

Present: Correa, Frishman, Hirsch, Kuhne - Birmingham
Borgon, Delaney, Pinkos, Woodard – Beverly Hills
Ettenson – Bingham Farms
Gallasch – Franklin

Absent: Hollinshead - Birmingham

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

Motion by Woodard, second by Ettenson, that the minutes of a regular Cable Board meeting held on June 16, 2004 be approved as submitted.

Motion passed.

ELECT OFFICERS

The bylaws of the Birmingham Area Cable Board require that Board officers be elected annually at the first meeting of the new fiscal year. Borgon opened the floor for nominations for the office of chairperson of the Birmingham Area Cable Board. All votes were taken by a show of hands.

Delaney nominated Bob Borgon for the position of chairperson. Kuhne nominated Peter Hollinshead as chair.

A vote was taken to elect Bob Borgon. Borgon was elected as chairperson by a vote of 7-2.

Nominations for the position of vice-chairperson of the Cable Board were accepted. Kuhne nominated Peter Hollinshead as vice-chairperson. Hirsch nominated Mel Ettenson as vice-chair.

A vote was taken to elect Peter Hollinshead as vice-chair. Hollinshead received one vote.

A vote was taken to elect Mel Ettenson as vice-chair. Ettenson was elected to the position with eight votes.

Woodard nominated Jim Delaney as treasurer of the Cable Board. There were no other nominations. Delaney was elected by acclamation.

Kuhne nominated Grant Pinkos to serve as secretary of the Cable Board. There were no further nominations. Pinkos was elected by acclamation.

NOMINATE BOARD DELEGATES TO NATOA CONFERENCE

The annual meeting of NATOA (National Association of Telecommunications Officers and Advisors) will be held from September 14-18 in San Francisco. The fiscal year 2004/05 budget allocates funding to send two Board members to the NATOA conference in addition to the Executive Director.

Last year's representative Elizabeth Correa is not available this year due to business commitments. Susan Frishman is interested in attending. Both Peter Hollinshead and Mel Ettenson have expressed interest in attending the conference but are unavailable due to business and other conflicts. As no other members expressed interest, Borgon indicated that he would be available.

Motion by Ettenson, second by Woodard, to authorize Susan Frishman and Bob Borgon to attend the NATOA Conference in San Francisco from September 14-18 along with Executive Director Kathryn Hagaman.

Motion passed unanimously.

COMMITTEE REPORTS

PEG Committee

Board members Frishman, Correa, and Gallasch have volunteered to join the PEG Committee. In the absence of Committee chair Hollinshead, Hagaman reported that work is starting on the next phase of the Rouge River program. Steve Rota from BCTV is heading the production.

Cable Review and Liaison Committee

Hirsch stated that copies of the Board's sample letter for use by dissatisfied cable customers as a model in writing to Congress and the FCC will be forwarded to the Michigan Chapter of NATOA. It is anticipated that Michigan NATOA will distribute the letter to Cable Boards in the state and forward it to the National NATOA group for wider distribution by cable boards around the country. Hirsch hopes that BACB representatives attending the NATOA conference this September will do whatever they can to interest NATOA members in this Board's efforts to encourage Congress and the FCC to re-regulate cable pricing.

The Board's sample letter will be posted on the BACB web site along with Legislative contacts and e-mail addresses. There was a general consensus that the Cable Board should send the letter to government bodies with the signature of Chairperson Bob Borgon.

Hirsch reported that Grant Pinkos has been helpful in contacting specific complainants who have written to the Board about pricing over the past year. He is encouraging them to write a letter to Congress and the FCC regarding how unfair the present cable

television law is to consumers. Pinkos has also drafted a news release that draws public attention to the sample letter. The news release will be distributed to the local media.

Hirsch related that the USA Today newspaper carried a story last week about a rush of comments to the FCC from consumer advocates and cable operators regarding the a la carte issue. The FCC is asking for public comments in preparation for considering revision of some of its statutes. The Board understands that Congress gave the FCC authorization to study the a la carte issue for a year and come back with a definitive report and recommendations.

The Cable Review Committee has invited chairperson Bob Borgon to attend its next meeting to provide input on the action plan the Committee has been developing.

COMCAST RELATED TOPICS

Subscriber Complaints

Hagaman asked for a follow up on a complaint received last month regarding a cable line that was not buried at a residence. The line has been buried, but Beller was asked why it took several weeks for a crew to return to bury cable following an installation.

Beller responded that Comcast crews have been working as quickly as they can with the assistance of outside contractors to repair residual damage from the winter months. The large amount of rain this spring was another contributing factor. Comcast is working to resolve these issues. Beller stated that she investigated this specific complaint and talked to the management team about reducing the turnaround time to bury lines.

Hagaman reported that there were six complaints received since the last meeting: three pricing concerns; two service complaints; one complaint about the lack of a senior discount; one complaint about the quality and format of the TV guide channel; one complaint about alleged overcharging for a set top box.

Hagaman indicated that some of these complaints have been addressed. The usual turnaround for reporting complaint resolution was not achieved due to vacation schedules at Comcast. All of the complaints will be carried over to next month in order to provide written resolutions.

Borgon questioned the status of Comcast's consideration of senior discounts. Beller responded that it was decided that Comcast was not going to be offering a senior discount at this time. The issue will be reviewed periodically.

It was explained that franchises that currently offer a senior discount to subscribers were acquired by Comcast. Comcast had to fulfill the obligations of the franchise that was negotiated by the prior cable operator.

Hagaman is aware that Comcast is developing its own channel lineup service in lieu of the TV guide channel. Beller related that Comcast is looking at two different approaches. One is a modification of the TV guide because of feedback from customers about the

amount of advertising on the TV guide version. Another guide is being developed in conjunction with Microsoft that will have an interactive capability. Comcast is looking for ways to make the TV guide more user friendly. She noted that the picture quality will be enhanced in conjunction with the new platform.

Monthly Subscriber Statistics

Board members have received the final May subscriber statistics and preliminary June statistics. There were no comments from Board members.

Other Issues

Hagaman stated that the Board received a letter from Comcast last month regarding a rate change in service related items for cable subscribers. Beller has distributed a report comparing rate changes from 2003 to 2004.

Currier reported that the Board received a letter in response to its complaint about the arbitration notice received by customers in their last billing. Comcast's position is that it is not going to change its arbitration provisions including elimination of class action litigation, but it will extend the opt out period for 30 days to the residents in the BACB consortium.

Currier commented that there are some significant legal issues to address regarding the opt out clause. How to deal with these matters becomes an interesting issue because the Board has no specific incident on which to contest it. Because an academic exercise in court is expensive, this may be something the Cable Board and Comcast agree to disagree on for a long period of time.

Hagaman asked what the recommendation to subscribers should be on this issue. Currier responded that the subscriber can opt out of the arbitration provisions if they wish and therefore preserve their ability to enter a class action lawsuit. They may not have arbitration provisions afforded to them. The subscriber's response is an individual choice, but Currier does not really think it changes the customer's legal rights or their ability to challenge.

The Cable Board will attempt to advise subscribers through a posting on the BACB web site that Comcast has given them an additional 30 days to opt out of the arbitration provisions. A sample letter to Comcast will be posted on the web site, which should be sent to the address provided in the billing notice.

EXECUTIVE DIRECTOR'S REPORT

Hagaman stated that the City of Birmingham currently has no applications on file from residents interested in serving on the Cable Board. A notice will be placed in the Birmingham Eccentric and Eagle newspapers asking for two volunteers from Birmingham to serve on this Board. Board members should contact Nancy Weiss in the Birmingham City Clerk's office if they know of anyone who is interested in serving on the Cable Board.

There is some concern that a quorum will not be available for the September 15th Cable Board meeting due to two members attending the NATOA Conference and other members whose commitments that may keep them from attending the meeting. Board members were asked to check their schedules to determine a quorum for the September meeting.

Hagaman anticipates that the final year end financial report will be completed by the next meeting. Auditors from Plante & Moran are ready to start the annual operating audit.

MLTV 15/PA 18 REPORT

Jim Gillis reported that the last month was standard in terms of municipal meetings. July is a busy concert month in the member communities. Steve Rota and Catherine Yeh have been working on summer shorts. BCTV completed a total of 27 programs on PA 18 for this time period. Bloomfield Community Television did about 47 programs total last month.

Comcast has completed the installation of a device so that BCTV can now look at the MLTV 15 channel as a “downstream” customer at its BCTV hub site facility. This new feed will allow BCTV staff to see what subscribers are seeing as a customer in the BACB viewing area and not just the output of the modulator from the studio. Gillis clarified that public access signal issues can become independent to one’s home. Questions from the Board about the volume of public access programming were answered by Gillis.

BCTV held its July 1 workshop in the morning and evening and had five people attend. Two of the new volunteers have already begun to work on productions. Another workshop will be scheduled for the fall.

BOARD COMMENTS

None

PUBLIC COMMENTS

None

CLOSED SESSION

Motion by Ettenson, second by Woodard, to go into closed session to discuss confidential attorney/client privileged opinion exempt from disclosure.

Roll Call Vote:

Motion passed unanimously.

Members of the Board, Hagaman, and Council liaison Pfeifer went into closed session with Attorney Currier at 8:35 a.m. and reconvened in open session at 8:50 a.m.

Pfeifer commented that she enjoyed a senior citizen discount as a MediaOne customer. Comcast grandfathered that discount when it took over the franchise. To the best of her

knowledge, the senior citizen discount was discontinued only in the latest round of price increases.

Currier replied that he believes that MediaOne offered the senior rates as a promotion, not as a franchise requirement. Waterford had a senior discount as part of its franchise requirements.

The meeting was adjourned at 8:54 a.m.