

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, November 19, 2014 at 7:45 am

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

18500 West 13 Mile Road

Council Chamber

1. Roll Call
2. Approve Meeting Minutes For Cable Board Meeting of October 15, 2014-M
3. Public Comments
4. Grant Requests-Village of Franklin-M
5. Audit Presentation
6. Closed Session for an Attorney/Client Privileged Communication Pursuant to Section 8(h) of the Open Meetings Act-M
7. Consideration of Application for Franchise Authority Consent to Transfer Control of Cable Television Franchise (FCC Form 394) from Comcast to Newly-Formed Company (Midwest Cable, Inc./GreatLand Connections, Inc.)-M
8. Committee reports
  - a. Cable Action Committee
  - b. PEG Committee
9. Executive Director's Report
10. Provider Related Topics
  - a. Comcast
  - b. AT&T
  - c. WOW
11. BAPA/BAMA Report
12. Old Business
13. New Business
14. Public Comments
15. Board Comments
16. Adjourn

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

Absent: Borgon– Beverly Hills

Also Present: White - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television  
Amanda Thomas – Birmingham staff  
Fred Eaton – Comcast representative  
Celeste Oberhausen & Ken Parson - WOW representatives

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.

**APPROVE MINUTES OF CABLE BOARD MEETING HELD SEPTEMBER 17, 2014**

Motion by Heldt, second by Schneider, that the minutes of a regular Cable Board meeting held on September 17, 2014 be approved as submitted.

Motion passed.

**PUBLIC COMMENTS**

None

**ADOPTION OF RESOLUTION AUTHORIZING TRANSFER OF CONTROL FROM COMCAST TO NEWLY FORMED COMPANY**

Fred Eaton representing Comcast stated that the Attorney for the Cable Board has been provided with additional information regarding the particulars of the 394 transfer process and the new organization. Comcast systems in Michigan are going to come under the ownership of a new company, temporarily named Midwest Cable. This change is coming about as a result of Comcast's pending acquisition of Time Warner Cable. Eaton said that nothing has been changed from previously distributed information, but the material provides more detail that was not available when the FCC Form 394 Application was sent out in June. In the following weeks, a great deal of activity has taken place in terms of establishing how relationships would operate with the new company during the transition from Comcast.

Comcast will likely receive federal approval of the larger Time-Warner deal in January. Midwest Cable is the working name of the new company; GreatLand Connections will be the name of the post-transaction company in March or April. Eaton explained that, initially, the company will be owned by two-thirds Comcast shareholders and one-third by Charter Communications. Comcast Corporation going forward will have no management, ownership, or control over the new company.

Cable Board Attorney Tim Currier questioned the status of the 30-day extension of the Transfer Agreement Resolution requested by the Cable Board at its September meeting. Eaton responded that he has received notification that the extension will be approved but did not have written documentation of that approval.

Currier outlined the background and current status of the Transfer of Control process from the perspective of the Birmingham Area Cable Board. On June 18, 2014, the Cable Board received FCC Form 394, which is the Application for a Franchise Authority Consent Transfer of Control of the Cable Television Franchise. Written inquiries on behalf of the Cable Board were sent to Comcast on July 11; a response from Comcast was received on July 24 providing more detail on the transaction. Fred Eaton from Comcast has had communication by phone with Tim Currier regarding the transaction.

Prior to Cable Board action on the Resolution Granting Consent to the Transfer Control of the Cable Television System at its September 15, 2014 meeting, Leslie Brogan from Comcast sent a proposed red-lined resolution to Currier, which was a counter proposal to the Resolution prepared by the Board's legal counsel. Brogan attended the September 17 Cable Board meeting at which time she and the Board agreed to a 30-day extension to November 17 for the BACB to act on the 394 Application. The Cable Board, through its attorney, responded to Ms. Brogan's proposed resolution with a revised resolution.

On October 6, Currier contacted Ms. Brogan and Mr. Eaton regarding media reports of a change in the transaction details and requested a further extension at that time. On October 9, Currier had a telephone conference with Mr. Eaton and was informed that a supplemental filing of the transaction (Form S-1) would be made with the Securities and Exchange Commission (SEC) on October 31, 2014. At that time, Currier made a request on behalf of the Cable Board for an additional month in order to allow the Board and the local communities it represents to review the final executed agreements as well as the SEC Form S-1 filing. On October 13, Mr. Eaton provided Currier with supplemental information that was provided to Meridian Township in response to their inquiries.

Currier discussed timing. A franchise authority has 120 days in which to act on the receipt of a Form 394 transaction unless there is an extension. Possible actions include consent of the Transfer; disapprove the Application; and consent subject to reasonable conditions. If a municipality fails to take action, the Transfer of Control is automatically approved. As it stands now, the Board does not have the SEC S-1 Filing in hand to determine the exact terms of the transaction; the document will be filed at the end of the month. The next BACB meeting is November 19, two days after the expiration of the current deadline. Following its recommendation regarding the Transfer Resolution to its member communities, the Cable Board must transmit that recommendation to the municipalities and request action at their next Commission or Council meetings. It would be mid-December before the member communities could act on the Transfer of Control resolution. This is the reason for the Board requesting an additional extension.

It was Currier's recommendation that the Board set a special meeting for Wednesday, October 29 to consider the Transfer of Control resolution. That meeting could be canceled if the BACB received a formal extension of the deadline for action on the final executed agreements and the SEC Form S-1 filing.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board postpone action on the Resolution Authorizing Transfer of Control from Comcast to a newly formed company and schedule a special meeting for Wednesday, October 29, depending on whether a formal extension period is granted. Further, the chairperson is authorized to adjust the special meeting date and time based on the availability of Board members or to cancel the meeting if necessary.

Questions and comments from Board members were addressed by Tim Currier.

Roll Call Vote:

Motion passed (9 – 0).

## **COMMITTEE REPORTS**

### **Cable Action Committee**

White reported that committee members present at the last meeting reviewed the website and noted areas that needed updating or adjustments. There was also discussion of whether members' personal email addresses should be posted on the BACB website. McLain clarified that messages sent to the current email address posted on the website are answered by Executive Director Cathy White ([info@birminghamareacableboard.org](mailto:info@birminghamareacableboard.org)). There were members who did not want their personal or business email addresses posted on the BACB website. The concern was that complaints may go to Board members rather than be routed to the Executive Director, who responds to problems and escalates them to the appropriate cable company personnel. There was agreement that an effort should be made to change the Board's contact email address from 'info' to 'executivedirector'.

The next meeting of the Cable Action Committee will be Thursday, November 6 at 5:30 p.m. at the Baldwin Library.

### **PEG COMMITTEE**

Heldt reported that the high school athletic broadcasts authorized by the Board are continuing. The PEG Committee will meet following today's Board meeting.

### **Treasurer's Report**

Heldt discussed the MBS brokerage account statement distributed to Board members. The funds as of August 31, 2014 total \$832,154.41.

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director White's report outlined several complaints from last month that were resolved. She will follow up on one billing issue. Five new complaints were received since September with resolution pending on two issues. All matters relating to outages have been addressed.

Financial information including budget to actual figures as well as account balances for MBS, BBCU and Beverly Hills accounts were provided in this month's material. Checks were written for grants approved by the Board and for sports programming taped by BCTV. White requested Board authorization to pay a bill from Stream Dynamics for work performed for BCTV.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board authorize payment to Stream Dynamics in the amount of \$370.00 for work performed for BCTV based on an invoice dated October 3, 2014.

Roll Call Vote:

Motion passed (9 – 0).

Updated rosters have been provided in this month's meeting materials. Lists of BACB meeting dates and Cable Action Committee meeting dates for 2015 have been provided to the Board.

## **PROVIDER RELATED TOPICS**

### **Comcast**

Fred Eaton mentioned that Comcast has partnered with an organization called the TDF Foundation whose purpose is to help with the digital divide. Comcast is hosting a program in Ypsilanti Township this evening whereby 25 computers will be provided to Internet Essentials families in the area who cannot afford computers.

Eaton talked about Infinity Home, a home security and home management system offered by Comcast.

### **AT&T**

There was no representative in attendance.

### **WOW**

Celeste Oberhausen from WOW announced a rate increase on November 1 of this year. She introduced the new customer advocate for WOW, Ken Parson.

## **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 September 18, 2014 through October 15, 2014).

The next camera workshop is scheduled for Tuesday, October 22 from 10 am to noon or 6:30 pm to 8:30 pm. Call 248-433-7790 to sign up.

McLain heard from a subscriber who said that sound adjustments vary with the program when listening to BAPA/BAMA channels on U-verse or AT&T. Rota responded that BCTV staff will work on adjusting this on their end.

## **OLD BUSINESS**

McLain said that she hand delivered a Certificate of Appreciation from the Cable Board to former member Dorothy Pfeifer.

## **NEW BUSINESS**

None

## **PUBLIC COMMENTS**

None

## **BOARD COMMENTS**

McLain mentioned that David Lurie resigned from the Board last month; he will receive a Certificate of Appreciation signed by Board members.

The meeting was adjourned at 8:48 a.m.



32325 Franklin Road, Franklin, Michigan 48025

FAX: (248-626-0538

(248) 626-9666

October 31, 2014

Ms. Cathy White  
Birmingham Area Cable Board  
P.O. Box 165  
Birmingham, MI 48012

RE: Kreger House Grant Request

Dear Ms. White:

Last year, the Birmingham Area Cable Board generously approved a grant award of \$3,177 for the related video and electronic equipment purchase and installation for the Kreger House. That building is now open and being used by the community. This year the Village would like the Cable Board to consider the Village's request for a \$2,300 grant to fund the Comcast services being provided at that location for community use.

Comcast Services at Kreger House at \$190/mo \$2,280

The Village continues its support of the cable board. These efforts to utilize technology will help us provide information to the public, and is vital in our efforts to offer effective, efficient, service in our community.

Warmest Regards,

James V. Creech  
Franklin Village Administrator



32325 Franklin Road, Franklin, Michigan 48025

FAX: (248-626-0538

(248) 626-9666

October 31, 2014

Ms. Cathy White  
Birmingham Area Cable Board  
P.O. Box 165  
Birmingham, MI 48012

RE: Grant Request

Dear Ms. White:

Please receive this report with support documentation for the \$2,000 grant for web support for 2013-2014:

Monthly hosting fee 30/month	\$360
Hosting of Ordinances on American Legal	\$375
Google Search	\$100
Crimedat	\$365
Subscription to calendar whiz	\$154
Website Maintenance and updates	\$340
Miscellaneous Software/new applications (mobi) mobile app.	\$750 one time set up
Monthly mobi fee (8 months @\$25/month)	\$200
Subscription to Vimeo for meeting rebroadcasts	<u>\$ 60</u>
TOTAL	\$2,704

We would respectfully submit that the Cable Board consider this letter as a request for the granting of an additional \$700 for the costs incurred in the 13/14 fiscal year.

In addition, the Village had been awarded a grant for the Mindmixer setup, installation and maintenance totaling \$3,500. The former Village Administrator performed the installation and set-up, which she estimated an outside contractor cost of \$500. The remaining \$3,000 consisted of the monthly cost of \$250 x 12 months. For various reasons, this program was stopped after eight months, so only \$2,000 was expended. My understanding is that the remaining \$1,500 needs to be returned to the Cable Board. That check will be forthcoming in the near future.

Also at this time, the Village of Franklin is respectfully requesting consideration for a \$4,000 grant to offset costs related to the website and Village Hall Comcast related costs for 2014-2015.

Monthly hosting fee 30/month	\$360
Hosting of Ordinances on American Legal	\$495
Crimedat	\$365

Subscription to calendar whiz	\$154
Website Maintenance and updates	\$400
Monthly mobi fee (8 months @\$25/month)	\$300
Subscription to Vimeo for meeting rebroadcasts	\$ 60
Comcast Service at Village Hall \$153/mo	<u>\$1,836</u>
TOTAL	\$3,970

The Village and the Village Council continues its support of the Cable Board. These efforts to utilize technology will help us provide information to the public, and is vital in our efforts to offer effective, efficient, service in our community.

Sincerely,

James V. Creech  
Franklin Village Administrator

## MEMORANDUM

DATE: November 11, 2014

TO: Board Members

FROM: Cathy White

Re: Monthly Report

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### CUSTOMER COMPLAINTS

Complaint No. 2014-47 was pending on the date of my last report. This complaint involved a billing issue that one of our Board members had with Comcast. As discussed at our last meeting, this complaint has been resolved.

We received four (4) complaints since the date of my last report. Complaint No. 2014-48 was received from a Birmingham resident regarding a billing issue with Comcast. The dispute involved a "technical fee" which was to be credited and taken back but instead it continued to accrue additional administrative charges which were exorbitant. Administrative fees totaled \$85.50 out of a total bill of \$108.54 plus related fees and taxes. The subscriber had called Comcast repeatedly about this issue to no avail. This complaint has now been resolved.

Complaint No. 2014-49 was received from the daughter of a Franklin resident explaining that her mother had paid a large sum of money to DTE to bury all the wires on her property and to remove the utility pole. Before the pole could be removed, however, it was necessary for AT&T and Comcast to remove and bury their wires. The subscriber was having problems getting Comcast to bury two of their wires despite numerous service visits and concerns that the work needed to be completed before bad weather approached as well as to avoid service interruption to the subscriber and her neighbors. Comcast completed the work within a few hours after this complaint was submitted and this matter is therefore resolved.

Complaint No. 2014-50 was submitted by a Birmingham resident regarding the bill she received from WOW. She had been told by a WOW representative in connection with an earlier complaint that her bill would remain at \$23.96 for at least a year (which would not be up until February 2015). She had received a bill for \$32.00. The subscriber was contacted by WOW and the company agreed to honor the lower price until February 2015. This complaint is now closed.

Complaint No. 2014-51 was received from a Birmingham resident who is handling the affairs of a friend who recently died. He wants to make sure that Comcast received the documentation

he sent to Comcast and that Comcast will allow him to terminate the three Comcast services (phone, internet and cable) that this friend had been receiving. 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, in addition to budget to actual figures. This information will also be e-mailed to all Board members in advance of the meeting.

#### CHECK DISBURSEMENT

Since the date of my last report, I have written two (2) checks as follows:

1. Stream Dynamics (Repair re: UVerse stream) \$370.00
2. Charter Township of Bloomfield (Sports Events- Programming) \$7,500.00

#### ADDITIONAL NOTES:

1. I have completed and submitted the annual State of Michigan Department of Licensing and Regulatory Affairs Franchise Entities Survey. This survey attempts to track the impact of Public Act 480 with regard to such matters as cable/video services competition, service quality, number of complaints, PEG studios and equipment, etc. We have emphasized in the survey that while PA 480 was meant to invite competition, improve customer service, and expand technological advancements, customer service disappointments continue and competition is not available to all consumers. In addition, price points are constantly changing and PEG channels are still not treated the same as the broadcast channels.

2. Comcast has notified us of a channel change. Effective December 15, 2014, WGN America/WGN America HD (channels 95/187/1216) will no longer be available on the Limited Basic service. WGN Cable Network/WGN America HD (channels 95/187/1216) will be available to customers with the Digital Starter or higher levels of XFINITY TV service.

# Memo



**To:** BACB  
**From:** Steve Rota  
**cc:** Greg Kowalski, Cathy White & Elaine McLain  
**Date:** 11/12/14  
**Re:** Report October 16th, 2014 through November 19th, 2014.

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## **BAMA Programs**

During this time period we completed seven regularly scheduled municipal meetings, two Baldwin Library Board and Trust meetings, a special joint Birmingham Commission and Planning Board meeting, and the BACB meeting.

## **On Location**

*Birmingham Republican Women's Club* lecture.

Four *Baldwin Public Library* lectures.

*DAR 2014 Veterans Day Wreath Laying Ceremony* held in Shain Park.

## **BAPA Programs**

From BACB area individual producers and organizations we've taped 23 programs. From individuals:

- ❖ Three *Making a Difference at TCH* hosted by Camille Jayne.
- ❖ Two *Spectacles* hosted by Betsy Laboe and Ellen Rogers.
- ❖ Three *Eye on Oakland* hosted by David Potts & Chuck Moss.
- ❖ Six *Michigan Entrepreneur* hosted by Tara Kachaturoff.

From BACB area organizations:

- ❖ *Plant Based Nutrition* Lecture.
- ❖ First Presbyterian Church: *Lunch and Learn* Lecture.
- ❖ *Birmingham Musicale*.
- ❖ First Baptist Church Birmingham: *Bjazz Concert*.
- ❖ *Birmingham Bloomfield Symphony Orchestra*.
- ❖ *Women Officials' Network* Lecture.
- ❖ *TCH Senior Women's Club* Lecture.
- ❖ *Girls Volleyball* Match
- ❖ *Girls Swim and Dive* meet.

## **CAMERA WORKSHOP**

At our last workshop we had 10 residents attend and of those 10, six want to produce their own show.

Our next camera workshop has been scheduled for Tuesday, January 27th, 2015 from 10:00 AM to Noon or 6:30 PM to 8:30 PM. Call 248-433-7790 and sign up today!