

Present: Decker, Fredrick, Jones, Frishman, Hirsch - Birmingham  
Borgon, Mach, Verdi-Hus and Woodard – Beverly Hills  
Ettenson – Bingham Farms

Absent: Correa and Tarini – Birmingham  
Gallasch – Franklin

Also Present: Hanson, Executive Director  
Currier, Attorney for Cable Board  
Martinico, Director of Technology, Birmingham Schools  
Antuna, Bloomfield Community Television representative  
Beller, Comcast representative  
Pfeifer, Beverly Hills Council 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 Woodard, second by Ettenson, that the minutes of a Birmingham Area Cable Board meeting held on Wednesday, August 17, 2005 be approved as submitted.

Motion passed unanimously.

#### **COMMITTEE REPORTS**

##### **PEG Committee**

Program schedule patterns – It is the view of the majority of PEG Committee members that the current random method of scheduling for Public Access Channel 18 is acceptable for now. The rationale is that PA18 viewership may be a result of channel searching. Further, there is little control of the schedule by this Board as long as PA18 is identical to Bloomfield Township’s Channel 15. This issue may be revisited if and when there is more control of the program schedule.

Because there is a predetermined schedule for municipal meetings, the Committee believes it is appropriate to have a fixed schedule for Municipal Channel 15. A schedule is being assessed for September whereby each of the five municipal groups – Birmingham Commission, Birmingham Planning Commission, Beverly Hills Council, Franklin Council and BACB will fill the same six positions each week. If this schedule is acceptable, it will be continued in October and publicized. It is the recommendation of the PEG Committee that summer concerts be moved to PA18 next season.

Electronic billboards – The PEG Committee recommends that the total billboard length not exceed 15 minutes, that a slide of the day’s schedule be included each day, and that the slides run in an organized manner. The majority opinion was that BACB should purchase the equipment necessary to have its own electronic billboard for PA18 separate from Bloomfield Township. Because programming is shared, there are many items on PA18 that refer strictly to Bloomfield Township. This gives Birmingham area viewers the impression that PA18 is a

Bloomfield channel. The PEG Committee believes that an important step in establishing a clear identity for the BACB channel would be to have its own billboard.

The estimated cost of the equipment is \$5,500 plus installation and would require about an hour's worth of labor a week to update the billboard. It is hoped that the Board can negotiate this within its current contract with BCTV.

Motion by Fredrick, second by Decker, that the Birmingham Area Cable Board purchase the necessary equipment for its own billboard for PA18 at a cost not to exceed \$6,000.

Pfeifer commented on recent information received in a weekly update from the Michigan Municipal League (MML) relative to pending legislation at the state level that may impact funding for local cable television franchise groups. She made the observation that future legislation may impact how the Board spends its money.

Pfeifer referred to an article from an MML communication entitled "Municipal Broadband and Cable Franchising at Risk". It indicates that the Michigan Legislature will be rewriting the Michigan Telecommunications Act in the next few weeks. MML strongly believes the corporate telecommunication companies will attempt to eliminate local cable franchising agreements and replace local agreements with state-wide franchise agreements. MML is also certain that there will be an attempt to eliminate local governments from offering wireless communications services, cable, and high-speed Internet.

MML is requesting that local governments pass resolutions asking the Governor and the Michigan Legislature to preserve local cable franchising and municipal broadband. It would also be important to let residents know that the Legislature's action may result in less choice for their telecommunications service. The MML is asking municipalities to contact their state representative and state senator and ask them not to take away local cable franchising, wireless internet, and/or broadband.

Fredrick remarked that the Cable Board is sending representatives to the Washington D.C. NATOA convention to explore these telecommunications issues. He added that it is possible that this issue will not be settled for some time.

Borgon commented that this consortium has to anticipate losing control of franchise fees in the future. The BACB will still be operating two stations and will need funding to do that. The Board's delegation attending the NATOA conference in Washington will be exploring alternative ways of funding its two stations. Borgon does not want to stop Cable Board activity while waiting for the state legislature to make a decision.

Hanson stated that he does not think franchising fees at the state level will be eliminated. The state may take franchising away from local control. Programming in this consortium could be cut back in the future, but the need for a bulletin board would remain.

Attorney Tim Currier stated that there are a number of issues on the state and federal level. There are established incumbent telephone carriers, upstart telephone companies, established cable television providers, and established telecommunication carriers who want to use their broadband capabilities to broadcast cable over television lines. There are wireless telephone, Internet and satellite broadcast entities. Some are looking to extend the Telecommunications Act; some are looking to rewrite the Act in its entirety.

Both state and federal legislation is trying to eliminate what they consider barriers to the start up or existing companies entering the markets. The biggest barrier they see is local control, so they would like to eliminate entities such as the Birmingham Area Cable Board or any local franchising authority from standing in the way of a company doing what it wants to do. Currier understands that the State Legislation indicates that everything can be done better at the state level than at the local level.

The state would see that local entities receive money through a method similar to State Gas Tax refunds to municipalities through the Public Act 51 formula. The state will set up a way of franchising on a state level that will eliminate the involvement of local government. If the state is successful in eliminating local franchising, it would eliminate local control over complaints. The ability of a local governmental entity to address consumer complaints through the Consumer Protection Ordinance is under attack.

Currier added that the state is attempting to eliminate municipal broadband. There are communities that have their own Internet capability that they provide to their citizens. This is popular in communities that have their own power system and infrastructure. In the I.C.C.A. consortium, the City of Ferndale has been an advocate of looking into this possibility.

SBC and other telephone companies are interested in doing more with their existing infrastructure. This causes companies like Comcast to support the municipal position in Washington because they have already dealt with local governments in terms of paying a franchise fee. Comcast feels that this creates an unfair advantage to other players coming into the market. In response to the question of how long it will take to rewrite the Telecommunications Act, Currier stated that there has been pending legislation in the cable telecommunications area for the last dozen years. There is, however, public pressure to lower cable and telephone bills and a belief that providing competition will lower those bills.

Ettenson commented on the possibility of a legislation change at the state level. He suggested that the Board support the proposal to invest in a bulletin board now while keeping an eye on future developments.

Fredrick added that a number of cable systems in the country are receiving more revenue through corporate underwriting. In order to appeal to a potential underwriter, it is important that this consortium be identified as a Birmingham Area consortium. The separate bulletin board will provide the BACB with a clear identification in the future.

Woodard questioned whether the motion on the table is to purchase the equipment or go out for bids on a new bulletin board machine for PA18. Board members have not received a

written proposal from a vendor. Fredrick responded that the issue has been discussed with BCTV staff, who would seek proposals and purchase the equipment on behalf of the Cable Board.

Lisa Antuna explained that BCTV staff members met with PEG Committee members to discuss several options for providing PA18 with its own bulletin board system. The Scala system, which is currently running on M15, was recommended as a compatible system that would share the work flow. The cost is about \$5,500, not including engineering or set up fees. Antuna related that BCTV has arrived at a solution to provide extra input for the PA18 bulletin board system without expanding the router, which would reduce costs. BCTV is waiting for a decision from the Board before pursuing a bid package from vendors on this purchase. Proposals would come before the Cable Board for approval.

Fredrick withdrew his motion and Decker withdrew his support.

Motion by Fredrick, second by Woodard, that the Birmingham Area Cable Board direct BCTV to seek bids for a bulletin board system for PA18 not to exceed \$6,000 and to bring proposals before the Cable Board for review and approval.

Motion passed unanimously.

Fredrick continued with his PEG Committee report. The Committee discussed developing a publicity campaign to encourage potential producers in the communities to come forward and increase local content programming.

Future projects for the PEG committee include revisions to the BCTV contract to reflect the Board's actual relationship with the company. Expenditures with BCTV will be reviewed.

The PEG Committee will be meeting on the Wednesdays before Cable Board meetings at 5:30 p.m. at the Baldwin Library.

At Borgon's request, the PEG Committee will discuss a proposal to air programming 24/7 on Channel 15.

### **Cable Action Committee**

Hirsch asked Louise Beller to comment on Comcast's response to service complaints from subscribers stemming from communication lapses between broadband and cable installers. These service issues include missing service windows, which is a possible infraction of the Franchise Agreement with Comcast.

Beller responded that Comcast will provide a credit to subscribers if there is a missed service window or missed appointment. Comcast works with customers when these issues are brought to their attention.

Beller clarified that technicians have various skill levels. The goal is to schedule a technician who is skilled in broadband and cable television if the task involves installing a number of

products. The person called to do a basic installation may not be cross trained. There could be occasions when the person dispatched to handle a call may be asked to deal with issues that impact what is going on with high speed Internet. Another appointment may have to be scheduled as a result. Technicians are generally cross trained to handle multiple issues.

Borgon recognized an individual in the audience who asked to comment on a problem with Comcast prior to the public comment portion of the meeting.

Don MacDonald of 31208 Foxboro Way in Beverly Hills stated that he is not a Comcast subscriber. He described a problem beginning on August 22, 2005 concerning Comcast's failure to restore his lawn after digging it up for a cable installation in the area. There appeared to be diesel fuel spilled on his lawn. MacDonald called the Comcast Call Center a number of times to register his complaint and received no resolution. He related multiple conversations with individuals who promised to send someone out to restore his property, which was still not done a month after the incident.

MacDonald expressed the view that it should be common courtesy for Comcast to leave property in the way that it was found. He thinks that Comcast should be obligated to put a call tag on the front door of a home saying that Comcast dug up the easement and will restore the property to its original condition.

Beller extended her apologies to Don MacDonald on behalf of Comcast for not handling this situation properly, particularly in terms of not returning phone calls. She will follow up on that issue. It is the policy of Comcast to restore property to its original condition after digging in the easement. Beller said that she spoke with the Comcast technical operations manager and their construction person this morning. She confirmed that Mr. MacDonald's damaged lawn will be restored this week at the cost of Comcast. Beller was informed that it was not diesel fuel but a petroleum based substance that was spilled on MacDonald's lawn when directional boring was used by the Comcast contractor. Borgon commented that Comcast should compensate Mr. MacDonald for his time and trouble.

Hirsch continued with the Cable Action Committee report. In view of the Board's recent statement to subscribers urging them to ask for credit from Comcast for interruption of cable service, a subscriber (complaint #05-95) received an on-time guarantee credit and a credit for service interruption. Hirsch asked for information on these credits.

Beller responded that an on-time guarantee credit is a \$20 credit for a missed appointment. Customers are given this credit if they request it. Comcast works with customers who may have an interruption of service on a case by case basis. A credit may be provided for service interruption with the amount depending on the subscriber's package and rate.

Hirsch stated that production van storage remains an open issue for the Board. Bloomfield Township had hoped to provide space for the van in a new public service facility. Unfortunately, a millage request to fund this facility was turned down by the voters. A committee of Tom Hanson, Susan Frishman, Lisa Antuna and himself will be pursuing this matter.

## **COMCAST RELATED TOPICS**

### **Subscriber Complaints**

Hanson reported that there were 12 new complaints received since the last Board meeting and four carry-overs from previous months. Of the carry-over complaints, two have been resolved and two remain pending. A breakdown of the complaints is as follows:

- 7 complaints – poor signal or signal loss; technical service issue
- 3 complaints – dissatisfied with field and/or phone service
- 2 channel dropping complaints
- 2 sloppy installation
- 1 comment regarding lack of competition
- 1 HD related
- 1 missed appointment

Hanson provided an update on pending complaints including an intermittent reception problem (#05-83).

Ettenson related that a subscriber who called Comcast with a complaint (#05-88) was asked for her Social Security number. He questioned whether there needs to a communication to the call center in Canada indicating that U.S. law forbids asking people for their Social Security number.

Beller responded that this complaint will go through the customer service group up to the management ranks where issues are addressed in terms of whether they are being handled properly. Ettenson asked that Comcast send a letter to this subscriber indicating that asking for her Social Security number was improper and would not occur again.

Decker remarked that the substance of Ms. Jacobs complaint was that information given to analog customers receiving digital boxes is misleading in terms of being charged for the box within a year after a promotion expires. Subscribers should be aware that analog customers switching to digital receive the digital box free for a year before there is a charge for using it.

Borgon recognized a subscriber in the audience who wished to register a complaint. Elaine McClain from Birmingham expressed the view that it is time to put pressure on Comcast and hold them to a higher standard. She described multiple service related problems that her family experienced with Comcast including lack of response from service people and emails. When a subscriber has a problem, they cannot get a response from Comcast. She noted that a subscriber can be on hold with Comcast for 32 minutes and then be cut off. People are paying for a service that is inconstantly and ineffectively delivered.

McClain understands that there is no competition for Comcast in this consortium. She suggests providing a financial incentive for alternate cable providers to come into the area and compete with Comcast. She thinks that people will pay more money for better service. McClain is also present on behalf of her parents who felt they were forced to switch from analog to digital and pay a higher price for cable. She expressed concern about channels being dropped from tiers. She suggested that people call the digital satellite stations and ask for a discount for satellite

service. If alternate service providers would come into the community, Comcast would have an incentive to do a better job.

McClain asked that people actively email their problems to Comcast. She does not believe that emails are answered by Comcast because they do not record all of their complaints. There appears to be inconsistent reporting of complaints with no documented evidence of complaints or follow up. McClain suggested that local newspapers be asked to donate a section to record Comcast complaints. She asked that people email their service problems to Comcast and copy her on their emails. She will be happy to submit those complaints. McClain urged subscribers to follow up on their complaints and make a difference. People should not have to pay these prices for inconsistent performance.

### **Monthly Subscriber Statistics**

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

### **Other Issues**

Beller announced that Court TV will remain on Channel 73. Customers are being notified of this correction both by a weather channel crawl, TV Guide, and digital box messages.

Comcast has NFL replay highlights available on its On-Demand products. Beller mentioned that the Annual Comcast Cares Days is scheduled for October 1, 2005, at which time employees do community service nationwide.

Jones asked if independent contractors used by Comcast are required to go through any training. Beller responded that contractors go through a similar “hands on” training that is required for Comcast communications technicians. There are standards written into their contracts including appropriate action that can be taken if contractors do not adhere to those standards.

### **EXECUTIVE DIRECTOR’S REPORT**

Hanson has been preparing for the NATOA (National Association of Telecommunication Officers and Advisors) Conference in Washington D.C. from September 22-25. Board delegates have been scheduled to attend multiple meetings with individuals including Debbie Stabenow, Carl Levin, John Dingell, Mike Rogers, Congressman Stupak and Joe Knollenberg. These meetings have been coordinated by the Michigan Chapter of NATOA in cooperation with PROTEC representatives. Talking points have been scripted by Leslie Helwig in conjunction with national talking points from NATOA.

Hanson recommended that the Board pursue a second round of letters including resolutions for signature by consortium community administrators as well as the Cable Board. The resolution opposes house bills proposing to eliminate or limit local franchising authority.

The Plante-Moran audit of the Cable Board for fiscal year 2004/05 has been completed. A representative will present the report at the October Board meeting.

### **MCTV15 / PA18 REPORT**

Lisa Antuna reported that BCTV taped nine meetings during this period. There were 10 non-meeting programs produced for M15 including the Franklin Village Parade, summer concerts and two candidate forums. BCTV also taped several programs for PA18. Of special interest were *Global Connections* taped in Lansing with Governor Granholm as Dr. Swift's special guest.

BCTV has revised its community access playback request form to strengthen the requirement for resident sponsorship. All people requesting shows to be played on PA18 (programs not produced by BCTV or BACB) received this form and must submit it for quarterly review of their requested time slots.

BCTV staff met with the PEG Committee on developing a proposal for a bulletin board system for PA18. Since the BACB production van will not be used often in the coming months, BCTV staff will evaluate its equipment this fall and make any necessary recommendations for repair or replacement.

BCTV production staff members will attend a special one-day workshop sponsored by the Michigan Chapter of NATOA on October 21 featuring CBS photojournalist Les Rose. He will talk about lighting, camera techniques, and will critique tapes submitted by participants.

Lisa Antuna distributed a sheet on which Board members can request their preferred format for receiving weekly PA18 and monthly M15 program guides (email or hard copy via mail).

### **OLD BUSINESS**

Woodard questioned the status of web streaming for BACB communities. She recently viewed a Birmingham Commission meeting live on a computer at a remote location and was impressed by this technology. Birmingham is webstreaming its Commission meetings in real time but is not archiving the meetings.

Decker understood that the interested municipalities were looking into this themselves with local providers. The cost is not expensive for real time webstreaming. The City of Birmingham wanted to evaluate the community's response in terms of the live broadcast before considering archiving meetings for later viewing. Decker believes that archiving meetings would be valuable for those people who are not available at the time of a meeting, and he would like to see Birmingham move toward archiving.

Woodard stated that Beverly Hills does not have funds available in its budget for webstreaming. She thinks that this is a service that the Board should consider providing to consortium community residents. Woodard suggested moving forward with funding real time webstreaming for Beverly Hills if they are interested.

Pfeifer believes that Beverly Hills is interested in this concept and is waiting to hear further from the Cable Board on this topic. She concurred that Beverly Hills does not have a funding source to pay for this service.

Ettenson suggested that there may be further information that Board delegates can bring back from the NATOA conference on this topic.

Decker recalled that the cost of the webstreaming solution from Granicus based in California was in the \$20,000 range. Another solution from a local company based in Troy was \$2,000 for real time webstreaming of Birmingham meetings. It was noted that the City of Birmingham pays for its webstreaming service. Decker commented that it may be appropriate to look at the history of this Board in terms of doing things differently for different municipalities. He suggested that the Board provide information to Beverly Hills on the company in Troy that provides webstreaming service. Beverly Hills can request a quote and bring it to the Board with a request for financing.

It was the consensus of the Board to do further research on webstreaming and place this topic on the agenda for the November Cable Board meeting.

Beller reiterated a concern with using PEG programming fees collected from cable subscribers to fund webstreaming, which is received by non-cable subscribers.

It was mentioned that the Board has responded to Comcast's concern indicating that funding received by the Cable Board is a combination of PEG and other fees. The City of Birmingham used money from its General Fund to support webstreaming.

It was clarified that live streaming means that a meeting or program can only be watched at the time it is occurring. Archiving refers to storing data so that meetings can be accessed on demand on a computer.

### **OLD BUSINESS**

Pfeifer reviewed that Board members took an advocacy position in terms of its membership in PROTEC. Members had agreed to consult with their governing bodies to determine if the municipalities have objections to the Cable Board joining PROTEC on behalf of the consortium communities.

Pfeifer proposed that the Board recommend that its member communities pass a resolution to be forwarded to the state in support of local control of municipal broadband and cable franchising.

Fredrick suggested that Board members will be meeting with state officials over the next couple of days in Washington D.C. and will become more knowledgeable on this topic.

Currier commented that Pfeifer's point is well taken because municipalities are facing assaults in the form of proposed legislation both in Washington at the federal level and proposed legislation in Lansing at the state level. Board representation at the NATOA conference in Washington D.C. is extremely important, but the focus will be primarily on federal legislation. Currier thinks that the suggestion of sending a resolution to Lansing is an important one.

There was a consensus that the Board draft a resolution for consideration and adoption at its October meeting.

Hanson reviewed the discussion that occurred at the last meeting relative to joining PROTEC. It was agreed that members would explore their community's view on any perceived redundancy or conflict between the Michigan Municipal League and the efforts of PROTEC. Hanson will meet with Joe Valentine to draft a letter that outlines the differences in terms of what is covered by the MML and PROTEC. The Cable Board's membership to PROTEC will be an agenda item for the October meeting.

### **NEW BUSINESS**

Decker stated that he has read editorials in the Eccentric and other newspapers and has observed frustration in the community regarding Comcast service issues and the fact that it is a monopoly. He thinks that there may be an information gap between the Board and its constituents. Decker has talked to Hanson about drafting an editorial to advise citizens of the efforts this Board has taken and the reason why there is a monopoly. He thinks it would address peoples' level of frustration with high cable television rates.

Hanson suggested that the Board draft a one-page synopsis including a history of the Cable Board, its benefits to the community, its legal boundaries, and what service the Board is providing to the community. This piece could be posted on the Board's web site and distributed throughout the municipalities.

### **BOARD COMMENTS**

Borgon encouraged members of the public to attend Cable Board meetings.

### **PUBLIC COMMENTS**

Beverly Hills Village Clerk Ellen Marshall thanked the Cable Board for providing her office with an Internet connection through Comcast. It has been extremely helpful in maintaining the Village web site and has made a big difference in her ability to do her job.

The meeting was adjourned at 9:26 a.m.