

Present: Correa, Greenslade, Hirsch, Wilson - Birmingham
Borgon, Delaney, Pinkos, Woodard – Beverly Hills
Anderson – Franklin
Ettenson – Bingham Farms

Absent: Camp, Hollinshead and Kuhne – Birmingham

Also Present: Hagaman - Executive Director
Salhaney – Attorney for Cable Board
Helwig – Bloomfield Community Television representative
Martinico - Director of Technology, Birmingham Schools
Beller and Parr - Comcast representatives
Pfeifer – Beverly Hills Council liaison

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.

APPROVE MEETING MINUTES

Motion by Woodard, seconded by Ettenson, that the minutes of a Birmingham Area Cable Board meeting held on January 21, 2004 be approved as submitted.

Motion carried.

FRANCHISE FEE REVIEW

Attorney Mike Salhaney stated that a response has not been received as yet from Comcast regarding unresolved issues with respect to the franchise fee audit.

Beller stated that Comcast expected to have its response today. It has gone through internal review and is awaiting final assessment. The response will be forwarded to Mr. Currier's office. This will be an agenda item for the next meeting.

COMMITTEE REPORTS

PEG Committee

Anderson reported that the program on the Rouge River has been completed. It will be presented immediately following this meeting for those members who wish to preview it. The program will be broadcast later this month and will be on the schedule for next month.

Helwig reported that Peter Hollinshead has made a connection with the City of Birmingham, and the city has offered garage space for the production van.

Review and Liaison Committee

Hirsch reviewed that his committee was directed at the January Board meeting to evaluate the possibility of conducting a survey of cable subscribers concerning public access. Committee members along with Pinkos and Hagaman met to consider the practical value of conducting a study to determine the audience of the consortium's public access programming and receive their evaluation of that programming. Key discussion points were: 1) pros and cons of various data gathering techniques, and 2) what the survey should accomplish.

Under the guidance of a market research professional, Susan Hirsch, the committee explored the pros and cons of several data gathering techniques including mail survey, telephone survey, and focus groups.

The committee then addressed the question of what the survey should accomplish. That led to questions such as whether programs would be cancelled if the Board found that no one was watching the programs and whether the Board would be willing to tell prospective public access programmers that our audience isn't interested in their topic.

The committee concluded that there was nothing substantive the Board could do as a result of the information gained through a survey. The Board is under franchise obligation to provide public access. It is not overwhelmed with people wanting to produce or participate in programming. Hirsch stated that the committee's recommendation at this time is that the Cable Board should not conduct any type of survey on public access.

Board members discussed this topic further. Borgon expressed interest in knowing what the residents think about BACB public access and municipal channels. Ettenson questioned whether this group has any idea as to what some of the other public access channels are doing in our area and if there are any benchmarks to review.

Helwig commented that it would be interesting to conduct a survey that provides information that could guide us in some way. She related that surveys are not common except during the franchise renewal process. It is expensive to conduct a survey and difficult to know how to implement action based on results.

The majority of the Board concurred with the committee recommendation not to go forward with a subscriber survey.

COMCAST RELATED TOPICS

Subscriber Complaints

Hagaman stated that the four complaints received this month have been resolved to the subscriber's satisfaction. One of the complaints was from an apartment owner objecting to the harassment of his tenants. Beller explained that Comcast does audits of various buildings from time to time to check its customer records for accuracy. Beller related that Comcast has spoken with the four customers involved in this complaint and has resolved their concerns and credited their accounts.

Delaney asked if the Executive Director has information on past complaints and their resolution. Hagaman responded that she and Beller are in the process of preparing a summary of the complaints for last year and the start of this year. It will include the resolution of each complaint that has come through the Board. She will provide this record to the Board.

Hagaman stated that the customer complaint form will be available shortly on the BACB web site. She will also check with the municipalities to see if they want complaint forms available at the municipal offices.

Hagaman emphasized that the easiest way for a subscriber to register their complaint with this Board is to call the Cable Board number (248/646-8450) and leave her a message. Hagaman will return the call, record the customer's complaint, and forward it to Comcast.

In response to an inquiry, Hagaman stated that the amount of complaints received per year compared to the number of subscribers is less than one percent. Ettenson commented that he has not heard complaints from subscribers for quite a while about Comcast technicians missing appointments.

Pfeifer suggested that Beverly Hills publicize the Cable Board telephone number by placing an article in the Village newsletter and in the informational calendar mailed to residents. She added that the public should understand that they are expected to call Comcast first and then contact the Cable Board number and talk to Hagaman if the problem is not resolved to their satisfaction. Hirsch proposed that the City of Birmingham include this information in its newsletter.

Borgon requested that Hagaman draft suggested wording for these newsletter and calendar inserts for the benefit of the communities.

Monthly Subscriber Statistics

The Board has received the monthly system statistics for January.

Other Issues

Board members are in receipt of notes from a February 6, 2004 meeting of Cable Board and Comcast representatives. In attendance from the Board were Bob Borgon, Mel Ettenson, Kathy Hagaman and Tim Currier. Comcast representatives included Linda Hossinger, John Parr, Michael Parker and Louise Beller.

Borgon reported that it was a good meeting overall. He appreciated the candid responses from Linda Hossinger, Area VP for the Michigan region. Hossinger was not initially receptive to the idea of senior discounts because of its widespread implications. She agreed to get back with the Board on suggested alternatives such as partnering with AARP. Hossinger indicated that Comcast was willing to work with the Board on an access survey. Comcast was going to get back to the Board on questions regarding the blank channel 21.

Beller responded that notification was issued in October of 2002 of the realignment of channel 21 (CBC) to channel 99. She indicated that CBC is located on channel 99 in most other Comcast systems. The reason for doing the repositioning was to provide consistency throughout the area.

Board members made the point that Comcast has not added a channel to fill the empty channel 21 slot. It was also suggested that CBC should be closer to the beginning of the channel line up where it can be more easily found.

Beller suggested that it may be helpful for interested Board members to tour the Comcast network operations center to take a look at how the company manages its system. She also extended an invitation to members to go through the Comcast master head end to see how programs come in and are mapped, tracked and dispersed throughout the system.

EXECUTIVE DIRECTOR'S REPORT

Hagaman stated that she is working with Beth Correa on developing an information packet for new Board members.

MLTV15/PA18 REPORT

Helwig reported that seven municipal meetings and one BACB meeting were produced during the last month. BCTV taped the Birmingham Bloomfield Community Coalition's "Masquerade Jam" and finished the final edit for the Rouge River program. Three Beverly Hills Council members worked on a short information piece about issues in the upcoming Beverly Hills election.

BCTV has produced 34 programs for P.A. 18. "Spectacles" from Birmingham public access producer Betsy LaBoe premiered and "Wall Street Geeks" also premiered. The Community House's cooking show, "Flash in the Pan" is in production.

Helwig informed the Board that Tonia Lordy will be leaving BCTV. She has served BCTV and the Board well, and Helwig will be very sorry to see her leave. Helwig has posted the position and will be interviewing people next week. Borgon remarked that Tonia's talents will be missed by this Board.

The Program Development Committee met on February 10 to review three proposals. Lynn Alexander from Oakland County proposed a program to educate and inform seniors about programs and services available throughout Oakland County. Helwig recommends that this be included in the MLTV lineup. Connie Silver from Bloomfield Township Library proposed a show about book discussion groups. Lex Kuhne has proposed a talk show about people active in our community.

BCTV conducted two volunteer workshops this month attended by 12 people. A producer's workshop led by Jonathan Swift will be held on February 19.

Helwig provided the Board with a report of program hours as requested. This will be an agenda item for the next meeting after the Board has had an opportunity to review the report.

Delaney commented on the poor sound quality of the February 3 Beverly Hills Council meeting on cable television. Woodard viewed last night's Council meeting and reported that the sound quality was not good. It appears that there is a problem with the live broadcast of these meetings and not the taped replay. Helwig will investigate this and report back to the Board.

OLD BUSINESS

Martinico stated that she was requested at the last meeting to provide an accounting of the equipment purchased by the School District with past grants from the Cable Board. She has copies of that information available for interested Board members.

NEW BUSINESS

Board members indicated interest in touring the Comcast head end and asked Hagaman and Beller to arrange a date for a tour.

Board members discussed rescheduling the March BACB meeting to accommodate members who are not available on March 17th.

Motion by Hirsch, seconded by Woodard, to reschedule the March Cable Board meeting from March 17 to March 24 at 7:45 a.m.

Motion carried.

BOARD COMMENTS

Delaney stated that he attended last night's Beverly Hills Council meeting along with Bob Borgon to address recent questions and concerns from Beverly Hills residents regarding Comcast and the function of the Cable Board. Delaney and Borgon addressed a number of topics including the issue of competition.

Borgon stated that both he and Mr. Currier have talked to representatives from Wide Open West about whether the company is interested in providing cable service to the Birmingham consortium. WOW representatives indicated on three different occasions that they were not interested. Borgon has suggested that the BACB mail an official written request to Wide Open West so that this Board would receive a written response confirming that WOW is not interested in investing in a cable system to serve our communities.

Woodard thanked Delaney and Borgon for the cable update at the Beverly Hills Council meeting. It was noted that Borgon has appeared before the Franklin Village Council. Hagaman and Ettenson keep the Bingham Farms Council up to date on cable issues. Hollinshead and Hirsch will appear before the Birmingham Commission next Monday.

Ettenson stated that an objective of the Liaison and Review Committee is to join with other associations in the area to reach representatives at the federal and state level who serve on telecommunications committees. It is a goal to express this consortium's interest in improving the way cable systems are operated and regulated. He suggested that wording be drafted that expresses the Board's desire to influence legislation to provide more control over the cable industry. There was agreement that the Board should suggest points that these letters should include.

Hirsch commented that the Liaison and Review Committee will consider starting a grass roots e-mail, mail, or telephone drive asking subscribers to join in this effort to overcome the lack of regulation that allows cable providers, particularly Comcast, to do pretty much what they want to do. A goal of the committee is to get Congress and the FCC to take action that will restore some balance to the system.

On behalf of the Beverly Hills Council, Pfeifer thanked Borgon and Delaney for appearing at last night's Council meeting to address citizen comments and concerns.

PUBLIC COMMENTS

W. A. Zimmerman of 22191 Camelot Court stated that the contention was made at last night's meeting of the Beverly Hills Council that cable rates are about the same no matter who provides

cable and broadband service to a community. He said that he can provide evidence that combined cable and broadband service is available in Royal Oak through Wide Open West at a lower cost than is charged by Comcast.

In another matter, Zimmerman stated that it was mentioned at a recent Cable Board meeting that a class action suit was filed against Royal Oak, Troy, and other cities contending that the imposition of a cable franchise fee constitutes a violation of the Headlee Amendment. Cable Board Attorney Tim Currier has cited the 1997 Dallas Court case in which the court defines the franchise fee as rent and not a tax. He questioned whether the Board regards the franchise fee as being in the nature of a rent obtained from the cable provider.

Salhaney addressed the issue of franchise fees and the Dallas Case. That case acknowledged that franchise fees are similar to rent.

The meeting was adjourned at 8:52 a.m.