

Present: Decker, Heldt, McLain, Thorsby - Birmingham  
Heyman, McFadden, Verdi-Hus, Woodard – Beverly Hills  
Ettenson – Bingham Farms  
Eads – Franklin

Absent: Abbott, Armitage, Urcan - Birmingham

Also Present: Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Martinico - Director of Technology, Birmingham Schools  
Glenn – Birmingham staff representative  
Briggs – Beverly Hills Council Liaison

Chairperson McLain called the meeting to order at 7:47 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. She announced that Executive Director Bob Borgon had emergency surgery last Friday and is recovering at home.

**APPROVE MINUTES OF REGULAR CABLE BOARD MEETING HELD AUGUST 19, 2009**

Motion by Heldt, second by Ettenson, that the minutes of a regular Cable Board meeting held on August 19, 2009 be approved as submitted.

Motion passed.

**APPROVE MINUTES OF SPECIAL CABLE BOARD MEETING HELD SEPTEMBER 8, 2009**

Motion by Eads, second by Heldt, that the minutes of a special Cable Board meeting held on September 8, 2009 be approved as submitted.

Motion passed.

**PUBLIC COMMENTS**

Tom Spoto of Birmingham related a problem with Comcast that is reflected in complaint #09-54. The cable service went out at his home when a line became disconnected. More than one service call was missed and there were no return calls from Comcast. Mr. Spoto described an ongoing problem with resolving his outage issue. He has received no credit for missed appointments or his outage. This individual's complaint will be followed up by Comcast and the Cable Board.

McLain commented that filing a complaint with the Michigan Public Service Commission is also an option. Ettenson suggested that the subscriber determine whether the alternate AT&T service is available in his area. Spoto also expressed concern about the Comcast digital migration and the amount of power used by the additional boxes.

John Horiszny of Birmingham complained that his rate increased from \$20 to \$55 per month after he installed an adapter. He mentioned that there were 30 people in line to pick up an adapter.

McLain commented on Comcast's digital migration effecting a subset of its cable users who take analog expanded basic service. The company is looking to migrate channels from analog to digital, freeing up more space for high-definition content, faster broadband speeds and other new services. Subscribers who want to keep getting expanded basic need to obtain a digital set-top box, which many Comcast subscribers have now, or a new digital transport adapter, basically a digital converter. McLain stated that the Cable Board will follow up on Mr. Horizney's complaint.

Attorney Tim Currier stated that the Michigan Public Service Commission (MPSC) has sent a response to complainants regarding rising cable television rates and the cost of necessary equipment. The response referred to an FCC bulletin saying that the local franchise authority can set basic tier rates in areas where there is not effective competition. This would lead people to believe that this Board has the authority to set Comcast rates; it does not because the entire state of Michigan has been declared to have effective competition. The theory is that rate regulation is required to keep a monopoly from charging too much for cable because there is no alternative; competition would cause rates to go down. Currier stated that the rates charged by the three local cable companies are about the same.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

McFadden stated that the Cable Action Committee will meet next Thursday, September 24 at 5:30 p.m. at the Baldwin Public Library. One of the open items to be discussed deals with informing the public about the Comcast digital migration. While it is not this Board's charge to communicate on behalf of any of the providers in our area, the Committee thinks that it is in the public interest to understand the differentiation between the digital transition, which was a national program, and the actions of a provider on a limited basis that will impact our constituency. The Committee is developing an accurate description to explain these processes in the clearest language possible. The intent is to provide an additional information resource to subscribers.

The Cable Board's strategic planning session is scheduled for Wednesday, November 4 at which time Board members with the assistance of a facilitator will take a look at long-term planning issues in view of what is taking place with respect to a dynamic communications environment. Seven people have committed to attend. The Committee is continuing to solicit comments and input from those who are unable to attend. A mechanism is proposed to solicit and incorporate consumer feedback into the long term planning process.

Eads distributed a three-question sheet that he asked Board members to complete with their input for the strategic planning session. The Committee discussed soliciting consumer feedback from the BACB website. Muniweb has a new product called Select Survey at a cost of \$250 one time, which allows for unlimited respondents to a survey. Muniweb will put this on the website, maintain it, and submit all the consumer responses to the Board. This will be a temporary addition that will be removed after the planning session.

Motion by Eads, second by Heldt, to approve a \$250 expenditure for Muniweb to add the Select Survey product to the BACB website to facilitate consumer feedback for the strategic planning session.

Motion passed unanimously.

McLain commented that she received helpful input from Beverly Hills resident Neil Hitz regarding the strategic planning process.

### **PEG Committee**

Heldt commented that problems are being experienced with airing the Birmingham School channels on the AT&T U-verse product. Lisa Martinico updated the Board on the status of the educational channel, which has been airing on AT&T since August 3. She reported considerable problems with the connection from the encoder that connects their signal to AT&T. Martinico does not believe that the problem is with the Birmingham School setup. The picture and sound has not been consistent. Birmingham School's staff is trying to work with the appropriate AT&T technical people to get this problem solved.

McLain stated that Bloomfield Community Television staff is working with AT&T technicians to connect the Board's government and public channels to the U-verse product with the target date to go live on September 28. She explained that the method of delivering that signal will be different from the Birmingham School channel setup. The Schools are carrying the signal through a high-speed Internet connection; BCTV will be carrying the signal through an independent T-1 line.

### **Personnel Committee**

Decker announced that he will schedule a Personnel Committee meeting prior to the October Board meeting. The mission of this committee is to assess vacancies and personnel in terms of Board membership as well as staff. He asked Board members to contact him if they have any comments or questions they would like addressed at this meeting.

### **FRANCHISE FEE REVIEW**

Attorney Tim Currier stated that the franchise fee review of Comcast and AT&T is in process, and he hopes to have a report in the next 60 days. He explained what is entailed in a franchise fee review versus a full audit. Currier provided background on the findings of the last franchise fee review and the negotiated agreement with Comcast regarding how the fees would be calculated. It is hopeful that Comcast has continued to follow the agreed upon procedure for calculating the bills and that no shortfalls are found. Currier will keep the Board informed of their progress.

### **ANNUAL REPORT**

Executive Director Borgon distributed the BACB Annual Report for 2008/09 and requested feedback from Board members. The Annual Report will be revised to include additions and modifications and finalized by the Board at next month's meeting.

### **BANK RESOLUTION**

Former Board Treasurer Decker related that he removed his name from the Board's bank account and was required to complete paperwork associated with the change of Franklin Bank to First Place Bank.

Motion by Decker, second by Eads, that the Birmingham Area Cable Board approve the resolution required by First Place Bank identifying Elaine McLain, Robert Borgon, and Michael Urcan (Chairperson, Executive Director, and Treasurer) as agents authorized to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with First Place Bank as long as two of the three signatures are obtained.

Motion passed unanimously.

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

McLain delivered the report prepared by Bob Borgon. The Cable Board audit is near completion, and it is anticipated that Plante Moran will present the audit findings at the October meeting. The revised Capital Assets and Depreciation Schedule was included in the Board packets.

Borgon and Rota met with Baldwin Library staff to discuss details on taping the first of their monthly meetings to be aired on September 21 at 7:30 p.m. This program will be replayed every day beginning with the October schedule.

At a special meeting held on September 8, 2009, the Birmingham Area Cable Board approved the expenditure of \$23,775.00 to install conduit for underground cable at Shain Park that will allow Bloomfield Community Television to set up various camera stations for broadcast of concerts and other community events. This will be an improvement from running cable above ground. There will be an additional cost to engage a contractor to run the fiber optic cables and hook ups throughout the park to make the system operational. BCTV will supply estimates as soon as the number of drops and the amount of cable required is determined. This will be a long-term investment that will produce a better infrastructure for broadcasting at Shain Park.

There have been ten new complaints since the last meeting; additional complaints have been received since the Board packets were prepared. The digital enhancement and frustration with trying to reach Comcast has upset many subscribers. One resident, Mr. Stevenson, has filed a complaint with the Michigan Public Service Commission.

Comcast has informed the Cable Board that it will no longer be responsible for the Emergency Alert System. Comcast cited the reasons as being the change from analog to digital and the fact that the State Uniform Video Franchising Act does not provide for local community emergency alerts. Comcast will leave the Emergency Alert System up to local governments.

The Board took action today to authorize Muniweb to initiate a product called Select Survey on the BACB website. Other additions to the website will be Frequently Asked Questions and items that may be requested by our constituency. Treasurer Mike Urcan installed the new Quick Books edition for use by the Board for less than \$100.00.

### **COMCAST RELATED TOPICS**

McLain commented that Comcast representative Olivia Visperas was not present. McLain has talked to a number of people from Comcast about complex issues related to customer complaints. She has received feedback from subscribers who did not think the Board was responsive to their complaints at monthly meetings. McLain proceeded to highlight a number of the complaints received since the last meeting on the topics of service problems, long hold times, missed appointments, equipment failure, unprofessional comments by customer service representatives, pixilation, lack of competition, and policies related to the digital migration. McLain outlined a complaint filed by Mr. James Stevenson regarding the digital migration and charges for equipment. Following the unsuccessful resolution of his complaint by Comcast, Mr. Stevenson wrote to the Michigan Public Service Commission and was advised that his Comcast cable complaint was in process.

McLain related that Neil Hitz called on behalf of himself and his sister who lives in Baldwin House to say that the digital migration is frustrating and results in overcharging customers. He recommended that Comcast reach out to its customers especially in multi-dwelling units and senior centers by coming to the facility rather than requiring every individual to call in for issues related to the digital transition.

Ettenson referred to a complaint from a subscriber regarding customer service. He reminded subscribers to request a credit from Comcast when they report a customer service issue or an outage.

### **AT&T RELATED TOPICS**

The AT&T representative to the Board was not present. The BACB public and government channels are scheduled to go live on September 28.

### **MLTV15/ PA18 REPORT**

Rota presented the Bloomfield Community Television report on programming taped for Municipal Channel 15 (BAMA) and PA Channel 18 (BAPA) during the last month and noted upcoming programs of interest (information included in BCTV monthly report for August 20 – September 16, 2009). Upcoming shows scheduled for next month are the Baldwin Library Board meeting, the Community House Lecture Series, and the Birmingham Bloomfield Chamber of Commerce program. Rota noted that he and Borgon met with staff at the Baldwin Library to discuss the future taping and equipment needed to videotape the Baldwin Library monthly board meetings.

Rota reported that one of the Board's Electronic News Gathering (ENG) cameras was sent out for repair of the audio input. Problems were experienced with one of the truck cameras and viewfinder. This equipment was delivered to ROSCOR and shipped to the manufacturer for repair under the warranty. The curbside air conditioning unit in the truck was replaced and seems to be working properly. Rota prepared a log documenting problems with the new truck experienced by BCTV staff during use since its arrival in September of 2008.

It was noted that BCTV has spend a lot of time working with AT&T personnel to hook up PEG programs to its U-Verse product. It should be up and running on September 28 on Channel 99. The next volunteer camera workshop is scheduled for Monday, September 28.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

McLain reiterated that the BACB website was updated with a Michigan Public Service Commission link, PA 480 discussion, Comcast migration comments, and Frequently Asked Questions.

### **PUBLIC COMMENTS**

John Horiszny of 1058 Arden Lane in Birmingham commented that cable laid by Comcast near his residence over a year ago has not yet been buried. McLain will escalate this problem with the appropriate people at Comcast.

Horiszny questioned what percentage of Comcast's advertising revenue is paid by subscribers. McFadden responded that this may be addressed in the Comcast annual report; it could be considered proprietary information. He addressed points with respect to local and national advertising.

### **BOARD COMMENTS**

McLain revisited the digital migration issue indicating that subscriber frustration is due to language and communication. She gave examples of vague and confusing language on the Comcast website regarding their digital enhancement. The Comcast number to call regarding the digital migration issue is 1-877-634-4434; the website is [www.Comcast.com/digitalnow](http://www.Comcast.com/digitalnow).

In answer to an inquiry from Ettenson, Eads said that it would take a person about 5-10 minutes to answer the survey questions on the BACB website.

Eads reminded consumers that there is competition for Comcast. People who are not satisfied with their Comcast service should consider investigating the AT&T product and determine whether it is available in their area.

The meeting was adjourned at 9:16 a.m.