

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, January 15, 2014 at 7:45 am

\*\*\*Village of Beverly Hills\*\*\*

18500 West 13 Mile Road

1. Roll Call
2. Approve Meeting Minutes For Cable Board Meeting of December 18, 2013-M
3. Public Comments
4. Committee reports
  - a. Cable Action Committee
  - b. PEG Committee
5. Executive Director's Report
6. Provider Related Topics
  - a. Comcast
  - b. AT&T
  - c. WOW
7. BAPA/BAMA Report
8. Old Business
9. New Business
10. Public Comments
11. Board Comments
12. Adjourn

PEG Committee meeting immediately following BACB meeting

Present: Heldt, Kelly, Linsenman, Lurie, McAlear, McLain - Birmingham  
Borgon, Heyman, Schneider, Verdi-Hus – Beverly Hills  
Stakhiv – Franklin  
Ettenson – Bingham Farms

Absent: None

Also Present: White - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Valentine – Birmingham staff representative  
Galbraith – Birmingham Public School representative

McLain called the meeting to order at 7:48 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF CABLE BOARD MEETING HELD NOVEMBER 20, 2013**

Motion by Heldt, second by Schneider, that the minutes of a regular Cable Board meeting held on November 20, 2013 be approved as submitted.

Motion passed.

**PUBLIC COMMENTS**

None

**AUDIT PRESENTATION**

Kari Shea and Ali Hajazi from Plante & Moran presented the audit report of the Birmingham Area Cable Board financial statements as of June 30, 2013. The Independent Auditor's Report indicated that the Cable Board's financial statements received an unmodified audit opinion for 2013, which is the highest level given.

Hajazi used the SmartBoard to present an overview of the financial statements and supplemental information. He explained items included in the Government Funds Balance Sheet/Statement of Net Position, which show all the Cable Board assets and liabilities as of June 30, 2013. Hajazi reviewed the Statement of Governmental Revenue, Expenditures and Changes in Fund Balance describing the financial results for the year. The footnotes section describes accounting policies and procedures; accountability; reports on deposits and investments; capital asset activity; risk management; reconciliation of General Fund column to the Statement of Net Position; deferred revenue; and upcoming accounting pronouncements.

Hajazi commented on the Budgetary Comparison Schedule, comparing the original budget with the actual budget and explaining reasons for variances. He talked about new auditing standards regarding compliance with the State Budget Act; these items are addressed further in the Management Letter. Hajazi mentioned that Plante & Moran assisted the Board during the audit process with calculations that are included on the balance sheet. Shea reviewed the Management Letter from Plante & Moran and highlighted specific items. Questions from the Board were answered by Hajazi and Shea.

McLain thanked Shea and Hajazi for their presentation. The audit report will be forwarded to the member municipalities, and a link will be posted on the Cable Board website.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

Verdi-Hus reported on last month's Cable Action Committee meeting. Members will continue analysis and discussion of a fund balance policy after presentation and review of the audit report. Verdi-Hus asked for two volunteers to review the BACB website weekly for the purpose of removing outdated material. The next meeting of the CAC will be Thursday, January 2, 2014 at 5:30 pm at the Baldwin Library.

### **PEG Committee**

Heldt stated that the Cable Board is in receipt of a proposal from Birmingham Public Schools requesting authorization to broadcast six winter high school athletic events as follows:

January 10	Boys Basketball
January 14	Girls Basketball
January 15	Wrestling
January 23	Boys Swim and Dive
February 11	Boys Basketball
February 15	Ice Hockey

Motion by Heldt, second by Lurie, that the Birmingham Area Cable Board authorize an expenditure to Bloomfield Community Television of \$2,500 per event from the programming budget for a total of \$15,000 for the purpose of broadcasting six Birmingham Public Schools athletic events.

Roll Call Vote:  
Motion passed (12 – 0).

## **EXECUTIVE DIRECTOR'S REPORT**

White provided a follow up report on outstanding complaints and outlined four new formal complaints filed since the last meeting. The complaints were primarily related to service issues. The Executive Director's report included monthly financial reports and check disbursement information.

White included a note in her report indicating that House Republican leaders in Washington are active in working on amending the Communications Act in 2015. The process will include a series of hearings in 2014, white papers on the state of the industry, and input from the public. In making the announcement, one of the leaders noted that cable operators have complained about how they had to pay franchise fees while Netflix did not have that cost of distribution. There have been statements made in connection with this effort that there has been convergence in the industry and that it does not make sense to apply different rules to providers and technologies that compete in the same markets. The issue of reforming communication law will be addressed by the House Energy and Commerce Committee and the Communications Subcommittee.

White referred to communications received from Comcast and WOW regarding programming changes and price increases. Questions from the Board were addressed by White.

### **PROVIDER RELATED TOPICS**

There were no representatives from the providers present at today's meeting.

#### **Comcast**

McLain said that she contacted Leslie Brogan about complaints regarding long hold times and calls transferred to operators outside of the United States. Brogan related that there have been a number of outages throughout the U.S. along with weather related problems.

#### **AT&T**

Attorney Tim Currier provided members with a copy of a letter from AT&T dated November 12 responding to his communication regarding their notice of Video Service Provider/PEG Support Fee Overpayment. Currier sent a letter to AT&T on October 23, 2013 reacting to an October 7 letter from AT&T wherein they asserted that there had been an overpayment of franchise fees and/or PEG support fees over a three year period. Currier asked AT&T to provide detailed information regarding this purported overpayment including: 1) A monthly statement of all revenues received during the period in which they claim the error occurred; and 2) Calculations of the fees on those revenues; and the identification of where and how the error occurred. Currier asked to be provided with this information before AT&T took any credits on the next payment due the communities.

The November response from AT&T included schedules for each of the consortium communities reflecting the customer adjustments to revenue by month and the associated franchise and PEG fee overpayment. Currier asserted that the calculations and letter were not informative in terms of how the adjustments were made. He suggested that the BACB request that AT&T provide a representative to come before the Board and give an explanation of how they reached this decision regarding overpayments and adjustments. McLain authorized the Executive Director to draft the letter to AT&T.

#### **WOW**

Kevin Galbraith representing Birmingham Schools updated the Board on PEG programming issues experienced by WOW. He indicated that BPS was able to reestablish its education channel with WOW in early December. They continue to work on quality issues.

#### **BAPA/BAMA REPORT**

Steve Rota highlighted programming outlined in the written report from Bloomfield Community Television on programming taped for Municipal Channel 15 (BAMA), PA Channel 18 (BAPA), and programming from BACB area organizations during the last month (information included in BCTV monthly report for November 21, 2013 – December 18, 2013).

The next camera workshop is scheduled for Wednesday, January 29th, 2014 from 10:00 am to noon or 6:30 pm to 8:30 pm. Interested individuals can call 248-433-7790 to sign up.

The Program Development Committee met with Phil Dunham to go over his show idea. David Sommerfeld will direct the show called Ziggy Klett, which is a comedy series.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**PUBLIC COMMENTS**

None

**BOARD COMMENTS**

None

The meeting was adjourned at 8:35 a.m.

## MEMORANDUM

DATE: January 8, 2014

TO: Board Members

FROM: Cathy White

Re: Monthly Report

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### CUSTOMER COMPLAINTS

Two complaints that were pending on the date of our last meeting have been resolved. Complaint No.2013-13 was submitted by a Franklin resident who was upset because his calls to Comcast about his DVR kept getting transferred overseas and no one could help him until he finally was able to talk to a representative in Michigan. Comcast representatives made a number of calls to this resident but were unable to reach him and no return calls were received. A no response letter was mailed to this customer should he require further assistance. This complaint is now closed.

Complaint No. 2013-14, submitted by the Village of Bingham Farms, has also been resolved. This complaint involved missed appointments by Comcast technicians. A Comcast representative spoke to the Village Clerk who confirmed that their internet service was now working properly. A detailed billing was provided by Comcast and no additional concessions were deemed warranted.

There have been three (3) new complaints since the date of our last meeting. Complaint N. 2014-1 was filed by a Birmingham resident regarding the recent rate increase by WOW! and the removal of channels (specifically, TBS). She was advised by WOW! to do a channel scan on TV and was told that TBS had not been removed and was still part of the Limited Basic channel lineup. The subscriber has indicated that she was subsequently advised by WOW! that they were misinformed and that TBS had in fact been removed. WOW! offered to lower her bill by \$5.00 per month. This complaint has been closed.

Complaint No. 2014-2 was received directly through our website and involves a Franklin resident who was offered the Starter Double Play package by Comcast at a promotional rate of \$51.00 per month for 12 months. Just after receiving and installing the package, he was informed that the monthly cost would be \$104.74 and he feels that Comcast has engaged in a "bait and switch" practice. This complaint is pending.

Complaint No.2014-3 was also received directly through our website from a Birmingham resident. Her service has been out since January 6, 2014 and she has been unable to obtain an answer from Comcast about the issue. This complaint was received today and is pending.

### FINANCIAL

The account balance for the MBS, BBCU and Beverly Hills accounts will be provided via hard copies at the meeting, together with budget to actual figures.

## CHECK DISBURSEMENT

Since the date of our last meeting, I have written six (6) checks as follows:

1. AVI Systems, Inc. (equipment) \$35,852.02
2. B & H Photo-Video (equipment) \$1,286.82
3. B & H Photo-Video (equipment) \$332.18
4. B & H Photo-Video (equipment) \$26,385.68
5. B & H Photo-Video (equipment) \$3,338.00
6. State of Michigan (truck license plate renewal) \$491.00

## ADDITIONAL NOTES:

1. We have received the final bill from Plante & Moran, PLLC. The final billing includes additional services requested in connection with the formation of a new fund balance policy and the balance due to the auditors is \$5,900.00. I am requesting authorization from the Board to forward this bill to Beverly Hills for payment.

2. The BACB regular meeting schedule for 2014 is as follows:

~Jan.15

~Feb.19

~Mar. 19

~Apr. 16

~May 21

~June 18

~July 16

~Aug. 20

~Sept. 17

~Oct . 15

~Nov. 19

~Dec.17

3. A new Board roster is included herein as part of your packet. It includes a correction of Colin Linsenman's e-mail address.

4. The Cable Action Committee schedule for 2014 is as follows:

~Jan 9

~Feb.6

~Mar.6

~Apr.3

~May 1

~June 5

~July 3

~Aug.7

~Sept.4

~Oct. 2

~Nov.6

~Dec.4

BIRMINGHAM AREA CABLE BOARD MEMBERS  
JANUARY, 2014

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6/30/16

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