

CONSUMER ADVISORY COMMITTEE MEETING

Federal Communications Commission

Commission Meeting Room TW-C305, 445 12th Street, Southwest, Washington, DC

Friday, June 8, 2018

Welcome & Call to Order

Eduard Bartholme, CAC Chairperson

Eduard Bartholme, Chairperson of the Consumer Advisory Committee (CAC), called the meeting to order at 9:02 am.

Introductions & Meeting Logistics

Scott Marshall, CAC DFO

Scott Marshall, the Designated Federal Official (DFO) of the CAC, gave an overview of the meeting logistics. He welcomed members and thanked them for their attendance. Chair Bartholme thanked the American Cable Association (ACA) for providing breakfast and lunch for the meeting. CAC members introduced themselves.

Remarks of Chairman Ajit Pai

FCC Chairman Pai welcomed members and thanked them and the CAC's leadership team for their work. CAC brings tremendous value to the FCC by bringing in expert advice from consumer advocates and the private sector. CAC notably covers a wide array of issues. Chairman Pai updated CAC on FCC's work on several of these issues.

One of FCC's top priorities over the past several years has been repurposing high-band spectrum for 5G. On June 7, FCC finalized rules for use of the 24 gigahertz (GHz) band and advanced the ball on the lower 37 GHz band. FCC proposed freeing up more spectrum on the 26 and 42 GHz bands for flexible wireless use. 5G is a big opportunity for U.S. innovators and consumers; FCC wants to foster innovation and investment and wants consumers to benefit from this innovation.

During his travels throughout the U.S. states and territories, Chairman Pai has received a lot of feedback from consumers expressing interest in being able to access modern, resilient technologies like optical fiber. On June 7, FCC adopted an order to make it easier for companies to discontinue outdated legacy services and transition to networks of the future. FCC wants to work with CAC and others to minimize disruptions to consumers during the transition process and to increase access to modern networks and technologies.

On June 7, FCC set internet protocol captioned telephone service (IP CTS) compensation rates that are closer to the actual provider costs. This accounts for recent growth and puts IP CTS on a more sustainable footing going forward, which will allow more users who need the service to receive it. FCC also adopted rules that contain a clear ban on misrepresentations made during sales calls to switch carriers and a prohibition against placing unauthorized charges on consumers' phone bills. FCC added to its anti-slamming rules by clarifying that carriers who abuse the third-party verification process (TPV) will be suspended from using it for five years.

The post-incentive auction broadcast transition is well underway. The FCC's Incentive Auction Task Force has regularly briefed the CAC on FCC's efforts to prepare TV viewers for the transition, and will do so again during this meeting.

Overall the past several months, FCC has been empowering voice service providers to stop spoofed robocalls from reaching consumers and encouraging the development of a call authentication standard. It has proposed a reassigned numbers database and has approved an enforcement penalty (the largest ever imposed by the FCC) against a robocaller in Florida. CAC's recommendations on call blocking, caller ID authentication, and consumer education have been extremely valuable. He thanked CAC for these recommendations and looks forward to more.

Consumer and Governmental Affairs Bureau (CGB) Update

Mark Stone, Deputy Bureau Chief, CGB

Patrick Webre, Chief of the Consumer and Governmental Affairs Bureau (CGB), was unable to attend today's meeting and sends his regrets. CGB has been busy working on robocalls and slamming and cramming.

In March, FCC issued a Notice of Proposed Rulemaking (NPRM) addressing the reassigned phone numbers issue. This is when the number of a consumer who has given consent to receive a robocall is reassigned to a new consumer. To address this issue, the NPRM proposes that one or more databases with comprehensive and timely information be made available to callers so they can avoid calling reassigned numbers. The NPRM sought comment on the information callers would use in this database. The NPRM also sought feedback on three alternative ideas for service providers to report this information:

- 1) Require service providers to report reassigned number information to a single FCC-designated database.
- 2) Require service providers to report reassigned number information to one or more commercial data aggregators.
- 3) Ask service providers to report reassigned number information to one or more commercial data aggregators on a voluntary basis.

In March, CGB sought comment on several key terms and concepts in the Telephone Consumer Protection Act (TCPA), such as autodial and revocation of consent, and other issues such as robocalls from federal and other government contractors. This was done in response to a DC Circuit decision related to TCPA. The comment cycle closes on June 28.

Karen Peltz Strauss, Deputy Bureau Chief, CGB

On June 7, FCC adopted an item that not only changes the IP CTS compensation rates but also works to modernize the service by allowing the use of fully automated captioning and speech recognition services. FCC will now receive petitions from service providers that want to provide IP CTS with these fully automated services, and will only approve those that are able to meet the mandatory minimum standards to ensure functional equivalent service for those with hearing loss. The item also explores the idea of shifting some of the responsibilities for administering IP CTS to the states, including some funding responsibilities. The item notes a petition to include intrastate revenues in IP CTS funding. IP CTS costs about \$1 billion per year. FCC is also examining provider practices to ensure that marketing practices are legitimate and producing customers who need the service.

On April 10, CGB sent out a request for public comment on the most recent states that applied to renew their state program certifications: Illinois, Oregon, Wyoming, and Pennsylvania. Comments are due June 11. CGB has a public notice (PN) on what compensation rates should generally be for all telecommunications relay services (TRS), as well as the appropriate contribution factor, i.e. how much money should be collected from each carrier. These issues must be resolved by June 30 because the new rates go into effect July 1. On May 18, CGB released a PN in regard to a petition filed by ITTA to make it permissible for telephone companies to include the surcharge for TRS in the

description for a line item charge on customers' telephone bills. Comments are due June 18 and replies are due July 3.

FCC's third biennial report to Congress on the 21st Century Communications and Video Accessibility Act (CVAA) is due in October. CGB released a PN on April 5 inviting comments to help prepare the report and will be releasing a PN later in the summer to seek comments on tentative findings. CGB is looking for information on the level of compliance with accessibility requirements, the extent to which accessibility barriers still exist, and the extent to which FCC's record-keeping and enforcement rules have any effect on the development and deployment of new technologies.

By July 1, the amount of video programming required to have audio narrators will increase by 75%. Audio narrators are used to provide information to those who are blind or visually impaired about what is occurring on the screen when there is no dialogue or audio. This will cover several major cable channels such as USA and TBS as well as ABC, CBS, Fox, and NBC.

FCC's Public Safety Bureau (PSB) has recently sought comment on issues regarding wireless 911 call routing and the feasibility of including multimedia content in wireless emergency alert messages. It held a public roundtable to discuss the insufficient accessibility of the false missile alert released in Hawaii in January. PSB recently released a public report on the nationwide test of the Emergency Alert System.

In October 2017, FCC expanded the hearing aid compatibility rules. Phones should have better volume controls in the next year or so due to new standards and requirements.

Barbara Esbin, Deputy Bureau Chief, CGB

Ms. Esbin introduced herself and gave some background on her time at FCC because this is her first time attending a CAC meeting. She oversees the governmental affairs side of CGB through the Office of Intergovernmental Affairs (IGA) and the Office of Native Affairs and Policy (ONAP). IGA is currently assisting in the review and selection of members for the Intergovernmental Advisory Committee (IAC). IAC was recently expanded from 15 to 30 members in order to align its size more closely to that of other FCC advisory committees. IAC's purpose is to provide guidance on issues of concern to state and local governments that are under the FCC's jurisdiction. ONAP is currently assisting in the review and selection of members for the newly reconstituted and reauthorized Native Nations Communications Task Force. The Task Force's mission is to provide recommendations to FCC on communications-related issues that affect tribal interests that will enhance FCC's ability to carry out its statutory mission and engage in government to government consultations with tribal nations.

Howard Parnell, Chief, Web and Print Publishing Division, CGB

The Web and Print Publishing Division (WPPD) develops and maintains consumer-focused content. Content can be found on the Consumer Help Center and includes alerts, hub center posts, and the Consumer Guide Library. The unwanted calls and robocalls suite is the most frequently visited page. WPPD is developing more translation services and has added four Asian-American languages to its translations. It is exploring adding French and expanding the Asian American and Pacific Islander (AAPI) languages used in order to tailor outreach content for the Gulf region in light of the upcoming hurricane season. WPPD is working with the Incentive Auctions Task Force to create content for the transition period.

Discussion

Member Ellrod asked what the expected timeframe is for adding IAC members and why IAC operations were put on hold during member recruitment. Ms. Esbin responded that recruitment should finish shortly and that operations were put on hold because once the membership was expanded, IAC didn't have enough members for a quorum. Member Morris asked if there are any lessons learned that CGB will be applying to this hurricane season from last hurricane season. Ms. Peltz Strauss responded that CGB found that there is still a need for access at emergency shelters. One of

FCC's recently adopted items includes language to make it easier for anyone to get access to relay services at emergency shelters. CGB will likely need to do more policy work on this topic. Member Wein asked if consumer disaster relief materials include information on the Lifeline program. Mr. Parnell responded that Lifeline content is available but that he will look into better integrating it into the overall disaster relief package. Ms. Peltz Strauss suggested that Lifeline content be added to the FCC's American Sign Language (ASL) library, if it has not already been done.

What's Ahead in 5G and Other Spectrum Band Uses

Becky Schwartz and Jonathan Campbell, Legal Advisors, Office of the Bureau Chief, Wireless Telecommunications Bureau (WTB)

FCC's approach to spectrum policy is based on a proven three-part formula: make more spectrum available for licensed and unlicensed use; adopt flexible, technology-neutral, light-touch rules; and remove unnecessary regulatory burdens and stay out of the way of technological development and the details of implementation. FCC will continue to apply this approach to a variety of bands, including low-, mid-, and high-frequency spectrum. These have the potential to unlock innovation and new consumer-centric applications. The bands will build upon 5G and will drive new use cases across vertical markets.

Low-frequency spectrum is characterized by its wide area of propagation and its penetration abilities. In 2017, FCC closed the Broadcast Incentive Auction. The auction repurposed 84 megahertz (MHz) of low-band spectrum in the 600 MHz band from broadcast television to flexible wireless use licenses. FCC is in the midst of the 39-month post-auction transition. It is currently reviewing the applications of those who bought the licenses and has granted over 90% of these licenses. Some licensees have begun deploying in areas where they will not interfere with the broadcast stations that have not yet been relocated. It is an ongoing effort but everything is on track.

Although mid-band spectrum goes up to 24 GHz, FCC has been focusing on the 3.5, 3.7 to 4.2, and 6 GHz bands in its rulemaking proceedings. The 3.5 GHz band is exciting because FCC will be approaching licensing in a different way through the use of Spectrum Access System (SAS) coordinator. The coordinator will manage a different kind of licensing scheme that includes traditional licenses and general authorized access. The FCC has a pending NPRM on the 3.5 band and is certifying equipment in the band. It is also moving along the approval process for SAS, which is a highly automated frequency coordinator. FCC recently released a Notice of Inquiry (NOI) seeking comment on how it could use the 3.7 to 4.2 and 6 GHz bands more efficiently. It is going through the stakeholder comments it has received. Comments stated that the 3.7 to 4.2 band has room to use for flexible wireless services. There were comments on opening the 6 GHz band for greater unlicensed use as well as preserving current fixed service in the band. Other comments proposed mid-band uses such as licensed mobile use and point-to-multipoint. There was widespread support for protecting band incumbents from harmful interference. FCC will be voting on a proposal for rules in the 3.7 to 4.2 band at its July Commission meeting.

High-frequency spectrum is spectrum above 24 GHz. It is also called millimeter wave spectrum (MWS). In the past, it hasn't been suitable for mobile broadband due to its propagation characteristics. However, technological developments have made it possible for carriers to use it to provide low latency and high speed services. Providers have announced plans to use MWS to launch 5G services in multiple U.S. cities. On June 7, FCC adopted the most recent Spectrum Frontiers proceeding rulemaking. FCC continues to establish operational and licensing rules for MWS. There was a FNPRM that is seeking comment on opening up 2.75 GHz of spectrum in different bands.

FCC has adopted flexible wireless service rules for 12.55 GHz of MWS across five different bands for both licensed and unlicensed use. It has also adopted rules that maximize spectrum utilization in these bands by providing growth opportunities for both terrestrial and satellite services, especially for satellite services in rural areas. The June 7 Report and Order (R&O) added a geographic performance metric to the list of performance metrics carriers can use to meet build-out obligations. FCC hopes this will provide an opportunity for different types of services to grow. The R&O also adopted a licensing plan for the lower 37 GHz band and eliminated the pre-auction limit of 1250 MHz for MWS

bands that an entity can acquire and auction. FCC will instead do a post-auction case-by-case analysis of spectrum holdings. FCC has explored how to expand limited fixed satellite service use in the 50.4 to 51.4 GHz band. FCC will begin auctioning MWS this year.

Discussion

Member Defalco expressed his concern that 5G will not be fully available in rural areas. Ms. Schwartz said that 5G will be easier and cheaper to deploy now due to new equipment and licensing structures and thinks that this will be an exciting opportunity for rural areas. Member Ellrod asked where FCC got the proof that 5G has improved data rates and reliability. Mr. Campbell responded that this claim is based on reports received by the FCC as well as on work done by the Technology Advisory Committee. Member Johnson asked for more information on how small cell technology fits into the current infrastructure. Ms. Schwartz responded that small cells will be used in the high- and mid-frequency spectrums to provide new services and improve existing services. Member Taglang asked if there is a working definition of 5G. Ms. Schwartz responded that 5G is a broad term that refers to the new set of technologies and standards that apply to applications beyond wireless broadband, such as the Internet of Things. Member Leech asked if FCC has plans to incentivize providers to address the disparity of service between rural and urban communities. Ms. Schwartz responded that this issue is always at the forefront of FCC's mind and that they could discuss it further offline. Member Morris asked about the progress being made on wireless infrastructure. Mr. Campbell responded that progress is being made but that FCC still has some questions to think through from the NPRM and NOI. Chair Bartholme asked for examples of the incumbents mentioned earlier during the presentation. Ms. Schwartz said incumbents include the Department of Defense, satellite operators, and private entities.

How Consumers Can Benefit from the Enhanced Repack DTV Mapping Tool

Charles Meisch, Senior Advisor for Policy and Communication, FCC Incentive Auction

Since Mr. Meisch's last CAC briefing, FCC has added three new consumer resources to complement its existing consumer guides, FAQs, and PSAs. First, in response to a CAC suggestion, FCC has a new video explaining the transition and importance of rescanning in ASL. Other organizations can link or embed this video on their sites. Second, FCC has collaborated with NAB to produce a cobranded one-pager explaining the transition. The document is available in ten languages (including English). Third, FCC has updated its digital television (DTV) map to reflect the outcomes of the auction and let consumers know which changes have or will occur. The map is available at www.fcc.gov/dtvmap. Consumers can enter their location in the map to see the signal strength of surrounding stations.

Discussion

Member Berlyn asked if there is a way for consumers to get terms defined on the DTV map. Mr. Meisch responded that historically the DTV map is a technical map, and so FCC is trying to find the sweet spot of how much technical jargon to use in the map. FCC could insert a glossary into the map if that would be helpful.

Panel: Broadcast Repack: Experience of Stations Which Have Already Transitioned

Moderator: Jean Kiddoo, Chair FCC Incentive Auction Task Force

Bohdan Zachary, General Manager, Milwaukee PBS, Milwaukee, WI

Dave Booth, Vice President and General Manager, WXOW, Lacrosse, WI and

Brady W. Creasler, Corporate Director of Engineering, Quincy Media, Inc.

The post-auction transition is well underway. Over 70 stations have moved to new channels, most of them via sharing arrangements with other channels in their markets. FCC has granted over 65 requests from stations to move earlier in the schedule, a few of which have already occurred. The 600 MHz has been cleared more quickly than anticipated. T-Mobile is already deploying 600 MHz in a lot of cities, including those in rural areas. Phase 1 of the transition will begin in September and end November 30. Stations in this phase must be off of their pre-auction channel by the end of the phase. FCC has been working with broadcast stations and the National Association of Broadcasters (NAB) to raise

awareness of the coming channel changes. More information can be found at TVAnswers.org. FCC is pleased with the current post-auction consumer resources but recognizes that it will need to expand these resources. In April, Congress appropriated \$50 million to support these consumer education efforts. The Incentive Auction Task Force is working with CGB to develop proposals to enhance the call center and outreach capabilities, and would appreciate feedback from the CAC and other stakeholders.

Ms. Kiddoo introduced the panel of speakers. The speakers represent stations that have already made the post-auction transition, and will present on the transition experience from the station perspective.

Mr. Zachary gave the first presentation. Milwaukee PBS has over 600,000 monthly viewers, about 38,000 of whom are members. More than 20% of Milwaukee PBS's viewers watch over the air. It is a licensee of Milwaukee Area Technical College (MATC). The MATC Board of Directors decided to relinquish WMVT bandwidth on the FCC spectrum auction and channel share on WMVS. Milwaukee PBS had a target date of January 8, 2018 to begin channel sharing and launched its post-auction consumer education campaign, titled "Plan to Scan", in October 2017. Milwaukee PBS interacts with its members on a daily basis and averages one live community event a month. The station has 65 full-time staff and produces six local news and public affairs shows. All of these shows participated in Plan to Scan messaging. This messaging included TV spots and crawls.

On January 8, PBS Milwaukee staff manned its phone bank from 9 am to 10 pm to answer viewer questions about the rescan process. Due to the high volume of calls, Mr. Zachary decided to keep the phone bank open through January 9. Staff had been training for months on the rescan process. Some commercial broadcasters were so overwhelmed by the amount of consumer calls they received on January 8 that they directed viewers to call Milwaukee PBS. Milwaukee PBS staff received a total of 589 calls between January 8 and 9. Some of these calls lasted as long as one hour. In May, there was an uptick of calls to viewer services due to residents who had left for the winter coming back. Milwaukee PBS did not anticipate the issues it had with third-party listing services. Mr. Zachary would encourage others to think through these issues.

Mr. Booth presented next. WXOW serves approximately 60% of the population in the La Crosse/Eau Claire market and is licensed in La Crosse, Wisconsin. Mr. Booth stated that there are two elements in the preparation for a channel change: the technical and the viewer side. Mr. Booth's team addressed the viewer side while Mr. Creasler's (who will be speaking next) team handled the technical side.

As a result of the auction, WXOW moved from radio frequency (RF) channel 48 to RF channel 28 on May 31, 2018. WXOW has to rebuild its antenna systems due to power changes and so will be operating under a special temporary authority for the first 6-8 weeks to use a side-mounted, lower power antenna. At times WXOW will have to reduce the antenna's power even further when there are workers working on it. This will cause some viewers to temporarily lose the channel even if they successfully rescanned their remote. WXOW anticipated several issues going into this process. First, roughly 20% of its viewers receive all of their TV service through an antenna, which is higher than the national average. WXOW knew its switch would be a big deal for its viewers. Second, WXOW is the first station in the market to change frequencies and the only one in the area doing so on May 31. Therefore, all of the responsibility to educate consumers about the transition fell on WXOW. Third, WXOW knew that because of the initial need to use a lower power antenna, a portion of the viewers would not be able to receive the channel until the antenna came back to full power. Fourth, due to antenna construction, a good portion of viewers would lose the channel sporadically even if they had successfully rescanned and received the channel. WXOW educated viewers about this construction and asked them not to rescan when they temporarily lost the channel. One of the ways it communicated low-power situations to viewers was by posting stories about it on its website.

WXOW launched an aggressive communication strategy to educate consumers about the rescan process. WXOW found the TVAnswers.org template very helpful. Between its three stations (ABC, CW, and Decades), WXOW ran 1800 ads in an eight-week schedule. Half of these ads were prepared spots from TVAnswers.org, and half were locally-produced spots featuring local news anchors. WXOW plastered its website and social media sites with stories and

information about the transition. It sent short message service (SMS) messages to viewers subscribed to its weather and news apps. WXOW created a separate phone line for viewers to call before and after May 31 for instructions on how to rescan.

It's been about seven days since WXOW made the transition. The technical side of the transition went as planned. There were some issues with overheating early on, but WXOW quickly got it under control. WXOW received 220 phone calls, most of them within the first 48 hours of the rescan. Their news phone line unexpectedly received a lot of these calls because this was the number many viewers know by heart. WXOW had success with about 80% of callers after walking them through the rescan process. Of the remaining 20%, WXOW determined that about 10% had problems due to the lower power antenna. WXOW staff recorded the names and numbers of these viewers and will call them when WXOW is back to full power. 5% of callers got help from family and friends instead. The remaining 5%, for whatever reason, were unable to resolve the issues over the phone, and so WXOW is sending out staff to conduct home visits to complete the rescan. WXOW asked callers where they were calling from at the beginning of the call so that they would understand if they were having issues with the lower power antenna.

Mr. Creasler agreed that the transition went well from the technical side. That being said, there were still a few issues. For example, WXOW had to wait four to five weeks to start on the tower construction because of weather. He believes many stations in the north will have this issue of weather-related delays. Before WXOW made the transition, it put its transmitter on the air in a test environment. It made it so that if viewers rescanned early they would not receive the channel. In hindsight, Mr. Creasler would do this differently because he thinks viewers accessing the channel early couldn't hurt the test and could even help.

Ms. Kiddoo thanked the panelists for their presentations. She said that a big takeaway is that it is in a station's best interest to ensure that consumers are properly educated before and during the transition process. FCC is collecting best practices for stations that will transition in the future.

Discussion

Member Pociask asked if third-party listing services included TV guides and newspaper publishings. Mr. Zachary said yes. Member Pociask asked if Milwaukee PBS experienced a drop in viewership due to issues with third-party listing services. Mr. Zachary said no. Ms. Kiddoo asked what type of questions panelists' stations received from consumers. Mr. Zachary said that his station received a lot of calls from consumers with ultra-high frequency (UHF) antennas who were unable to replace them. Mr. Booth responded that his station received a lot of questions from viewers who didn't know how to rescan on their particular TV and remote. Member Lieberman asked what steps stations took to inform other cable and satellite operators in the marketplace about the transition. Mr. Zachary and Mr. Booth responded that it was helpful for their engineers to talk about the transition with the operators' engineers. Mr. Zachary added that the corporate office could sometimes be a roadblock. Chair Bartholme asked where each of the panelists' stations is on in the designated market area (DMA) list. Mr. Zachary said they are in market 35. Mr. Booth responded they're in market 129.

Comments from the Public

There were no public comments.

Wrap-up and Next Meeting

The CAC's next meeting date will be October 19, 2018. It will be the last meeting of the CAC's term. Mr. Marshall and Chair Bartholme thanked members for their attendance and gave logistics for the workgroup meetings occurring later in the day.

Adjournment

There being no other comments, a motion to adjourn the public portion of the meeting was made, seconded, and passed unanimously. Chair Bartholme adjourned the meeting at 11:44 am.