

Present: Devereaux, Kuhne, Laidlaw, Lane and Spivak - Birmingham
Borgon, Lacroix and Pfeifer - Beverly Hills
Leckie - Bingham Farms

Absent: DiSessa - Franklin
Brower - Birmingham

Also present: Hagaman - Cable Administrator
Currier - Attorney for Cablecasting Board
Colgan - Municipal/Library Access Channel
DiMaria - MediaOne representative

Kuhne called the meeting to order at 7:53 a.m. in the Rotary Room of the Baldwin Public Library at 300 W. Merrill Street. He welcomed the newest member of the board, James Lane, who represents the City of Birmingham.

APPROVE MINUTES OF SPECIAL CABLECASTING BOARD MEETING OF AUGUST 16, 2000

MOTION by Borgon, supported by Spivak, that the minutes of a regular Cablecasting Board held on Wednesday, August 16, 2000 be approved as presented.

Motion passes unanimously.

PEG ACCESS

Kuhne presented a brief background of events that led to the board soliciting Request for Proposals for Cable Access Management for its Public, Education, and Government Access channels. He turned the floor over to the chair of the PEG Committee, Dave Devereaux, for a report on the proposals received for cable access management.

Devereaux reported that the PEG committee received three proposals by the end of August from entities interested in managing the consortium's municipal and public access channels. Those three companies are Create Tech, the current operator of the MLAC-15 channel, Bloomfield Community Television, and Community Media Network.

The committee met on September 6 and decided to eliminate the Community Media Network proposal for several reasons, one being price. It was agreed to invite the people from Create Tech and Bloomfield Community Television for interviews, which were held on September 11. Devereaux thanked all three companies for preparing serious and comprehensive proposals.

The committee had a spirited debate after the interviews and took a vote. By a vote of three to two, the PEG committee recommends contracting with Bloomfield Community Television to best serve the four communities in the area of cable access management.

Devereaux summarized the pros and cons of both proposals. Bloomfield Community Television was selected for the size and quality of its operation on Telegraph Road. It has a true television studio with state of the art cameras and editing equipment. It also own a production van that will be used together with the consortium's production van. Devereaux believes that BCTV represents the best opportunity for residents who want to learn about television production and create their own programs. BCTV made a substantial investment in upgrading its facility, and it plans to invest even more over the next couple of years.

In addition, Bloomfield Community Television has a long history of working with community volunteers and producing public access programming. Many of the programs they have already produced are filmed in our four communities. Their library of programming will now be available to this consortium.

It has been said by some that the Birmingham consortium would be losing control by turning the management of those channels over to an entity outside of our communities. Devereaux maintains that this board is ultimately responsible for these channels, and it retains all control over any vendor.

Devereaux believes that Birmingham Community Television offers a great value at the low bid of \$90,000 a year. It has a professional studio that is easily accessible and ready to serve our residents.

Two members of the PEG committee voted to contract with Create Tech. Devereaux stated that Create Tech under Bob Colgan's leadership has done a fine job of running MLAC-15. He has done everything this board has asked him to do and more with no complaints from our residents. Create Tech does not have a studio comparable to the facility in Bloomfield Township, but proposes to do more location shooting using Baldwin Library and other facilities. Create Tech also has the ability to do limited shooting in its current office space. Colgan believes that his company will provide better service because the four communities will be his only client and will have Create Tech's undivided attention. Birmingham area residents will share the BCTV facility with Bloomfield residents.

Devereaux stated that Leslie Helwig from BCTV assures him that their facility has the capacity to handle our residents, and they would welcome this assignment.

Devereaux concluded that this board's mission is to act in the best interest of its residents. After weighing the merits of both proposals, the PEG committee found that Bloomfield Community Television is best equipped to serve our residents.

MOTION by Devereaux, supported by Laidlaw, that the Cablecasting Board authorize legal counsel Tim Currier to prepare a contract based on its requirements and select Bloomfield Community Television to manage the consortium's municipal and public access channels.

Kuhne introduced Ben Crane and Leslie Helwig representing Bloomfield Community Television. Bob Colgan, principle of Create Tech, was present. Each representative will talk about their proposal.

Ben Crane, chair of the Bloomfield Township Cable Access Board, stated that he has served on the board since its inception. He noted that Devereaux has summarized what Bloomfield Community Television can offer this consortium. Crane elaborated on why BCTV would like to be the supplier of these services to this consortium. He and Helwig strongly believe in the dynamics of combining communities that often have a combined view. A lot of creative talents are available, and the synergies of the two communities and the resources of BCTV would benefit everybody.

It has been questioned whether BCTV would serve the interests of the Birmingham consortium, and which municipality would come first. Crane stated that the specific items in the contract will be covered under the contractual commitment. All of the items that were covered in the past would be on the BCTV calendar as committed programs. BCTV is already doing a lot of the other types of programming that would be coming from individuals in the community.

If there is a conflict between a Birmingham group and a Bloomfield group that wants BCTV to produce something on the same day, the situation would be resolved by serving the group that called in first. Crane stated that a lot of production goes on in the studio, but there is time available, and they look forward to adding programming from Birmingham area residents. BCTV does have plans to expand those facilities with equipment and square footage. They would staff accordingly as needs and growth arise from the communities.

Crane mentioned another issue of concern involving the previous studio manager at Bloomfield Community Television. The management of the operation has changed to afford a better relationship with the people that they encounter. The position was filled by Leslie Helwig, who came to BCTV with strong community and public relations skills. The Township officials and Cable Board feel that this is an important component in the operation of BCTV. There is a staff with strong technical skills. To that was added someone who could go out to the public and embrace our producers and the community activity groups that are a part of BCTV. Crane assured the board that Helwig will work with this consortium and the communities will become an integral part of the operation. BCTV welcomes the opportunity to serve the Birmingham Area Cable Board.

Bob Colgan from Create Tech stated that his company can give 100% of its attention to the Birmingham Area consortium. Create Tech has five years of proven service with no complaints, and it will dedicate another three years to the board, residents, and subscribers in the four communities.

Borgon thanked both BCTV and Create Tech for their proposals. He emphasized that the consortium consists of four communities and not only Birmingham. Borgon commented that this proposal breaks down into two areas, public access and management of MLAC-15. The municipal and library access channel has been run well by Create Tech. Bloomfield Community Television has a state-of-the-art studio and equipment for production of public access programming. This may be a reason to contract with BCTV if there were a lot of people interested in using public access. Borgon related that there have been very few people involved in public access from the four communities during his three years on the board. He affirmed that Bob Colgan has been creative in his solutions to accommodate public access needs. Training can be done in his studio, and any public access production can utilize off site locations.

Borgon expressed concern with the fact that Bloomfield Community Television has a program development committee to assure that public access programming fits into their format. He was informed by Helwig that it has not constituted a problem. Borgon sees this as another layer of approvals for the four communities.

Borgon proposes granting the consortium's current supplier an opportunity to provide cable access management. He thinks that this will afford the board with 100% control of PEG programming. The board can consider other alternatives if it is necessary six months from now.

Spivak commented that the four communities in this consortium work together and there should be no implication that there is division among the communities.

Pfeifer agrees that this board acts as a unit, with each community having specific needs and questions. She asked if the RFP took into consideration that Beverly Hills will have mounted cameras in its council chambers and will require less personnel.

Devereaux stated that the PEG committee asked all parties to provide a certain level of support. The committee is comfortable that the community needs for council and commission meetings will be covered by both vendors.

Pfeifer remarked that it is possible that the Beverly Hills Council may move its regularly scheduled meetings from Mondays to Tuesdays. This was not a problem with either company.

Lacroix commented on the importance of flexibility and responsiveness to the four communities. He supports giving Create Tech the initial opportunity to see what it can do with this contract.

Laidlaw stated that, in addition to the technical capabilities of Bloomfield Community Television, he thinks that their organization's depth of knowledge and experience with public access and the experience of their employees will make a difference. Their capabilities are evident when reading the proposal. Laidlaw stated that he made his decision based on careful reading of the proposals, visiting both of the locations, talking with the people and the employees, and looking at their programming. He recommends that BCTV be granted this contract.

Martinico mentioned that she is a non-voting ad hoc member of this board. She thinks that the resources, the facility, the quality and quantity of programming from BCTV is unmatched by anyone in the field. Martinico maintains that it would be a good move for this board to be in partnership with BCTV as the consortium's cable access provider.

Kuhne understands that there have been residents of the Birmingham area franchise that have been using BCTV public access facilities in the past. Crane responded that BCTV has done a lot of production for a variety of community organizations from Birmingham and has a long history of serving the Birmingham area.

Kuhne remarked that the CreateTech proposal would cost more than contracting with Bloomfield Community Television, an organization with more facilities and equipment.

Borgon maintains that the consortium does not need the level of equipment or facility that BCTV would provide for public access. Create Tech has proposed viable alternatives. Borgon thinks that it is worth \$12,000 more to keep the control in the board's hands.

Kuhne referred to a number of joint ventures between the communities such as the Birmingham Bloomfield Chamber of Commerce and the Birmingham Bloomfield Symphony Orchestra. He emphasized that the board is asking people who are not citizens of this community in both instances to do work for the consortium. The Cablecasting Board will oversee the work that is done both contractually and on a regular basis. Kuhne asked that everybody weigh the issues appropriately.

Borgon commented on Create Tech's creative response to the RFP question regarding ideas for the Woodward Dream Cruise programming.

MOTION by Leckie, supported by Devereaux, that the discussion be closed.

Motion passes unanimously.

Vote on Motion to select Bloomfield Community Television to manage the consortium's municipal and public access channels.

Ayes - Devereaux, Kuhne, Lane, Laidlaw, and Spivak

Nays - Borgon, Lacroix, Leckie and Pfeifer

Motion fails (5 - 4).

Currier stated that the motion did not carry for the reason that seven affirmative votes are needed to pass this motion with a 12 member board. The motion would pass with six votes because there is one vacancy on the board. This proposal could be reintroduced at another meeting when all members are present.

It was agreed to revisit this issue at a special meeting of the Cablecasting Board.

Laidlaw asked that the proposals be distributed to the members of the board who do not have them.

There was discussion of the deadline for MediaOne to provide public access to the consortium. In view of the request for transfer from AT&T to Comcast, Kuhne understands that the cable company is inclined to work with the communities to continue to provide service until a decision is made on a cable access provider. It was understood that, the sooner the PEG access issue is rectified, the better it is for everyone.

REQUEST FOR TRANSFER AT&T/COMCAST

Birmingham, Beverly Hills, Bingham Farms and Franklin received a Request for Transfer of the franchise from AT&T to Comcast. FCC Form 394 was delivered to the four municipalities on August 30, 2000, which will initiate the 120 period that the franchising authorities have to act upon a request for approval of a transfer accompanied by the required information.

Currier related that the consortium can take one of four actions: 1) Do nothing, whereby the transfer is approved; 2) Deny the transfer; 3) Approve the transfer unconditionally; 4) Approve the transfer with whatever conditions appear to be reasonable. The Cablecasting Board will review the material and make a recommendation to the communities, which will consider approval of the transfer.

There is a provision indicating that any requests for further information must be asked within 30 days of the date of receipt of the request. September 30 is the date by which the board has to ask further questions to Comcast with respect to the transaction. Currier is currently in the process of preparing a list of questions. He gave examples of questions that will be asked of Comcast including the following: Is there an intent to increase subscriber prices as a result of the transfer? Who are the personnel going to be and what are their qualifications? Will Comcast assume all of the obligations of the prior franchisee? Currier stated that there are not a plethora of defaults to address due to the recent transfer and franchise renewal.

Currier invited board members to contact his office with questions they would like included in the information that must be requested of Comcast within a 30 day period. He asked that the board questions be submitted to him this week. Members are invited to come to his office and review the 1,200 page document.

Currier commented that personnel is a major issue of concern. Comcast comes to the table with a prior reputation throughout the communities that is not good. There is a clustering occurring by Comcast with respect to MediaOne, AT&T, and TCI. This will become a Comcast area. Management and personnel will be of great importance to all these communities. Responsiveness and commitment to the communities is a key issue.

Currier suggests that this consortium be reasonable in looking at what Comcast is bringing to the table and what they are going to do different than they have done in the past to dispel their reputation. He proposes that the board focus on developing a working relationship in considering this potential transaction versus trying to block the transaction, which may not be possible. Currier informed the board that Comcast has had a change in its top cable management in this area. That brings a new attitude to the table with respect to what they are trying to project in the area.

Currier proposes that the board pass a resolution authorizing counsel to receive comments from board members and issue a letter to Comcast with any questions necessary. Additionally, counsel should be directed to formulate a recommendation for the board's consideration so it can forward a resolution on the Transfer of Cable Franchise to its member communities to act on within the 120 day period.

DiMaria commented that he could bring a representative from Comcast to the next regular board meeting to answer questions.

MOTION by Spivak, supported by Devereaux, that the Cablecasting Board authorize its legal counsel to further investigate the Request for Transfer of Cable Franchise from MediaOne to Comcast and to take all necessary steps to provide such information that would allow the board to forward a recommendation to its four consortium communities. Board members are authorized to contact legal counsel with questions on the transfer.

Motion passes unanimously.

MEDIAONE RELATED TOPICS

Subscriber Complaints

Board members are in receipt of a report from MediaOne listing complaints and action taken to resolve those issues. Hagaman referred to a complaint from Greg Crouch and a subsequent five-page letter from him dated September 12, 2000. Crouch discusses the inability of anyone from MediaOne's customer service department to return calls.

DiMaria agrees that there needs to be a more appropriate response to Mr. Crouch regarding his letter and the problems he has experienced. There will be questions asked of the call center manager and the operations supervisor regarding why this type of problem occurs.

Hagaman stated that this is a continuing problem, and there are enough complaints for the board to consider liquidated damages on the lack of response of the customer service representatives. These complaints will be followed up at next month's meeting with a response from MediaOne.

Hagaman stated that a question that should be asked with respect to the Request for Transfer is how Comcast is going to handle its customer service call center and how many communities will that call center be servicing. This has been a major problem with MediaOne.

Lacroix questioned whether there is anything in the regulations on complaints that would allow a fine to be imposed on the provider. People are generally more responsive when there is money to be paid when there is dissatisfaction on a continual basis.

There was discussion on whether the call center problems are addressed in the Consumer Protection Ordinance.

Currier commented that Hagaman's request for information on the call center issue with respect to the transfer is appropriate and falls in line with the issue of the responsiveness of the customer service operation and how to enforce violations of the Consumer Protection Ordinance.

Hagaman suggested reviewing the consumer protection portion of the franchise agreement for discussion at the next meeting.

DiMaria offered to have a representative from the call center present at the meeting if the board deems it appropriate.

Update on Rebuild - Internet

DiMaria reported that there are three nodes left to activate for high speed Internet service. Of the three, one failed and will not be released this week. MediaOne has a separate contractor working on each of the three final nodes and expects to have the certification completed quickly.

Emergency Alert System

DiMaria stated that a software fix of the Emergency Alert System scheduled for September 19 was delayed due to technical problems experienced in a test done in Ohio. He will have a date for this fix at the next meeting.

Monthly Subscriber Statistics

There were no comments on the August Subscriber Connection Information.

DiMaria stated that Intek TV is being added to the analog line up. Correspondence regarding this channel has been provided to all four communities.

DiMaria distributed information from a recent issue of Cablevision magazine that will provide a national perspective of the Comcast organization and its top management.

ADMINISTRATOR'S REPORT

Hagaman attended the annual NATOA conference in Los Angeles and will provide a written report in next month's meeting packet. She talked briefly about convergence, which means that cable, Internet and phone service is all being provided by a vendor. She noted that there is a trend for communities to interlink their I-Net with surrounding municipalities to share programming.

Another major topic of discussion was open access of the Internet. Cable companies are trying to maintain the level of high speed Internet service and open the doors for utilization by other Internet service providers.

MLAC 15 REPORT

Colgan presented highlights of the September production report.

OLD BUSINESS

Borgon suggested that it would be beneficial if attorney Carrier was present when the bylaw committee meets. Borgon would like to schedule a meeting as soon as possible. There was agreement that Carrier should be asked to attend the first couple of meetings of the bylaws committee.

BOARD COMMENTS

Devereaux commented on an article in Monday's electronic media saying that AT&T chair Michael Armstrong has been lobbying in Washington to try to get the FCC to change the rules under which they have to divest some of its properties. It is unclear as to what it will mean for this consortium.

DiMaria explained that this consortium was part of a separate deal between Comcast and AT&T in their bid for MediaOne.

Lacroix thanked Hagaman for providing him with information on broadband and cable activities in the community.

Pfeifer indicated that Beverly Hills is continuing to work on specifications for the wiring of their council chambers. The board will be kept apprised of their progress.

Borgon commented on the divided vote on the PEG access management issue. He is prepared to listen to each proposal with an open mind before making a recommendation to assure that the decision is in the best interest of the four communities.

The board discussed a date for a special meeting to revisit the PEG access issue. A poll will be taken to assure that there will be full attendance at a special meeting on either Tuesday, September 26 or Tuesday, October 3 at 7:45 a.m. in the Rotary Room of the Baldwin Public Library or at the Beverly Hills municipal building. Members will be advised. Representatives from Bloomfield Community Television and Bob Colgan from Create Tech will be invited to attend.

Martinico recommended to board members that, in considering a decision of this magnitude for the four communities, they should visit both facilities, view tapes prepared by both vendors, and review both proposals for cable access management.

The meeting was adjourned at 9:38 a.m.