

Present: Abbott, Heldt, Mancini, Mathers, McLain - Birmingham  
Borgon, Heyman, Woodard – Beverly Hills  
Ettenson – Bingham Farms  
Jahnke – Franklin

Absent: Verdi-Hus – Beverly Hills  
Kott – Birmingham

Also Present: Hagaman - Executive Director  
Currier - Attorney for Cable Board  
Martinico - Director of Technology, Birmingham Schools  
Rota - Bloomfield Community Television representative  
Valentine - Birmingham staff liaison  
Pfeifer – Beverly Hills Council liaison

Chairperson 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**

On page 4, paragraph 3, line 1, the spelling of the name ‘Howard Peak’ was corrected.

Motion by Ettenson, second by Woodard, that the minutes of a Birmingham Area Cable Board meeting held on October 17, 2007 be approved as amended.

Motion passed.

### **PUBLIC COMMENTS**

None

### **EXECUTIVE DIRECTOR’S REPORT**

Hagaman reported that AT&T has provided the Board with a written update relative to a nationwide outage that occurred last month. Hagaman has received no further information on the Clinton Township rollout of its AT&T PEG transmissions.

Written notification has been received from Comcast stating that public, education, and government (PEG) programming will be delivered in digital format by January 15, 2008. The PEG channels will be placed in consecutive channel positions, and customers will be notified of these channel changes by a bill insert beginning November 15. Hagaman indicated that the channel location will be in the 900 range.

A final draft of the Cable Board brochure is available for review at today’s meeting. McLain will address this in her Cable Action Committee report. Progress has been made relative to drafting a Request for Proposal and strategy for purchase of the production van. Mancini will address this as a separate item in his PEG Committee report.

Hagaman reported that two bills are pending in the State Legislature to amend the Uniform Franchise legislation to mandate a 2% PEG fee to local municipalities. There has been no action to date in either the Senate or the House. A new Federal Communications Commission (FCC)

order regarding PEG fees limits the use of those fees to capital expenditures only. This has no impact on the Birmingham Area Cable Board for the reason that this body has been diligent about using PEG fees for capital purchases over the years.

Hagaman has been working with Board Treasurer McLain on establishing procedures recommended in the audit report relative to monthly bank statements. Hagaman met with Beverly Hills Finance Director Bob Wiszowaty to review receipts from the four municipalities. A bank transfer from Beverly Hills to the Board's Franklin Money Market Account will be processed this month. PEG fees are being transferred into that account; the Board has separate accounts for operating funds and for PEG fees.

Attorney Currier updated the Board on recent Federal Legislation requiring that PEG funds be used for capital expenditures related to PEG support. Part of that order was in the form of a remedy stating that, if it is found that a community has not used PEG funds for capital expenditures, it then becomes a charge against the franchise fee relieving the company of its requirement of providing additional franchise fees.

Comcast has sent FOIA requests to municipalities asking whether they have accumulated PEG fees or franchise fees and how much remains in their accounts. Currier stated that there is no requirement in federal or state law saying the communities cannot accumulate PEG fees. This Board accumulates its PEG fees on a regular basis for the purpose of giving grants to the School District and member municipalities or to collect money for large expenditures such as the production van.

Currier reported that activity on pending legislation has halted. Attorneys are looking at a piece of legislation whereby the State statute will change to provide that PEG fees will be 2% after expiration of the current franchise agreements, and there will be no cause for a needs assessment as required by the original statute. This will eliminate some of the uncertainty of the State Uniform Video Franchising Act.

#### **RECOGNITION – FRED GALLASCH**

Borgon read a resolution of appreciation recognizing Fred Gallasch for his service and accomplishments while serving as Village of Franklin representative on the Birmingham Area Cable Board from March 2004 through September 2007. The proclamation will be signed by Board members and presented to Fred Gallasch.

Motion by Borgon, second by Mancini, that the Birmingham Area Cable Board adopt a resolution in recognition of the distinguished service of Fred Gallasch on the Board representing the Village of Franklin from March 2004 through September 2007.

Roll Call Vote:  
Motion passed unanimously.

#### **COMMITTEE REPORTS**

##### **Cable Action Committee**

McLain reported that the Cable Action Committee has completed its brochure entitled "Choosing A TV Provider". The piece includes comments about the different types of television service

available and information on the digital transition that will occur on February 17, 2009. Contact information in the form of phone numbers and email addresses is included.

Hagaman was asked to provide additional quotes for the cost of printing the brochure at a range of 500-1000-1500 pieces. In addition to distributing brochures at municipal offices, it was suggested that they be available at the libraries, the BASCC office, and other facilities where they would be accessible to residents.

Board members suggested a few modifications to the text that will be incorporated into the final publication.

Motion by McLain, second by Heldt, that the Birmingham Area Cable Board authorize the expenditure in an amount not to exceed \$800 to print the brochure entitled, *Choosing a TV Provider*.

Motion passed unanimously.

There will be a link to the brochure on the BACB website. McLain asked people to take a look at the web site ([www.birminghamareacableboard.org](http://www.birminghamareacableboard.org)) and email her with any suggestions for improvements ([ekmclain@aol.com](mailto:ekmclain@aol.com)). The Cable Action Committee will meet next Wednesday, November 28; there will not be a December meeting.

### **PEG Committee**

Mancini reported that there were four agenda items reviewed at last month's PEG Committee meeting: 1) Petition for approval of a new program on PA 18; 2) Timetable for implementation of the new Board approved broadcast equipment; 3) Quarterly review of contractual commitment considerations; and 4) Process for bids on the van.

Mancini related that William Townsend of Franklin presented the PEG Committee with a concept to produce a Bible study program. Committee members asked questions relative to the quality of production and budgetary considerations. The Committee approved the program request with conditions, which were outlined in the PEG report.

The new equipment arrived and was installed at BCTV in late October. The training session will occur on December 4-5, 2007. It is hoped to proceed with on-air implementation sometime around the first of the year.

Mancini reported that a quarterly review of the BCTV contractual commitment confirmed that the results for the first quarter of the BACB fiscal year were within budget.

Mancini outlined the process agreed upon by the PEG Committee for seeking bids on a new production van. Currier has affirmed that the Board could proceed with the four-step process as presented if it reserved the right to reject all bids and start over. Further, the Board can contact any one or more of the bidders for further discussion. Currier indicated that it is typical of municipal practice to inform bidders that the particular project is going out in four parts and that the municipality can select the best bidder in each category. The municipality can accept some bidders, reject other bidders, or reject all bids.

Motion by Mancini, second by Woodard, to approve the four-step negotiation strategy as follows:

1. BCTV/PEG representative will develop the information sheets focusing on goals of quality, service, and cost effectiveness. This will be presented to vendors at a mandatory meeting.
2. Vendors submit bids after a period of development time.
3. BCTV/PEG evaluate and finalize bids from a compilation of the top two or three vendors who best achieve the BACB goals.
4. PEG Committee makes its recommendation and the Board awards the contracts at a regular BACB meeting.

Abbott suggested that the Request for Proposal be posted on the municipal web sites and on the BACB web site. Martinico suggested that the motion refer to a “mandatory” meeting of vendors and that BCTV and the PEG Committee prepare minimum specifications for the vendor meeting.

Motion passed unanimously.

Motion by Mancini, second by McLain, to approve an expenditure not to exceed \$300 for two advertisements in the Eccentric newspaper stating that the Birmingham Area Cable Board is seeking bids for purchase of a mobile production van and for equipping the vehicle to produce public, government, and educational access programs. The notice will announce that vendors are invited to attend a mandatory meeting at which time specifications for the bids will be discussed along with the process for awarding the contract. Bids will be evaluated based on service, product quality and cost.

Motion passed unanimously.

## **COMCAST RELATED TOPICS**

### **Subscriber Complaints**

There were six new complaints registered this month. Hagaman reviewed the complaints indicating whether they have been resolved or require follow up. There was no Comcast representative present at today’s meeting.

McLain commented on complaints involving technicians being late or missing a service call as well as dropped calls at the service center. Comcast has advertised that customer service is important to them. She advised subscribers to document their complaints and forward them to the Cable Board for follow up.

Ettenson mentioned that the current issue of Fortune magazine (November) has a section with questions for Comcast CEO Brian Roberts. Included in his response to an inquiry about poor customer service was a statement that Comcast is beginning to call customers before and after service appointments to make sure that the work was done properly. Ettenson requested subscribers to advise the Cable Board as to whether Comcast is implementing this new policy.

The Board concurred that it is time to contact Brian Roberts regarding recurring complaints about poor service. Hagaman will work with Ettenson on drafting a letter.

Currier commented that the Michigan Public Service Commission has proposed rules regarding customer complaints. They are proposing a fine for late or missed service calls that will vary between \$15-\$45 per miss. He thought that this was a low amount considering that the customer would have to travel to Lansing as part of the MPSC complaint process. The letter to Brian Roberts will be copied to the Michigan Public Service Commission.

### **Comcast Updates**

In a letter from Comcast dated October 22, 2007, the Board was advised of changes to installation rates effective January 1, 2008. A technical visit charge of \$19.95 will be added to any installation activity that requires a home visit. Another letter from Comcast informed the Board that late fees will be increased from \$5 to \$7 effective January 1, 2008.

Comcast will be closing its studios in Detroit, Clarkston, Southfield, New Haven, Dearborn, Flint, Lansing, Canton, and Woodhaven.

Borgon referred to a letter from Comcast addressing the move from analog to digital, noting that about three-fourths of the customers in this consortium subscribe to the analog service. Comcast began moving analog programs to the digital level in the last few years. The cable company has now informed the Board that it will move its PEG access channels to the digital tier. Viewers will not be able to receive MLTV 15 and PA 18 channels without a digital converter box. The Cable Board is preparing a response to this change.

Mancini asked if the consortium has any legal recourse on the change from analog to digital. Comcast is passing along the PEG fee to subscribers. He questioned whether Comcast will remove that fee from subscribers who can no longer receive the PEG access channels.

Currier stated that the Board received a notice from Comcast about changing the channel location for PEG programming. Preliminary research is being done, and a letter will be mailed to Comcast stating the Board's position on that change. Currier explained that both PEG and franchise fees are authorized by federal and state statute. They are charges for use of the rights-of-ways, which the provider is obligated to pay the community. The provider, however, has the authority to pass that charge onto the customer. Even though Comcast will move the PEG channels to a digital tier, the customer still has to pay the PEG charge passed on to them by Comcast.

McLain referred to Comcast's new \$19 technical visit charge, noting that people who are unable to return their cable box or equipment to a local Comcast office will be charged a fee to have the box picked up at their home.

Currier reviewed that Comcast notified the communities that it would be discontinuing its courtesy service to municipalities except for one free drop for police and fire buildings. He related that there has been conversation with Carmen Johnson on this topic, and AT&T will consider providing that free service to police and fire departments in communities where Comcast is dropping that service.

**AT&T RELATED TOPICS**

McLain commented on her complaint regarding AT&T service and informed the Board that the service she has had since July finally works satisfactorily.

McLain read a statement from Carmen Johnson explaining a recent AT&T area-wide outage that occurred on October 21, which was related to a problem with an IT software load. Credit was offered to customers who lost service.

Ettenson mentioned that there is a demonstration of the AT&T U-verse product at the AT&T wireless store at Southfield Road and I-696 in Lathrup Village. The status of AT&T service coverage and installations in the area was discussed.

**MLTV 15/PA18 REPORT**

Steve Rota from Bloomfield Community Television reported on programming taped for Municipal Channel 15 and PA Channel 18 during the last month and noted upcoming programs of interest (information included in the BCTV monthly report for October 18 – November 21, 2007).

Rota reported that BCTV staff has completed an equipment and needs list for the RFP for the production truck. Training for the new graphics system is scheduled for December 4 and 5. BCTV had two volunteer workshops on November 6 attended by five potential volunteers. One has already begun volunteering. BCTV staff conducted a studio tour for a Cub Scout troop and offered hands-on experience to assist them with earning a communication badge.

Rota commented that congratulations are in order to BCTV and specifically to David Sommerfeld and Zack Florence for winning four Philo awards.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**BOARD COMMENTS**

Mancini announced there will be a PEG meeting after today's Board meeting for the purpose of finalizing the RFP materials for the production van.

McLain thanked Dan Parente from Birmingham Public Schools for his arrival at Seaholm High School on short notice to personally record the Masquerade Concert.

Borgon wished everyone a happy Thanksgiving and a safe holiday.

**PUBLIC COMMENTS**

None

The meeting was adjourned at 9:04 a.m.