

July 2, 2012

Lawrence Strickling
Assistant Secretary for Communications and Information and Administrator
National Telecommunications and Information Administration
Department of Commerce
1401 Constitution Avenue NW, Room 4898
Washington, DC 20230

BY EMAIL TRANSMISSION

Dear Mr. Strickling:

We are writing to reiterate points that we have made to the National Telecommunications and Information Administration (NTIA) concerning the need to ensure that there will be adequate facilities for remote participation in the first meeting of the multistakeholder process and in subsequent meetings. For the multistakeholder process to be credible, civil society must be able to participate in the meetings to the fullest extent possible, and that means two-way, contemporaneous communication. We understand that having all of the stakeholders together in the same room may be viewed as ideal. However, since there is no funding for civil society representatives from outside of the Washington area to travel to the meetings, this is clearly impossible. The time involved in traveling to meetings is another constraint for civil society groups. The NTIA's decision to have NTIA staff act as proxy for people who are not physically present, taking their questions and comments and relaying them to those in the room, is simply inadequate. Equitable participation requires both in-person and real-time remote access.

The Principles for the Multistakeholder Process¹ that 11 leading civil society groups issued on April 2, 2012 and which were provided to the NTIA called for robust consumer representation and stated that if resources cannot be provided to facilitate in-person participation, the multistakeholder meetings should only be held electronically. This would ensure that everyone is on a level playing field. Having made the decision to hold the meeting in person despite the lack of resources, however, the NTIA must provide alternatives that are as close to being there as possible for those who need them.

The following methods can and must be deployed to provide meaningful remote participation:

- An audio bridge with an operator to queue comments and questions via a toll-free conference line. To balance remote and in-person participation, the NTIA could alternate between taking questions and comments from people on the phone and in the room.
- An Internet Relay Chat (IRC) that people could use to make comments, which could be viewed online and projected in the meeting room.

A webcast is not a substitute for the two-way communication that participants will need.

These technologies are already being used in other forums. The World Wide Web Consortium's Tracking Protection Working Group uses a conference bridge that links telephone calls as well as IRC technology for its weekly conferences. IRC is used to take official meeting minutes, offer suggested text or cite useful links on the Web, all in real time. Participants can also comment on or raise questions about the conversation. IRC is also used to manage who is speaking on the call, and it is also used for in-person

¹ http://www.ntia.doc.gov/files/ntia/wpfetal_commerce_msprinciplesapril22012fs.pdf.

meetings.² The National Institute for Standards and Technology Smart Grid effort includes hundreds of participants across the nation and even internationally and includes phone bridges, interactive document editing, Go To Meeting, and a robust Wiki.³ More than 1,500 organizations and more than 750 people have participated in the Smart Grid process.

It is crucial that all stakeholders can weigh in at the first meeting about how the process will work. Furthermore, all participants, including remote participants, must have the ability to cast votes if voting occurs. There is no reason why remote voting would have to be done by proxy when polling technology is easily available. It is also important that there be a registration system so that participation can be documented and statements can be entered into the public record.

In conclusion, for the multistakeholder process to have any chance of success, it must include meaningful remote participation based on robust, two-way communication. To do less is to deny a real voice in the process for civil society.

Sincerely,

Chris Calabrese, American Civil Liberties Union

Jeffrey Chester, Center for Digital Democracy

Alan Simpson, Common Sense Media

Linda Sherry, Consumer Action

Susan Grant, Consumer Federation of America

John M. Simpson, Consumer Watchdog

Ioana Rusu, Consumers Union

Lee Tien, Electronic Frontier Foundation

Melissa Ngo, Privacy Lives

Beth Givens, Privacy Rights Clearinghouse

Evan Hendricks, Privacy Times

Ed Mierzwinski, U.S. PIRG

² W3C Home Page, <http://www.w3.org/>. See specifically the Tracking Protection FAQ, which includes detailed descriptions of how to participate electronically, <http://www.w3.org/2011/tracking-protection/faq>.

³ Smart Grid Home Page, NIST, <http://www.nist.gov/smartgrid/>. See in particular the Smart Grid collaboration page at: <http://collaborate.nist.gov/twiki-sggrid/bin/view/SmartGrid/WebHome>. Please note that membership is open and the process is transparent. The current number of participating groups is 775. See http://collaborate.nist.gov/twiki-sggrid/pub/SmartGrid/SGIPMembershipInfo/MA_v10.pdf.