

Present: Decker, Fredrick, Frishman, Hirsch, Tarini - Birmingham  
Borgon, Mach and Pfeifer – Beverly Hills  
Ettenson – Bingham Farms  
Gallasch - Franklin

Absent: Correa and Jones – Birmingham  
Woodard and Verdi-Hus – Beverly Hills

Also Present: Hanson, Executive Director  
Currier, Attorney for Cable Board  
Martinico, Director of Technology, Birmingham Schools  
Antuna, Bloomfield Community Television representative  
Valentine, Birmingham Staff Liaison  
Beller, 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.

#### **APPROVE MEETING MINUTES**

Motion by Gallasch, second by Ettenson, that the minutes of a Birmingham Area Cable Board meeting held on Wednesday, July 20, 2005 be approved as submitted.

Motion passed unanimously.

#### **COMMITTEE REPORTS**

##### **PEG Committee**

Committee chair Fredrick stated that he and Hirsch have questioned BCTV about the propriety of some of the Sunday afternoon religious programming aired on Channel 18. In response, BCTV staff met with Board members and explained that, while Municipal Channel 15 content falls under the jurisdiction of the Cable Board, the basic concept of public access television channels like Channel 18 is to allow free expression of opinion by members of the community, subject only to restrictions against obscenity and commercial advertising. To avoid charges of censorship, the BCTV staff typically runs tapes that are submitted without prescreening them. They do exercise judgment in terms of time period placement.

Included in Board's information packet is a copy of a form entitled "Request for Program Playback and Statement of Compliance". This is the sheet that a member of the community would fill out when they bring in a tape from any organization. Another form was distributed to Board members entitled "Program Proposal". This sheet is filled out by a member of the community who is co-producing a program with BCTV. An overwhelming number of programs are produced by BCTV in conjunction with community volunteers.

Fredrick reviewed that BACB's Channel 18 is identical to Bloomfield Township's Channel 15. The PEG Committee has been exploring ways to differentiate our consortium from Bloomfield Township. The Committee asked BCTV what it would take to have our own electronic billboard for Channel 18 instead of sharing a billboard with Bloomfield Township Channel 15. This would eliminate information that pertains only to Bloomfield Township or Bloomfield Hills and would

be an important first step in establishing our identify as a Birmingham area channel. BCTV has indicated that it will provide a response to the PEG Committee.

Step two will be to look at programming. There is general agreement that Channel 18 provides excellent programming. The intent is to afford some differentiation between the two channels, which has been a source of confusion for people who watch local cable programming.

Fredrick remarked that there was a water main break a couple of weekends ago in Beverly Hills. Bob Borgon suggested that there should be a way to air this type of public announcement on the public access channel. Fredrick understands that BCTV has a new billboard apparatus for Channel 15/18 with remote capabilities. BCTV is working on drafting a policy for use of the new equipment to handle weekend emergencies.

Fredrick informed the Board that the City of Birmingham purchased the Barnum School and has formed an ad hoc committee to decide what to do with this valuable piece of property. The group will be meeting every Tuesday at 4:30 until January. Fredrick anticipates that this committee will request television coverage of its meetings.

The PEG Committee will be meeting one week following the Cable Board meetings on Wednesdays at 5:30 p.m. at the Baldwin Library. Fredrick welcomed interested individuals to sit in on a PEG Committee meeting.

Fredrick stated that, starting this month, municipal meetings are being repeated in a fixed pattern. He distributed a revised proposal for municipal meeting playback, which the committee is thinking about implementing in September. Fredrick explained the rationale for the proposed schedule and asked for opinions from Board members. He indicated that the new pattern would be publicized in local newspapers along with notice to municipal clerks once the Board is satisfied with the pattern.

Borgon expressed the view that people are more likely to watch a meeting in pieces rather than watch from start to finish. He thinks it is important to repeat current municipal meetings often on Channel 15.

Pfeifer agreed that municipal meetings should be rebroadcast regularly. She mentioned that Beverly Hills may request additional meeting coverage in the future. It was noted that there is no set policy for air time.

The contract with BCTV provides for taping and broadcast of certain meetings as part of the contract price, but there are some grey areas in terms of replay. It was questioned whether BCTV will charge an additional fee if extra meetings are taped and replayed. Birmingham pays to have its Planning Commission meetings broadcast.

Borgon remarked that he has asked the PEG Committee to look into whether meetings can be broadcast on the municipal channel 24/7. Fredrick responded that this inquiry is on the list of items to be addressed by the Committee.

Fredrick asked for Board input on the following topic. Past policy has been that the PEG Committee requested that BCTV air the Birmingham concert series exclusively on Channel 15 and not on Channel 18. Regardless of the fact that it is a municipally sponsored concert, it is probably more appropriate to air the concerts on a public access channel that includes entertainment programming rather than on the channel that shows municipal meetings. We now have the concerts running three times a week on Channel 15 and also on Bloomfield Township's Channel 15 while Channel 18 is running billboards. The PEG Committee suggests airing the concerts on Channel 18 in lieu of running another two hours of billboards. The Board was asked to approve this reversal in policy.

Motion by Ettenson, second by Hirsch, that the Cable Board agrees to air programming such as municipal concerts on either its municipal or public access channel.

Motion passed unanimously.

### **Cable Action Committee**

Hirsch reported that the Cable Action Committee prepared a news release at the direction of the Cable Board advising cable television subscribers to seek credit from Comcast when their cable service has been disrupted through no fault of their own. A companion release was drafted for municipal newsletters in Birmingham, Beverly Hills, Bingham Farms and Franklin.

At its last meeting, the Committee talked about locating a storage place for the Board's remote production van. There is a need to garage the van and its costly production equipment on a year-round basis. This will be an item for discussion by the Board.

The Cable Action Committee discussed the air time vacated by the demise of the College Channel. Comcast is filling the time by showing Catholic Television Network of Detroit programming on both channels 22 and 26. The committee considers this unsatisfactory and urges Comcast to find a better solution.

Committee members volunteered to assist Executive Director Hanson in developing orientation material for new members of the Board.

### **COMCAST RELATED TOPICS**

#### **Subscriber Complaints**

Hanson reported that there were 12 new complaints received in the last month. He provided the Board with a sheet outlining the complaints and their disposition. All twelve complaints except for one (05-83) are resolved. This subscriber is on vacation, and Comcast is waiting to hear back from her.

Borgon observed that a couple of the complaints deal with missing service windows. He did not think that the monetary compensation offered in these cases was adequate. Offering a month's free service would be appropriate.

Ettenson concurred that there is an inordinate amount of missed service windows, which is a violation of the Franchise Agreement. If the combination of missed service windows and token

compensation continues, he is prepared to propose a solution in terms of liquidated damages and two months credit on each missed window complaint.

Hanson asked if there is a way that Comcast could track the cause of these missed service windows. He has noticed that customers are reporting a conflict between Comcast Internet and Comcast cable television divisions in terms of service in the field. The field techs do not seem to be communicating the subscribers' problems adequately. Beller will take a look at these issues.

### **Monthly Subscriber Statistics**

There were no comments on the Comcast system statistics for June and July.

### **Other Issues**

Beller thanked Board member Brian Jones for attending the Leaders & Achievers recognition event on August 2<sup>nd</sup>. She thanked Tom Hanson for working with Comcast on the new format for tracking subscriber complaints.

Comcast has committed its support of the Detroit Institute of Arts for 2006, which includes many Birmingham-area activities. Comcast recently extended its volunteer and promotional support to the Birmingham Bloomfield Symphony for the 2006 program year. It was announced in *Crain's Detroit Business* that Comcast–Metro Detroit has been selected as a winner in the “Cool Places to Work” competition.

Hirsch referred to a handout distributed by Beller noting lower costs for residential installation rates. He applauded Comcast for this reduction in installation rates and asked how the company can do this. Beller responded that Comcast looks at the overall cost of doing business in these categories annually to make sure that the cost is allocated appropriately. Comcast is required to review its policies and provide notification to subscribers.

Beller informed the Board that the issue with CTND has been resolved in conjunction with some of the other channel changes that will occur on September 7 in the area. CTND will no longer be carried on two channels; it will be carried full time on channel 22.

Borgon questioned the logic behind removing channels from the analog tier and asked what value is being added to that tier. Basic cable subscribers have lost stations, which have not been replaced.

Beller responded that there are a lot of factors that go into determining channel realignment including programming agreements, subscriber input, allocation of bandwidth space, and providing consistency in the channel line up across the area.

Hanson remarked that Beller's rationalization for removing channels on the analog tier to provide consistency in the channel line up on the digital tier is not a supportive argument from a customer's point of view.

### **UPDATE BEVERLY HILLS INTERNET CONNECTION**

Pfeifer reported that the Beverly Hills Clerk is receiving Comcast high speed Internet, and it is very much appreciated.

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

Hanson commented briefly on the complaints received this month. He observed that Comcast promotions that end have caused confusion among subscribers. Hanson asked if there is an automatic capability of Comcast to return a subscriber to their previous service level rather than increasing their bill when a promotion expires.

Beller stated that when a promotion ends, the subscriber is billed at the published rate for their service. Borgon remarked that it is standard business practice to charge the published rate after a promotion expires unless the subscriber asks to return to the prior service.

Hanson reported that press releases went out regarding the Board's advisory to subscribers to request compensation in the event of lost service. The municipal clerks' offices and seven media outlets were notified.

Hanson reported that a DVCPRO record deck was sent to Roscor for repairs after it was suspected that the equipment was under stress due to heat. Roscor could not duplicate the problem, so the repair fee will be absorbed by the Board.

Paperwork was submitted to Plante & Moran last week in preparation for the audit of the Cable Board. A report is expected at the next meeting.

Hanson has received a communication from PROTEC and recommends that the Cable Board consider joining the organization. PROTEC is a Michigan group that was founded in 1996 in response to the Michigan Telecommunications Act. It is an advocating body and defender of local franchises in Michigan. Currently the PROTEC attorney is putting together schedules and meetings for Michigan cable board representatives who will be attending the NATOA conference in Washington, D.C. in September.

Attorney Currier stated that he worked with PROTEC with respect to the Coast to Coast vs. Birmingham lawsuit a few years ago. He mentioned that there are municipal clients who question why cities pay to join PROTEC when protection of public rights-of-way should be the job of the Michigan Municipal League. Currier noted that PROTEC has lowered its membership fees to try to increase its support. The MML is more broadly based in terms of issues while PROTEC singularly deals with telecommunications and rights-of-way issues. Currier suggested that Board members may want to seek input from their member municipalities as to what the commissions or councils think about this membership.

The cost of membership for the Birmingham Area cable consortium is \$4,211.87 or 12 cents per capita. Bingham Farms is already a member of PROTEC. Ettenson explained that Bingham Farms supports PROTEC because the municipality is heavily populated with office complexes, and there has been much interest in rights-of-way issues in terms of extending service to the large population of the business district.

There was a consensus that Board members should consult with their governing bodies or members of administration to determine if the municipalities have any objections to the Cable Board joining PROTEC on behalf of the consortium communities. This will be an agenda item for the next Cable Board meeting. The Board agreed to take an advocacy position on its membership in PROTEC.

### **MLTV15/PA 18 REPORT**

Lisa Antuna reported that nine municipal meetings were taped during this period. There were 13 non-meeting programs produced by Channel 15 including ten concerts.

Eleven programs were produced for PA 18. Of special interest were *Talk of the Town* by Birmingham producer Jim Lane and *Summer Day Camp* taped at the Community House.

Members of the BACB were asked to join BCTV staff to discuss policies related to airing programs on public access channels. It was a positive meeting.

Repairs to the BACB mobile production van have been completed and the van is back to its regular performance.

BCTV recently retired the Chameleon bulletin board system and purchased the Tightrope Carousel. The staff is in the process of getting the new bulletin board system up and running. The new system has the capability to log onto a remote access site. It will be able to send emergency messages to the BCTV facility from anywhere that has a high speed Internet connection. BCTV is looking at policies to include emergency operations.

### **OLD BUSINESS**

#### **NATOIA Convention**

Borgon reviewed that the Board authorized three of its members to attend the September NATOIA meeting in Washington D.C. He informed the Board that he cannot attend the meeting for personal reasons. Susan Frishman and John Decker both indicated that they were available to attend. Because of her attendance last year, Frishman deferred her position to Decker.

Motion by Fredrick, second by Pfeifer, to authorize John Decker to attend the NATOIA Conference in Washington, D. C. from September 22-25 in Bob Borgon's place.

Motion passed unanimously.

There was discussion as to how to handle members' expenses at the convention. Hanson will check the policies of the municipalities with regard to travel expenses and will prepare an expense sheet for the attendees.

#### **Housing mobile production van**

Borgon mentioned that the Cable Board continues to look for a garage for the mobile production van. A secure and temperature controlled space is needed for the van because of the sensitive equipment housed in the vehicle. Frishman and Hirsch volunteered to work with Tom Hanson and Lisa Antuna on this effort.

**NEW BUSINESS**

None

**BOARD COMMENTS**

Pfeifer thanked the new member representing Beverly Hills, Ms. Mach, for joining the Cable Board. The next Beverly Hills Villager newsletter will contain the press release prepared by the Cable Action Committee regarding subscribers requesting a credit from Comcast when their cable service has been disrupted.

The Cable Board Annual Report will be presented by Bob Borgon at the next Beverly Hills Council meeting on September 6. Beverly Hills is having an election on September 11. BCTV will be broadcasting live a League of Women Voters candidates forum on August 26 at 7:00 p.m. There are five people running for three seats on the Village Council.

Board Secretary John Decker wanted to make sure that Board members and particularly new members have been provided with the Bylaws of the Cable Board, the Cable Ordinance, Franchise Agreement with Comcast, and the contract and policy statement with BCTV. He asked Board members to advise him if there are any additional changes to the contact information sheet.

Ettenson noted that a handout was included in the Board's packet describing a new advocacy group called FreedomWorks that urges interested parties to visit [www.chooseyourcable.com](http://www.chooseyourcable.com). There is a bill introduced in Congress called the Video Choice Act of 2005 advancing the choose your cable movement by streamlining the franchising process for new entrants into the video and TV programming market, increasing competition, and giving consumers more choice.

Hanson cautioned that there are downsides to this bill being introduced and ramifications to local Communities. The literature from FreedomWorks should be reviewed carefully.

Currier commented that the Dream Cruise will take place in the area this Saturday, August 20. He recognized that Joe Valentine has donated his time to coordinate efforts for the City of Birmingham's participation in the event.

**PUBLIC COMMENTS**

None

The meeting was adjourned at 9:20 a.m.