

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, July 16,2014 at 7:45 a.m.

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

18500 West 13 Mile Road

1. Roll Call
2. Approve Meeting Minutes For Cable Board Meeting of June 18,2014-M
3. Public Comments
4. Treasurer's Report
5. Annual Election of Officers-M
6. Committee reports
  - a. Cable Action Committee
  - b. PEG Committee
7. Executive Director's Report
8. Provider Related Topics
  - a. Comcast
  - b. AT&T
  - c. WOW
9. BAPA/BAMA Report
10. Old Business
11. New Business
12. Public Comments
13. Board Comments
14. Adjourn

PEG Committee meeting immediately following BACB meeting

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

Absent: McAlear, Lurie - Birmingham  
Borgon, Schneider – Beverly Hills

Also Present: White - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Valentine – Birmingham staff representative  
Celeste Oberhausen – WOW representative

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 MAY 21, 2014**

Motion by Ettenson, second by Heyman, that the minutes of a regular Cable Board meeting held on May 21, 2014 be approved as submitted.

Motion passed.

#### **PUBLIC COMMENTS**

None

#### **COMMITTEE REPORTS**

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

White reported that the Committee talked about the June 1, 2014 webinar put on by the Michigan Municipal League regarding the Comcast/Time Warner merger. The session addressed the fact that the merger would combine the first and second largest cable providers in the country; the deal is valued at \$45 billion; the merger will give Comcast control of 57% of the cable television market across the country.

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 over builders. 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.

Attorney Tim Currier stated that, traditionally, the transfer of a cable company involves a 394 application process to approve the transfer. The communities have an opportunity to examine the ability of the company to deliver cable service as well as their financial capacity. Area communities have been through this previously. Currier referred to the recent name change of Comcast Corporation to Comcast of the South and Comcast LLC. It appeared not to require a 394 transfer agreement by the communities because there was no change in actual stockholders. The consortium communities will be awaiting whatever paperwork it receives from Comcast.

Verdi-Hus stated that the next meeting of the Cable Action Committee is scheduled for Thursday, July 3 at 5:30 p.m. at the Baldwin Library.

#### **PEG Committee**

Heldt had nothing substantive to report. There will be a PEG Committee meeting immediately following today's meeting of the Cable Board.

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

Executive Director White outlined a number of complaints that were pending after last month's meeting, all of which have been resolved. Five new complaints received since the last report were summarized. Two of those complaints are pending. The Executive Director's report included monthly financial reports, check disbursement information, and two channel change notifications from Comcast.

White related that 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.

#### **PROVIDER RELATED TOPICS**

##### **Comcast**

There was no representative present from Comcast. Member Stakhiv stated that a Comcast crew arrived at her house at the request of DTE to work on the cable box in her rear yard. She thought that Comcast should notify a property owner before sending someone to work in a residential back yard even if the box is in the right-of-way. On the other hand, Stakhiv related an incident where a Comcast representative successfully and promptly addressed a complicated issue experienced by her son.

In response to an inquiry from Currier, Stakhiv stated that the Comcast employee working in her back yard was wearing an identification badge. Currier remarked that the cable providers have a right to ingress and egress across property to reach their specific easement. If there is a "no

trespassing” sign posted, notifying the municipality would head off a call to the police by the citizen.

**AT&T**

There was no representative present from AT&T. McLain related that she has no additional information on the AT&T merger with Direct TV.

**WOW**

Celeste Oberhausen had no current updates from WOW but was available to answer questions.

**BAPA/BAMA REPORT**

Cathy White read the report from Steve Rota highlighting Bloomfield Community Television 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 May 22, 2014 – June 18, 2014).

The next camera workshop is scheduled for Tuesday, July 15<sup>th</sup> from 10:00 am to noon or 6:30 pm to 8:30 pm. Call 248-433-7790 to sign up.

Control room equipment has been purchased for the Village of Beverly Hills. A tentative install date will be scheduled for the end of June or early July.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**PUBLIC COMMENTS**

None

**BOARD COMMENTS**

None

The meeting was adjourned at 8:08 a.m.

**BIRMINGHAM AREA CABLE BOARD MEMBERS  
JULY, 2014**

**CITY OF BIRMINGHAM 48009**

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3/30/16 (3/22/10)

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3/30/17 (3/22/10)

VACANT 3/30/17

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**VILLAGE OF FRANKLIN**

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**BIRMINGHAM SCHOOLS**

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**CABLE ATTORNEY**

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**OTHER CONTACTS****EXECUTIVE DIRECTOR**

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**CITY OF BIRMINGHAM**

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**VILLAGE OF BEVERLY HILLS**

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**COMCAST CABLE COMMUNICATIONS**

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**PEG ACCESS (MLAC15)**

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**WIDE OPEN WEST**

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Mr. Greg Kowalski

June 30, 2014

Mr. Steve Rota

4200 Telegraph Road

Bloomfield Hills, MI 48303

Dear Greg and Steve,

On behalf of the Birmingham Area Cable Board, I would like to congratulate you both on the awards received by BCTV as part of the 35<sup>th</sup> Annual Telly Awards. We are aware that these awards honor the very best film and video productions, groundbreaking online video content and outstanding local, regional and cable TV commercials and programs. Based on the magnificent work that you do, we are not surprised that BCTV received a Silver Telly for Soup & Company, a Bronze Telly for Beyond the Box Score and another Bronze Telly for BBSO.

You are to be commended for this wonderful achievement and the entire Birmingham Area Cable Board considers it an honor to work with you in bringing quality local programming to our communities. Keep up the good work!

Sincerely,

Cathy K. White

Executive Director of the BACB

## MEMORANDUM

DATE: July 8, 2014  
TO: Board Members  
FROM: Cathy White  
Re: Monthly Report

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### CUSTOMER COMPLAINTS

Complaint No. 2014-27, which was pending on the date of our last meeting, has been resolved. This complaint involved a Beverly Hills resident who was having trouble making a Comcast payment by phone. When a Comcast representative contacted her, she advised the representative that she had already made a payment because she was worried that it would have a negative effect on her credit score.

Complaint No. 2014-28 has also been resolved. This complaint was filed by a Franklin resident who was concerned about getting a Comcast line buried on her property. The line was buried on June 16, 2014.

There have been three (3) new complaints submitted since the date of my last report. Complaint No. 2014-29 was received from a Franklin resident who was experiencing frequent disruptions of his AT&T service. AT&T technicians came to his house on July 3, 2014 and put his system on new facilities and also upgraded the home equipment. This complaint is now closed.

Complaint No. 2014-30 was submitted by a Franklin resident who has a billing issue with Comcast and is concerned about a \$65 charge that keeps appearing on his bill. This complaint is pending.

Finally, we received Complaint No. 2014-31 from a Birmingham resident who has a nonworking DVR box that she needs replaced and Comcast keeps telling her that they have no record in their system of the scheduling of a service call. This has been going on for four (4) weeks and she would like a technician to be sent to her home. 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 three (3) checks as follows:

1. Charter Township of Bloomfield (BCTV program expense) \$10,000.00
2. Charter Township of Bloomfield (BCTV internet fees) \$389.55
3. Charter Township of Bloomfield (BCTV quarterly contract payment) \$46,856.25

## ADDITIONAL NOTES:

1. I have included a new BACB roster in your packets this month. Please replace your old roster with this one that is dated July, 2014.
2. FCC Chairman Tom Wheeler announced the members of an inter-bureau steering committee and the working team leaders established to coordinate the agency's review of the merger applications from Comcast-Time Warner Cable-Charter and AT&T-DirecTV.
3. The FCC has recently ruled that AT&T is a cable operator and that its U-verse Multichannel Video Service is a "cable service." If this ruling had gone the other way, "must carry" rules would not apply and franchise fees could no longer be collected from AT&T U-verse annual revenues. The FCC stated that AT&T's U-verse video programming is a proprietary package of video programming (i.e., of AT&T's own choosing) that AT&T transmits over its own landline system of closed transmission paths that crosses local ROW. AT&T is therefore delivering a "cable service" over a "cable system."
4. The U.S. Supreme Court ruled in favor of broadcast television in its dispute against streaming service Aereo. The Court decided that Aereo violated the copyrighted work of major television networks by streaming their content to subscribers who paid anywhere from \$1 a day to \$80 a year for the service. Pay-TV providers are relieved about this decision because Aereo would have given consumers one more reason to "cut the cord" and get rid of cable. Consumers are complaining loudly about this ruling on Twitter and other social media channels. The justices said that Aereo was operating like a cable system and that cable systems must pay for the programming they transmit.

# Memo



To: BACB  
From: Steve Rota  
cc: Greg Kowalski, Cathy White & Elaine McLain  
Date: 7/10/14  
Re: Report June 19th, 2014 through July 16th, 2014.

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## **BAMA Programs**

During this time period we completed seven regularly scheduled municipal meetings and the BACB meeting.

## **In Studio**

*County Corner* hosted by Marcia Gershenson.

## **On Location**

Two *Baldwin Library* Lectures.

## **BAPA Programs**

From BACB area individual producers and organizations we've taped 9 programs. From individuals:

- ❖ Three *Making a Difference at TCH* hosted by Camille Jayne.

From BACB area organizations:

- ❖ *Plant Based Nutrition* Lecture.
- ❖ *Senior Women's Club* Lectures.
- ❖ Four *In the Park* Concerts

## **CAMERA WORKSHOP**

We had four residents attend our workshop.

Our next camera workshop has been scheduled for Tuesday, October 22nd, 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 should be installed today.