

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

Absent: Correa, Decker – Birmingham

Also Present: Hanson, Executive Director
Currier, Attorney for Cable Board
Antuna, Bloomfield Community Television representative
Beller, Comcast representative
Valentine, Birmingham staff liaison
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, October 19, 2005 be approved as submitted.

Motion passed unanimously.

RESOLUTION SUPPORTING LOCAL CONTROL OF CABLE FRANCHISING AND MUNICIPAL BROADBAND

Tim Currier, Attorney for the Cable Board, was asked to provide assistance in drafting a resolution for the Board’s consideration in support of local control of cable franchising and municipal broadband. Currier remarked that communities are facing many challenges both on the federal and state level in the form of proposed new legislation. Since the drafting of this resolution, additional legislation has been proposed at the federal level that would hinder if not eliminate the rights of local government to maintain and manage its rights-of-way and to eliminate local franchise requirements and all related compensation.

A national or state-wide franchising system as proposed by pending legislation would result in local entities losing an element of control in terms of awarding of a franchise. Municipalities would not have the ability to deal with their service provider and handle complaints on a local level. This Board currently works with its provider to solve problems encountered by customers.

The rights-of-way are owned by the municipalities and the governing bodies have a duty to manage them in order to receive fair market rental of those rights-of-way. If a state-wide or national franchise is passed, the ability to manage these rights-of-way as well as the revenue derived from them will be lost. In addition, communities that are able to provide telecommunications or high speed Internet connections to their citizens will lose that ability if there is no local permitting and control.

The draft resolution is intended to demonstrate support for local control and opposition to proposed legislation that would in any way lessen the ability to maintain local control through new franchise agreements. The resolution is meant to demonstrate to our elected officials that the municipalities must retain the ability to provide telecommunication services and high speed Internet for our citizens and also to help provide for the economic development of our communities. Municipalities have a fiduciary obligation to their citizens to manage and properly maintain their public rights-of-way and secure those fees for the fair market rental that should be provided to the communities.

Before the Board for consideration is a resolution to be adopted and forwarded to the elected officials listed in the document. There was a consensus of the Board to adopt a similar resolution citing federal legislation to be sent to elected officials in Washington.

Ettenson questioned the reasoning of the proponents of this legislation other than for self-serving purposes. Carrier responded that lobbying efforts are coming from SBC and Verizon, companies that wish to use existing phone lines to provide broadband and telecommunication services. He has no objection to that use if these companies were required to go through the same franchising process on a local level as other providers have done. Their argument is that being subjected to local control is somehow an impediment to developing their systems in the marketplace. Carrier maintains that this is a disingenuous argument from SBC and Verizon because they already have infrastructure built.

Ettenson questioned the mention of broadband in the resolution. Carrier responded that there are communities that have their own Internet systems, which would be challenged by pending legislation.

Gallasch commented that Franklin is running out of capacity in its rights-of-way. Those entities that are there will be able to sell their rights at great profit whereas the municipalities should be able to benefit.

Motion by Hirsch, second by Jones, that the Birmingham Area Cable Board adopt a State and Federal Resolution Supporting Local Control of Cable Franchising and Municipal Broadband to be forwarded to State and Federal representatives.

Motion passed unanimously.

COMMITTEE REPORTS

PEG Committee

Fredrick reported that the PEG Committee met on November 10 and discussed differentiating and publicizing the two BACB channels. The Committee generally perceives Channel 15 as the business channel with its major content being official municipal meetings. Channel 18 is thought of as the entertainment channel (shared with Bloomfield Township).

Bulletin board content on channel 15 includes municipal contact information and announcements of upcoming meetings and civic events. The bulletin board has been reorganized by municipality. BCTV is awaiting the delivery of equipment that will allow

BACB to have its own Channel 18 bulletin board. Fredrick mentioned that program listings and bulletin board decisions often involve some measure of assessment and judgment. He welcomed comments about the bulletin board.

Publicizing the channels was a topic of discussion at the PEG Committee meeting. Considering recent government action relative to cable access programming issues, it would be helpful if members of the community watched BACB channels and had a stake in their outcome. The committee anticipates developing a publicity campaign that would kick off on January 1, 2006 and be carried in the Birmingham Eagle newspaper. He asked that Board members contact him if they have any ideas.

Hanson remarked that a recent announcement from the Alliance for Community Media indicated that programming hours generated by public access channels throughout the country yearly (20,000 hours) is more than all of the broadcast networks combined.

Cable Action Committee

Hirsch reported that the Cable Action Committee met last month with the main topic of discussion focusing on pending legislation. Action is underway at both the state and national level that can lead to dramatic changes in cable television for our communities. It is imperative that state representatives and members of Congress know that this consortium opposes changing telecommunications laws in ways it believes to be harmful to its communities and citizens.

Legislators should know that we want to preserve cable franchises and the control of rights-of-ways used by cable companies and others in our communities. It is important that our municipalities continue to have the public, education, and government channels that the PEG Committee oversees and that they maintain the franchise fees from cable operators that are used to support the system.

The PEG Committee believes that the Board needs to mobilize and take action to provide constant communication with lawmakers to convey the message that the member municipalities do not want to be stripped of their authority in cable matters. Hirsch suggested forming a subcommittee whose sole purpose would be to maintain a steady stream of communication – emails, fax and phone messages – to key legislators telling them that our communities are concerned about the revised telecommunication laws being considered. The group would also brainstorm to think of ways to involve the public and local organizations in sending communications. Action taken by the subcommittee would be done in conjunction with the Michigan Municipal League, NATOA and PROTEC.

Pfeifer informed the Board that the Beverly Hills Council, at its November 15 meeting, accepted the offer of the Cable Board to sponsor the Village's membership in the PROTEC organization. The Council also authorized the Council President to send a letter to federal representatives in support of local franchise agreements and control of rights-of-ways in response to legislation being proposed at the federal level. The Council had previously passed a resolution in support of local control of cable franchising in response to a bill before the State Legislature that proposed a statewide franchise agreement.

The following members volunteered to serve on a subcommittee of the Cable Action Committee: Brian Jones, Susan Frishman, Mel Ettenson, and Patricia Tarini. Borgon appointed Brian Jones as chairperson.

Motion by Fredrick, second by Ettenson, to establish a subcommittee of the Cable Action Committee consisting of Brian Jones as chairperson, Mel Ettenson, Susan Frishman, and Patricia Tarini.

Motion passed unanimously.

Program Development Committee

Woodard reported that the Program Development Committee met at the BCTV studio since the last Board meeting. The committee reviewed four new proposals for programs for Channel 18.

COMCAST RELATED TOPICS

Subscriber Complaints

Hanson stated that there were five new subscriber complaints in the last month. Four are resolved and one is pending. He commented on the pending complaint (05-115) and the issues involved. Comcast representative Louise Beller related that Comcast is attempting to analyze the intermittent problem, but it has not reoccurred.

Hanson remarked that recent complaints reflect difficulties with Comcast digital service. Either customers' digital boxes are not operating properly or there is an issue with the lines leading into the house. Pixilation is a term that has come up.

It was noted that there are six pending complaints from September-October. Beller explained that the pending complaints have been classified as intermittent and are unable to be closed out until the subscriber is comfortable that the problem has been addressed. Intermittent issues are tracked and kept open in an attempt to catch the problem happening so it can be analyzed and solved. The customer has a direct phone number to contact Comcast technicians when the problem is occurring.

Gallasch referred to complaint 05-110 from Jack Yeaton and asked why it would take a month to repair a damaged cable line. Beller responded that the line was repaired on November 11. The complaint is pending confirmation from the subscriber that they view the issue as closed. Beller concurred that it should not take a month to repair a cable line. When she sees this type of complaint, she identifies the process issues that need to be improved. She contacted the technical operations crew regarding this complaint in order to improve communication between the group that addresses service problems and those that do line work. Beller said that there are internal changes and improvements underway as a result of this complaint.

Woodard referred to a complaint letter received from Beverly Hills resident Sandra Dalka-Prysbly regarding Comcast telephone service. Beller reported that the issue has been resolved.

Woodard commented favorably on service she personally experienced with Comcast staff after calling with a problem. The representative called back within five minutes as promised. She has a service call scheduled.

Ettenson mentioned a previous complaint and a request by the Board that Comcast send the subscriber a letter stating that the Social Security Number requirement is not legal and that information will not be requested of customers. Ettenson reported that the letter was sent by Comcast.

Pfeifer stated that she is experiencing problems with frozen pictures, pixilation, and interruptions in audio. She asked if this is a result of the equipment being used or the signal being sent.

Beller responded that part of the problem is that customers who are switching to digital service are finding that analog service was more forgiving and digital problems are more noticeable. She encouraged any customer who is having continuing pixilation problems to contact Comcast so that they can go through basic troubleshooting. There could be problems with home wiring or with the cable box.

In answer to an inquiry, Beller stated that any refurbished cable boxes must pass quality tests before being redeployed. She will look into this further, but she feels certain that a digital or HD customer will receive the product that they ordered that will deliver the services.

Beller has send a letter to the President of Williamsburg Condominiums and has talked to the individual regarding the process to be used to efficiently process cable related maintenance issues.

Elaine McLain, resident on Pilgrim in Birmingham, indicated that she has been receiving complaints from people in the community in person and via email. She commented on problems she has experienced with interruption of her Comcast Internet service. That issue has been resolved. McLain thinks that the reason that Comcast is not receiving responses and follow ups from individuals who have filed a complaint is that people still cannot get through to the Comcast call center. In the last three weeks, the wait time has been 29 minutes. McLain relayed problems with her cable television service including a high-pitched squeal upon changing channels and pixilation issues. She commented that she gives up and will not make a service appointment.

McLain stated that today she is representing Mr. Waun, a business owner in Birmingham who had a complaint on September 23. He had trouble trying to get someone to service the problem, which was finally resolved. McLain received another complaint from a local dentist who had resolution problems for two summers. She relayed details of his problem and provided his phone number.

McLain asked what subscribers have to do in order to get a response from Comcast. She has suggested that the Board insist on having other representatives and executives from Comcast present at its meetings to answer complaints from the community.

Borgon asked that McLain to be sure that the complaints she receives from subscribers get into the system by calling Comcast first and then contacting the Cable Board if they do not receive a resolution to their problem or have other issues with Comcast. It is the charge of this Board to make sure that Comcast serves its constituents properly and in a timely fashion. The Board has had Comcast executives attend meetings in the past and address a number of issues.

McLain understands that the Board is considering issuing liquidated damages to Comcast for continued complaints. This might be a good time for someone from Comcast to come forward in a show of good faith to the community and explain what is being done besides training.

Beller gave McLain her direct phone number and asked McLain to contact her if she has any questions. Beller stated that she takes issues brought before the Board seriously. She had a written review prepared on the issues and the calls related by McLain at the last meeting but could not get in touch with her to follow up on specifics. Beller related that she has had several internal meetings over the last couple of months to diagnose issues raised such as waiting 30 minutes to talk to someone at Comcast. There was an issue with the Interactive Voice Response (IVR) sequence in terms of the way it was employed. Comcast takes service levels seriously. It is critical that we have a dialog if there is an issue so that Comcast can make sure that they research and correct the problem.

Monthly Subscriber Statistics

There were no comments on the Comcast system statistics for September and October. The Quarterly Complaint Log update will be distributed to Board members via email.

Other Issues

Mike Cleland has been named new Area Vice-President for the Detroit Area West. Borgon welcomed him back, noting that Mike Cleland was a proactive representative of Comcast. He was invited to attend a Cable Board meeting.

Following up on a request made last month, Beller related that future billing statements for customers in Birmingham, Beverly Hills, Bingham Farms and Franklin will list the correct Birmingham Area Cable Board comment and complaint phone number.

Beller commented on Comcast employees' community involvement in the 2005 United Way Campaign. Comcast appreciates the volunteerism and support of United way from its local employees.

Borgon had a question on the Comcast Third Quarter 2005 Call Center Statistics. Beller clarified that the numbers reported are for the entire area, not just for the BACB communities. The reason for the large volume of calls in the third quarter may be largely due to evolving products, customer education on choices and pricing, and customer interaction as far as use of the products.

Beller was asked to provide information next month on the breakdown by community and how many calls are going to the overflow center as opposed to the Comcast Call centers.

EXECUTIVE DIRECTOR'S REPORT

Hanson stated that the items in his report have been discussed during the meeting. He noted that he has received viewer phone calls regarding a BCTV technical problem that affected playback of municipal meetings. Lisa Antuna from BCTV will look into the playback scheduling issue.

MLTV15/ PA18 REPORT

Lisa Antuna from BCTV reported that there were nine regular meetings and one special meeting taped in the last month. BCTV taped 18 programs for PA18. BCTV experienced a technical problem at its facility involving pixilation. Comcast was contacted and resolved the issue.

Antuna announced that BCTV received five "Philo" awards. First Place awards were received for *Time Out for Opera*, *Global Connections*, and *Interfaith Odyssey*. Finalists were *Birmingham Bloomfield Symphony Orchestra* and *In Season*.

Antuna commented on a recent PEG Committee meeting she attended. Cross promotion of channels was discussed as well as the bulletin board system. The benefit of receiving more information from the municipalities was emphasized. The bulletin board could be of value to the community in terms of providing a forum for municipal or emergency messages such as water main breaks, public safety services, and community events. Active participation from the communities is needed. Antuna suggested that community web sites feature information on the municipal channels.

The Scala system for the PA bulletin board has been ordered. Antuna invited anyone interested to take a tour of the production van to discuss the issues and necessary repairs. A report will be provided to the Board.

OLD BUSINESS

Gallasch indicated that Franklin accepted the Cable Board's offer to participate in PROTEC.

Borgon announced that he has asked for a presentation on the status of the Board's Money Market Account at the December meeting. Borgon commended recording secretary Sue Bernard for producing well done meeting minutes.

Borgon clarified a comment made at the Beverly Hills Council meeting last night on November 15 regarding cable competition. He recalled that, at the time that AT&T held the cable franchise, Ameritech approached the Cable Board with an initial presentation to wire the City of Birmingham for alternate cable service. The Cable Board informed Ameritech that all four communities in the consortium would have to be wired for cable service. Ameritech indicated that it would consider Beverly Hills but that the cost of wiring Bingham Farms and Franklin was prohibitive.

NEW BUSINESS

Attorney Currier advised the Board that they may have seen recent announcements from Oakland County about the Wireless Oakland project. Pilot programs for wireless free Internet

will be conducted in Madison Heights, Royal Oak, Troy, Wixom, Oak Park, Pontiac and Birmingham. The intent is to wire these communities with hardware that will allow their citizens to receive free wireless internet. The Oakland County Executive is leading this program and has established a committee to work on this project and a subcommittee of attorneys to work on legal issues. Currier has been selected to serve on the legal subcommittee and will keep the Board posted as to how this develops. The intent of the County is to offer this service to all the communities in Oakland County.

BOARD COMMENTS

None

PUBLIC COMMENTS

None

The meeting was adjourned at 9:22 a.m.