

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION

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CONSUMER ADVISORY COMMITTEE

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MEETING

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MONDAY  
FEBRUARY 26, 2018

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The Advisory Committee met in the Commissioners Meeting Room, 445  
12th Street, S.W., Washington, D.C., at 9:00 a.m., Eduard Bartholme, Chairman,  
presiding.

COMMISSIONERS PRESENT:

AJIT PAI, Chairman \*\*  
MIGNON CLYBURN, Commissioner

COMMITTEE MEMBERS PRESENT:

ED BARTHOLME, Committee Chairman  
ZAINAB ALKEBSI, Deaf and Hard of Hearing Consumer Advocacy Network  
DEBRA R. BERLYN, National Consumers League  
ALAN BUTLER, Electronic Privacy Information Center  
SEAN CARROLL, Massachusetts Department of Telecommunications and Cable \*  
JOSLYN DAY, Massachusetts Department of Telecommunications and Cable \*  
FREDERICK ELLROD, National Association of Telecommunications Officers and  
Advisors  
AMINA FAZLULLAH, National Digital Inclusion Alliance  
B. LYNN FOLLANSBEE, USTelecom  
PAUL GOODMAN, Center for Media Justice/Media Action Grassroots Network  
(MAGNET) \*  
SUSAN GRANT, Consumer Federation of America  
MITSUKO R. HERRERA, National Association of Telecommunications Officers and  
Advisors \*  
KYLE J. HILDEBRAND, serving individually as a subject-matter expert, Special  
Government Employee  
THADDEUS JOHNSON, National Association of State Utility Consumer Advocates  
JULIE KEARNEY, Consumer Technology Association  
LUISA LANCETTI, T-Mobile  
ROSS J. LIEBERMAN, American Cable Association  
MAUREEN MAHONEY, Consumers Union \*  
SARAH MALAIER, American Foundation for the Blind

KATIE MCAULIFFE, Americans for Tax Reform

KEVIN MCELDFOWNEY, Consumer Action \*

STEVEN MORRIS, NCTA - The Internet and Television Association

FRANCELLA OCHILLO, National Hispanic Media Coalition

ALEX PHILLIPS, Wireless Internet Service Providers Association

STEVE POCIASK, American Consumer Institute

KEVIN RUPY, USTelecom

JONATHAN SCHWANTES, Consumers Union \*

ANGELA SIEFER, National Digital Inclusion Alliance

KEVIN TAGLANG, Benton Foundation \*

BARRY UMANSKY, Digital Policy Institute

LARRY WALKE, National Association of Broadcasters \*

OLIVIA WEIN, National Consumer Law Center

KRISTA WITANOWSKI, CTIA

COMMISSION STAFF:

SCOTT MARSHALL, Designated Federal Official

CHRIS ANDERSON

EVAN BARANOFF

MICAH CALDWELL

GREGORY COOKE

DAVID FURTH

ROGER GOLDBLATT

KURT SCHROEDER

KAREN PELTZ STRAUSS

MARK STONE

PATRICK WEBRE

\*Present by teleconference

\*\* Present by video

## **Welcome & Call to Order**

Eduard Bartholme, CAC Chairperson

Eduard Bartholme, Chairperson of the Consumer Advisory Committee (CAC), called the meeting to order at 9:08 am. He welcomed members and thanked them for their attendance.

## **Introductions & Meeting Logistics**

Scott Marshall, CAC DFO

Scott Marshall, the Designated Federal Official (DFO) of the CAC, gave an overview of the meeting logistics. CAC members introduced themselves. Chair Bartholme thanked NCTA for providing breakfast and lunch for the meeting.

## **Remarks of the Chairman and Commissioners**

FCC Chairman Ajit Pai was unable to attend this CAC meeting in person and so prerecorded remarks for members to watch at the meeting. In his remarks he said that he wished he had been able to attend in person. He welcomed members and thanked them and the CAC's leadership for their work. CAC reflects a core tenet of his policymaking approach, which is that FCC decisions need to reflect outside input and ideas. The CAC offers a unique opportunity for consumers and industry to exchange ideas and develop effective solutions to problems.

Chairman Pai is happy the CAC is partnering with the FCC to address the issue of robocalls. Robocalling is the top category of consumer complaints the FCC receives, and addressing it is a major priority. He appreciates CAC's input on this topic and is looking forward to receiving their upcoming recommendation on call authentication. He also expressed that he would like CAC's input on how to best measure the effectiveness of FCC's actions to combat robocalling. Chairman Pai also appreciates CAC's input on the consumer complaint process. The FCC has implemented many of the CAC's recommendations on this topic.

Another one of FCC's top priorities is public safety. In March, Chairman Pai and members of the Hurricane Recovery Task Force (HRTF) will be traveling to Puerto Rico and the U.S. Virgin Islands to get a firsthand look at the recovery process. They want to evaluate lessons learned from Hurricane Maria and prepare for the 2018 hurricane season. FCC has taken many actions in the aftermath of last year's hurricanes, and remains committed to helping to restore and rebuild impacted communication networks quickly.

Chairman Pai ended his remarks by thanking members for their work. He hopes to be able to attend the next CAC meeting in person.

Commissioner Mignon Clyburn provided remarks. She thanked members for their service, and thanked the CAC for highlighting public safety in this meeting's agenda. Her views on public safety are shaped by three guiding principles: 1) People with disabilities and access challenges must benefit from public safety initiatives, 2) FCC must do all it can to educate consumers about public safety benefits, and 3) Collaboration among all stakeholders is more effective than litigation. Since September 2017, FCC has addressed several public safety issues, largely in a bipartisan fashion. Specifically, it has adopted rules to implement Congressional directives to facilitate the nationwide dissemination of information when a law enforcement officer is killed, seriously injured, or missing in the line of duty through the adoption of the new Emergency Alert System (EAS) event code BLU. It has also enabled the delivery of BLU alerts over EAS and through Wireless Emergency Alerts (WEA). Last month, FCC took steps to improve the WEA

system by establishing a deadline of November 30<sup>th</sup>, 2019 for industry to meet an enhanced geotargeting standard.

Commissioner Clyburn commended staff of the FCC's Public Safety and Homeland Security Bureau (PSHSB) for their rapid response to the hurricanes in Puerto Rico, U.S. Virgin Islands, Texas, and Florida. The wireless service outages witnessed during these hurricanes indicate that FCC and industry need to do more. The wireless outage levels reported for Hurricanes Maria, Irma, and Harvey were worse than any prior hurricane outage reports. Since Hurricane Katrina in 2005, FCC has been studying ways to improve the resiliency of commercial wireless networks. Commissioner Clyburn suggested that CAC partner with HRTF to develop and discuss lessons learned from the service outages experienced during Hurricanes Maria, Irma, and Harvey.

Commissioner Clyburn highlighted a new FCC initiative focused on bridging the broadband health divide. In December 2017, FCC entered into a Memorandum of Understanding (MOU) with the National Cancer Institute (NCI) that will focus on how increasing broadband access and adoption in rural areas can improve outcomes for rural cancer patients. An inaugural project for the agencies will convene a public-private collaboration to help bridge the broadband health connectivity gap in Appalachia.

#### *Discussion*

Member Siefer asked Commissioner Clyburn to speak about the National Broadband Map and recent concerns about the accuracy of its data. Commissioner Clyburn responded that the FCC has been working to ensure that there is a robust challenge process, which is necessary to ensure that this map is as accurate as possible.

#### **Consumer and Governmental Affairs Bureau (CGB) Update**

*Patrick Webre, Acting Bureau Chief, CGB*

Mr. Webre welcomed members and thanked them for their service. The meeting's focus on public safety is timely given the recent hurricanes and 50<sup>th</sup> anniversary of 911 service in the U.S. President Trump recently signed Kari's Law into effect, which will facilitate the ability to dial 911 without having to dial access codes in advance. Mr. Webre thanked Chair Bartholme and Kevin Rupy, and the Robocalls Working Group for their work on the call authentication recommendation.

Barbara Esbin is back at the FCC and is overseeing the FCC's Office of Native Affairs and Policy and Office of Intergovernmental Affairs. She is currently traveling to the Navajo Nation and so could not be at today's meeting, but is looking forward to attending future CAC meetings.

*Mark Stone, Deputy Bureau Chief, CGB*

Mark Stone updated members on the CGB's recent activities related to illegal robocalls. In November 2017, FCC issued an item related to call blocking and blocking of presumptively illegal robocalls. This item built on a number of CAC recommendations. This item acknowledged that voice service providers (VSPs) are the FCC's partners in blocking illegal robocalls. The FCC authorized VSPs to block three categories of robocalls that are presumptively illegal: 1) Calls that have a caller ID that purport to be from a number but the number's owner has verified that it does not make outgoing calls from this number, 2) Calls that purport to be from invalid numbers, and 3) Calls that come from a number that has not been allocated through a carrier or assigned to a consumer. VSPs are encouraged but not required to block calls that fall into these categories. In a companion Further Notice of Proposed Rulemaking (FNPRM), FCC acknowledged its policy of ensuring that calls are completed and its need to mitigate the chance that good calls will be accidentally blocked in these call-blocking efforts. It encouraged VSPs that are blocking to have a

mechanism in place to avoid false positives. It asked if in the future it should require VSPs to have a call block challenge mechanism for robocallers making legal robocalls that are accidentally blocked. It also asked how the FCC can best measure the effectiveness of illegal robocall blocking measures. FCC tasked the CGB and Federal Trade Commission (FTC) to issue a report in a year detailing how successful industry, government, and consumers have been in blocking illegal robocalls and remaining efforts. Much this work tracks CAC's recommendations. Mr. Stone thanked the CAC for their work in this area.

*Karen Peltz Strauss, Deputy Bureau Chief, CGB*

Ms. Peltz Strauss updated members on FCC's activities regarding disability access. The FCC recently adopted an order on hearing aid compatibility for wireline and wireless phones. This order did many things, such as adopt a revised volume control standard for wireline handsets to provide a more accurate measurement of voice amplification and require that wireline phones that use advanced communications services have hearing aid compatibility. It also requires that all newly certified hearing aid compatible wireless handsets include volume control suitable for consumers with hearing loss within three years. Although this is intended to serve the needs of consumers with hearing loss, it will likely also benefit consumers without hearing loss. Rules revising the FCC's video programming complaint procedures and creating a compliance ladder for closed captioning quality complaints went into effect December 2017. The FCC also granted a final extension on the waiver for a class of video gaming software that can access advanced communications services.

The PSHSB recently released a public notice seeking comment on the effectiveness of emergency communications during the 2017 hurricane season. Comments were sought on the experience of people with disabilities. In January, PSHSB and the Disability Rights Office (DRO) cohosted a roundtable about EAS to gather information about EAS's accessibility. In an item geared towards improving the geotargeting standard of WEA, the FCC also required that WEA-capable mobile devices preserve alerts for 24 hours and keep them accessible for people with disabilities. Text-to-911 is becoming increasingly available in the U.S., with Maryland announcing that it will be the next state to implement it. As of January 1<sup>st</sup>, several nationwide carriers have started implementing real-time text. Ms. Peltz Strauss thanked these companies for taking this step and for meeting the deadline. In November 2017, FCC issued a clarification about how real-time text needs to be put to use when emergency services' IP networks are used.

The nomination period for the Chairman's Awards for Advancements in Accessibility (AAA) closes in two days. Ms. Peltz Strauss encouraged members to nominate deserving entities for these awards. Winners will be announced at the M-Enabling Conference in June 2018. FCC currently has a trial for video relay services (VRS) that are able to provide services at home. In December, FCC announced that it had opened the user registration database for VRS users. The FCC has also been accepting renewal requests for VRS state certification. U.S. states and territories have to renew the certification for their own VRS systems every five years. The FCC's Disability Advisory Committee (DAC) will be holding a roundtable in April 2018 to discuss technical solutions for making real-time text compatible with braille devices and other assistive technologies.

*Roger Goldblatt, Associate Bureau Chief, CGB*

Mr. Goldblatt updated members on FCC's education and outreach activities. FCC has several activities planned for the upcoming National Consumer Protection Week, including educational booths for FCC employees. The FCC plans to start an interview-style show, in which different FCC policymakers give consumer tips in plain language. The FCC, in conjunction with the American Library Association, is also creating a poster and infographic series. Both of these have the goal of educating consumers in different and more compelling ways. Mr. Goldblatt said that the FCC knows that it needs to go out and educate consumers rather than expect them to come to the FCC. The CGB is working to make its newsletter focus more on upcoming events rather than recap past events.

*Discussion*

Member Seifer asked if organizations other than libraries can request a poster. Mr. Goldblatt responded that they can and that these posters will also be available online for download. He added that the FCC welcomes input for poster topics. Member Grant asked if the educational materials will be produced in languages other than English. Mr. Goldblatt responded that the materials are always produced in both English and Spanish. Lately, the FCC has also been producing materials in three Asian languages, with plans to add more languages. Materials can also be requested in braille. Ms. Peltz Strauss added that the FCC has coordinated its efforts and has created an American Sign Language library.

Member Berlyn asked how the FCC plans to notify consumers about text-to-911, including those outside of the disability community. Ms. Peltz Strauss said that PSHSB staff would be better able to answer this question. Chair Bartholme asked what happens when consumers who use text-to-911 are not in a text-to-911 service area. Ms. Peltz Strauss responded that the FCC requires a bounce-back message to be sent in these cases. At this time, consumers should use voice first and should only use text-to-911 if they have no other alternative. Hopefully this will change over time because enough areas have text-to-911 service. The FCC doesn't have jurisdiction over the public-safety answering points (PSAPs).

### **Consumer Inquiries and Complaints Division Update**

Micah Caldwell, Attorney Advisor, Office of the Bureau Chief, CGB

Ms. Caldwell has recently taken over for D'wana Terry as the Front Office Manager for the Consumer Inquiries and Complaints Division (CICD). She is relatively new to the role and so didn't have many updates to provide at this time. She wanted to introduce herself and expressed her excitement in working with the CAC in the coming months. She's pleased that the CICD already implemented some of CAC's recommendations prior to her coming on board. There are a few recommendations that the CICD is still looking into, including one about an app that consumers can use to file an unwanted calls complaint from their mobile device. CICD was able to implement a CAC recommendation for a separate button for unwanted calls complaints fairly quickly, and this change has been well-received. CICD has also received positive feedback for the materials it provides to consumers who file a complaint. These materials make it clear that the consumer's complaint is important, but also manages expectations. For example, FCC will realistically not be able to prevent consumers from receiving all unwanted calls. Ms. Caldwell wants to make the Consumer Complaints Center as consumer friendly and helpful as possible. CICD has a new permanent division chief, Sharon Wright.

### *Discussion*

Member Pociask asked what the probability is that the FCC will be able to resolve problems regarding unwanted calls using consumer complaint data. Ms. Caldwell responded that the FCC can use consumer complaint data to provide relief for consumers more broadly, such as in policy decisions and enforcement actions. Chair Bartholme asked if CICD could continue to work on a single complaint submission that would go to the FCC and FTC. He also thanked James Brown at the CICD for his work.

### **Review of FCC's Role in Disaster Response**

Chris Anderson, Chief, Operations and Emergency Management Division, Public Safety and Homeland Security Bureau (PSHSB)

Mr. Anderson gave the presentation. Per the Communications Act of 1934, the FCC should promote life, safety, and national security in the use of communication systems. The National Preparedness Framework explains how federal departments and agencies should coordinate with one another and with federal, state, territorial, tribal, and local governments during disasters. Mr. Anderson's presentation will mostly focus on the FCC's role in disaster response and recovery. The FCC's key partners in this are the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS). During disasters, the FCC's role is to compile and analyze communications

infrastructure, outage, and restoration information, assign radio frequencies to licensees, assist with the provision of communications support to federal, state, tribal, territorial, and local governments, conduct outreach, and deploy personnel as needed. Many of the FCC's day-to-day activities promote and enable a resilient communications infrastructure.

Mr. Anderson described some of FCC's preparatory activities in the lead-up to a disaster. These activities include communicating daily with federal partners and industry providers and conducting outreach with constituencies such as public safety officials. During the 2017 hurricane season, the FCC also created specific webpages, linkable from the FCC homepage, for all of the information regarding a specific disaster. FCC's role in disaster response is to 1) promote, develop, and share situational awareness, 2) take regulatory actions to give licensees the flexibility they need to respond to incidents and reconstitute their communications capabilities as rapidly as possible, and 3) facilitate other assistance. FCC's cornerstone in developing situational awareness is its Disaster Information Reporting System (DIRS). DIRS is a portal that industry members use to report their status to FCC after a disaster. DIRS gives FCC detailed, county-level information about the status of service, equipment, etc. and gives industry members a more direct line to communicate their needs to the FCC. DIRS information is then compiled, analyzed, and shared daily with the public. FCC also develops situational awareness through direct measuring and monitoring of the radio frequency (RF) spectrum. FCC in part uses RF sensing to look at AM, FM, and TV broadcasts in order to understand what is available in terms of public messaging. FCC also gathers information about sectors that can affect communications, such as transportation and energy, and shares relevant regulatory actions taken by other federal agencies.

Different regulatory actions that FCC can take to give licensees flexibility to respond to disasters include granting special temporary authority, extending administrative deadlines, changing numbering rules so that dormant numbers in impacted areas aren't recycled as quickly, accelerating Universal Service Fund (USF) funding, and granting experimental licenses. During disasters, FCC tries to respond to assistance requests from citizens, service providers, and other agencies in regards to communications issues as much as possible. Service providers often request assistance in getting access to their facilities and to generators and fuel. Much of FCC's assistance boils down to helping state and local incident responders understand the strategic impact of a given communications asset so they can make informed prioritization decisions. FCC also has a role in establishing and operationalizing the Wireless Resiliency Cooperative Framework (WRCF). In December 2016, the WRCF was adopted by major wireless providers, CTIA, and FCC. It provides a five-pronged approach to enhancing coordination during emergencies. In the WRCF, carriers agreed to provide reasonable roaming under disaster arrangements where it's technically feasible and provide mutual aid to one another when feasible. Under WRCF, entities also agreed to help with municipal preparedness, consumer readiness and preparation, and public awareness.

In December 2017, FCC released a public notice seeking a broad set of inputs from service providers and consumers about how communication systems fared during the 2017 hurricane season. Although FCC is still reviewing responses to this notice, it has already identified some themes. Many responses highlighted the importance of taking resiliency measures before disasters and underscored the critical connections between communications restoration and electric power restoration. FCC hopes to continue to build upon this record.

### *Discussion*

Member Johnson asked for more information about coordination at the local level, and whether this coordination is done in a top-down or bottom-up fashion. Mr. Anderson responded that coordination happens in both directions. Before disasters occur, FCC conducts significant outreach to law enforcement and local governments. Federal agencies don't have the authority to order local law enforcement to let service providers back into impacted areas, but can educate law enforcement about why doing so is necessary. FCC works to establish person-to-person relationships in order to make communication more efficient at the local level during disaster response. Member Umansky spoke about the issue of first responders and emergency personnel not being able to communicate with one another during disaster response, and asked why this is still happening in 2018. Mr. Anderson responded that David Furth would be better

suited to answer this question. He added that during disaster response, a huge effort is put into a frequency management plan. Member Lieberman congratulated the FCC on its disaster response efforts and developments. He added that organizations that represent small and medium-sized cable operators could benefit from more information about available FCC disaster-related resources. Mr. Anderson said that FCC is planning to hold a preparedness meeting with different industry members sometime in late spring.

### **Blue Alerts & Wireless Emergency Alerts**

Gregory Cooke, Deputy Chief, Policy and Licensing Division, PSHSB

Mr. Cooke gave the presentation. FCC regulates two public alert and warning systems: EAS and WEA. Specifically, FCC regulates the service providers for the platforms for these alerts. WEA is a voluntary program; however, once in, wireless providers must follow the program's rules. EAS is a mandatory program because participants must be able to deliver national emergency alerts from the president. However, other EAS alerts, such as weather alerts, are voluntary. Over the past few years, FCC has been conducting nationwide tests of the EAS system to ensure all 25,000 participants are able to receive and send alerts to the public. The most recent test was conducted on September 27, 2017. The initial results for this test showed that the system worked as intended. This test also tested alerts that are received by participants through FEMA's Integrated Public Alert and Warning System (IPAWS). Alerts received through IPAWS have rich, IP-based data. This gives participants capabilities such as receiving and releasing alerts in multiple languages. FCC is advancing IPAWS to take advantage of IP-based technologies. Some participants reported technical difficulties in receiving IPAWS messages, but overall it was very successful. Over the past few years, FCC has added functionalities to EAS, the most recent of which is Blue Alerts. FCC issued a NPRM to develop a new and specific EAS event code for Blue Alerts in part to simplify the public aspect of Blue Alerts. FCC adopted the new Blue Alert EAS code on December 14, 2017, and it will go into effect in two years. FCC is continuing to work with the Department of Justice to get this system up and running in an effective fashion.

The WEA system has been running since 2012. In December 2016, FCC adopted an order to strengthen WEA and make it more effective. The order extended the character length of messages and added functionalities to WEA; for example, the ability to embed URLs in the alerts. The order also narrowed where alerts are sent to from the entire county to a polygon of the affected area. In January FCC narrowed this further by limiting alerts to be sent only within the actual polygon. FCC has suggested this be done by augmenting information sent by the National Weather Service and others. The end goal is that alerts only be sent to those who are in the affected area. FCC has created a new class of alerts called public safety messages. This class of alerts was created to convey essential recommended actions to save lives and property that are associated with an imminent threat. FCC has required that WEA messages be provided in Spanish.

### **What Consumers Should Know About First Responder Communications and FirstNet**

David Furth, Deputy Bureau Chief, PSHSB

Roberto Mussenden, Attorney Advisor at the Policy and Licensing Division at PSHSB, was initially scheduled to give this presentation. However, Mr. Mussenden was deployed to assist in Puerto Rico, and so Mr. Furth gave the presentation. Mr. Furth discussed FCC's specific responsibilities for first responder communications, and addressed Member Umansky's previous question about the interoperability of first responder systems. FCC is responsible for licensing spectrum for all types of services, including public safety radio spectrum. Specific bands in the spectrum have been dedicated for public safety use. Some bands have been in use since the 1930s and '40, while others were opened more recently. Systems are licensed by FCC and are on multiple bands. One thing that affects interoperability is that different police and fire departments might be using different bands for their system. Many rural areas favor the older very high frequency (VHF) and ultra high frequency (UHF) bands, while many suburban and urban areas

favor the newer 700 and 800 megahertz (MHz) bands. As technologies have evolved, most radios can support interoperability. As a result, local and state agencies are often the ones that choose whether or not to have interoperability. DHS has funded a program in which statewide interoperability coordinators work to make systems within a state interoperable. Interoperability is improving but is still an issue at the state and local level, and is variable across the U.S. Due to this variability consumers should work to understand the level of interoperability in their community. Although FCC can make interoperability a possibility, it can't make it happen at the governance and operational level.

The 9/11 Commission found that first responder interoperability was a significant issue during the 9/11 attacks. One of the things that came out of this finding was the 2012 legislation that created FirstNet. FirstNet's vision is to create a nationwide public safety broadband network that is fully interoperable and is governed at the national level. The legislation required FCC to allocate spectrum to be licensed to FirstNet, set up FirstNet's governance structure and funding mechanism. The funding mechanism was to take funds from FCC auctions and dedicate them to the build-out of FirstNet. FirstNet is an innovative and dynamic way of addressing the interoperability challenge. FirstNet would primarily support data and not necessarily voice. Most first responders still primarily rely on voice communications, in large part because many radio frequencies can't support data. FirstNet's vision is to provide public safety the opportunity to also access data, because there are many situations where data would be helpful to first responders. FirstNet is required to use commercial broadband technology but, because it has dedicated spectrum allocated by the FCC, is not limited to operating on commercially-allocated bands. This means that FirstNet will have spectrum available no matter how congested the commercial networks are.

FirstNet is beginning to be deployed and provide service for public safety. FirstNet entered into a contract with AT&T, making them partners in building the network. The legislation gave states the option to opt out of FirstNet and build their own network, provided it is interoperable with FirstNet. No state took this option, meaning FirstNet will be built and deployed in all U.S. states and territories. Public safety entities are not required to use FirstNet, but it provides an option that public safety has not had before.

### *Discussion*

Member Johnson asked if non-interoperable systems tended to be the result of different hardware providers or technical standards. Mr. Furth responded that it varies. State and local governments need to keep interoperability in mind when making decisions in buying hardware, because these are long-term purchases. Making the decision to create an interoperable system is complicated and goes beyond hardware purchases. Member Herrera asked if the FCC is keeping track of where first responder interoperability is strong and where it isn't. Mr. Furth responded that the FCC doesn't have the resources to monitor which systems are interoperable and which aren't; rather, it makes sure that systems aren't interfering with one another and are complying with FCC's technical rules. However, there are several resources at the federal level that provide technical assistance and grant funding to jurisdictions working to address interoperability issues. However, interoperability solutions and planning have to be done from the bottom up because of the local nature and governance of first responder systems. It is challenging to anticipate interoperability needs.

### **Update on Next Generation 911 Service**

David Furth, Deputy Bureau Chief, PSHSB

Mr. Furth gave the presentation. The 911 system recently celebrated its 50<sup>th</sup> anniversary. 911 was originally developed to work with landline telephones but has had to keep up with evolving technologies. 911 services are provided at the local level. FCC's regulatory role in 911 has been to regulate commercial carriers to ensure that they support 911, including with changing technologies such as wireless and voice over IP (VOIP) phones. FCC has had to make technological changes to the 911 system, the most recent of

which is Next Generation 911 (NG911). NG911 has two basic components: 1) ensuring that 911 keeps up with changing technology by becoming an IP-based system, and 2) expanding the 911 system so that it can support forms of communication beyond voice, i.e. texts, pictures, videos, etc. Making the switch to an IP-based system should be seamless for consumers. However, it will be challenging because it will require new technology for carriers and PSAPs. Four years ago, FCC mandated that carriers support text-to-911. However, it does not have jurisdiction over PSAPs to mandate them to do the same. FCC has been encouraging communities across the U.S. to adopt text-to-911. At this point, about 1/3 of counties in the U.S. support text-to-911. NG911 requires a lot of action at different levels of government because no one agency has control over the entire ecosystem.

### *Discussion*

Chair Bartholme asked about FCC's role in making consumer fees for 911 service more transparent. Mr. Furth responded that 911 fees are set by states. FCC's role is to collect data on states' fee collections and expenditures and issue a yearly report. This report, among other things, identifies which states are spending this money on things other than 911.

### **ATSC 3.0: Next Steps**

Evan Baranoff, Attorney Advisor, Policy Division, Media Bureau (MB)

Mr. Baranoff gave the presentation. In November 2017, FCC released a report and order (R&O) and FNPRM authorizing broadcasters to use ATSC 3.0 on a voluntary, market-driven basis while continuing to deliver ATSC 1.0 to viewers. ATSC 3.0 is the first transmission standard to combine the advantages of broadcasting and the internet. It enables enhanced and innovative features to consumers, such as superior reception, enhanced accessibility features, and advanced emergency alerting capable of waking up sleeping devices. FCC requires that stations use local simulcasting to protect viewers during ATSC 3.0 deployment by broadcasting their primary video programming stream of ATSC 3.0 channels in 1.0 format. Local simulcasting will be done through voluntary partnerships between two or more stations in a market. Low power TV (LPTV) stations and TV translators have been provided a blanket exemption to this requirement. FCC will consider waivers from high power and Class A stations to the local simulcast requirement on a case-by-case basis.

An ATSC 1.0 simulcast channel that is moving to a host station must continue to cover its entire community of license. Applications that don't result in a loss of more than 5% of the existing population will receive expedited processing; other applications will be processed within 60 business days. 1.0 and 3.0 channels broadcast on a partner host station will be licensed as temporary channels of the originating broadcaster. Broadcasters will be authorized for both their 1.0 and 3.0 channels under their existing license. Programming on a broadcaster's 1.0 and 3.0 stream must be the same except for features available on 3.0's advanced technology. This requirement will be sunsetted after five years if there is no further action to extend it. While the FCC requires simulcasting, ATSC 1.0 signals will retain mandatory multichannel video programming distributor carriage (MVPD) rights and ATSC 3.0 signals will not have these carriage rights. 1.0 channels moving to a temporary host facility can retain rights if they continue to qualify at the host facility location. The R&O leaves voluntary carriage of 3.0 signals to marketplace negotiations.

Consumer education is crucial for the smooth transition to ATSC 3.0. Stations will need to inform consumers if they are changing channels, and consumers will need to be encouraged to rescan receivers for new channel assignments. Stations that move their 1.0 channel due to 3.0 deployment must tell consumers through daily, on-air public service announcements (PSAs) or crawls 30 days prior to moving the channel.

The FNPRM raises three issues related to local simulcasting: 1) whether more guidance is necessary in regards to exemptions and waivers of the requirement, 2) whether full power stations should be allowed to temporarily use vacant channels to facilitate the transition to 3.0, and 3) the tentative conclusion that local simulcasting should not change the significantly viewed status of ATSC 3.0 TV stations. Comments for the FNPRM were due February 20, and replies are due March 20. FCC received 19 comments as of February 22. The R&O, except for the simulcasting rules, will take effect March 5.

The new licensing rules require approval from the Office of Management and Budget (OMB) and will require changes to FCC's Licensing and Management System (LMS) database. FCC anticipates completing both of these tasks by the beginning of 2019. FCC is considering using its special temporary authority process for entities that need to begin ATSC 3.0 deployment earlier than next year. Pearl TV and the Sinclair Group have begun market trials but have not yet formally filed with the FCC.

### *Discussion*

Chair Bartholme asked if anyone has approached FCC about coordinating ATSC 3.0 deployment with the repack efforts related to the recent incentive auction. Mr. Baranoff responded that no one has filed with the FCC to this effect. He added that 3.0-capable consumer devices are not expected to be available until 2020, and so FCC doesn't know the timing of the 3.0 broadcast rollout. Member Pociask asked what kind of equipment consumers will need. Mr. Baranoff responded that the local simulcasting will allow consumers to access stations on their existing devices. Consumers who want to take advantage of 3.0 enhancements will need to update their equipment.

### **Unwanted Call Blocking R&O and FNPRM –Measuring Effectiveness of Call Blocking Efforts and Development of Joint FCC/FTC Report**

Kurt Schroeder, Chief, Policy Division, CGB

Karen Schroeder, Attorney Advisor in the Policy Division at the CGB, was initially scheduled to give the presentation. Kurt Schroeder gave the presentation in her place. In November 2017, FCC adopted an R&O and FNPRM on unwanted call blocking. The R&O included new rules and directed the CGB to work in consultation with the FTC to develop a report on the state of robocalling in the U.S. The new rules, which went into effect February 12, 2018, allow VSPs to block certain types of spoofed calls. These rules were discussed earlier in the meeting during Mark Stone's presentation. These rules are meant to provide VSPs the flexibility to block illegal calls and outline specific and well-defined circumstances in which calls are highly likely to be illegitimate.

The FNPRM seeks comments on potential challenge mechanisms for erroneously blocked calls. The FNPRM asks whether different mechanisms should be used based on the size of the blocking provider, what mechanisms providers are currently considering, and how to prevent abuse of the mechanism. It asks how callers should be informed when their calls are blocked and how to ensure that erroneously blocked calls will be unblocked. The FNPRM also seeks comment on how to best measure the effectiveness of FCC's and industry's efforts to combat illegal robocalls, and whether the FCC should adopt a reporting obligation for VSPs. It is a valid question whether the FCC has enough data from the Consumer Complaint Data Center to use as a benchmark to determine effectiveness or if it needs more. The comment period for the FNPRM has closed, but parties can still make ex parte presentations.

The CGB has been directed to prepare a report on robocalling in the U.S. This report should review the issue of robocalling, discuss progress made by industry, government, and consumers in combating illegal robocalls, and examine remaining challenges. The report should focus on quantitative data and is due in January 2019.

## *Discussion*

Member Grant asked, for purposes of the report, if the CGB will ask carriers what measures they have implemented so far. Mr. Schroeder responded that the CGB would like this information, but doesn't know yet if it will require carriers to provide it. Member McEldowney said that he was surprised by this answer and didn't know how the report would be effective without requiring this data from carriers. Chair Bartholme encouraged CGB to use CAC as a resource if needed.

### **Consideration of Call Authentication Recommendation**

Kevin Rupy and Eduard Bartholme, Robocalls Working Group, Co-chairs

The CAC considered a call authentication recommendation from the Robocalls Working Group. The recommendation focuses primarily on call authentication technology and tools but has action items focused on combating robocalls more broadly. Member Rupy thanked the Working Group for their work. He added that spoofing not only tricks consumers but makes it difficult for blocking and labeling services to stay on top of and combat bad actors and for law enforcement to trace calls. Member Witanowski made a motion to move the recommendation to the floor, which was seconded by Member Kearney and passed unanimously. Member Witanowski thanked the Working Group for their work on the recommendation. There being no other comments, Member Berlyn moved to pass the recommendation. The motion was seconded and passed unanimously.

### **Report Back From Working Groups**

Member Pociask presented on behalf of the Broadcast Repack Working Group. The House of Representatives Energy and Commerce Committee recently passed the RAY BAUM Act, which sets aside funding for a consumer education fund. The Working Group will be thinking about and potentially working on a recommendation that would have some principles on how that money would be best spent. One option is using it to coordinate with groups on the ground to reach consumers impacted by the transition. If the bill passes, the Working Group hopes that the FCC will give a presentation to the CAC on lessons learned from the TV transition.

Member Fazlullah presented on behalf of the USF Digital Inclusion Working Group. The Working Group has decided to put together a Lifeline recommendation and refresh its original recommendations for the current Lifeline docket. It will check in with FCC staff to figure out timing. Depending on timing of the Lifeline order, the Working Group may be able to pass through the recommendation at the June CAC meeting or may have to request a separate phone meeting before the June meeting to do so. The Working Group envisions using some new language and some refreshed, and intends to put this recommendation in the NPRM.

Member Grant presented on behalf of the Slamming and Cramming Working Group. Although Working Group members have divergent views on slamming and cramming, there are some areas on which they can agree for a recommendation. The Working Group members agree that more can be done to create innovative consumer education tools about slamming and cramming. The Working Group agrees that the difference between slamming and cramming should be made more understandable on the FCC's consumer complaint form so that FCC can receive the most accurate data possible. It agrees that FCC should continue focusing its enforcement efforts to combat the problem. It believes that the FCC should make misrepresentations in sales of telephone service illegal. The Working Group discussed what a reasonable amount of time for carriers to maintain records of sales would be, but did not yet reach consensus. One member of the Working Group expressed the concern that carriers will be on the hook for strict liabilities, leading the Working Group to want to develop a solution that will assuage this concern while still combating misrepresentations in telephone service sales.

Member Rupy presented on behalf of the Robocalls Working Group. The Working Group discussed if there are any areas it can work on with respect to the upcoming CGB report on robocalling. It discussed robocall enforcement and ways to encourage stronger law enforcement action against bad actors such that those bad actors face criminal penalties rather than just civil penalties. The Working Group is also interested in exploring the topic of erroneously blocked and labeled calls.

### **Comments from the Public**

There were no public comments.

### **Wrap up and Next Meeting**

Member Umansky said that the Telecommunications Research and Policy Institute will be releasing part one of its Net Vitality Report in March and part two in June. He would like to have a more substantive discussion about this report at the CAC's June meeting. Member Grant announced that the Consumer Federation's Consumer Assembly will take place in D.C. on May 10-11. The meeting will have a session on robocalls. Member Fazlullah announced that NDIA will be holding its Net Inclusion meeting in Cleveland, Ohio on April 17-19.

The CAC's charter expires in late October. Therefore, Chair Bartholme and Mr. Marshall flagged June 8<sup>th</sup> and 11<sup>th</sup> and October 15<sup>th</sup> and 19<sup>th</sup> as possible next meeting dates. After some discussion, Chair Bartholme asked members to hold June 8<sup>th</sup> and October 15<sup>th</sup> and 19<sup>th</sup> as possible next meeting dates. He and Mr. Marshall will work to finalize this as soon as possible.

### **Adjournment**

Chair Bartholme thanked members for their work and attendance. A motion to adjourn the meeting was made, seconded, and passed unanimously. There being no other comments, Chair Bartholme adjourned the meeting at 2:50 pm.