, FACA requires timely notice of the committee's meetings, they should be published in the Federal Register, which at this point given the pandemic can be sort of a challenge, because my standing is that the Federal Register is somewhat backed up.

But we do our best nonetheless to provide 15 days calendar notice of each committee meeting. However, to be practical, we tend to publish meeting notices in FCC releases, on the internet, under the website for the various committees, and through other media.

And as you see today, meetings may include video conferencing, internet conferences, teleconferencing, et cetera, and you should be aware that even when hopefully someday we go back to in-person meetings, people will also be permitted to attend (audio interference) in any other (audio interference).

Next slide. Next slide. Okay.

As I said, the meetings have to be open to the public, and FACA permits submission of written statements to the committee from third parties, which we would maintain in our file, and time-permitting or subject to the individual committee guidelines, sometimes members of the public may also address the committee at our public meetings.

Next slide.

I doubt this will arise here, but there are certain specific circumstances in which meetings in whole or in part may be closed, subject to the procedures in the statute, and this would involve situations where there may be discussion of classified government materials, national security, and in some cases that have arisen with our advisory committees, trade secrets, but that is unlikely to come up with your group, as I said.

And if there are going to be parts of meetings that need to be closed, this will be announced in advance.

Next slide.

The Commission is required to keep minutes of meetings, and we do so, and in most cases, we maintain for public accessibility a video tape of our meetings so that anyone who is interested in the work of the committee has access to the minutes, to the video, to hear everything in, you know, complete format, and also any documents we maintain can be accessed by the public.

Next slide.

Just to note that for -- it tends to be for the most significant information, we post this on committee websites.

Next slide.

Now getting down to a couple more practical things.

The role of your committee Chair and Vice Chair, these are important folks. They serve as the focal point for the membership. You can contact them if you have questions.

If there are legal questions, they or the DFO will get in touch with me. If it's recordkeeping questions, that will go to Toni and the records staff.

Also, the committee Chair and Vice Chair have a role in naming people to the working groups that may be set up, subject to the agency's approval, and as you know, they will conduct the committee meetings and participate in formulating meeting agendas.

Next slide.

The DFO and your assistant DFO, Greg, are very key players.

They're responsible for, you know, keeping things running and doing it properly, and their duties will include scheduling and calling the meetings, setting up the agendas, attending the meetings.

If your committee Chair or Vice Chair are not available, potentially chairing the meetings, and as Toni mentioned, maintaining the committee records.

Also taking minutes of meeting. Next slide.

Okay, we can skip the recordkeeping because -- if you have questions, you can look at the slide, but Toni has covered this.

Okay. This is pretty important. There are likely to be informal working groups. They're called working groups, sometimes called subcommittees.

These are groups that actually operate sort of with confidentiality and privately.

Unlike your FACA meetings, the informal working groups tend to meet privately, and the role of informal working groups are to gather information, create working plans, draft reports to the extent assigned by the DFO and the committee Chairs, and basically serve as the focal point for getting basic facts about things that may be addressed by your committee.

So setting the groundwork for subsequent reports that would go to the committee. Okay, next slide.

The important thing to know here if you are working on a working group is that a working group cannot act as the de facto parent advisory committee.

In other words, just because a recommendation comes to the full committee from a working group does not unfortunately mean the recommendation is perfect, or that you need to accept it.

So, whenever you get a report or a recommendation at the full committee that comes from a working group, pay attention to it, but you need to debate it and to understand it, and to be able to ask questions at the meeting.

The key thing here is that the working group recommendations or reports cannot be rubber-stamped, and I cannot emphasize how important that is, because as you recall, the working groups can meet privately and tend to meet -- they're not usually open to the public, and therefore, if the full committee just rubber-stamps something the working group did, it would violate FACA, because you would be rubber-stamping something that was done without sort of public review and participation.

The other thing to remember is that the working group folks can say, potentially, here's what we did, but they can't say, here's what the CAC did, because a working group is just a small piece of the larger group and cannot speak on behalf of the whole committee, and similarly, a working group without running its recommendations through the full committee cannot make direct recommendations to the Commission.

So, a working group is just that. It's a really important component, but it's just a working group, and then everything has to be reviewed and debated and approved by the full committee.

Next slide.

Neither the working groups nor the full committee can do surveys, and the reason -- please remember this because this tends to come up frequently.

I don't know whether it's come up on the CAC in the past, but surveys, because in some ways -- because you guys are established by the Commission, anything that you do in terms of surveys would be subject to the Paperwork Reduction Act.

So, if you believe you need outside information that goes beyond what you could research online or beyond what individuals already know about, and you think a survey would be great, it really wouldn't be, because it would take several months to get approval from OMB. So, if you want to get information from the public, please advise your DFO.

There are various things that can be done to, you know, to help assist you in getting that information, but it can't be done through a survey of identical questions to more than nine members of the public.

We can put things online, we can post questions, we can ask online open-ended questions to try to get participation from the public, et cetera, but we cannot do formal surveys that would trigger the PRA, which, as I'm thinking is more than nine people being asked identical questions. I think that's the right number.

Okay, next slide.

I've already said this, that the informal working groups are not subject to the public notice requirements and public participation of FACA.

Also, working groups should be less than a quorum.

Next slide. Okay.

Just a note, if you do meet in working groups, generally your discussions should be treated pretty much as confidential to -- I just lost my slide, sorry -- confidential to the members of the working group, and also just so you know, to facilitate the coordination and the flow of information, it is fine for a person who's a member of the full committee to attend the working group meetings even if you're not a member, but if you're not a member and you're attending, then you should be -- only participate as an observer and not join in the discussions or vote.

But it's fine if you want to sit there and just observe so you understand, you know, what other people in your group are working on.

Next slide. Okay.

The other point is that if you have a working group, you may invite third parties who are often, you know, experts or members of organizations that are important to the issues you're discussing.

Those third parties could come in, make presentations at the group's closed meetings as to give you information that you desire.

However, once the third party's completed its presentation and answered questions, that individual should leave the meeting.

In other words, third parties, even if they present information to you, should not remain to hear your working group's internal deliberations.

Next slide.

I believe you have an exemption that already applies to your ex parte communications, or else presumably Scott or Greg will work with me, and they'll be an exemption to some sort of public notice issued shortly, but just so you know, the Commission's ex parte rules, subject to any exemptions that do apply to presentations made to a committee or its working group, and presentations between the committee, working groups, and FCC staff.

So, that's why, since often you may be talking about or working on items that are pending before the Commission, that is why we will most likely be issuing or have issued a PN providing for exemptions for your communications.

Such exemptions would only apply to communications in your roles as members of the CAC, so in other words, you'd be presenting the CAC view on something, but this doesn't mean that if you represent, for example, AT&T, and you're discussing an issue from AT&T's perspective with staff responsible for that matter, that of course, in that case, in my example, the AT&T person would still need to file an ex parte letter with the Commission.

Okay, next slide. Whoops, we have one more slide. Okay. Seem to be having -- ah --yeah, okay, here we go.

So the last point is that from time to time, there have been occasions where members of a working group or the full committee have been asked to present their views, for example, in an opinion piece to a paper or to a radio station. You know, sometimes you're involved in hot topics.

It's fine for you to make whatever presentations you want, but you should explain when you're doing so very clearly, either in writing or verbally, that the views that you're presenting are your personal views on these topics that are pending before the CAC, and just your individual views, not those of the full committee.

The exception to that of course would be if the full committee has voted on something and has taken a position on it, then of course you can say, you know, the committee voted such and such, or passed the report, or, you know, sent these recommendations to the Commission.

But if otherwise you're just discussing hot topics, and you're giving your own views of it, please make it clear that you're speaking on your own behalf and not on behalf of the committee.

And that is all I have, and happy to address any questions anyone might have.

CHAIR POCIASK: Yeah, thank you Paula and Toni. So if there are any questions, then please raise your hand and we can recognize.

Okay, so let's move on with the Agenda Topic 1. Everyone else should be muted at this point. I'm getting a little bit of echo.

So, now let's move on to Agenda Topic 1. It's the FCC's response to COVID-19 pandemic. In the interest of time, I'm going to ask that we hold all the questions until the entire panel of speakers has completed their presentation.

So let me introduce the first speaker here, on the topic of Emergency Broadband Benefit Program, we have Eric Wu.

He's the attorney advisor with the Wireline Competition Bureau in the Telecommunications Access Policy Division. Eric, are you there?

MR. WU: Yes, I'm here.

CHAIR POCIASK: Yeah, please go ahead.

MR. WU: Thank you, Steve, and good morning, and thank you everyone for having me here to speak with you.

I'll be providing an overview of the Emergency Broadband Benefit Program that Congress established in the Consolidated Appropriations Act of 2021.

It is a $3,200,000,000 temporary program designed to assist households struggling to pay for internet service during the COVID-19 pandemic.

Today I'm going to explain what the benefit is, who's eligible for the benefit, and more about the EBB Program.

On December 27, 2020, the Consolidated Appropriations Act became law.

The act, among other changes and actions, intended to provide relief during the COVID-19 pandemic, established the Emergency Broadband Benefit Program to support broadband service and equipment for low-income households.

The program builds on the regulatory framework for the Lifeline Program and leverages systems like the Lifeline National Eligibility Verifier, National Lifeline Accountability Database, and the Lifeline Claims System.

The benefit provides eligible households with up to $50 a month discount for broadband services, including associated equipment, such as a modem, an enhanced benefit of up to $75 a month discount for eligible households on tribal lands, and a one-time discount of up to $100 for a laptop, desktop computer, or tablet purchased through a participating provider, if the household contributes more than $10 and less than $50 towards the purchase.

The connected (audio interference) device must be provided by the same provider that the eligible household is receiving discounted broadband service from as a part of the EBB Program.

It is not a coupon or rebate that can be used at a third-party retailer store to buy a device.

The Emergency Broadband Benefit is limited to one monthly service discount and one device discount per eligible household, and it's not a direct-to-consumer benefit.

It is a discount off the monthly service bill and/or device. The service provider will then seek reimbursement directly from the EBB Program.

Next slide, please.

There are five eligibility categories for the benefit. I'm going to go over the first four on this slide and then cover the fifth on the next slide.

A household is eligible if a member of the household meets one of the criteria below. They've received a Pell Grant in the current award year, they've been approved to receive benefits under the free and reduced price school lunch program or school breakfast program, including through the USDA Community Eligibility Provision in the 2019 to 2020 and 2020 to '21 school years.

And this past Wednesday, we released the public notice that expanded eligibility to the current 2021 to 2022 school year, as well.

Another criterion is if a member of the household experienced a substantial loss of income due to a job loss or furlough since February 29, 2020, and the household had a total income in 2020 at below $99,000 for single filers or $198,000 for joint filers.

Or if a member of the household meets the eligibility criteria for participating providers existing low-income or COVID-19 program.

Keep in mind that a member of the household must meet only one of the eligible criteria, and they do not need to meet all of the criteria for the household to be eligible.

Next slide.

The fifth Emergency Broadband Benefit Program eligibility category is that a member of the household qualifies or is currently receiving benefits in the Lifeline Program.

Now, some of you may be familiar with the Lifeline Program. It's a federal program that lowers the monthly cost of phone and internet services.

Eligible customers receive up to $9.25, or up to $34.25 on tribal lands, toward their bill for Lifeline.

In order to qualify for Lifeline, the household income must be at or less than 135 percent of the Federal Poverty Guidelines, or a member of the household must participate in one of the several government programs, including the Supplemental Nutrition Assistance Program, SNAP, Medicaid, Supplemental Security Income, federal public housing assistance, veterans pension and survivors benefit.

A member of the household may also participate in one of these tribal programs, including the Bureau of Indian Affairs General Assistance, tribal Head Start, tribal Temporary Assistance for Needy Families, and the Food Distribution Program on Indian Reservation assistance.

Current Lifeline participants are automatically eligible for the EBB Program, and they do not need to separately apply for the program unless they choose a provider who has an approved alternative verification process and they need to validate their eligibility for an existing low-cost or COVID-19 program.

In addition, current Lifeline participants that are on tribal lands are automatically eligible for (audio interference) benefit (audio interference) EBB program.

Current Lifeline participants will need to select a provider and an eligible EBB plan in order to receive the benefit.

They cannot be automatically enrolled in the EBB Program by their current Lifeline service provider, and they will need to provide us affirmative consent before they can be enrolled in the EBB Program.

Consumers can receive both the Lifeline and the Emergency Broadband Benefit at the same time.

They can be applied to the same qualifying service, or separately to a Lifeline service and an EBB service for the same or different providers.

Next slide, please.

So what is a household? A household is a group of people who live together and share money, even if they're not related to each other. If you live together and share money, you're one household. If you don't live together or you don't share money, you are two or more households.

A household can qualify because of an eligible dependent or a child that meets the eligibility criteria.

You may have to answer questions about your household when you apply for the EBB Program, and there's a household worksheet available to help assist in determining the household's eligibility.

Next slide, please.

The EBB Program launched on May 12, 2021.

It is a temporary program, and will end once the program funds are exhausted or six months after the Department of Health and Human Services declares an end to the pandemic, whichever comes first.

The program is administered by the Universal Service Administrative Company, which also administers the Lifeline Program, but USAC hosts the application portal and the getemergencybroadband.org consumer website.

There are over 5,300,000 households enrolled in the EBB Program, and over 109,000 of those reside on tribal lands.

Additional program data can be found at USAC's EBB Program website.

The next slide, please.

There are a number of consumer protections in the EBB Program. To avoid bill shock when the temporary program ends, the FCC included some important protections.

Participating providers must give consumers notice about the last date or billing cycle the full benefit will apply to the bill, and the date or billing cycle that a partial benefit will apply to the bill, in addition to information about the cost of broadband service after the program ends.

Households will be required to opt in or request to continue broadband services with their provider.

If they do not opt in to continue receiving broadband service with their provider, or they select a new service plan with a provider, their broadband service will end once the program ends.

Even if they had the service with the same provider before enrolling in the EBB Program, they will need to opt in to continue services after the program ends.

Eligible households for the EBB Program cannot be excluded based on prior debt which has been provided, and consumers can change their benefit to a different participating provider at any time.

They are not locked into the company that they first enroll with; however, the connected device discount can only be used once per household, even if the household changed the providers.

Next slide, please.

The EBB Program is open to all broadband providers that meet program requirements, and not just those that are currently offering Lifeline services.

Both fixed and mobile broadband providers have elected to participate in the program, and fixed broadband providers' services are provided to your home at a single location.

These include cable, fiber optic, DSL, satellite, and fixed wireless services, whereas mobile broadband services are device-based and available throughout the service provider's service area, similar to cell phone service.

You will need to check with a broadband provider in the area to learn about plans for program participation, and there's a list of participating providers by state and territories at fcc.gov/broadbandbenefit.

Additionally, consumers will be able to use USAC's Companies Near Me tool on the getemergencybroadband.org website to look up service providers offering services near their zip code.

Not all providers plan to offer connected devices through the program, and you'll be able to look at providers that are offering devices at fcc.gov/broadbandbenefit.

Thank you, and I will now turn it back over to Steve for the next presentation.

CHAIR POCIASK: Okay, thank you, Eric, I appreciate that, and let's move on to a discussion of the Emergency Connectivity Fund programs for students, schools, and libraries.

Our presenter today is Molly O'Conor, attorney advisor for the Wireline Competition Bureau and the Telecommunications Access Policy Division. Molly?

MS. O'CONOR: Thank you, Steve. Hi everyone. Thank you all for having me. Again my name is Molly O'Conor.

I'm here to provide a brief overview of the Emergency Connectivity Fund program for schools and libraries, as well as an update on what has been happening lately in the program.

So to start out with a little background on the program, earlier this year, Congress established the $7.171 billion Emergency Connectivity Fund as part of the American Rescue Plan Act of 2021.

The fund was created in order to help schools and libraries provide connected devices and broadband connectivity to students, school staff, and library patrons at locations that include locations other than a school or library campus during the coronavirus pandemic.

So, many of you may be familiar with the E‑Rate Program that supports on-campus services.

The Emergency Connectivity Fund was designed to address remote learning needs off-campus.

Given only 60 days to promulgate rules for the distribution of this funding, the Commission sought comment on how best to implement the Emergency Connectivity Fund, and we received several hundred filings in response from a diverse array of stakeholders.

And on May 10, the Commission adopted a report and order in which we established rules for the distribution of funding through which eligible schools and libraries could apply for reimbursement of the purchase of laptops, tablets, Wi‑Fi hotspots, modems, routers, and broadband connections for off-campus use by students, school staff, and library patrons who would otherwise not have access to such eligible equipment and services during the current school year.

More recently on June 29, 2021, USAC, who administers the program, opened the initial application filing window, allowing eligible schools and libraries to apply for reimbursement of such eligible equipment and services.

And I'm happy to report that the first application filing window just closed on August 13, 2021, garnering applications amounting to $5.137 billion in requested funding.

And in light of this outstanding demand, a second application filing window will be opened on September 28 and close on October 13 in order to provide support for the current school year.

I'll discuss the application filing windows in greater detail right after a brief overview of the program rules. Next slide, please.

So first I'll go over who is eligible to apply for the Emergency Connectivity Fund Program. Our rules provide that all schools, libraries, and consortia of schools and libraries that are eligible for E‑Rate services are eligible to apply for the Emergency Connectivity Fund.

Please note that entities do not need to participate in the E‑Rate Program in order to participate in the Emergency Connectivity Fund Program. USAC will verify the eligibility of all new applicants as part of the Emergency Connectivity Fund Program application process.

So, for schools, eligibility is based on the definition of elementary and secondary schools established in the Elementary and Secondary Education Act, or ESEA, and under ESEA, states are the ones that define elementary and secondary schools.

Additionally, as for who is not eligible, for-profit schools and schools with an endowment of $50 million or more are not eligible for Emergency Connectivity Fund support.

As for libraries, the eligibility of libraries is based on the definition established in the Library Services and Technology Act. And I'd also note that this definition includes tribal libraries, and therefore tribal libraries are eligible for ECF support. Next slide, please.

Next we'll just go over what is eligible for Emergency Connectivity Fund support, starting with equipment.

So, the American Rescue Plan Act specifically sets out that eligible equipment includes connected devices, Wi-Fi hotspots, modems, routers, and devices that combine a modem and a router.

Connected devices are further defined to include laptops and tablet computers. This includes Chromebooks and iPads, but it does not include desktop computers and smartphones, so those are not eligible. And additionally, just to mention that aircards are eligible wireless modems. Next slide, please.

In addition to equipment, schools and libraries can also request support for commercially available internet services to provide either fixed or mobile broadband connections.

Dark fiber is ineligible for the Emergency Connectivity Fund, as is construction of broadband networks and customer premises equipment for receiving data caching services.

These are generally ineligible, however there is a limited exception where there are no commercially available internet service options sufficient to engage in remote learning.

One other thing I just want to note is that the funding is available to support off-campus learning even if the school or library is returned to full-time in-person instruction or some type of hybrid model. That will not disqualify them from eligibility. Next slide, please.

So the program will reimburse applicants for the reasonable cost of eligible equipment and services, and in the order the FCC established maximum reasonable support amounts for certain equipment.

So as noted here, there is a cap of $400 for each connected device and a maximum of $250 that can be requested for each Wi-Fi hotspot provided to a student, school staff, or library patron.

And for all other services and equipment, USAC is directed to carefully review the requests and determine, along with the FCC's guidance, that the expenses are reasonable. Next slide, please.

Okay, just a brief overview of the application process and the reimbursement process.

So schools and libraries can apply by submitting an ECF FCC Form 471 application in order to request support for eligible equipment and services purchased and provided between July 1, 2021 and June 30, 2022, so it covers the current school year, and that's for use by students, school staff, or library patrons who would otherwise lack access to devices or connectivity sufficient to meet their remote learning needs.

And in order to ensure that funding is used to support those who are unconnected, schools and libraries will be required to certify that they are only seeking support for eligible equipment and services that will be provided to the students, school staff, and library patrons who do not have access to devices or connectivity sufficient to meet their remote learning needs. Additionally, applicants will also be required to certify to compliance with all applicable local, state, and tribal procurement requirements. They will not be subject to a program specific competitive bidding process like they are in the E-Rate Program.

And now that we've completed one application filing window, I also wanted to discuss the invoicing process. So there are two ways for applicants to request reimbursement for eligible equipment and services through the program.

Applicants and service providers who agree to invoice on behalf of an applicant may submit a request for reimbursement once the services and equipment have been received or delivered, consistent with what was approved on the ECF FCC Form 471 application.

And on the next slide I will discuss the first application filing window.

So, USAC opened the initial 45 day application filing window on June 29, and it was closed recently on August 13, 2021.

As I mentioned, the FCC received requests for $5.137 billion in order to fund 9.1 million connected devices and 5.4 million broadband connections during the first filing window.

We received applications from all 50 states, as well as American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and D.C., and this includes schools and libraries in both rural and urban communities, and they were all seeking funding for eligible equipment and services received or delivered between July 1, 2021 and June 30, 2022.

I just want to note that the FCC has made a map of the state by state breakdown of funding demands available on its website. Additionally, more specific data about who applied and what was requested is available on USAC's open data platform, which is scheduled to be made publicly available today.

In recognizing the importance of getting funding out quickly, the FCC set a target in the order to review and issue decisions for 50 percent of the workable applications filed within 60 days after the close of the filing window, which would be around mid-October.

USAC and the FCC are currently reviewing the applications from the first window, and they're looking to release the first wave of commitments in the very near future. Next slide, please.

So, in view of outstanding demand, as well as the recent spike in coronavirus cases, the FCC will open a second 15 day application filing window for schools and libraries to request funding or connect to devices and broadband connections for off-campus use by students, school staff, and library patrons for the current 2021 to 2022 school year.

In opening this window, we are recognizing the challenges that many schools faced with the limited resources that they have available during the summertime recess. So USAC will open the second application filing window on September 28 and close it 15 days later, on October 13, 2021.

And given that the demand was so great during the first window, and there's a chance that demand may exceed the available funding in the second application filing window, the rules also establish a mechanism for prioritizing applications based on their E-Rate Category 1 discount rates, and it will also be provided that a five percent increase will be provided to rural schools and libraries. Next slide, please.

Finally, I just wanted to provide a number of ECF Program resources, specifically in order to apply, which you can access the application along with general information about the program at the ECF website, which is www.emergencyconnectivityfund.org.

Additionally, the FCC regularly updates its website with the most frequently asked questions about the program, which is also linked here at www.fcc.gov/emergency-connectivity-fund-faqs.

For all other ECF related inquiries, there is a customer service center specifically dedicated to answering questions about the application process and all things Emergency Connectivity Fund Program related, and this can be reached by calling 1-800-234-9781.

The line is open from Monday to Friday from 8:00 a.m. to 8:00 p.m. Eastern Time.

This concludes my overview of the Emergency Connectivity Fund Program, so I will pass it back to Steve. Thank you all.

CHAIR POCIASK: Well, thank you, Molly.

So, let's turn our attention to the COVID-19 Telehealth Program. We have two speakers on this topic, Jennifer Best Vickers and David Ahern.

Jennifer is the attorney advisor with the Wireline Competition Bureau on the COVID-19 Telehealth Team, and David is a senior advisor with the Office of General Counsel, the counsel's Connect2Health task force.

So, let me go ahead and turn it over first to Jennifer and then David.

MS. VICKERS: Thank you, Steve. Good morning and thank you for having me.

My name is Jennifer Best Vickers and I am an attorney advisor in the Wireline Competition Bureau, and I have had the distinct pleasure of working on both round 1 and round 2 COVID-19 Telehealth teams.

As you may know, the COVID-19 Telehealth Program was established by Congress as part of the CARES Act in early 2020 in response to the COVID-19 pandemic.

Congress appropriated $200 million to the FCC to provide health care providers with funding to purchase tools necessary to treat patients remotely, and by doing so, mitigate the spread of COVID-19. Oh, my apologies. Next slide.

During round 1, the COVID-19 Telehealth Program garnered a lot of interest. The FCC received over 4,000 applications.

The telehealth team reviewed applications on a rolling basis and awarded $200 million in funding to 539 applicants in 47 states, the District of Columbia, and Guam. Next slide.

With the success of round 1 and with COVID-19 continuing to ravage our country, Congress appropriated an additional $249.95 million to the COVID-19 Telehealth Program through the Consolidated Appropriations Act in December of 2020. Next slide.

Congress did not require any eligibility changes to round 2 of the program. For both round 1 and round 2 of the program, in order to be eligible to receive funding, applicants had to be or must be non-profit and public health care providers that fall within the categories listed on this slide.

While these categories are similar to those in the Rural Health Care Program, both rural and urban applicants may participate in the COVID-19 Telehealth Program. Next slide.

As for eligible services and devices, health care providers may receive funding for information services and devices to enable them to provide remote patient care.

For instance, providers can receive funding to expand their internet network capabilities, security, and stability, as well as increase their cellular connectivity and voice services.

In addition, funding is available for devices that allow providers to monitor their patients remotely in a brick and mortar facility, mobile unit, or from the patient's own home. Next slide.

The items most frequently requested from across both programs are telehealth and videoconferencing platforms and subscriptions, internet services and network upgrades, computers, laptops, telemedicine carts, and peripheral devices for providers, cell phones and tablets for patients, as well as cellular and internet service for patients to allow patients to communicate with their providers remotely.

Also popular are patient monitoring devices that allow providers to assess patients with acute and chronic health conditions in real-time without the patient even leaving their couch. Next slide.

The Consolidated Appropriations Act required the FCC to make some policy and procedural changes to round 2 of the program. Those changes include establishing a system to evaluate and prioritize applications, ensuring that all 50 states, territories, and the District of Columbia receive funding across both rounds of the program, and provide applicants with the ability to supplement their application before it is denied by the Commission. Next slide.

As required by Congress, the FCC established an objective and transparent scoring system. The FCC identified nine evaluation metrics and weighted the scoring for each metric to target funding to those health care providers that most need telehealth funding.

As you can see on the slide, health care providers received 15 points if they're in a hardest hit area, a low-income area, a tribal community, or did not receive funding but applied for funding during round 1.

The points are cumulative, meaning that the applicants can receive points for each individual metric, but cannot receive any more than 95 points.

Also, the metrics that you can receive ten points for and five points for are listed on this slide. Next slide.

The FCC established a phased funding approach to address equitable funding requirements by Congress.

First, the FCC would award funding to the highest scoring applicants from each state, territory, and the District of Columbia. This is part of the equitable distribution phase.

Then, in the initial commitment phase, the FCC will continue to fund the highest scoring applications, regardless of service area, until at least $150 million in commitments have been awarded. Next slide, please.

Those applicants not funded during the equitable distribution and initial commitment phases will receive an Intent to Deny letter, providing the applicant with ten days to supplement their application.

The FCC will then re-evaluate and re-score each application, and award funding to the highest scoring applicants until the 249.95 million in funding has been awarded. Next slide.

The FCC made other changes to round 2 of the program, including creating a filing window, providing outreach and training to applicants, and a phased funding commitment approach, as discussed earlier.

In addition, the FCC engaged the Universal Services Administrative Company, USAC, to assist in administering the program under the FCC's supervision, like the FCC does with many of its other universal service programs. Next slide.

As you can see by this slide, since the Consolidated Appropriations Act, the FCC has been steadily and efficiently reaching huge milestones in the program.

Most notably, during the one week application filing window from April 29 through May 6, 2021, the FCC received almost 2,000 applications from all 50 states, territories, and the District of Columbia. Next slide.

As stated earlier, USAC and the FCC proactively reached out to applicants through email and information posted on both USAC's and FCC's websites.

We also offered live and recorded videoconference training webinars before and during the application filing window to assist health care providers with their applications. Some of the outreach and training were targeted to tribal organizations.

USAC and the FCC have been busy responding to emails and calls to their support lines and inboxes, responding to well over 1,800 emails and 500 phone calls so far. Next slide.

Most recently, on August 26, the FCC issued funding commitment awards in the first wave of the equitable distribution funding phase. The FCC awarded funding to 62 applicants from all 50 states, territories, and the District of Columbia, totaling $42 million in funding. The final wave of equitable distribution funding awards will be issued in the coming weeks. Next slide.

The next steps of round 2 funding awards include completing all the commitment phases discussed earlier and awarding funding to the highest scoring applicants until all funding is exhausted. Next slide.

This is only a brief overview of a very comprehensive program. If you'd like additional information about the COVID-19 Telehealth Programs, round 1 and round 2, you can access information from the FCC and USAC landing page website on this slide.

Now I'd like to turn it over to my distinguished colleague, David Ahern from Connect2Health.

Thank you very much and have a wonderful day.

CHAIR POCIASK: Hey David, do you have your --

MR. AHERN: Yes.

CHAIR POCIASK: Your mute on? Okay, go ahead, please.

MR. AHERN: Okay, thank you. Thank you, Jennifer and thank you, Steve, for the invitation and opportunity to present to you today.

First I'll begin with the next slide, with an overview of the Connect2Health Task Force.

The Connect2Health Task Force is comprised of a senior level team in the Office of General Counsel of the FCC and is chaired by Acting General Counsel Michele Ellison.

So to be clear, the task force is not a federal advisory committee. Rather, it's a small specialized team within the FCC.

The task force is charged with studying the intersection of broadband, advanced technology and health, making policy recommendations, working on various initiatives, and providing expert assistance to the agency on telehealth related programs and policies.

More detailed information about the task force and our work can be found on the FCC's website at www.fcc.gov/health.

Some of the current initiatives that we'll highlight include the Mapping Broadband Health in America platform.

The task force conceived and created this mapping platform to serve as a valuable interactive tool for public and private stakeholders to visualize key cross currents in broadband and health data at the national, state, and county levels.

And the map has been used by policy makers, researchers, as well as innovators and entrepreneurs in the digital health space.

The task force is currently working on significant updates to the platform, including incorporating substance use and opioids-related data that Congress has requested.

We believe this update is especially timely, given the profound impact of and critical need for telehealth and other broadband-enabled health solutions during the ongoing pandemic, and to help address another ongoing national public health emergency that is the opioid crisis, which tragically worsened last year.

Another initiative is the Linking and Amplifying User‑Centered Networks through Connected Health, or LAUNCH Initiative.

This initiative focuses on promoting broadband-enabled solutions for individuals with cancer in rural Appalachian counties of Kentucky. This work, along with other studies of broadband and health conducted by the task force has advanced our understanding of the relationship of broadband access and adoption to cancer incidents and mortality, and I'll speak a bit more about this initiative shortly.

Another new initiative of the task force is the broadband as a social determinant of health initiative. This initiative is focused on advancing broadband as a recognized and established social determinant of health.

The task force has conducted several studies which provide evidence supporting this case, and we're seeing more interest across the health policy and health research spectrum, research community showing a relationship between broadband access and adoption and health outcomes and mortality.

I'd like to also conclude with a summary of the support for the COVID Telehealth Program that the task force has provided and also the health and health care benefits of the program. Next slide.

So the vision of the task force, one that really guides our work, is that everyone connected to the people, services, and information they need to get well and stay healthy, so this helps inform our work and keeps us focused on the larger goal of having everyone connected. Next slide.

The objectives overall of the task force are to promote effective policy and regulatory solutions, identify where there are barriers to those solutions, strengthening the nation's telehealth infrastructure through broadband, and raising awareness to the public of the value proposition of broadband, where we think the health use case is particularly compelling to the public in terms of the importance of broadband. Next slide.

So, it really is the broadband health imperative work that we do within the task force, and that we believe strongly that future public health is fundamentally premised on the widespread availability and accessibility of highspeed connectivity by health care providers, public health departments, and consumers alike, so having access to highspeed broadband really is critical to improving health and health care. Next slide.

One of the concerns that the task force has had, and perhaps for many of us publicly is the impact that the COVID-19 pandemic has had on access to care, particularly in the context of COVID, but also if an individual has a comorbidity or another illness or condition for which they are not able to seek care because of COVID-19.

And I share this slide, which was published and presented by Dr. Ned Sharpless, the director of the National Cancer Institute, where there was a study done projecting through a modeling approach what the cumulative excess deaths from colorectal and breast cancers alone would be related to lapses in care, both screenings and care delivery, for cancer from 2020 to 2030, so what this article respectively projects is an excess of 10,000 deaths for these two cancer types as a result of the lack of screenings and care, so this certainly raises a high level of concern, and one in which we think connectivity could be part of the solution. Next slide.

The other observation through the pandemic that was known but clearly the spotlight has been put on the structural inequities in health care within the health care system, and this is shown in the racial disparities distribution, the COVID-19 deaths, that persons of color have disproportionately higher rates of death and complications to COVID-19, and this disparity is one that has become particularly acute in the context of the COVID pandemic. Next slide.

And a final public article was an evaluation of Quest Diagnostics data during the pandemic in 2020 where three in five U.S. adults have avoided or delayed in-person health care, one in three Americans who have a chronic health condition reported that their condition had worsened during that period, and that one in five Americans had skipped or delayed blood work or lab testing during this time.

And what the concerns of this are that there will be this significant increase in worsening of conditions and health status, and need of care post-pandemic that we're sort of anticipating as a result of these changes. Next slide.

So in the context of the work of the task force, this particular initiative that I mentioned earlier, the LAUNCH collaborative, the LAUNCH initiative really does address some of these barriers and burdens that have only been made worse by the COVID-19 pandemic, and particularly in rural areas of the United States where access to care is limited, through either limited access to connectivity and geography, in terms of distance from clinical centers.

So in 2017, the Federal Communications Commission and the National Cancer Institute signed a memorandum of understanding with colleagues from the University of California San Diego Design Laboratory and Amgen as the private entity, to join the University of Kentucky Markey Cancer Center in focusing on addressing the burden of cancer care for individuals living in rural counties of Appalachian Kentucky, where although three or four hours from Lexington, the cancer center, Markey Cancer Center, the distance alone is tremendously burdensome, and then access to care through connectivity is limited.

So bringing broadband solutions to these communities, particularly those counties with limited broadband access, was a really important part of our work, and you can find more details about our reports and our publications of the work over the last four years on the website that we've provided earlier. Next slide.

One part of the work that was done in the LAUNCH Initiative was really using the broadband mapping in health tool, and looking at those counties, specifically in the Appalachian region of Kentucky, that have what we term double burden status, that is having low internet access and high mortality rates related specifically in this case to lung cancer.

And we were able to identify those counties, and those counties are those that would benefit perhaps the greatest from increasing broadband access and addressing some of the cancer burden and cancer morbidity to reduce those mortality rates, and that's part of the work that we've been doing.

And we have a specific study looking at the broadband and cancer relationship through the data analysis work of the team, and we have a paper that we'll be submitting for publication soon that demonstrates this double burden concept and really provides, I think, an important resource for researchers and health policy makers to really target those communities that could have the greatest benefit from receiving broadband and having access to care. Next slide.

So, to conclude, the health and health care benefits of the COVID-19 Telehealth Program have really become quite clear as we're seeing more studies actually being published.

It really highlights the critical role of broadband in supporting telehealth and telemedicine, and that funding programs like the COVID-19 Telehealth Program can help fill the gaps in access to care created by the pandemic. It addresses the need for connected health devices to support remote patient monitoring and virtual care, which increased dramatically as most folks may know during the pandemic as a way to continue to stay connected and hopefully mitigate some of those projections of the worsening state of health status related to the pandemic.

And finally, to help bridge the digital divide and reduce the health inequities that we know exist in the health care system.

So I'll conclude with that and look forward to any further discussion. Thank you.

CHAIR POCIASK: Okay, well, thank you, Jennifer and David for that. Let's just turn to the last speakers here.

On the topic of outreach to consumers and providers, we have Lyle Ishida, the division chief for the Consumer and Government Affairs Bureau and the Consumer Affairs and Outreach Division, and then we'll have Michael Snyder, the deputy division chief at the Consumer and Government Affairs Bureau at the Web and Printing Publishing Division.

So, Lyle, are you ready?

MR. ISHIDA: I am, and thank you very much, Steve. Mr. Chairman, Madam Vice Chair, esteemed members of the Consumer Advisory Committee, my longtime friend and colleague DFO Scott Marshall, Deputy DFO Greg Haledjian, and ladies and gentlemen on the livestream, I'm Lyle Ishida.

Aloha kakahiaka, a warm and pleasant good morning to all of you.

It's a pleasure and honor to take a few minutes to discuss our outreach efforts surrounding the Emergency Broadband Benefit and other FCC COVID-19 response programs.

Our team has supported consumers and consumer-focused entities by socializing the COVID-19 response programs you just heard about, fielding inquiries and ensuring partners and others get connected with the right people for help.

And additionally, I just want to reinforce something that you heard Patrick discuss earlier in this session about the FCC Chair's Awards for Advancement in Accessibility.

This year's awards focus on notable technical policy and practice achievements to provide accessibility to the disability community during the challenges of the pandemic.

Our nomination period approaches and we want to build awareness of the award, its history and purpose, and nomination procedures, and they're all available at www.fcc.gov/fccaaa, and we hope to engage all of you on this stream in the next version of the award. So, please join us there.

But as the primary consumer focused program to help the households deal with challenges of the pandemic, I'd like to focus my comments today about our outreach and education effort surrounding the Emergency Broadband Benefit, EBB.

Next slide, please. Oh, sorry about that, Greg. Put that back, the first slide backwards. Sorry.

As the only direct consumer benefit program included in the FCC's COVID-19 response efforts, EBB has been our primary focus and it involves a number of complimentary work streams.

Among the most relevant are presentations to community groups, national and state advocacy and governmental organizations, local houses of worship and neighborhood leaders.

As soon as the legislation authorizing this program was announced, we knew that partnering with trusted local voices would be critical to the success of the program and building awareness.

Since February, we have had over 32,000 partners, ranging from local boys and girls clubs, school districts, Meals on Wheels, and grassroots organizers, to national non-profits that focus on digital inclusion volunteer to help us spread the word.

Leveraging this email list has kept partners up to date on the program developments, socialized a really robust tool kit which Mike Snyder will highlight for you shortly, and maintained a sense of community among those dedicated to building program awareness and acceptance where they live and work.

We have also worked across government and through our networks to share information about the program with Department of Labor, state unemployment agencies, workforce trade groups. We co-hosted a webinar with HHS for which over 1,700 attendees participated, and co-hosted another webinar with Housing and Urban Development group.

We shared EBB information with governors' offices, state officials, and mayors, and are actively working through a number of local officials to share EBB information directly, and through national and on the ground organizations such as NARUC, NASUCA, National Association of Cities, and NALEHO (phonetic), to name a few.

The FCC has also collaborated with the Department of Education on an email campaign to conduct individual outreach to all of the 2020 and 2021 Pell Grant recipients to increase awareness of the EBB Program, given their unique eligibility.

In addition to our partnership work, our EBB Team also triages and answers the EBB general information inbox, which has received over 5,400 inquiries that are each responded to personally.

Before and surrounding the launch date, these inquiries were overwhelmingly focused on seeking program information about the EBB.

The natures of the inquiry have evolved over time so that we're now fielding inquiries about either the status of a consumer's application or consumer inquiries related to providers and their service offerings and billing practices.

The book an EBB speaker button has received over 3,000 inquiries since May, and while not all requests were for speakers, since May, we've participated in over 350 community group presentations.

Consumers have also been using the button to address general information, and these inquiries are responded to similar to the EBB inbox individually, but are not counted in that metric.

The EBB Speaker Program is robust. Some weeks, we saw our staff providing EBB presentations in 30 to 40 events. Next slide, please.

So, you know, as a federal employee and those in the federal space, you know that you can't come to a federal presentation without an ask.

The story goes, as a federal employee, I say, we're here to help, and everyone else says, glad to have you. I have an ask.

We ask that you leverage your circles and partners to build awareness about these two pathways to help and assist consumers to ultimately learn about and enroll in the EBB.

By visiting fcc.gov/broadbandbenefit, your partners and affiliates will be able to both book a speaker for their membership or communities, and also sign up to be an EBB outreach partner to join this growing group of consumer engagement advocates and navigators that can help amplify program awareness and trust. Next slide, please.

So, okay, so having done our ask, a brief highlight of what's ahead. Next slide after this, please. So, our work on EBB is not done. We continue to find ways to spread the word about the program and opportunity that being connected can provide to households.

We're focusing on more data-driven approaches, and now that we have a few months of program data to review, you can view enrollment of data broken out in a number of ways, including down to the five digit zip code level.

You can find that by visiting www.usac.org/about/emergency.broadband-benefit-program/emergency-broadband-benefitprogram-enrollments-and-claims-tracker.

And I know that's really difficult, so for those on the live stream, if you want to just get that URL, please send us an email at broadbandbenefit@fcc.gov, and for those internal participating in this live stream, I have just posted that into our comments.

We are also open to feedback and suggestions on where outreach can improve. Since February, we've continuously held meetings with a variety of stakeholder groups to gather feedback on program and accomplished materials to ensure that both public messaging efforts and the toolkit contents are effectively driving program awareness enrollment.

If you have feedback or best practices, please share with us so that we can benefit from your experience. And as a final reminder, we welcome any opportunity to work together on consumer outreach and engagement activities. Our group email address is outreach@fcc.gov.

I close with an acknowledgment of our team members who have done yeoman's work, days, nights, weekends, to accomplish the missions that I discussed today, and they include Alma Hughes, Chantal Virgile, David Savolaine, Deandrea Wilson, Diana Coho, Rebecca Lockhart, Renee Coles, and our team's project leader, Keyla Hernandez‑Ulloa, associate division chief, who has continued to demonstrate exceptional leadership skills and an unparallel work ethic to this mission.

So, with that, that concludes my briefing. Thank you again for the opportunity to present to all of you. So Steve, take it away.

CHAIR POCIASK: Yeah, Michael Snyder, it's up to you. You go ahead, please. Michael, are you there? Michael Snyder?

Okay, well look, while I'm waiting, John at NCL, you had a question. Why don't we just open it up for a quick question, and then we'll see if we can get Michael back on?

MEMBER BREYAULT: Oh Steve, this is John. It looks like Michael just joined.

CHAIR POCIASK: Okay. All right, go ahead. Yeah, go ahead.

MR. SNYDER: Okay. Sorry about that, new headset.

Thanks very much for the opportunity to participate in the CAC meeting and share some information about what the Web and Print Publishing Division has been doing, specifically with the Emergency Broadband Benefit.

It continues to be a top priority for the Web and Print Publishing Division, and it's been one of our most ambitious projects in terms of robust content creation for consumers in web, print, and social media to date.

If we could go to our first slide, Greg? Or perhaps we're on there already.

On February 11, 2021, this year, WPPD stood up the initial EBB webpage, and by the end of the month working with the IT developers in the FCC, an outreach partner intake form was added to the page, along with logos and branding produced by WPPD's web and graphic design team, and I didn't grab the stat, but I know we had actually thousands of people interested in participating as outreach partners for EBB.

Throughout the spring months, WPPD produced an Emergency Broadband Benefit FAQ that has gone through multiple iterations to keep pace with pre- and post-launch program updates.

The complete EBB web suite includes pages from news media, social media resources for partners, and a page with more than 1,100 participating providers for consumers, and that's browsable by state.

The participating providers page is updated twice weekly now, but it was being updated daily for many weeks. That hard work paid off. If we could go to the next slide, Greg? Thank you.

Our usage stats. The hard work paid off in terms of consumer usage, dating from February 2021 and as of Monday this week, the page views for the top four EBB webpages are, we've had more than 4.5 million page views for the main page.

For the participating EBB providers -- and this is really directed right to consumers -- we've had more than one million page views. For the EBB Consumer FAQ, we've had more than 250,000 page views. And for the outreach tool kit, we've had roughly 100,000 page views, and that's not counting what people downloaded.

Those stats aren't available through our analytics at this time, but I suspect that we've done quite well in that area, as well.

Just to put it all in perspective, the total number of page views was 6,069,987 hundred. Sorry, I should have written that out in a way that would make sense, but more than six million total page views, and unique page views, meaning different people coming into the website, has been over five million.

So, we're very proud of those stats, and to put that into context, prior to this, the top consumer page, which is our robocalls consumer guide -- more on that later today --received nearly 900,000 page views in 2020, and is on a similar usage pace through this year. If we could move to the next slide, Greg?

We talked quite a bit about the outreach tool kit. Earlier, Lyle alluded to it. This is for the folks that want to do outreach on those partners.

While we were working on all these other webpages we developed and published a tool kit on a parallel track with multiple downloadable consumer handouts, translated into Spanish. Many of them also translated into 13 other languages.

We had color flyers, a poster, an infographic, PowerPoint presentation, and PDF of those slides, and fact sheets.

The FCC has produced multiple audio PSAs and videos and webinars that we produced, and also those that we pushed people over to the USAC website, and were featured links on that page.

And there's also eye catching promotion on the social media page with links to dozens of downloadable social media images for partners to use on Facebook, Twitter, and Instagram.

And as Lyle also thanked his staff, I want to go through some of the staff that contributed to this to make this possible.

Christian Fiascunari for web design and production, Felisha Davis for logo, color poster and flyer design and social media design,

Marlene Davis for consumer handout graphics, designs, and production in 13 languages -- and many of those were first time experiences for her and us, and she had to troubleshoot quite a few new and challenging fonts.

Sandra Bechan for many iterations and ongoing iterations of Spanish translations for all of the web and consumer handout content. And Terry Pacheco for quality assurance on accessibility.

They worked extremely long hours to meet deadlines for web launches and updates, timed to important announcements from the acting Chairwoman, and we're grateful for their professionalism and dedication.

Many thanks also to the coordination and support from around the virtual FCC building, CGB front office, the Office of Media Relations, which also contributed dozens of social media images, the IT support, of course the Wireline Competition Bureau, and the Office of the Acting Chairwoman. And now, I will turn it back over to you, Steve.

Thank you for this opportunity to share a little bit about what WPPD has been doing to support the efforts to close the homework gap through EBB throughout the pandemic. Thanks.

CHAIR POCIASK: Thank you, Michael. Let me just jump to a couple quick questions here before we take a break.

John at NCL, you have a quick question?

MEMBER BREYAULT: Hi, yes. Thank you, Steve, and thank you to the staff for putting together some excellent presentations. I do have a concern and a question.

The concern is that, as I understand it, the charge of the CAC is to make recommendations to the Commission, specifically on topics specified by the Commission relating to the needs and interests of consumers.

When NCL has been on the CAC in the past, we were tasked with developing some important recommendations on things like broadband pricing disclosure, broadband privacy, and I didn't hear anything in the Commissioner's or the Chair's remarks, or in the staff briefings that suggest there are topics that will be specified by the Commission we should make recommendations about.

So, there are plenty of recommendations I could suggest we work on, like things from the President's Competition EO, but, you know, in the past, it's been the FCC that sort of gave us marching orders.

So, I understand that we're not likely to hear such suggestions from the staff today, and assuming that's correct, you know, I have an additional concern about timing for us.

You know, this CAC was chartered back in December. Our meeting was canceled in February, and so this is the first meeting of the new CAC, and our charter expires next December.

So, here's my question. What are the topics the FCC wants the CAC to make recommendations about, and does the FCC share my concerns about the amount of time we have available to make substantive recommendations about this in the current CAC's charter?

CHAIR POCIASK: All right. So John, we're actually going to raise this in the second half, but just to get to the point, we expect the Chairwoman Rosenworcel to assign specific topics to CAC, so we're expecting to hear back from that, and then we'll use those topics to form working groups, which will review and potentially make recommendations.

So, you know, we're sort of waiting on this, and I don't know if we have anything else to add to that, but we can raise this again this afternoon.

MEMBER BREYAULT: Has the Chair or anyone on staff given us any indication of a timeline of when we should expect to receive those topics?

CHAIR POCIASK: I can't speak to that.

MEMBER BREYAULT: Okay. At least from my point of view, Steve, that's kind of worrying. There's not a lot of time left in this charter, and I think the sooner the better so that we can get started on the work that the Commission wants us to do.

MEMBER BERLYN: Hey, John, this is Debbie.

While I share your concerns, can we discuss this later in the meeting and just use this time to address questions to our speakers?

MEMBER BREYAULT: Sure, thank you.

CHAIR POCIASK: Right, we really want to stay on this panel. So Debra, you had a question, didn't you?

MEMBER BERLYN: I do have a question. I don't know if I'm -- am I unmuted? Okay. Sorry, there we go. Yes, I do have a question for our EBB speakers.

You did mention that we could go to the USAC website for information on zip code, those who have gotten EBB support by zip code, and I was wondering if there is other information about those who have signed up for EBB support with USAC?

I'm interested in whether or not there's tracking of other demographics. I'm interested in the aging population, for example, and whether or not we have that kind of tracking available, or whether there will be that sort of information. Thank you.

CHAIR POCIASK: Do we have a panelist to respond?

MR. WU: Hi, yes, so this is Eric Wu. So the USAC website, it does include subscribers by age, as well.

It has some age ranges of the subscribers, so that information is available on there, the claims tracking.

MEMBER BERLYN: Great, thank you so much. I'll check that out, thanks.

CHAIR POCIASK: All right, so how about Rick Ellrod, did you have anything you wanted to ask the panelists?

MEMBER ELLROD: Yes, I had one question about the telehealth program.

Does the program address issues of broadband affordability as distinct from availability?

MS. VICKERS: Can you repeat your question? I think I heard you say, does it address broadband affordability as well as availability?

MEMBER ELLROD: Yes, that's what I'm wondering about.

MS. VICKERS: Pardon?

MEMBER ELLROD: Yes, that's what I mean. Affordability as distinct from availability.

MS. VICKERS: Right. So, the telehealth program is a very limited emergency program, so the only thing that we do is we will fund health care providers to assist them in being able to pay for broadband services.

So, for instance, in rural areas where broadband services could be astronomical, we will assist them in funding them to upgrade their broadband services, so that's the only way in which the telehealth program assists in broadband affordability.

MEMBER ELLROD: Thanks. That does sound like it addresses the affordability issues, I'm glad to hear it.

MS. VICKERS: Thank you.

CHAIR POCIASK: Okay, so we have time for just one more question.

Tina Metzer, you're with Rural RISE. Do you have a question for the panelists?

MEMBER METZER: Yes, quick question. Is there a way to see how much this really impacts rural communities?

Like one of the demographics -- similar to what Debra said -- how we can quickly look and see if it's really getting to the rural communities and what programs are specific to rural communities and remote communities in rural America? Thanks.

CHAIR POCIASK: Do we have a panelist here? Would anyone like to address that?

MS. VICKERS: For the telehealth program, we do not provide any kind of specific data with regards to rural recipients.

However, as I said, the evaluation metrics does prioritize in a way rural recipients as well as tribal communities, but we send out a public notice every week.

That is on the FCC's website, COVID-19 teleheath website, as well as USAC's website. That lists the service areas and individual applicants that do receive funding.

So for instance, you know, a health care provider that serves Oklahoma probably would be a rural health care institution, and so it shows which city and state the services are being provided to and has a description, oftentimes, of the type of groups of applicants that are applying.

For instance, federally qualified health centers and such, that again -- or I know that's a little bit more of a health care desert type thing, but also does overlap with rurality.

CHAIR POCIASK: Okay. We're sort of short on time here, but how about a quick question from Clark Rachfal.

Also remember, if you've raised your hand to lower it. Go ahead, Clark. You have a quick question, and then we'll take a break.

MEMBER RACHFAL: Yes, thank you. I'm going to cheat, I actually have two quick questions.

So on telehealth, with the FCC's broadband adoption supports, are there requirements that the telehealth providers provide an accessible service in compliance with the ADA and Communications Video Accessibility Act, so that individuals with disabilities in rural areas are able to use the service provided? And then for the USAC and the EBB Program, is there data that tracks the amount of time it takes for someone to complete the application, and whether they need to provide supplemental materials?

So just the whole process start to finish, if there are metrics on the time it takes to complete the application?

MS. VICKERS: With regards to the accessibility question and the telehealth program, I'm not exactly sure how to answer that question, but if you provide me with the question and your contact information I will look into it and get back with you as soon as possible. Thank you.

CHAIR POCIASK: Okay, with that, let's take a 20 minute break.

We'll start back precisely at 1:00, so if you can, everyone will be on and I'll do the countdown and we'll resume, and then we'll take on the second panel and wrap up the session, the meeting today.

So, at this point, let's all take a break for lunch. Thank you.

(Whereupon, the above‑entitled matter went off the record at 12:40 p.m. and resumed at 1:00 p.m.)

CHAIR POCIASK: So let's start off now. We have our second panel.

The staff panel will consist of a number of topics on robo enforcement and various proceedings, and so on.

The topic is protecting consumers from unwanted robocalls and scams, and our first speaker is Daniel Stepanicich, the attorney advisor for the Enforcement Bureau in the Telecommunications Consumer Division.

Daniel, are you on?

MR. STEPANICICH: Yes.

CHAIR POCIASK: Okay. Well, go ahead. Why don't you begin?

MR. STEPANICICH: All right. Thank you for having me here this afternoon, and I'm happy to be talking about the Enforcement Bureau's efforts on combatting robocalls.

You can go to the next slide.

So, I'm going to highlight our enforcement action that we have taken in the past year, as well as we had our new enforcement tool, our cease and desist letter initiative, that we have been using, and then we completed a rulemaking establishing a private entity robocall submission portal, and so I will go through that.

So, starting with our recent enforcement actions.

Two weeks ago, we released a notice of apparent liability against John Burkman and Jacob Wohl.

We call these the Project‑1599 calls. These calls were targeting various cities in primarily the Northeast and Midwest, and were voter intimidation calls.

The NAL is proposing an approximate $5,000,000 proposed penalty for 1,148 unlawful robocalls to wireless numbers in apparent violation of TCPA.

This enforcement action is also the first TCPA enforcement action that the Commission has taken since the enactment of the TRACED Act, and the important thing here in this case was that it eliminated the citation requirement, so we were able to go directly to an NAL proceeding on this case.

So now, Burkman and Wohl have 30 days to respond, and then staff will then continue the investigation and proceed onto the forfeiture proceeding.

Then our second enforcement action we released on March 18, 2021, this was a $225,000,000 penalty imposed on Rising Eagle Capital Group, and its managers John Spiller and Jakob Mears.

They made over 1,000,000,000 robocalls in the first quarter of 2019 that were health insurance calls that were impersonating or otherwise being deceptive as and using the -- wrongfully using the names of well-known health insurance brands, such as Blue Cross Blue Shield or Cigna, and they were, when they had the actual sellers -- and the robocalls actually had nothing to do with these calls.

So we found at least 150,000 of these were illegally spoofed in violation of Truth in Caller ID Act, and we found that there was intent to defraud, cause harm, and also wrongfully obtain something of value.

Something of note of this case was that we worked with seven other state attorney generals' offices, as well as the DOJ in a cross-agency collaboration effort and investigation, which was a first of its kind, for the Enforcement Bureau on robocall enforcement, and really it is the future of robocall enforcement, is that it has to be a multi-agency approach, and that is something that the acting Chairwoman has been pushing, and that is a -- and so now we are incorporating it to a lot of our enforcement actions.

And then a third enforcement action beginning in the year, January 14, 2021, we released the fourth forfeiture order against Scott Rhodes.

This was a nearly $10,000,000 forfeiture for also Truth in Caller ID Act violations.

Scott Rhodes was sending harmful calls to various traumatized communities on hot button and racially sensitive topics.

So one of the communities was Charlottesville, and he also targeted another community in Iowa where a college girl was murdered by an illegal immigrant.

He also was engaging in, like, his local newspaper was giving him tough press coverage, so he also sent robocalls targeting the newspaper or the newspaper's owner, so we found that there was the harm and wrongfully obtained something of value.

So those were our three enforcement actions on robocalling since the beginning of the year.

Now onto our cease and desist letter initiative.

This arose out of the July 2020 call blocking order, as well as last year when we pursued several COVID-19 scams where we issued warning letters to providers that were bringing these COVID-19 scams into the United States network.

So the July 2020 call blocking order providing for provider-based blocking upon notice from the Commission to the bad actor, and there are -- the letters that we have devised have two requirements on the notified bad actor provider.

First, they must mitigate the identified traffic in the letter within 48 hours, and then they also must inform the Commission within 14 days of mitigation measures to prevent new and renewing customers from abusing the network.

If they fail to take either action, then downstream providers of that bad actor may start blocking that traffic.

However, they first must notify the Commission of their intent to do so and their reason for doing so.

Since March 2021, we have issued six of these letters.

Lastly, we have completed our rulemaking proceeding on establishing a private entity robocall submission portal.

This was a requirement in the TRACED Act to streamline the process by which private entities may submit information about suspected robocall and spoofing violations.

We adopted the final order on June 17, 2021.

This portal, which will be put onto the FCC website, will allow private entities to submit information about these robocall violations directly to the Enforcement Bureau. In the order, we discuss the definition of a private entity, and we made two limits to the definition.

One is that we excluded individual consumers as we believe that the current informal consumer complaint process is appropriate for those types of complaints, and one of the issues here with the private entities thinking, like businesses, that they might not know that the consumer complaint portal is really for them.

So, this is a way for them to have a mechanism for them to come directly to the Enforcement Bureau about various robocall violations.

And also, the definition excludes any public entity as the statutory language requires that this be limited to private entities.

So the type of information that we anticipate to be filed in this portal would be mass robocalling events that particularly may be targeting a company's PBX; that's just completely shutting down that network, or a private entity whose number has been spoofed, maybe particularly by an imposter scam.

And then lastly, potentially information from voice service providers that they might have about robocalling events.

And so, we figure that, you know, this information is not only going to be helpful for these private entities to have recourse, but also it will be useful information for the Bureau to have to pursue our own investigations and further crackdown on robocalling abuses.

So like I said, we completed the rulemaking on June 17.

We are now in the process of working through the OMB approvals for the collection form, and that will take a little longer before the portal actually goes live.

And then one other point on this is where we making sure that this is not going to create any confusion with the consumer complaint process, both in the order, and then when we actually launch the portal, there will be multiple -- it'll clearly explain the purpose of the portal, and also have lots of offramps for if a consumer is mistakenly on this portal, that there will be notifications that, you know, to redirect them over to the informal complaint process.

Fun fact. If we do receive consumer complaints into this portal, we'll make sure that they are forwarded to CGB.

So that's all I have on what the Enforcement Bureau has been doing to combat robocalls, and I'm always happy to take questions. Thank you.

CHAIR POCIASK: All right, well, yeah, thank you very much, Daniel.

On the next topic, we have Jerusha Burnett, the attorney advisor for the Consumer and Government Affairs Bureau in the Consumer Policy Division.

So please take it away. We'll be discussing call blocking proceedings.

MS. BURNETT: Thanks, Steve. Yeah. My name's a little tricky to pronounce, Jerusha. So, as many of you are aware, the Commission has been incredibly active in call blocking, starting as far back as 2015.

So, to start us out, here's a little bit of a timeline of the Commission's rulemaking work, and also declaratory rulings and things like that, since 2015.

So we started out with the 2015 TCPA Omnibus Order that made clear that providers may offer blocking based on analytics to consumers on an opt-in basis.

Then in 2017, we took further steps to permit blocking of calls according to certain categories of phone numbers.

This was done on the basis that such calls are highly likely to be illegal because there's no valid reason for someone to be using those numbers.

Then in 2019, the call blocking declaratory ruling made clear that it's not just on an opt-in basis that you can used analytics-based blocking, you can also do this on an informed opt-out basis.

It also made clear that white list style blocking based on a consumer's contact list can be offered on an opt-in basis.

Then in 2020, the Commission took two major actions.

First, the July 2020 call blocking order, which Dan already referenced, adopted a couple of safe harbors blocking to encourage providers to block, as well as protections for lawful calls.

And then in December of 2020, the Commission took a step further and adopted three affirmative obligations for voice service providers, specifically to combat illegal calls.

It expanded the reasonable analytics blocking safe harbor, and it adopted and enhanced transparency and redress requirements.

There's also currently pending, just released yesterday on public release for the September 30 open meeting, a gateway provider NPRM that I'll speak about briefly.

Next slide.

So, the first big action, so the 2015 TCPA Omnibus was a statement in a large order, is the 2017 call blocking order.

This was adopted in November of 2017, and took a permissive approach to blocking based on the number that purports to originate the call.

So, phone companies, voice service providers, can proactively block calls that are likely to be illegal because they appear to be from a telephone number placed on a do not originate list by the number's subscriber.

So the emblematic example of this is spoofing the IRS's incoming phone number, right? Someone might spoof that number to impersonate the IRS.

And so blocking those calls based on the number is useful because it reduces the amount of trust the consumer might have in that number.

It also permitted calls that appear to be from invalid numbers, such as those with area codes that simply don't exist, calls that appear to be from numbers that have not been allocated to a provider, and calls that appear to be from numbers allocated to a provider but not currently in use.

Again, the reasoning for all of these is that there is no valid reason for a call to be originating from these numbers, so those calls are highly likely to be illegal.

This blocking does not require the consumer to opt in or out.

They'll have the ability to opt out because no reasonable consumer, as the Commission stated, would want to receive illegal calls.

Next slide.

The 2019 call blocking declaratory ruling took two major steps.

As I mentioned, it made clear that providers can offer services designed to block calls identified as unwanted based on reasonable analytics on an opt-out basis.

This was a step further than 2015, where we made clear that providers could block on an opt-in basis.

It does make clear that, in doing so, a voice service provider must offer sufficient information so consumers can make an informed choice. Right?

Analytics-based blocking is generally not going to be 100 percent perfect, and so we want consumers who might have a different willingness to accept error to have the option and to know what they're choosing.

The second one made clear that voice service providers can offer services that block all calls from numbers not on a consumer's white list, which may be the consumer's phone contact list on an opt-in basis.

Obviously in order for the consumer to have a white list or authorize blocking from their contact list, they need to be able to opt in. That can't be really done on an opt-out basis.

Next slide.

The July 2020 call blocking order took steps to provide voice service providers greater certainty when engaging in blocking that they aren't going to run afoul of our rules.

So, it adopted two safe harbors for voice service providers that block calls.

The first one is for certain blocking based on reasonable analytics.

This blocking can block calls based on reasonable analytics that are designed to identify calls that are unwanted, and must be on an opt-out basis, informed opt-out, just like the 2019 declaratory ruling.

And then the second one is for the blocking of calls from bad actor providers, so this is actually what Dan was talking about before.

The Commission notifies a provider that they are transmitting illegal traffic.

The provider then takes steps to effectively mitigate and to prevent new and renewing customers from originating the traffic. If the provider fails to do those things, the Commission can let other voice service providers know, and those voice service providers can block calls from that provider, and there's a safe harbor for doing so.

The order also adopted certain protections for emergency calls.

Specifically, it made clear that calls to 911 should never be blocked unless it is certain, unless a provider is certain that the call is illegal, and that providers must take all reasonable efforts to prevent blocking of calls from public safety answering points, government outbound emergency numbers, things like that.

It also adopted the point of contact requirement, which requires that a voice service provider that blocks have a single point of contact publicly available on their website, for which a caller can dispute blocking that it believes is in error.

Next slide.

The December 2020 call blocking order adopted, first, three affirmative obligations for voice service providers.

These include a requirement that all voice service providers -- this includes originating providers, intermediate providers, and terminating providers, any provider in the call path must respond to traceback promptly, or timely and fully I think is the language the order uses, and any traceback request from the Commission, civil or criminal law enforcement, or the industry traceback consortium designated by the Commission.

And then the second one, actually built under a bad actor provider safe harbor, it now requires all voice service providers to effectively mitigate illegal traffic when notified of that traffic by the Commission.

And then the third one also sort of builds on that safe harbor and clearly requires voice service providers to take steps to prevent new and renewing customers from using the network to retain illegal traffic.

The Commission did not prescribe specific steps and talked more about the results than necessarily these specific steps to allow providers flexibility on how they did this.

It also expanded the reasonable analytic safe harbor effect.

Now, the earlier reasonable analytic safe harbor required that consumers be given the opportunity to opt-out.

The expanded safe harbor does not require that and allowed voice service providers to block -- terminating voice service providers to block at the network level without consumer opt-out, but it only allows blocking of calls that are highly likely to be illegal based on reasonable analytics, and requires that the provider have a process to ensure that the blocking is working as intended, and that it is really only blocking calls that are highly likely to be illegal.

It also adopted several enhanced transparency and redress requirements.

So, these include a response time to blocking disputes within 24 hours, a blocked calls list for consumers who want to check to see what calls have been blocked, an immediate notification requirement for voice service providers to send back to the caller, and a couple other things around certain STIR/SHAKEN elements that are involved in blocking.

It's worth noting that the analytic safe harbor does require -- and I'll get into this a little bit more later -- incorporation of caller ID authentication information, such as STIR/SHAKEN, which one of my colleagues from Wireline will be talking more about after me.

Next slide.

Now, yesterday the Commission released publicly a Gateway Provider FNPRM.

This item is currently slated for consideration at the September 30 meeting, and as a note, I can't really answer too many questions about this one because it is a pending item.

I'm happy to answer questions about our existing rules, however. This item does several things.

Its main focus is to ensure that gateway providers, who are the provider that is the first U.S.-based provider, the first point of entry into the U.S. network from a call originating internationally, takes certain steps to prevent illegal calls from entering the U.S. network.

Most evidence points to a large percentage of illegal calls originating overseas, so gateway providers are the first provider in the U.S. network that really can address this problem.

Of interest in the call blocking world, there are three types of proposals in here, and then there's some additional STIR/SHAKEN-related proposals.

The first is an enhancement of our traceback requirement to require that gateway providers respond within 24 hours, so not just timely, but within 24 hours with no exceptions.

The second is several mandatory blocking proposals.

These proposals generally build on our existing blocking safe harbors, so they either build on the bad actor provider safe harbor, the effective mitigation requirement, or the reasonable analytics-based safe harbor.

And then the third thing is these know your customer style obligations that the Commission proposes to apply to calls that appear to originate from U.S. numbers, and to ensure that the caller is authorized to use that number.

Next slide.

So, I mentioned STIR/SHAKEN briefly a moment ago, and I said that our analytics-based safe harbor requires incorporation of caller ID and education information.

The current caller ID authentication system in use in the network is called STIR/SHAKEN -- and as I said, my colleague from the WCB will talk in more detail about what that is -- but it's worth noting that STIR/SHAKEN and call blocking are really two pieces of the puzzle in the Commission's approach to combatting unwanted and illegal calls.

Neither one of these things solves the problem entirely by itself.

STIR/SHAKEN combats illegal caller ID spoofing and provides essential information in the fight against unwanted and illegal calls.

Call blocking, on the other hand, uses information, including the STIR/SHAKEN information, to prevent unwanted and illegal calls from reaching consumers, so one sort of provides the data and the other one makes use of that data.

You can't have one running without the other, basically.

Our analytics-based safe harbor, both the opt-out version and the network level version, require voice service providers that are blocking to incorporate caller ID authentication information into their analytics wherever that information is available.

And just a final note, STIR/SHAKEN is an extremely important input whether calls should be blocked, but it is not the only input. Analytics can cover a really wide range of things, from call per minute, to complaint data, to so on.

And that's it. As I mentioned, happy to answer any questions about the existing rules. I have some limitations on what I can answer about the gateway provider NPRM that's currently on public release as it's pending. Thank you.

CHAIR POCIASK: Okay, well, thank you, Jerusha, I really appreciate you doing that.

Now next, we're going to have a discussion of the STIR/SHAKEN, and we have attorney-advisor for the Wireline Competition Bureau in the Competition Policy Division, Alexander Hobbs.

MR. HOBBS: Hi, I'm Alex Hobbs, attorney-advisor in the Wireline Competition Bureau.

I'll be giving an overview of the Commission's efforts to combat illegal robocalls by mandating the implementation of the STIR/SHAKEN caller ID authentication framework, and discuss the Commission's ongoing efforts to stop illegal spoofing.

So one part of FCC's missions is STIR/SHAKEN, but the Commission takes a multi-pronged approach to fighting robocalls that includes enforcement efforts, policy actions regarding call blocking and access to numbers, and caller ID authentication.

Caller ID authentication is a key part of the Commission's efforts because it is an effective tool to fight spoofing and establish trust between originating and terminating voice service providers, and helps ensure that the phone numbers Americans see on their phone screens are accurate, and that they can answer their phone with confidence that they're not being scammed.

Next slide.

What is STIR/SHAKEN?

The STIR/SHAKEN framework is a set of standards that helps to combat illegal spoofing, a practice that involves falsifying caller ID information in order to trick people into thinking that calls are trustworthy because the caller ID information associated with the call appears as if it came from a neighbor or a familiar or reputable source.

The technical process of the STIR/SHAKEN framework involves adding new information to the metadata of a call. That information includes the following.

An encrypted version of the caller ID information that has traditionally been sent with the call to allow the terminating provider to cross-check information about the provider that authenticated the call.

An attestation level, which reflects what the authenticating provider knows about the caller, and it's right to use the number displayed, and a certificate which essentially states that the voice service provider authenticating the caller ID information is the voice service provider it claims to be.

It is authorized to authenticate this information, and thus the voice service provider's claims about the caller ID information can be trusted.

To maintain trust and accountability in the voice service providers that vouch for the caller ID information, STIR/SHAKEN also relies on the social process.

A neutral governance system issues the certificates that providers must attach to call assignments through SHAKEN.

The governance system includes three key participants.

The governance authority managed by a board consisting of representatives from across the voice service industry, defines the policies and procedures for which entities can issue or require certificates.

The policy administrator, which applies the rules the governance authority establishes, confirms that certification authorities are authorized to issue certificates and confirms that voice service providers are authorized to request and receive certificates.

And certification authorities, of which there are several, issue the certificates the voice service providers use to authenticate and verify calls.

This system makes sure that providers can trust that the new STIR/SHAKEN information a provider adds to a call is itself legitimate because without it, a bad actor could spoof the STIR/SHAKEN information itself.

Next slide.

STIR/SHAKEN implementation requirements that voice service providers have to comply with.

By June 30 of 2021, voice service providers were required to implement STIR/SHAKEN in the internet protocol or IP portions of their networks.

There were some extensions of this date as well that I'll explain in a minute.

Voice service providers must meet three STIR/SHAKEN implementation requirements. They must authenticate and verify intra-network calls, authenticate calls destined for another provider's network, and to the extent technically feasible, transmit the call with authenticated caller ID information to the next provider in the call path, and third, verify authenticated caller ID information for all calls received, and for which the caller ID information has been authenticated.

Intermediate providers also have obligations consisting of two components.

For authenticated calls, they must pass unaltered identity headers, except where necessary to complete the call.

And for unauthenticated calls, they have two options.

Either authenticate the caller ID information, or participate in traceback with the industry traceback consortium.

The Commission is considering proposing some new obligations on this score that I'll touch on in a moment.

Next slide.

As I mentioned, not all voice service providers were required to implement STIR/SHAKEN on June 30. Some qualified for categorical extensions.

The Commission granted four categorical extensions. First, for small providers defined as those with 100,000 or fewer subscriber lines.

Those small providers have until June 30, 2023 to complete STIR/SHAKEN implementation, but as I'll explain later, the Commission is considering move this date up for small voice service providers.

Second, providers that can't receive a certificate necessary to participate in STIR/SHAKEN are subject to an extension until they are capable of obtaining one.

However, since the FCC granted this extension, the governance system revised its rules to address the most common token access roadblocks.

This extension is likely to apply to only a few entities at this point.

Third, services subject to a pending application for discontinuance have until June 30, 2022, at which point they must implement STIR/SHAKEN if the service has not yet been discontinued.

And finally, for non-IP networks, for those portions of a voice service provider's network with non-IP technology, they're subject to a continuing extension until a non-IP caller ID authentication solution is standardized and available.

In the meantime, providers that rely on a non-IP technology must participate in working groups, working to develop a non-IP caller ID authentication solution.

And for all providers with an extension during the course of the extension, voice service providers must perform robocall mitigation on traffic they originate.

The Commission took a non-prescriptive approach to that robocall mitigation, requiring only that it be crafted to specifics of the voice service provider's network and fluid as needed to respond to changing robocall scams.

The robocall mitigation program must also be reasonably expected to stop the origination of illegal robocalls and will be considered insufficient if a provider knowingly or with negligence serves as an originator for unlawful robocall campaigns.

Additionally, all voice service providers were required to file in the robocall mitigation database by June 30th, certifying what level STIR/SHAKEN implementation they have achieved, and, if they have not achieved full STIR/SHAKEN implementation, that they are performing robocall mitigation to ensure that they're not the source of illegal robocalls.

The robocall mitigation database data is publicly available, and to date, we've received 3,083 filings in the database.

Of those filings, 546 certified to complete STIR/SHAKEN implementation, 818 partial implementation, and 1716 no implementation.

And those that certified anything short of complete implementation had to describe their robocall mitigation efforts.

Next slide.

There are three upcoming compliance deadlines to take note of.

The first is beginning September 28 of this year.

Voice service providers and intermediate providers will be prohibited from accepting traffic from voice service providers not listed in the robocall mitigation database.

Second, we'll be reevaluating extensions and implementation deadline.

The TRACED Act directed the Commission to reassess granted extensions, and revise or extend them as necessary annually after the first extension is granted, ensuring the Commission-directed Wireline Competition Bureau to seek comment on and review all granted extensions, and if the Bureau determines revision of a granted extension is necessary, it will issue a public notice and ask them to change, but the Bureau can't terminate an extension early, and if it further extends an extension, can only decrease the scope of entities entitled to the class-based extension. On September 3, the Bureau released a public notice seeking comment on the extensions.

And third is the reevaluation technologies subject to the mandate.

The TRACED Act required the Commission to reevaluate the technologies required by its caller ID authentication mandate no later than three years after the date of enactment, and every three years thereafter.

The first reevaluation would be required by December 30, 2022.

Next slide.

We have some recent policy actions, been busy on rulemakings in the STIR/SHAKEN space.

First is the further notice of proposed rulemaking shortening the small provider extension.

On May 8, the Commission proposed and sought comment on shortening the extension granted to a subset of small voice service providers likely to be the source of illegal robocalls.

The Commission made this proposal after examining new evidence that shows a small subset of small voice service providers, those with 100,000 or fewer subscribers originate a disproportionate amount of illegal robocalls. The Commission proposed shortening the extension to one year in order to see quicker deployment of STIR/SHAKEN by these providers.

If adopted, this proposal would require small providers that originate a high volume of calls to implement STIR/SHAKEN by June 30, 2022.

Small voice service providers that do not originate a high volume of traffic will still be subject to the two-year extension, and second is the notice of proposed rulemaking on gateway providers.

On Wednesday, the acting Chairwoman announced that later this month at the open meeting the Commission will consider a further notice of proposed rulemaking, which, if adopted, would propose new rules for gateway providers or to the point of entry for foreign calls into the United States.

A further notice of proposed rulemaking would propose to require gateway providers apply STIR/SHAKEN caller ID authentication to and perform robocall mitigation on foreign-originated calls with U.S. numbers.

This would subject foreign-originated calls to requirements similar to those of domestic-originated calls, once they enter the United States.

This proposal will help address the threat to American consumers posed by the large number of illegal robocalls that originate abroad.

And that is the end of my presentation. I'll take any questions at the end of the panel.

CHAIR POCIASK: Great. Well, thank you for that.

So the next two topics are both by Ed Bartholme. He's the associate bureau chief for the Consumer and Government Affairs Bureau.

Ed first will be talking about the current scam and complaint trends, and then he'll follow up with a second issue of consumer outreach and education.

So Ed's an old familiar name to the CAC, so take it away, Ed.

MR. BARTHOLME: Thanks, Steve, and it's good to be with everyone today, even if it is virtually.

Hopefully we can get. So, good afternoon everyone. Back to doing this in person before too long.

Thanks for giving me the opportunity to present on some of the trends related to unwanted calls and scams that we've been tracking.

I'll also cover a little bit of the content we've created to help educate consumers and partners about these scams.

And like so many other things in our lives right now, the pandemic has played a role in the phone-based scam activity and trends we've seen over the last year and a half.

Our own internal complaint numbers, as well as -- thanks, Greg. You're right. I think we're missing a slide.

Anyway, so our own internal complaint numbers, as well as data published by third-party analytics companies, showed a sharp decline in robocalls in the early months of the pandemic, and collective wisdom has really attributed that decline to global lockdowns that prevented call center staff from working the phones.

And while many of the outbound calls are often fully automated, the scams rely on call center staff to close the deal, so to speak, and actually get the money or the means of payment from the victim.

Another thing that we've noted is that while call volume declined, we've heard reports that text message based scams maintained a steady volume with little to no drop off, and that was even when sort of global lockdowns were in place, and experts point to the fact that text scams can be managed by a single operator and often don't rely on a call center back-end for support.

So, they were able to continue doing those sorts of scams even when they couldn't work the call center and do phone call based scams.

Many of you have likely noticed that unfortunately scam calls have made a steady return to their pre-pandemic numbers, but there has been a slight downward trend over the last few months, and potentially that's tied to some of the great work that my colleagues just briefed us all on.

And as I shared during our last CAC meeting, back in September of last year, we continue to see a strong correlation between the hooks that scammers use and the pandemic.

Earlier this year as vaccines began to become available, we saw a wave of scams tied to vaccine appointments and availability, and scams have continued to follow the headlines.

Over the summer, we heard reports of scams tied to the Child Tax Credit payments that began in July.

The broad themes that we're hearing about are government imposter scams, vaccine related scams, and benefit or stimulus related scams, and again, the variation on these themes often tie directly to current events and the headlines.

We even recently learned about an online imposter scam where the website was claiming to administer the FCC's own Emergency Broadband Benefit Program that you heard about during the first panel today, and it was attempting to collect PII and payment from consumers.

You can find a link to our consumer alert on this scam on the EBB page, which is fcc.gov/broadbandbenefit.

We continue to maintain a COVID-19 consumer resources page with periodic updates as we learn about new pandemic related scams.

We have a post that provides an overview of pandemic scam calls, including audio from actual calls, a post on text message based scams with sample messages.

The page also contains links to alerts on delivery text message scams, vaccine scams, and peer to peer payment scams, all trends that have emerged or increased in volume during the pandemic.

Specifically on peer to peer scams, this is something that we're seeing is becoming a preferred method of payment for scam operators. The money transfers instantly and the scammer doesn't have to convince the victim to go to a retail location to buy gift cards.

You can find more on all of these scams and additional COVID related resources at fcc.gov/covid-scams.

Staying on this slide. An important part of our unwanted call and scam work continues to be collaboration with partners. Partners across the spectrum.

Governmental agencies, consumer organizations, and industry have all been allies in identifying trending scams and helping to inform consumers about the steps they can take to help themselves and protect themselves.

Additionally, as my colleagues have shared with the call blocking rules and our caller ID authentication work, in many instances, industry is able to block scam call traffic before it even reaches the consumer.

Our Enforcement Bureau, the Industry Traceback Group, and other federal and state partners like the FTC and DOJ, as well as industry and analytics companies, have been tracking emerging COVID-19 scams and helping to publicize the tactics being used by fraudsters.

So, speaking of partnerships, I wanted to highlight a few webinars we posted to help educate the public about scams over the last year.

So last November we collaborated with the Better Business Bureau and the Federal Trade Commission to host the all I want for the holidays is your safety webinar, highlighting tips and resources to protect consumers during the 2020 holiday season, which we all remember presented some unique challenges for consumers.

Topics discussed included online shopping, avoiding charity scams, and safety tips for using Wi-Fi and mobile devices, along with safety tips related to having virtual holiday gatherings.

In December, we hosted a webinar for consumers that focused on avoiding COVID-19 scams.

This was in partnership with the FTC and the U.S. Postal Inspection Service, and it highlighted COVID-19 scams and provided tips and resources to protect consumers during the pandemic from fraudsters who use robocalls and text messages to defraud consumers of money or personally identifiable information.

And in February, we partnered with the CFPB and the Association for Community Living within HHS to host a webinar for consumers that was titled, COVID-19 scams and older adults.

The event highlighted how older adults can protect themselves from current COVID-19 scams, with a special emphasis on scams related to the vaccine, which was just becoming available in February.

I've also included on the slide here a webinar we hosted that focused on virtual volunteerism or internet based ways to donate time.

This highlighted the practice of leveraging broadband to match individual volunteers with non-profit organizations to provide direct services to those in need.

The event featured presenters from the United Nations and entities that have been successfully using virtual volunteerism models to provide services to clients.

While the event didn't focus on scams, it did touch on another important FCC priority: broadband adoption and relevance.

You can find all these events in our events archive at fcc.gov/events, and look for the archived events button on the page.

Next slide.

So this would've been the first slide, so if you just want to leave that up there for a minute? Great.

That's our COVID scams page. It talks a little bit about some of the trends and the categories of scams that I highlighted in the intro there, and then if you want to go to the next one, please, Greg?

So earlier this year, we also released the first of what I hope will be a series of data spotlights, and this initial post highlighted the top five unwanted call complaint categories that the FCC saw in 2020.

As you can see on the chart, auto warranty renewal scams were the top robocall complaint filed with the FCC by consumers in 2020, and you can see that that actually -- it's the purple line on the chart.

It actually wasn't the top category early in the year, but quickly became and then maintained its presence as the top complaint category that we saw.

And it, you know passed the longtime frontrunner, which was Social Security phishing scams, which did come in second at the end of the year.

And as you've likely experience, auto warranty calls often include specific information about your particular car, and it seems more legitimate because their sort of intro is information that's correct.

It might mention a make or a model of the vehicle that you currently have or maybe recently had in the recent past.

We have a consumer education post that features audio from an auto warranty call, and you can find that on our website at fcc.gov/consumers.

Rounding out the top five unwanted call categories reported to the FCC in 2020 were computer tech support calls, credit repair and credit card rate reduction calls, and health insurance related calls.

During the first six months of this year, the top five has changed very little. Health insurance scam complaints have fallen a bit and have been surpassed as number five by lawsuit and criminal charge related complaint calls, so that's swapped out a little bit. But then the other thing that we've noticed in the first six months of this year is that the gap between auto warranty calls and our second highest category, which remains the SSN phishing scam calls has continued to widen.

We're now receiving over three times as many complaints reporting auto warranty calls as we are this second most common topic, which is again the SSN and phishing calls.

And that just proves the point that Commissioner Starks and Steve made way back at the beginning of the day, that auto warranty calls are the ones that you're getting in your voicemail and they're the ones you're probably deleting or ignoring most often right now.

So, do stay tuned. Look for more data spotlights in the future. This is something that we want to continue to do, and we're open to suggestions.

If you have ideas about things that we could highlight, please reach out and let us know.

Next slide.

So finally, I want to leave you with some resources that you can share and help us to amplify so that we can all do more work protecting consumers.

You can find all the links that I've included on the slide here, as well as a lot of other information about scams and other consumer topics, by visiting fcc.gov/consumers.

Our main robocalls consumer guide and one of our most visited webpages is fcc.gov/robocalls.

We have consumer-facing webpages on call blocking and caller ID authentication, which were discussed earlier, both of which explain these tools in plain language for consumers.

We continue to update our own scam glossary with new entries, such as our peer to peer scam post that I mentioned earlier.

And I'd also like to encourage you to visit our new page that we created, fcc.gov/tracedact.

And this page tracks the FCC's progress meeting the deadlines Congress set in the TRACED Act, many of which played a role in some of the work my colleagues presented on during this panel, and I'm happy to report if you do go by that webpage, you'll see a lot of checkmarks on the page, indicating that we met the deadlines and most if not all of the tasks have been completed.

And to the left on this slide, I have a nice new graphic that our graphics team developed that reiterates our top five consumer tips when it comes to robocalls.

Don't answer calls from unknown numbers, never give out personal information to inbound callers, consider and talk to your carrier about call blocking tools, don't reply to unexpected text messages, and don't hang on, hang up when you're speaking with a suspicious caller.

As always, we're eager to partner and open to feedback.

Please reach out if you have ideas, questions or concerns. Scott and Greg both know how to find me. Thank you. Back over to you, Steve.

CHAIR POCIASK: Well, thank you, Ed. That was a terrific wrap. So that now concludes our second panel.

So if there are any questions on this topic, you know, if so, you know, please, you know, raise your hand using the Zoom feature. You know, I'll recognize you.

All right, so I'm checking. I don't see any hands, so let's just move on then.

So as we begin the eleventh charter, what I was trying to say earlier is that we expect the acting Chairwoman to assign specific topics as soon as the CAC.

You know, she'll give us those topics and then we'll use those topics to form working groups, and those working groups will then review and potentially make recommendations.

We're waiting on this and we expect to hear more on this soon.

The timing and the selected topics are completely at the good judgment of the Chairwoman, so I will communicate back once I hear more.

We also expect our next full CAC meeting to occur sometime during the first quarter this year, and that's really all I have to report on that.

So at this time, do the CAC members have anything they wish to discuss before we open up for public comment?

Just please raise your hand if you have a comment or a question.

Okay. I don't hear any, so just moving on. Do we have any comments from the public?

Hey, John. Let me turn that over to you.

MEMBER BREYAULT: Hey, Steve. Sorry, just a quick question.

I understand from you that what you've just said, that we are awaiting sort of direction from the Chairwoman about what topics the CAC should take up, and then we have our next scheduled meeting of the CAC scheduled for a TBD date in Q1 2022.

So, will we be able to form working groups or do any work, assuming we get some direction from the Chairwoman between now and the next meeting, in terms of starting working groups?

And again, this is just sort of me being worried about if we are potentially, you know, on a nine-month timeline if we meet in March next year, to actually do work and have recommendations presented and voted on by the CAC before our charter expires at the end of December next year.

Is that the timeline I understand it to be?

CHAIR POCIASK: Yeah, unfortunately that's sort of the hand we're dealt, and there's really nothing that we can do at this point. We're sort of working at the pleasure of the Chairwoman, so I don't know if, Greg or Scott, you have anything you'd like to add on this?

But that's my understanding, is that once we get direction from her, then we can move ahead, we can assign working groups, allocate people to those working groups, and begin working away, but that's all I know.

MR. MARSHALL: Steve?

CHAIR POCIASK: Yes?

MR. MARSHALL: Okay, it's Scott. Yes, I wanted to make a comment if I could.

And the Commission is very much aware that we are late in this particular committee's term.

And the Commission is now working on how best the CAC can be helpful on consumer issues of importance given the time remaining in this term, which expires as you well know, in October of '22.

We will be in contact with the CAC leadership to discuss potential topics, and as we have done in the past, we'll then get a charge for our working group and we will solicit interest in working on that group.

Unfortunately I don't have any other news about that for you today, but we hope to have it soon, and as Steve says, and again, there's no date that's been set, but typically, in the beginning of a year, our first meeting is usually in the first quarter of the year.

And hopefully that's helpful.

CHAIR POCIASK: Okay.

MEMBER BREYAULT: Steve, this is John. Can I follow up on that?

CHAIR POCIASK: Oh, go ahead.

MEMBER BREYAULT: Yes.

Sorry to keep beating this dead horse, but I guess one thing I would just like to suggest to you, Scott and Steve, and to the Commission, if input from the CAC about the topics that we could cover would be helpful in how the Chairwoman sort of ultimately directs us to do the topics for us to take up, you know, I would just like to underscore sort of the topics that I mentioned from the President's executive order on competition.

There are a number of rulemakings sort of suggested in that executive order.

I don't believe the FCC has yet initiated those rulemakings and I think that those topics are very ripe for the CAC to provide input on as the FCC develops those rulemakings. So I'll stop there and get off my soapbox, but thank you.

MR. MARSHALL: It's Scott again.

I'd be happy to talk with you further about that at any time, and we're always open to new ideas, and that sort of thing, so yes, I would like to talk to you about it further.

CHAIR POCIASK: Okay. Irene, did you have a question or a comment?

MEMBER LEECH: Yes. And I guess my question is for Scott.

When I first became involved in this, I seem to recall that the Committee identified things that we thought were important, as well as the Commission occasionally giving us things to do, and it was the last CAC that I thought for the first time was totally directed by the Commission's request.

So, is this a change in the rules? I didn't hear that this morning, but I'm a bit confused about, you know, kind of what we're allowed and not allowed to do, and why we exist.

MR. MARSHALL: Hi, Irene.

Actually, the rules have not changed about the fact that I as the Commission's representative, as the designated federal officer of the Committee, has the authority to approve agendas for the Committee.

And that's been true for years.

What changed in the charter of the CAC was to make it clear that the Commission wanted to be sure that the CAC's time was best utilized on issues that were timely, important, and that then it came to the point where the Commission chose to specify issues that the CAC should consider.

That has never precluded ideas from being, you know, offered, discussed, that sort of thing, and we've always done that and I'm always ready to listen and hear those ideas and communicate them to upper management.

CHAIR POCIASK: Okay so, one more opportunity. Do we have any other comments from the public?

I mean, hearing none, I think we've completed our work today.

I wanted to thank all of you CAC members for participation and look forward to our contributions during the charter period.

I want you to know how profoundly grateful I am of the opportunity to work with all of you.

I also want to thank today's presenters, the FCC staff in support in making the session go smoothly, and bringing the CAC up to date on the issues related to COVID and consumer protections.

Patrick, Scott, Greg and Catherine, thank you all for your support.

Let me just, right before I close here, Scott, did you have anything else you wanted to add before I close here?

MR. MARSHALL: Yes, Steve, thank you very much. I just want to thank everyone involved in putting together this meeting.

I think the acting Chairwoman was absolutely correct this morning.

It takes a lot of hands, ranging from, thank you for doing, and it takes a lot of help from various sources across the Commission for us to produce a program for you and also to manage the Committee.

We really rely on our subject matter experts a lot to help us help you advise us. So thank you to you for doing what you do, and I want to thank all my colleagues, as well.

I'm not going to go down a long list, but I would be very remiss not to mention those who are directly involved with me day-to-day on the CAC team, which would be Greg Haledjian, who's my deputy DFO, and Catherine Langston, and of course CGB management.

CHAIR POCIASK: All right, so one last question here for the floor. Is there any new business?

All right, well, seeing none, I move that the Consumer Advisory Committee meeting be adjourned.

Do I have a second?

MEMBER WEIN: So moved.

CHAIR POCIASK: And with that, thanks to everyone, farewell, and take care.

(Whereupon, the above‑entitled matter went off the record at 2:02 p.m.)