

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, June 18, 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 May 21, 2014-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, Linsenman, McAlear, McLain - Birmingham
Borgon, Heyman, Schneider, Verdi-Hus – Beverly Hills
Ettenson – Bingham Farms

Absent: Lurie, Kelly - Birmingham
Stakhiv – Franklin

Also Present: White - Executive Director
Currier - Attorney for Cable Board
Rota - Bloomfield Community Television representative
Burry – Beverly Hills Council Liaison

McLain 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 OF CABLE BOARD MEETING HELD APRIL 16, 2014

Motion by Heldt, second by Heyman, that the minutes of a regular Cable Board meeting held on April 16, 2014 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

None

MUNICIPAL SERVICES GRANT REQUEST – FRANKLIN-BINGHAM FARMS FIRE DEPARTMENT

The Franklin-Bingham Farms Police Department currently obtains Internet access through a contractual agreement with Comcast for fire station Internet access and Verizon Wireless for scene-based EMS incident reporting access. It was indicated in a letter dated April 6, 2014 from Fire Chief Tony Averbuch that these services were selected based upon coverage, speed, cost and the ability to receive a static IP address in order to host the public website as well as communicate with personnel via secure web connection.

Chief Averbuch is requesting a grant to the Department to cover internet connectivity at a cost of \$99.85 per month for Comcast fire-station Internet service and \$40.01 per month for Verizon Wireless Internet access. This would total \$1,678.32 for the fiscal year starting July 1, 2014. The Board's support would help the Department in providing services to the public by allowing it to maintain a level of service commensurate with its obligations.

Motion by Ettenson, second by Borgon, to approve the grant request from the Franklin-Bingham Fire Department to cover the cost of \$99.85 per month for Comcast fire-station Internet service and \$40.01 per month for Verizon Wireless Internet access for a total amount of \$1,678.32 for fiscal year 2014/15.

Roll Call Vote:
Motion passed (9 – 0).

APPROVE FY 2015 BACB BUDGET

The Board is in receipt of the proposed 2014/15 Cable Board budget prepared by Executive Director Cathy White with the assistance of Jeff Heldt and Elaine McLain. The budget document was reviewed in depth by the Cable Action Committee members at its last couple of meetings. White stated that three year trends in revenue and expenditures were considered in preparation of the budget. She outlined the changes in budgeted amounts from last year noting reasons for those variances.

Borgon questioned the reason for moving municipal support services (\$70,000.00) from PEG expenses to franchise fee expenses in the 2014/15 budget.

Heldt responded that the Board approves municipal service support grants to police and fire departments for Internet connectivity, which is not a PEG function. The Cable Board has not been rigorous in terms of accounting for grant expenditures in the proper categories of PEG or franchise fees. This reform will be applied by the treasurer and executive director going forward. Determinations will be made as to whether a grant should be expensed from PEG or franchise fees. New accounting systems will be put in place.

Heldt said that the Board sought an opinion from Attorney Currier about five years ago on whether it could grant funding to police and fire departments for Internet connectivity after Comcast stopped providing that service at no charge. Currier had indicated at that time that there were no restrictions on grant use from franchise fees.

Tim Currier stated that, under federal law, PEG funds can be used for acquiring capital equipment in support of PEG operations for cable television. Internet service is not cable television. Under state law, PEG funds can be used to support the services related to cable television. Currier concurred that it was more appropriate that Internet service grants come out of franchise fees.

Borgon had an inquiry regarding the \$50,000 Capital Reserve Expense line item. He asked if there is an account identified as a reserve fund for future replacement of the production van. Borgon suggested that it would be to the Board's benefit to break out the fund balance to show that there is a capital reserve separate from the fund balance.

Heldt responded that the \$50,000 is part of the PEG capital reserve fund. Money is allocated in the budget annually for replacement and upgrade of equipment and added to the fund balance. The Board is in the process of segregating the fund balance to create reserves. Heldt mentioned that a tech support consultation line item was budgeted for the purpose of receiving help from a QuickBooks expert to restructure the software to better track revenue and expenses.

In response to an inquiry, Currier clarified that there is nothing that prohibits the Board from making administrative grants from either franchise or PEG fees. Communities can use PEG fees for services or capital expenditures related to PEG programming. Typically, the Board has been issuing administrative grants to the communities from franchise fees, which have less restrictions on their use.

Other inquiries from members were addressed by Heldt. Currier remarked that a budget is a forecast. Adoption of the budget does not preclude the Board from making budget amendments in the future.

Motion by Heldt, second by McAlear, to approve the proposed Birmingham Area Cable Board Budget for Fiscal Year 2014/15 and forward copies of the document to the member municipalities for their review and comment.

Roll Call Vote:

Linsenman	- yes
McAlear	- yes
McLain	- yes
Borgon	- no
Heyman	- yes
Schneider	- yes
Verdi-Hus	- yes
Ettenson	- yes
Heldt	- yes

Motion passed (8 – 1).

COMMITTEE REPORTS

Cable Action Committee

Verdi-Hus stated that the next meeting of the Cable Action Committee is scheduled for Thursday, June 5 at 5:30 p.m. at the Baldwin Library.

White reported that CAC members reviewed the proposed budget document at its last meeting. Heldt, McLain, Lurie and White discussed the budget and concurred that it was ready to present to the Board for consideration.

PEG Committee

Heldt reported that athletic programming has been completed for the spring season. There will be a PEG Committee meeting immediately following today's meeting of the Cable Board.

EXECUTIVE DIRECTOR'S REPORT

Executive Director White reported that two complaints pending from last month have been resolved. Another complaint regarding slow AT&T Internet service is still pending. There have been seven complaints involving Comcast since the last meeting. White summarized each complaint and commented on the status. The Executive Director's report included monthly financial reports and check disbursement information.

White attended a PROTEC meeting on May 14, 2014 at Livonia City Hall. The meeting included discussion of the Comcast/Time Warner merger. If the merger is approved, Comcast systems in Michigan and a few other states will be run by a new company to be formed between Comcast and Charter Communications. The name of the new company and its formation is contingent upon approval of the Comcast/Time Warner merger by the FCC and the Department of Justice.

TV Technology magazine reported in an article dated May 7, 2014 that, according to Nielsen's forthcoming Advertising and Audiences Report, the average home now receives 189 television channels. Despite this increase in the number of channels, consumers have consistently tuned in to an average of just 17 channels. It is clear that more content does not necessarily equate to more channel consumption.

Comcast has notified the BACB of certain channel changes effective on or about April 23, 2014.

In a letter dated April 25, 2014, Comcast has indicated that the corporate form and name of Comcast of the South, Inc., which holds the cable franchise in the Birmingham area, has been changed. Comcast of the South, Inc. has been converted from a corporation to a limited liability company (LLC), effective March 31, 2014. The business entity has been renamed from Comcast of the South, Inc. to Comcast of Colorado, Florida, Michigan, New Mexico, Pennsylvania, Washington, LLC. The difference between a corporation and LLC involves how they are treated for tax purposes and how the entities are governed. The change, according to the letter, has no impact on our cable franchise and their contractual obligations to us. Comcast has also stated that the conversion will not affect the management or day-to-day operations of the cable system.

PROVIDER RELATED TOPICS

There were no cable providers present at today's meeting.

Comcast

McLain commented on the potential Comcast/Time Warner merger and the fact that there are many unanswered questions. There has been a higher number of Comcast complaints received in recent months. McLain reminded subscribers to write down names and numbers so that the Cable Board can assist with complaint resolution.

AT&T

McLain stated that AT&T has a relationship pending with DirectTV, which would change and expand its business plan.

WOW

None.

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 April 17, 2014 – May 21, 2014).

Rota reported that BCTV covered eight of the ten spring sporting events authorized by the Cable Board due to inclement weather. BACB will not be billed for those two events that were not taped. Spring coverage is done; staff looks forward to covering fall sports.

Rota stated that the next camera workshop is scheduled for Tuesday, July 15th, 2014 from 10:00 am to noon or 6:30 pm to 8:30 pm. Call 248-433-7790 to sign up.

BCTV submitted programs for consideration for the 35th Annual Telly Awards. The Telly Awards honor the very best film and video productions, groundbreaking online video content, and outstanding local, regional, & cable TV commercials and programs. BCTV staff received a Silver Telly for Soup & Company, a Bronze for Beyond the Box Score, and another Bronze for BBSO. Rota congratulated and thanked all staff, crew and volunteers who made this possible.

Rota announced that 10-year employee, Zack Florance, will be leaving Bloomfield Community Television to accept a position as Multimedia Services Manager for Kellogg's in Battle Creek. There will be a cake and coffee reception in Zack's honor on Thursday, May 29 from 4:30-5:30 p.m. at the Cable Studio. Zack will be missed by BCTV staff and by all Cable Board members.

Rota confirmed that, as part of an equipment update purchase, BCTV has acquired a drone for on-location programming use. The drone is similar to a remote control helicopter with a camera attached that can provide aerial shots to enhance sporting and parade coverage. Staff is in the process of learning how to operate the drone on location now that the weather is improving.

Member Schneider stated that a new organization in our cable viewing area called Plant Based Nutrition Support Group is looking for media coverage. She asked how this is done and if there is a fee. Rota responded that Schneider can submit any cable television bulletin board information to him via email at srota@bloomfieldtwp.org. Another opportunity would be to call BCTV at 248/433-7790 and sign up for the camera workshop in preparation for producing a cable program. Schneider was informed that she can attend today's PEG Committee meeting to discuss this further.

OLD BUSINESS

McLain announced that today will be the last BACB meeting for Colin Linsenman, who is moving out of state.

NEW BUSINESS

The appointment of a new Cable Board Treasurer is required due to Colin Linsenman leaving the Board. Jeffrey Heldt offered to fill this position.

Borgon nominated Jeffrey Heldt to the position of Cable Board Treasurer. Heldt accepted the nomination and was elected as the new Board Treasurer by acclamation.

PUBLIC COMMENTS

None

BOARD COMMENTS

McLain thanked everyone for participating in the budget process. Heyman commented favorably on the format of the Executive Director's report.

The meeting was adjourned at 8:51a.m.

MEMORANDUM

DATE: June 12, 2014
TO: Board Members
FROM: Cathy White
Re: Monthly Report

CUSTOMER COMPLAINTS

Complaint No. 2014-14, which was pending on the date of our last meeting, was submitted by a Franklin resident who was not satisfied with the level of internet service he was receiving from AT&T. This matter was reviewed by AT&T and the resident was informed that he was receiving the only level of service available in his area. The service was checked and found to be in proper working order. This complaint is now closed.

Complaint No. 2014-17 involved a Bingham Farms business representative who switched phone service from Windstream to Comcast and had major problems in porting the existing main business number and fax number when the new service was installed. The numbers have now been ported and this complaint is resolved, although the customer is currently attempting to get some monetary compensation from Comcast.

Complaint No. 2014-19 was submitted by a Birmingham resident who re-signed with Comcast and never received a \$200 gift card that she believed she was entitled to receive. The Comcast escalation team member concurs with the agent who originally handled her concern and has confirmed that this customer does not qualify for the gift card because transferring service during the 24 month contractual term voids the associated contract. The customer has been informed of this position in writing and this complaint is now closed.

Complaint No. 2014-20 involves some hanging Comcast wires that were not attached to the pole at the back of a Birmingham homeowners yard. All of the drops have since been removed and this complaint is closed.

Complaint No. 2014-21 has also been resolved. This complaint was received from an elderly Birmingham resident who was supposed to be put on vacation rates while she was in Florida, but when she returned, she was notified by Comcast that her account was in arrears and that she owed over \$600. Adjustments were made to the account to correct the billing and reflect the accurate balance due.

Complaint No. 2014-22 was received from a Birmingham resident who requested assistance in getting several large branches resting on the Comcast cable lines in her neighbor's backyard removed. She was experiencing intermittent issues with her cable due to the trees causing stress on the line. She had not been able to get her neighbors to cut the tree limbs. Comcast trimmed the trees back that were on the Comcast lines and this complaint is now closed.

Complaint No. 2014-23 involved a Comcast box located near the Franklin Village office that was damaged. Comcast made the necessary repairs to this box and this complaint is resolved.

There have been five (5) new complaints submitted since the date of my last report. Complaint No. 2014-24 was received from a Birmingham resident who was having problems with her Comcast phone service and was also having billing issues such as being billed for items she did not authorize. When the Comcast representative followed up with her, she was not experiencing any service issues. Her billing concerns were discussed with a billing representative and an adjustment was applied to her bill. She indicated she was satisfied and this complaint is now closed.

Complaint No. 2014-25 was submitted directly to our website by a Birmingham resident who was not able to send emails and had not been able to resolve the matter with Comcast. This complaint was resolved the same day it was received after a Comcast representative explained how to correct the server settings for her email service.

Complaint No. 2014-26 was received from a Birmingham resident who stated that there were Comcast cable wires that were not attached to the pole and some that were laying on the ground in his backyard. Comcast sent a special crew from their Construction group to the property and performed the necessary work. The resident confirms that Comcast took care of everything and this complaint is now closed.

Complaint No. 2014-27 was submitted by a Beverly Hills resident who wants to make a payment by phone and has not been successful in getting Comcast's system to accept her payment. This complaint is pending.

Complaint No. 2014-28 involves a Franklin resident who lost her Comcast service as a result of a building project next door that severed the line. Comcast re-laid the cable line and restored her service. She has asked for assistance in making sure that when Comcast returns to bury the line, it is buried on her property rather than her neighbor's property (which caused the initial problem). This complaint 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 my last report, I have written one (1) check as follows:

1. Birmingham Bloomfield Credit Union (Visa-Norton Antivirus Software Renewal) \$84.79

ADDITIONAL NOTES:

1. On June 1, 2014, I attended a Michigan Municipal League webinar regarding the Comcast/Time Warner merger presented by attorneys Joe Van Eaton from Best, Best and Krieger, L.L.P. in Washington D.C. and Mike Watzka from the Kitch law firm in Detroit. The merger will combine the first and second largest cable providers in the country, is valued at \$45 billion and will give Comcast control of 57 percent of the cable television market. The first half of the webinar described the transactions, including plans for Comcast to sell a large number of Time Warner subscribers to Charter Communications and to spin off 2.5 million subscribers to a new company (currently referred to as "Spinco") which will receive services provided by Charter. The creation of Spinco is dependent upon approval of the Comcast/Time Warner merger by the FCC and the Department of Justice. It is anticipated that the federal process will take at least until the end of the year to be concluded. If the merger is approved, the impact in Michigan will be substantial since most major markets in the Midwest (with the exception of Chicago) will become controlled by Charter either by acquisition or through its ownership interest in Spinco.

The second half of the webinar described why this should be considered a local issue, including concerns such as rate and service discrimination, discrimination against local community programming, discrimination against high-cost regions/customer groups and anti-competitive treatment of overbuilders. The presenters suggested steps that Michigan local governments can take to protect against potential harm to their communities and consumers including filing comments with the FCC and examining individual franchises to determine if there is local review authority and what sort of changes of control are subject to review. The provisions of Public Act 480 in Michigan allowing transfers and the impact of the Detroit v Comcast decision should also be taken into consideration.

2. Comcast has notified us of certain channel changes. Effective July 9, 2014, Playboy Pay-Per-View will move from Channel 543 to Channel 544. In addition, on July 16, 2014, access to FearNet On Demand via Channel 166 will be discontinued.

3. In a Newsmax internet article dated May 20, 2014, it was reported that the price paid to watch TV is climbing wildly. Cable prices are outpacing inflation four to one according to a new report from the Federal Communication Commission. The increase was recorded in the 12 months ending January 1, 2013, and was the most substantial rise since 1995. Specifically, basic cable prices increased by 6.5 percent, expanded basic cable prices increased by 5.1 percent, and at a compound average annual rate of 6.1 percent over the 18-year period from 1995 to 2013. By comparison, general inflation as measured by the CPI for the same one year period increased by 1.6 percent and the CPI's compound average annual rate of growth over the 18-year period was 2.4 percent.

Memo



To: BACB
From: Steve Rota
cc: Greg Kowalski, Cathy White & Elaine McLain
Date: 6/10/14
Re: Report May 22nd, 2014 through June 18th, 2014.

BAMA Programs

During this time period we completed five regularly scheduled municipal meetings, Baldwin Library Board Meetings, Special Birmingham Joint Meeting and the BACB meeting.

In Studio

County Corner hosted by Marcia Gershenson.

On Location

Birmingham Memorial Day Service
Village of Beverly Hills Parade and Carnival

BAPA Programs

From BACB area individual producers and organizations we've taped 25 programs. From individuals:

- ❖ Three *Spectacles* hosted by Betsy Laboe and Ellen Rogers.
- ❖ Two *Michigan Entrepreneur's* hosted by Tara Kachaturoff.
- ❖ Three *Graceful Aging* hosted by Greg Bator.
- ❖ Three *Making a Difference at TCH* hosted by Camille Jayne.
- ❖ Three *Eye on Oakland* hosted by Chuck Moss and David Potts.
- ❖ Five *Patriot Lessons* hosted by Judge Michael Warren.

From BACB area organizations:

- ❖ First Presbyterian Church - *Lunch & Learn* Lecture.
- ❖ *Birmingham Concert Band*.
- ❖ *Spectrum Concert*.
- ❖ *Women Officials' Network* Lecture.
- ❖ *Birmingham Bloomfield Community Coalition Band Jam*.
- ❖ Two *Senior Women's Club* Lectures.

CAMERA WORKSHOP

Our next camera workshop has been scheduled for Tuesday, July 15th, 2014 from 10:00 AM to Noon or 6:30 PM to 8:30 PM. Call 248-433-7790 and sign up today!

VILLAGE OF BEVERLY HILLS

Control room equipment has been purchased and we have a tentative install date for the end of June early July.