

Present: Hollinshead, Laidlaw, Wilson – Birmingham  
Borgon, Pfeifer, Delaney, Woodard – Beverly Hills  
Ettenson – Bingham Farms  
Anderson – Franklin

Absent: Bello – Birmingham  
Lacroix – Beverly Hills

Also Present: Hagaman - Executive Director  
Currier – Attorney for Cable Board  
Martinico – Director of Technology, Birmingham Schools  
Helwig – Bloomfield Community Television representative  
Ruggiero - Comcast representative

Borgon called the meeting to order at 7:45 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. On behalf of the Board, Borgon expressed condolences to Stewart Laidlaw's family on the passing of his mother last week.

**APPROVE MINUTES OF THE MAY 15, 2002 CABLE BOARD MEETING**

Motion by Ettenson, seconded by Delaney, that the minutes of the regular Cable Board meeting held on May 15, 2002 be approved as submitted.

Motion passed unanimously.

**PERSONNEL MATTER**

Borgon commented that it is appropriate to mention the contributions of Executive Director Kathryn Hagaman at this last meeting of the fiscal year. Hagaman performed her duties last year with dignity and grace in light of an extraordinary number of complaints resulting from Comcast problems that occurred concurrently including a billing software conversion, channel line up changes, and a high speed Internet transition. Her handling of the resulting situations was above and beyond the call of duty. Therefore, Borgon proposed that the Cable Board award Hagaman a one-time bonus for last year's performance in the amount of \$2,500.

Motion by Pfeifer, seconded by Hollinhead, to award Kathryn Hagaman a one-time bonus of \$2,500 for her exceptional performance as Executive Director of the Birmingham Area Cable Board last year.

Laidlaw questioned whether the Board should consider establishing a compensation committee at some point in the future.

Motion passed unanimously.

Hagaman thanked the Board for its acknowledgment.

**FISCAL YEAR BUDGET 2002/03**

Based on last month's discussion, the budget format was modified to reflect two separate budgets – a General Fund Budget and a PEG Budget. This format will differentiate the expenses

and maintain a running account not only for Board funds administered by the Village of Beverly Hills but also for the Franklin Money Market Account. Hagaman summarized the proposed revenue and expenditures projected in the General Fund Budget and the PEG Budget for fiscal year 2002/03.

Currier commented on a recent FCC ruling that eliminates franchise fees on Internet services, which affects the proposed budget. The Board should be aware that, with respect to revenues from the Internet side of the cable company, it is not expected to receive franchise fees on Internet services. However, the FCC rule making is not complete as to whether the original decisions will be embodied in a rule. There is still a possibility that those Internet fees may be coming back to the Board.

In addition, Currier reported that there is new legislation introduced on the Federal level that would put the Internet complaints before the local franchising authorities (LFA), but passage may be a long way off.

Pfeifer noted that \$9,000 has been budgeted for an audit of franchise fees paid to the Cable Board by Comcast. A franchise fee audit has not been conducted since 1996. There has also been interest expressed relative to conducting an audit of the Board's internal operation. A cursory audit of Cable Board operations is included in the Village of Beverly Hills annual audit conducted by Plante & Moran.

Because the Cable Board is operating with public funds, Pfeifer suggests that the Board engage Plante & Moran to conduct an in-depth audit with a separate audit report issued to the Cable Board. She has talked to Wiszowaty about this and understands that the cost of the audit would be \$1,500-\$2,000. Pfeifer is not suggesting that this should be an annual audit.

Board members agreed that an in-depth audit of the Cable Board would be fiscally responsible. There was agreement to include an audit of the Franklin Money Market Account in the proposal.

Currier has been in contact with Joe Heffernan of Plante & Moran regarding the legal requirements as to an audit of this entity. It is appropriate for the Board to amend the budget to add the funds to cover the audit amount.

Motion by Laidlaw, seconded by Ettenson, to amend the proposed budget to increase the audit amount from \$9,000 to \$11,500 for the purpose of an audit of the Birmingham Area Cable Board and Franklin Money Market Account, and to decrease the Special Projects budget from \$5,000 to \$2,500.

Motion passed unanimously.

Hagaman noted that the proposed budget has been forwarded to the member communities for review.

## **COMCAST RELATED TOPICS**

### Comcast Performance

Rich Ruggiero was present representing Comcast in Mike DiMaria's absence.

The Board took action at its May meeting to accept an offer from Comcast to resolve outstanding customer issues and waive liquidated damages to date. As part of that agreement, Comcast will provide BACB customers with two free pay-per-view coupons and an opportunity to receive upgrades if they are interested. There was discussion about conveying this agreement with Comcast in a letter to subscribers in the consortium communities.

Currier stated that he spoke with Jon Kreucher from Comcast on topics including the complaint log, customer list, and general topics regarding the resolution of liquidated damages. Kreucher initially indicated that the Board would be able to receive a copy of the customer list. After some investigation, he indicated that Comcast was constrained by federal privacy laws from sharing the customer list with outside entities. After a brief review of this, Currier believes that Comcast is correct that federal law may be an impediment to sharing those records.

There was discussion with Kreucher about how Comcast will distribute the customer survey. A card survey was provided to subscribers in other consortiums. The card method was deemed to be effective because it was short and simple and resulted in a higher level of response than a longer form survey. Currier remarked that he spoke with individuals who received a Comcast survey card and learned that many of them filled out the card, mailed it in, and received a phone call from a customer service representative. The whole process worked fairly efficiently. Currier forwarded the proposed survey card to Hagaman for review.

With respect to the complaint log, Kreucher informed Currier that Comcast is attempting to develop a format that complies with the ordinances with respect to what the complaint log should include. Currier and Kreucher reviewed the information to be included in a monthly complaint log provided to the Board. Kreucher is hopeful that Comcast will have something available for review by July 15.

Ruggiero amplified Currier's statement about the simplicity of the survey driving a high response rate. The communities that used the card survey experienced a 9-10 percent response rate. Comcast is confident that it will receive a good and quick response if it distributes something that is simple and invites people to respond effectively. With regard to the complaint log, Ruggiero stated that DiMaria has been working on developing the information and reconciling what data Comcast has to date with Hagaman's information.

Borgon asked if a notice of the Board's agreement with Comcast was posted on Channel 15. Hagaman stated that she e-mailed a summary of the agreement to Bloomfield Community Television last week, but does not know whether it has been aired. Borgon requested that Helwig post this on Channel 15 as soon as possible in order to notify the subscriber base.

Currier talked to the reporter from the Birmingham Eccentric who will run a piece at the time the coupons are sent out and when surveys are mailed out by Comcast.

Hollinshead referred to an article that appeared in the May 19 issue of the Eccentric as evidence of the danger of the Board not communicating directly to its constituents. The headline was “Comcast payout: 2 free movies”, which is simplistic because the offer represents more than that.

Hollinshead suggests that the board consider its tactics for communication of the agreement. He supports coverage of this on MLTV15. He understands the privacy laws that govern direct mail and access to customer lists but believes that it is important for this Board to communicate its own view of this settlement to its constituents. He asked if it is possible to consider a letter or flyer to all residents of the communities, which would demonstrate the responsiveness and the role of the Birmingham Area Cable Board.

Hagaman asked Currier if he talked to Kreucher about the possibility of Comcast sending a letter to its subscriber base from the Board with postage paid by the Board. Currier responded that sending a letter to all subscribers in the consortium would be cost prohibitive. Borgon suggests investigating the costs.

Ettenson stated that each municipality communicates with its residents through a quarterly newsletter. He suggested that the Cable Board provide a copy of its statement to the subscribers to be included in these newsletters. There was some discussion as to whether the contact should be targeted to the customer base and not all residents.

Ruggiero stated that Comcast noted on the customer material it is sending out that these offers are available to existing Comcast customers only. He suggests that there is a potential for confusion if the cable company were to communicate the offers to non-customers.

Currier stated that compensation to customers was discussed as part of his conversation with Kreucher. Last month it was brought to the attention of the Board that there was \$104,000 worth of credits given to subscribers within this consortium area. Currier has asked that the complaint log indicate where Comcast has given voluntary credits. It appears that the \$104,000 figure is low.

Ruggiero stated that the coupons will go out in the July bills and the survey will be mailed in late July or early August.

Borgon asked if the Board will have an opportunity to take a look at the survey and provide input. Hagaman will deliver copies of the proposed survey to Board members.

Pfeifer asked if the complaint log represents only those subscribers who went through the procedure of issuing complaints. They are not service calls or complaints that were called in directly to Comcast. Hagaman responded that the complaint log includes some complaints that were called directly into Comcast. There needs to be a clarification on what constitutes a complaint.

Currier stated that Kreucher and he talked about the ordinance definition of complaint. It is a broad definition, which has caused difficulty for Comcast. A complaint about the channel lineup is considered a complaint under the ordinance, but it is not an issue that the Board can address.

Comcast has to be able to differentiate the category of complaints. Comcast is trying to revise its system to a format that more accurately reflects complaints that they are required to provide to the Board.

Laidlaw maintains that one of the major problems with Comcast performance is telephone accessibility. He asked if the Board is entitled to information on whether Comcast is reaching its ordinance requirement to answer 90% of its calls within 30 seconds.

Hagaman responded that the printout is supposed to be available on a quarterly basis. Ruggiero was asked to provide this information to the Board. He responded that DiMaria will be able to generate this report.

### Subscriber Complaints

Complaint #02-75: Heath Hulbert of Franklin stated that he had difficulty reaching Comcast and was put on hold for 10 minutes one time and 20 minutes another time. There are no dates given as to when this occurred. DiMaria noted on the complaint form that he left a voice mail with this subscriber, but his calls were not returned.

Ruggiero mentioned that more than one quarter of the complaints this month cannot be verified either because the customer has not returned Comcast's calls or, in one case, the contact information was not correct.

Woodard questioned the status of assessing liquidated damages. Borgon stated that the Board waived liquidated damages for January through May. The Cable Board has the authority to begin assessing liquidated damages immediately with any of these complaints before the Board. Laidlaw added that the Board first has to find the company in default.

Currier recapped that the Board's procedure has been to address the complaints, consider the company's response or resolution, and determine whether Comcast has offered rebates when appropriate. If the Board does not assess liquidated damages today, it does not waive its authority to assess liquidated damages at a later date.

Ettenson suggested that, rather than taking the time of the entire Board at these meetings, a subscriber complaint committee could be established to deal with complaints and their resolution on an ongoing basis.

Complaint #02-76: John Diller of Birmingham had problems reaching a Comcast representative. He scheduled an appointment for service and told the representative that he would be home between 3:00 and 5:00; the technician came at 1:00. The problem was fixed at a subsequent visit, but the subscribers says that the system is frustrating. Ruggiero explained that the four-hour appointment windows are 8-12 and from 1-5.

Complaint #02-77: Randall Meono of Beverly Hills filed a complaint in May about an error on his bill with respect to the franchise fee charge. Ruggiero explained that Comcast made a one-time correction for an under charge and that the customer will see the appropriate franchise fee on his bill.

Complaint #02-78: Margaret Kotzan of Bingham Farms has had difficulty getting through to Comcast. She was placed on hold for an hour and was disconnected. A service call was made to correct a problem, but her two televisions still have snowy pictures on certain channels. Haganman stated that the subscriber's problems were resolved with an appointment on May 20. It took more than one service call to correct her problem. There was no rebate offered to Kotzan for the extended time on hold as well as having a technician come out twice to resolve the problem.

Ruggiero stated that he cannot verify the extent of wait time. However, he noted that on May 12 there were some tremendous thunderstorms that resulted in commercial power outages in nearby communities. If the subscriber called in the morning, it is possible that she encountered some hold times because there were outages affecting thousands of customers caused by the weather and loss of commercial power. As for the two trips to resolve the problem, Ruggiero does not know what occurred on the first service call when the technician was not able to resolve the problem.

Complaint #02-79: Steven Edwards of Beverly Hills indicates that Comcast was double billing him for Internet service. He brought the situation to Comcast's attention, but it was not addressed. Edwards stopped paying the bill and his service was disconnected. Comcast said it would send a technician out to fix everything. Three appointments were missed. The subscriber did get a two month credit. The service is now working fine.

Ruggiero stated that this customer had his service restored and received a credit before he filed the complaint. The billing issue may have resulted from the billing conversion process that did cause disruption. He cannot speak to the issue of the missed appointment window.

Ettenson commented that the complaint sheet indicates that the subscriber's service was disconnected when he stopped paying his bill. Comcast has told this Board that it tries not to disconnect service and that attempts are made to maintain the customer. It appears that none of that took place.

Ruggiero is not sure how delinquent the account was in this case. Borgon asked that this complaint be brought back at the next meeting with further explanation from DiMaria.

Complaint #02-80: Carol Goodell of Bingham Farms submitted a complaint about the speed of Comcast high speed Internet service. She has documented her bandwidth speed at 414 kbps, indicating that Roadrunner operated at about 1400 kbps. Goodell did not receive any cooperation from the Comcast CSR, who told her to read the footnotes and fine print.

Ruggiero pointed out that this customer refuses troubleshooting from a Comcast technician. This makes it difficult to resolve the problem. Reference to the fine print is that there are a host of variables that affect download speeds on the Internet. He stated that it is not correct that Roadrunner speed was faster than Comcast's high speed Internet service.

Complaint #02-81: James Hinga of Franklin has had problems dealing with Comcast with respect to its support of older Macintosh systems and Netscape. He spent over 40 hours trying to

work with Comcast. Hagaman stated that Comcast was able to correct his problems and the customer issue was resolved.

Ruggiero stated that Comcast does support Mac and Netscape. There are minimum operating requirements for service on PCs, which may be the issue.

Complaint #02-82: Laura Lauhoff registered a complaint about cable television, telephone, and Internet service. Hagaman stated that a response has not been received from Comcast on this complaint.

Ruggiero stated that Comcast has been to the home three times and found that the subscriber's service was working fine on 5/29, 6/6, and 6/10. Comcast issued Lauhoff a credit for the inconvenience that she reported. Comcast has taken a number of steps to insure that her service is working properly and found that it was on three different visits.

Complaint #02-83: John Caronis of Birmingham called Comcast about reattaching and repairing a cable box at his condominium complex. Ruggiero reported that this has been resolved.

Complaint #02-84: Mark Sayers of Birmingham called with a complaint about his Internet service. Ruggiero stated that Sayers was called twice by Comcast technical support but did not call back. This complaint will be held over to next month's meeting.

Complaint #02-85: Tony Tam indicated that Comcast has been unresponsive to his complaint regarding Internet service. Ruggiero stated that this customer was sent an e-mail message from Comcast last week about his problem. There has been difficulty reaching the customer because his name is not on the account.

Complaint #02-86: Mary Jane Bauer of Bingham Farms called Comcast several times regarding a bad picture on Channels 2 and 4. Ruggiero reported that a technician came out and repaired an internal wiring problem.

Complaint #02-87: Ms. J. Dupke of Birmingham could not get through to a Comcast customer service representative. Ruggiero stated that this customer ultimately spoke with a CSR who took care of her account.

Complaint #02-88: Howard Philip of Birmingham has tried to get his Internet service running for over a month. He canceled the service. Philip is also having problems with his cable service and was put on hold six times in one day by Comcast. He wants a credit for one and one-half months. Hagaman stated that Comcast left two messages for the subscriber, who has not called back. Ruggiero confirmed that this was still the case when he spoke with DiMaria yesterday. This complaint was held over to next month's meeting.

Delaney referred to the complaint from Mary Jane Bauer about poor reception on Channels 2 and 4, which are shopping channels. He has also noticed that the reception on these channels is not good.

Ruggiero responded that these channels are prone to ingress because they are channels on which there are Detroit channels broadcast. The signal coming in from the cable ends up competing with the signal that is in the air used by people with antennas. If there is a loose connection of the cable coming into the back of a TV or VCR that goes into a TV, there can be competing signals. Those are two vulnerable channels on the line up because there are broadcast stations here. That is the case in any cable system in any market that has TV stations.

Hollinshead asked Ruggiero to comment on a matter that has occurred recently or report back at the next meeting. The Birmingham Eccentric within the last month carried a short story on the police blotter column regarding a complaint filed with the Birmingham Police by a Birmingham resident stating that she had been assaulted by a cable installer. Hollinshead did not have the details. He asked if Ruggiero could report back to the Board on whether this involved a Comcast employee, how this was handled within the company, and whether any personnel or disciplinary policies have changed as a result of that action.

Ruggiero responded that the incident may have occurred and, if it did, Comcast deeply regrets that. The incident allegedly involves a contract employee that Comcast uses. The person is being prosecuted, and Comcast is cooperating in that investigation. Ruggiero cannot comment further on the incident due to the possibility of litigation.

From an operational standpoint, Comcast immediately ceased its use not only of that employee but that contractor. Considering the approximately 6,000 service calls made by Comcast every year, Ruggiero stated that this is an anomaly, and Comcast regrets it if the incident occurred.

Currier stated that the complaint was forwarded to the City Attorney's office to review when it came into the Birmingham Police Department. His office authorized a warrant for the arrest of the individual, and the complaining witness signed it. The matter is still under prosecution at this point. The Police Department has investigated the matter. It is understood that a contract employee was involved, who was terminated immediately by the firm. There has been cooperation both from the contract employer and from Comcast with respect to this matter. Currier discussed this with Jon Kreucher, who indicated that there is no question that this is not tolerated by Comcast.

Laidlaw referred to a complaint held over from last month from cable subscriber Patrick LePine, who reported poor picture quality for months. He asked if any contact was made with Mr. LePine. Ruggiero did not have an update on this but will ask DiMaria to follow up.

In answer to an inquiry, Hagaman stated that someone calling the cable office when she is on the phone would get a busy signal and have to call back. Laidlaw questioned whether the board should establish a policy on follow-up calls. Borgon stated that he does not think this is necessary considering the reporting procedures that the Board follows. Comcast representatives provide the results of their follow-up at the Board's monthly meetings. Pfeifer left the meeting at 9:15 a.m.

### **Birmingham Link**

Ruggiero stated that Comcast was requested by the Birmingham City engineering department to provide complete underground drawings of the downtown area. This process will take 40-60 days.

### **Monthly Subscriber Statistics**

The Board has received subscriber reports for April and May. Borgon questioned the meaning of 'homes passed'. Ruggiero explained that this is the number of homes to which services are available. He addressed questions from the Board on this topic.

### **EXECUTIVE DIRECTOR'S REPORT**

Hagaman stated that Beverly Hills has agreed to host monthly Cable Board meetings on a permanent basis. Ms. Custer from the Library was notified, and the Baldwin Library was thanked for hosting these meetings for many, many years.

Hagaman displayed the recommended logo to be placed on the mobile production van and requested input from Board members. It is proposed that an agreed-upon logo would be used on the Channel 15 broadcasts. Freelancer Robin Erickson designed the logo.

The Board was interested in a logo that would work for the mobile van, the television screen, letterhead, and the BACB website. It was suggested that the proposed graphic theme is heading in the right direction but could be simplified with fewer words. It will be modified to exhibit a higher level of identify and recognition with fewer words. Hollinshead and Wilson offered to be part of a committee to work on the logo.

Laidlaw commented that the Board originally offered a contest for Birmingham area high school students to develop a logo for Channel 15. The contest was not pursued due to a lack of interest. Laidlaw mentioned that two entrants who worked on a logo design, Molly and Stephanie Borgon, did not receive remuneration. The logo design on the Channel 15 screen is the design they submitted with changes made by BCTV.

Currier suggested that deliberation should be given as to whether a reward is proper since it involves members of a Board member's family. This will be brought back at the July meeting.

Hagaman informed the Board that all municipalities except Birmingham have approved Comcast's Request for Transfer of control of the franchise from one cable company to another. Birmingham will consider it at its June 24 Commission meeting.

Hagaman prepared a Request for Proposal for the franchise fee audit, which is ready to mail to five firms. Helwig has reviewed and approved the RFP for the audit, which will be a joint venture with BCTV. It is not legally required to advertise for bids. The Board authorized Hagaman to send out Requests for Proposal for the franchise fee audit.

**MLTV15/PA18 REPORT**

Helwig reported on MLTV15 and Channel 18 meetings and programs produced during the last month. She spoke with Birmingham's Fire Marshal about producing a show on the Fire Department or Hazmat.

The switcher from the mobile production van was repaired by Roscor and reinstalled by BCTV staff. Helwig related that BCTV has two new volunteers for the summer, a high school student and a recent graduate of Groves High School.

Helwig related that BCTV has found the need for additional dubbing equipment due to a greater than anticipated demand from the MLTV communities. Dubs are needed for making a long meeting fit on one tape in extended play mode and to handle the increasing amount of municipal and private citizen requests for copies of meetings. Each dub is done in real time.

BCTV proposes the purchase of two S-VHS decks at the cost of \$660 plus shipping and handling. These same dubbing decks could be used for playback if the need arose.

Motion by Laidlaw, seconded by Woodard, that the Birmingham Area Cable Board authorize the purchase of two JVC HRS-9800 S-VHS machines from B&H Photo for a total of \$660 plus shipping and handling not to exceed \$750. Funds for this purchase are available in the PEG Programming account.

Jim Gillis, assistant to the BCTV general manager, answered questions from the Board about the proposed purchase, comparison pricing, and the vendor selected. Gillis is responsible for maintaining the Board's equipment.

Motion passed unanimously.

**OLD BUSINESS**

Laidlaw noted that the Board did not adopt the budget reviewed earlier in the meeting.

Motion by Laidlaw, seconded by Ettenson.

Whereas the Birmingham Area Cable Board has provided a copy of the proposed budget to member municipalities and has received no input;

Resolved to adopt the 2002/2003 Birmingham Area Cable Board General Fund and PEG budgets as presented and amended at this meeting.

Motion passed unanimously.

Borgon thanked Martinico for the Board tour of Groves and Seaholm High School Television Studios.

**NEW BUSINESS**

Laidlaw would like the Board to consider refunding money paid by the City of Birmingham for videotaping Birmingham Planning Board meetings. The amount of the refund is approximately

\$900, which could be taken from the Board’s programming budget. The City of Birmingham currently pays \$75 per Planning Board meeting or \$150 each month to tape those meetings, which has occurred over the last five months. Laidlaw thinks that this should be part of regular programming.

Borgon reviewed that the taping of the Birmingham Planning Board meetings was an added request after the programming schedule had been finalized and a contract negotiated with BCTV. Board members discussed whether the added Birmingham meeting should be included on the regular program schedule with a reimbursement made to Birmingham.

Currier stated that the request to tape the Planning Board meetings was originally brought up by Laidlaw, not the City of Birmingham. The City brought Laidlaw’s recommendation before the City Commission. The Commission made a decision to request that its Planning Board meetings be taped. The City was aware at that time that the cost of taping those meetings was not in the budget for BCTV and would result in an additional cost to tape the meetings. The Commission approved taping the meetings and paying for that service. Currier stated that the request for a refund did not come from the Planning Board or the City Commission

Motion by Laidlaw, seconded by Hollinshead, that the Birmingham Area Cable Board authorize payment of \$900 to the City of Birmingham from the Programming Account for reimbursement for taping five months of Birmingham Planning Board meetings.

Ettenson questioned whether this would be setting a precedent for other communities that request taping of additional meetings.

Laidlaw asked for discussion at an upcoming meeting of what the Board can take out of the special programming fund and how various communities can access this money if necessary.

Roll Call Vote:

- Hollinshead - Yes
- Laidlaw - yes
- Wilson - no
- Borgon - no
- Delaney - no
- Woodard - no
- Anderson - no
- Ettenson - no

Motion fails (6 – 2).

**BOARD COMMENTS**

Laidlaw related that he received a phone call from a radio personality who would like to see e-mail questions accepted during Cable Board meetings.

**PUBLIC COMMENTS**

There were no comments from the public.

Motion by Delaney, seconded by Woodard, to adjourn the meeting at 9:52 a.m.

Motion passed unanimously.