

**MARCH 27, 2024 HYBRID MEETING OF THE
COMMUNICATIONS EQUITY AND DIVERSITY COUNCIL
10:00 am – 2:00 pm**

**Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554**

MEETING MINUTES

In Attendance (in person, online and via video):

COMMISSIONERS PRESENT:

JESSICA ROSENWORCEL, Chairwoman

COUNCIL MEMBERS PRESENT:

HEATHER GATE, Council Chair, Connected Nation
NICOL TURNER LEE, Ph.D., Council Vice Chair, Brookings Institution
SUSAN AU ALLEN, Council Vice Chair, US Pan Asian American Chamber of Commerce
Education Foundation
JENNA ALSAYEGH, USTelecom
ROBERT BROOKS, WHUR-FM, Howard University
EDGAR CLASS, Representing the Hispanic National Bar Association
MICHELE COBER, Verizon
NORMA ESTELA FERNANDEZ, EveryoneOn
ANISA GREEN, AT&T
JUDEANNE HEATH, Hispanic Technology & Telecommunications Partnership
DAVID HONIG, JulGlo Productions LLC
RONALD JOHNSON, Ph.D., Wireless Infrastructure Association
SHERMAN KIZART, Kizart Media Partners
LETICIA LATINO-VAN SPLUNTEREN, Neptuno USA
NICOLE LAZARRE, Charter Communications
ROSA MENDOZA, ALLvanza
AAMA NAHUJA, A Wonder Media Company
OTTO PADRON, Meruelo Media
RYAN PALMER, Microsoft
LOUIS PERAERTZ, Wireless Internet Service Providers Association
HENRY M. RIVERA, Representing The Emma L. Bowen Foundation
STEVEN C. ROBERTS, The Roberts Companies
DENNIS SANTIAGO, National Diversity Coalition
BRIAN SCARPELLI, ACT/The App Association
ELLEN SCHNED, Strong Women Alliance
LAKECIA FOSTER STICKNEY, Comcast

JOYCELYN TATE, Black Women's Roundtable, National Coalition on Black Civic Participation

CHRISTOPHER TERRY, University of Minnesota, Twin Cities, Hubbard School of Journalism & Mass Communications

ALISA VALENTIN, Public Knowledge

JULIE WENAH, Representing INCOMPAS

JAMES WINSTON, National Association of Black Owned Broadcasters

CHRISTOPHER WOOD, LGBT Technology Partnership & Institute

WORKING GROUP MEMBERS PRESENT:

ODETTE WILKENS, Wired Broadband

ANNE SWANSON, Representing GPS Innovation Alliance

WILL PFEFFER, Metropolitan Area Planning Council

MIKE LYNCH, National Association of Telecommunications Officers and Advisors

MICHAEL FERNANDEZ, V-Me Media, Inc.

COMMISSION STAFF:

RODNEY MCDONALD, Designated Federal Officer, Wireline Competition Bureau

DIANA COHO, Deputy Designated Federal Officer, Consumer and Governmental Affairs Bureau

JAIME MCCOY, Deputy Designated Federal Officer, Wireline Competition Bureau

SANFORD WILLIAMS, Deputy Chief of Staff for Chairwoman Rosenworcel, Office of the Managing Director

DARICE GAMBLE, Office of the Managing Director

PAULA SILBERTHAU, Office of the General Counsel

LISA WILSON EDWARDS, Wireline Competition Bureau

JEFFREY RIORDAN, Office of Media Relations

STEVEN BALDERSON, Office of Media Relations

Link to March 27, 2024 Meeting: <https://www.fcc.gov/news-events/events/2024/03/communications-equity-and-diversity-council-meeting-march-2024>

Welcome and Opening of Meeting: Designated Federal Officer, Rodney McDonald opened the meeting, welcomed new members of the Communications Equity and Diversity Council (CEDC), and thanked former members for their service on the CEDC under the last charter.

In addition, he introduced FCC Chairwoman Jessica Rosenworcel for her welcome remarks via video. Chairwoman Rosenworcel shared her goals for the rechartered CEDC, indicating a continued mission for the advisory committee to include aspects of diversity, equity, inclusion and accessibility across media and digital platforms.

Deputy Chief of Staff for Chairwoman Rosenworcel, Sanford Williams emphasized the gratitude of the Chairwoman and appreciation for those that have contributed to the success of the CEDC.

Rodney McDonald introduced himself as the new Designated Federal Officer. Diana Coho, Deputy Designated Federal Officer, and Jaime McCoy, Deputy Designated Federal Officer also offered welcome remarks.

CEDC Chair and Vice Chairs' Opening Remarks. Heather Gate, CEDC Chair and member representative for Connected Nation, welcomed the new members of the CEDC, as well as returning members and her vice chairs. Ms. Gate tasked the group to continue to use their expertise and membership on the committee to make recommendations to the FCC and noted that the prior charter met with many members of different areas of the community to produce the recommendations they made so far to assist the FCC in expanding digital equity and empowering diverse communities. She noted that the recent 706 Broadband Report highlights that there is still work for the CEDC to do to advocate for policies and practices in the telecom industry so broadband is available to all, and to understand the implications of AI on digital equity. She added that the CEDC working groups will be established and agendas will be determined for the duration of the charter.

Vice Chair Dr. Nicol Turner-Lee joined virtually to thank the committee and emphasized the importance of fighting for advanced communications, diverse ownership, infrastructure and inclusivity in today's climate where access and diversity is being threatened.

Vice Chair Susan Au Allen reflected on her background as an immigrant from Hong Kong, noting the importance of bringing different constituencies together to address digital inequality. She indicated that her role in the CEDC was to amplify the voices of small businesses and ensure all the opportunities the U.S. has to offer through transportation, telecommunications and the digital economy will reach unserved communities.

Roll Call of CEDC Members/Call to Order of the March 27, 2024 Meeting. A quorum was present at the meeting.

All CEDC Members and Working Group Members provided a brief introduction that included their name, the organization they represent, and the issues they are interested in.

Office of Managing Director Presentation. Darice Gamble, Office of Managing Director, discussed the records management responsibilities as directed by the National Archives and Records Administration (NARA) for all federal agencies. She explained as follows that FACA requires that Advisory Committees create and maintain accurate and complete records of meetings. This is essential for transparency and accountability, and records may be subject to public disclosure. To fulfill these responsibilities, she noted that the committee is responsible for taking notes throughout meetings, preserving relevant documents, and ensuring they are transferred and saved in the appropriate location. The DFO is responsible for sharing a copy of the different types of documentation that the FCC must transfer to NARA in accordance with the retention schedule or when the committee is terminated, whichever is sooner. Therefore, CEDC members must help ensure that the DFO has a complete and accurate record of CEDC deliberations and decisions. Each committee member is responsible for sending all relevant documents to the DFO and to the specified CEDC mailbox.

Office of the General Counsel Presentation. Paula Silberthau, FCC Office of the General Counsel, explained that the CEDC would be governed by the Federal Advisory Committee Act (FACA) and the governing rules. The purpose of the FACA rules are to encourage openness in government, diverse and balanced membership, and public accountability. Notice of full CEDC meetings must be published in the Federal Register 15 calendar days in advance of a meeting and be open to the public. Ms. Silberthau noted the continuing obligation of members to disclose connections that may present a conflict of interest or the appearance of a conflict of interest. Also if in the future a member is no longer employed or associated with the organization they've been chosen to represent, the DFO should be advised so that alternative arrangements can be made. If a member leaves one organization for another, then the new organization could make a request to have that individual appointed as a member representing them. Ms. Silberthau described the roles of the Chair and Vice Chairs, as well as the DFO for the committee. She also noted that records of meeting minutes must be maintained and made available for public inspection and copying. Additionally, Ms. Silberthau emphasized that the DFO should be copied on all substantive emails pertaining to the business of the committee or the working groups, in addition to copying the general mailbox that's been set up (CEDC@fcc.gov). Working groups can create draft reports with preliminary findings, and the informal working groups generally have the flexibility to meet without public notice. The goal is for the working groups to follow their agendas and make recommendations to the parent FAC, Ms. Silberthau explained; but she emphasized that the working groups cannot speak on behalf of the full CEDC without prior approval and consent, and they cannot make direct recommendations to the FCC. Ms. Silberthau also discussed policies regarding issuing surveys, not participating when attending working group meetings to which a member is not assigned, third parties not participating in working group meetings beyond their presentations and the answering of questions, ex parte rules, and limitations on communicating on behalf of the FAC.

Discussion of Digital Discrimination Proceeding. Lisa Wilson Edwards, Associate Bureau Chief in the Wireline Competition Bureau, discussed the Digital Discrimination Proceeding and the recently adopted Digital Discrimination of Access rules. Ms. Edwards explained as follows that Congress made certain findings and tasked the FCC to adopt rules no later than 2 years after November 15, 2021 to facilitate equal access to broadband internet access service, taking into account issues of technical and economic feasibility, including preventing digital discrimination of access based on income level, race, ethnicity, color, religion or national origin, and identifying necessary steps to eliminate digital discrimination of access. The Commission created a Task Force for outreach and engagement, rechartered the Communications Equity and Diversity Counsel, and issued a Notice of inquiry, followed by a Notice of proposed rulemaking, which generated many comments and replies from industry and community stakeholders. In response to the Chairwoman tasking the CEDC with issuing recommendations for states and localities, the Digital Empowerment and Inclusion Working Group proposed to the CEDC recommendations for model policies and best practices that states and localities could adopt to prevent digital discrimination and support digital equity. These were adopted by the full CEDC and submitted as recommendations to the FCC. The FCC then adopted a Report & Order and Further Notice of Proposed Rulemaking on November 15, 2023 that defined "digital discrimination of access" as policies or practices not justified by genuine issues of technical or economic feasibility that differentially impact consumers' access based on the listed characteristics, or are intended to have such differential impact. Ms. Edwards further discussed the Report & Order and Further

Notice of Proposed Rulemaking including the operation of the adopted rules, definitions, adjustments to the FCC informal complaint process, inquiry into the benefits and costs of establishing an Office of Civil Rights within the FCC, and further tasks to the CEDC including identifying what the appropriate safe harbors should be under the rules.

Closing Remarks and Adjournment. CEDC DFO Rodney McDonald gave a brief overview of the CEDC. The current charter for the CEDC is due to terminate on June 22, 2025. An average of around three meetings will be held per year but working groups will meet more frequently to fulfill the goals of those respective working groups. Following closing comments from DFO Rodney McDonald, CEDC Chair Heather Gate, CEDC Vice Chairs Nicol Turner-Lee and Susan Au Allen, the meeting was adjourned by CEDC Chair Gate.

Questions/Comments from the Public. There were no questions or comments from the public.

CERTIFICATION OF MINUTES

I have reviewed the above minutes for the March 27, 2024 meeting of the CEDC, and to the best of my knowledge and belief, they are true and accurate.

Respectfully Submitted,

Heather Gate
Connected Nation
Chair, Communications Equity and Diversity Council
Federal Communications Commission

Date