

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

Absent: Correa and Frishman – Birmingham

Also Present: Hanson, Executive Director
Currier, Attorney for Cable Board
Helwig and Antuna, Bloomfield Community Television representatives
Martinico - Director of Technology, Birmingham Schools
Beller, Comcast representative
Valentine, Birmingham staff liaison
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. He welcomed Elaine McLain, newly appointment member of the Cable Board representing Birmingham.

APPROVE MEETING MINUTES

Motion by Woodard, second by Jones, that the minutes of a Birmingham Area Cable Board meeting held on Wednesday, December 21, 2005 be approved as submitted.

Motion passed unanimously.

PROCLAMATION RECOGNIZING SERVICE OF ARNIE HIRSCH

Borgon read a Proclamation of Appreciation recognizing Birmingham Area Cable Board member Arnold Hirsch for his distinguished service and extraordinary accomplishments as a member of the Board representing the City of Birmingham from August, 2002 through December, 2005. Board members signed a copy of the Proclamation, which will be forwarded to Mr. Hirsch.

APPROVE REVISED BCTV ACCESS POLICIES AND PROCEDURES

Before the Board for review and adoption is a revised Bloomfield Community Television policies and procedures manual. Board members have had the opportunity to review the document over the last month. Borgon has discussed the material with legal counsel and they have met with BCTV staff to suggest minor changes to the manual. The draft distributed to Board members today incorporates those modifications, which are not substantive.

Lisa Antuna stated that BCTV has also prepared an acknowledgment form to be signed by individuals who receive the access policies and procedures verifying that they are responsible for knowing and applying the policies.

Motion by Jones, second by Woodard, to adopt the Bloomfield Community Television Access Policies and Procedures Manual dated November 2005.

Motion passed unanimously.

COMMITTEE REPORTS

PEG Committee

Fredrick stated that Channel 15 is now replaying programming 24 hours a day. If NATOA research is correct, a heavy concentration of civic meetings should improve viewership. The improved Channel 15 bulletin board has been organized by community. New bulletin board equipment for Channel 18 is on line, and BCTV is concentrating on adding items of interest to Birmingham area communities. The Channel 18 logo now appears in the corner of the television screen, which should help strengthen channel identity. Joe Valentine is taking the initiative to explore the possibility of municipal meetings being available as an “on demand” selection.

Fredrick acknowledged BCTV staff members involved with the Birmingham Area Cable Board – Lisa Antuna oversees the operation, Steve Rota manages Channel 15, and Zack Florence handles Channel 18. These people have worked hard over the past months. The PEG Committee will meet next Wednesday, January 25 at 7:30 at the Baldwin Library.

Cable Action Committee

The Cable Action Committee was previously chaired by Arnold Hirsch, who has recently left the Cable Board. Brian Jones has taken over as temporary chairperson. Borgon appointed Elaine McLain as co-chair of this committee.

Jones reported that an inquiry by Board member Mach from the last meeting has been answered by Louise Beller, Comcast representative.

A subcommittee of the Cable Action Committee was formed for the purpose of communicating with key legislators to express concern about the revised telecommunication laws being considered. Jones reminded Board members to contact their Congressmen and Senators and encourage friends and neighbors to do so also. A sample letter was drafted and approved by the Board last month. People can send this message in a letter, email or phone call to their legislators. Jones has talked to Frishman and Tarini regarding establishing contact with senior groups that may be willing to help out with this effort. They have also contacted Birmingham School and City of Birmingham officials.

TREASURER’S REPORT

Decker updated his Treasurer’s report from last month focusing on internal controls and earning a reasonable rate of return on Board funds.

Decker met with Tom Hanson and Beverly Hills Finance Director Bob Wiszowaty to review the process for receiving and paying Cable Board bills out of the Village’s Cable Board account. Decker is satisfied with the way the process works. Beverly Hills does not get paid for administering the account but retains the interest earned on the fund, which does not equal the value of services received by the Board. Decker has asked that he and the Board chairperson receive a copy of the monthly statements. Decker will also review bank reconciliations and statements.

Decker was not able to locate an investment policy adopted by this Board. Beverly Hill has a policy, which the accountant assumed covered the Cable Board. Decker thinks that it is important that the Cable Board adopt an Investment Policy. He will provide members with a draft investment policy based on the Beverly Hills document for review and consideration.

Decker spoke with the Village of Bingham Farms Treasurer and was directed to contact Charles Kipp of Multi-Bank Securities, a full service investment firm that specializes in the sales and trading of fixed income securities. This individual would like to meet with the Board. Members may want to consider engaging this company to assist in diversifying Board funds and gain a higher rate of return on investments. This is done electronically without fees.

As Board Secretary, Decker suggested that there should be a means whereby members have access to every document related to the Birmingham Area Cable Board. He will work with Hanson towards this end, possibly providing electronic access to material.

COMCAST RELATED TOPICS

Subscriber Complaints

There were 12 new complaints received since the last meeting. Hanson stated that all but two of the new and outstanding complaints have been reconciled. There were a total of 133 complaints in 2005.

One of the complaints involved a subscriber who requested a senior citizen rate. Board member McLain questioned whether Comcast would consider reinstating some type of senior citizen discount. This prompted a review of the Board's repeated requests for this type of discount and Comcast's refusal to offer a senior rate. The issue has been put on the table several times over a period of years. Borgon remarked that it is about time for the Board to bring this up again, and he suggested that it be referred to the Cable Action Committee.

Ettenson recalled that the Board wrote a letter to the chairman of Comcast, who is a senior citizen. His response indicated that it is company policy not to offer a senior discount. Comcast is doing away with any senior discounts that they had previously offered.

Beller explained that some senior discounts exist due to industry consolidation and cable company mergers. There are communities that have senior discounts where the rate was negotiated with a former cable operator. Comcast is obligated to abide by the terms and conditions of those franchise agreements. Comcast has not been involved in creating a franchise that includes a senior discount.

Hanson referred to a complaint that involved Comcast overcharging a customer who qualified for a reduced rate due to bundling of services.

Beller responded that bundling of cable television, high speed internet or phone service provides a discount opportunity for Comcast subscribers. She noted that the error was caught with respect to the subscriber in question and a credit was given to that customer.

In answer to an inquiry, Beller indicated that Comcast does not issue a credit for a system-wide service interruption. An equipment failure on January 7, 2006 resulted in a service interruption that lasted five hours.

Attorney Currier stated that the issue of bundling has surfaced in a number of consortiums with respect to how discounts are applied. Communities' cable regulations require that bills be clear as to what services are being provided. People should be able to discern how much they are being charged for Internet, phone, and cable service.

Currier suggested that it might be helpful if Beller provided the Board with some examples of how bills are going out with respect to bundling of services so it can see how discounts are applied. The question being asked is whether the discount is applied across the board proportionately to each service or whether it is being overloaded on one service versus the others. If only cable television service is discounted, franchise fees go down.

Monthly Subscriber Statistics

System statistics were not available. They will be provided with next month's materials.

Other Issues

Beller noted that Comcast has announced that it will launch a family programming package with an average of 35-40 channels in early 2006. Her report to the Board lists the channels that customers who select the new Family Tier will receive for about \$31/month in addition to the 20-25 channels customers receive on the Basic Cable Tier.

Beller commented on the increased ON DEMAND content available including movies and popular broadcast content.

Beller highlighted Comcast activity in the community including its support of Leadership Oakland's January 11th Diversity Session for a county-wide leadership development program; Comcast's 2006 commitment as a Corporate Partner Level Member to the Chaldean Chamber of Commerce in southeastern Michigan; and support of the Superbowl XL including service on the Host Committee, volunteer efforts, support of the Winter Blast, and coverage on the NFL network preceding the Superbowl.

Verdi-Hus questioned whether the Family Tier would result in a loss of certain channels from the Basic Tier. Beller clarified that channels will not be removed from the Basic Tier.

Ettenson commented that everything that he is reading says that the Family Tier seems to be the cable industry's response to a la carte pricing. He noted, however, that sports has always been a factor in the pursuit of a la carte pricing.

EXECUTIVE DIRECTOR'S REPORT

Hanson stated that his report on Board finances will be available for next month's meeting. He reported on legislative developments on the state and federal level since the last BACB meeting.

Currier remarked that Comcast has taken a position opposing state wide franchising. He questioned Comcast's current position considering that it is partnered with AT&T, and AT&T is pushing for a state wide franchise. Beller responded that Comcast strongly supports the local franchising process. The Board requested further clarification of this matter.

Hanson reported that the FCC is moving forward with its Notice of Proposed Rulemaking with comments due by February 13th. NATOA, the National Conference of Mayors, the National League of Cities, MML, and Protec continue to gather and compile filings from cable facilities across the country in preparation for congressional hearings. The nature of material being gathered includes: profiles of successful operations, services and programming, specific material rooted in civic proceedings, senior and health information topics, public information forums, chamber of commerce, non-profit community representation, and PSA's, local dispute resolution successes.

Borgon asked Tim Currier to do the filing on behalf of the Birmingham Area Cable Board in terms of comments in mid-February and replies to the FCC hearings in March. Currier proposed preparing a comment based on the required FCC form. He remarked that the crucial nature of what is happening in Washington right now makes it apparent that the Board should take an active stance. Hanson will work with Currier on the filings.

Hanson informed that Board that Wide Open West (WOW) was recently bought by a another investor. It will remain to be seen what happens in terms of WOW expanding its cable operation.

Currier commented that nine of the 11 communities comprising the ICCA consortium are served by WOW. Wide Open West has been sold to Avista Capital Partners, a New York-based private equity company. It has been stated that there will be no changes in employees. WOW has been questioned about the possibility of expansion to competitive markets. Avista has not taken a position as to whether it will continue the operation as is with current policies or attempt to seek new franchises in other areas. Currier's suggested that it is likely that the new investors will watch what happens and not take an aggressive stance relative to expansion. The current events in Washington may be another reason for WOW to wait and see what the landscape is going to look like before they expand their market.

Currier commented that interest in cable competition has been a topic before the Board on a number of occasions, and it is an issue involving many nuances. Competition with respect to Comcast would require the Board to review the terms and conditions of any franchise agreement it would negotiate as well as the current franchise agreement as to whether the terms of the current franchise agreement would have to be modified to level the playing field. Wide Open West franchises in this area offer a 5% franchise fee and a 1% PEG fee. The Comcast franchise provides a 3% PEG fee.

Balancing the issue of competition and loss of PEG fees is an issue that the Board would have to address if WOW decided to expand its market and the Board entertained a proposal from another cable company. There are four communities in the BACB consortium and 11,000 households. The existing cable market would be divided between two rather than one

provider. It would probably result in a net loss of PEG fees if there were a competing cable company offering service in this consortium. In terms of competitive pricing, Comcast and WOW are not far apart in their fee schedule. The Board would have to look at a fee comparison and consider the loss of PEG fees.

MLTV15/PA18 REPORT

Leslie Helwig commented that BCTV will be compiling stories for submittal as filings to the FCC.

Helwig reported that the usual number of municipal meetings were taped in the last month, and they were played 24 hours. BCTV will be taping the annual dog show held by the Birmingham Youth Assistance Committee in February. Helwig mentioned that the link from the BACB web site to the BCTV site is being re-established following work on the Bloomfield Township web site.

Helwig outlined four new series in development on PA Channel 18 following the November Program Development Committee meeting. BCTV produced 16 programs for Channel 18 during the last month. Another meeting of the program development committee will be held next week to consider a proposal that was recently submitted. The new bulletin board was installed and messages specific to the BACB communities are running.

The Martin Luther King Celebration held at the Community House on January 16 will be aired this week or beginning next week. Two volunteer workshops will be held on Tuesday, January 31 at BCTV.

Helwig reminded the communities that, when using the Local Alert System, it is important for announcements to specify the affected community in order to avoid concern and confusion in the other non-affected communities.

OLD BUSINESS

None

NEW BUSINESS

Ettenson announced that the Board is planning to have a volunteer appreciation dinner some time in April. A confirmed date will be announced at next month's meeting, and invitations will be mailed to Board members and members of the public. It was noted that the dinner will be financed through private sources and not with Cable Board funds.

BOARD COMMENTS

Ettenson stated that Board members received a Comcast Michigan Region Organization Chart as of December 2005. Beller will provide the Board with a further breakdown of the Detroit West area organization for next month's meeting.

Beller extended an invitation to Board members to tour Comcast facilities including the call center or network operation center. Borgon asked Beller to set up a tour.

Currier provided an update on the Wireless Oakland program. The City of Birmingham is one of the seven communities selected to participate in a pilot program for the project that will eventually provide wireless free Internet to the entire County. Currier will keep the Board advised as to the progress of this endeavor.

Pfeifer commented that Phil Bertolini from Oakland County provided an overview of the Wireless Oakland program to the Birmingham Area Seniors Coordinating Council (BASCC) Board yesterday, January 17.

McLain stated that a number of people have asked her how to make a complaint to Comcast. She has referred people to the BACB website (www.birminghamcableboard.org). Subscribers can also go through the phone tier system. In terms of streamlining the complaint process, McLain suggested that Comcast attach a complaint form to a service receipt form when a technician visits a home on a service call. Borgon emphasized that a customer's first call when experiencing a problem with service should go Comcast.

PUBLIC COMMENTS

Greg Thrasher of Birmingham informed the Board that he will be presenting a programming proposal for public access channel 18. He proposes to bring alternative programming to the channel with a focus on inclusion. Topics will include politics, poetry, the spoken word, book reviews, and activism. Thrasher stated that he looks forward to being a part of the community and working with BCTV.

The meeting was adjourned at 8:58 a.m.