

Present: Mancini, McLain - Birmingham
Borgon, Heyman, Pfeifer, Woodard – Beverly Hills
Gallasch - Franklin

Absent: Abbott, Kott - Birmingham
Verdi-Hus – Beverly Hills
Ettenson – Bingham Farms

Also Present: Hagaman - Executive Director
Currier - Attorney for Cable Board
Rota - Bloomfield Community Television representative
Beller - Comcast representative
Martinico – Director of Technology, Birmingham Schools
Valentine – Birmingham staff liaison

Chairperson Borgon 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 FEBRUARY 21, 2007 CABLE BOARD MEETING

Motion by Woodard, second by Mancini, that the minutes of a regular Cable Board meeting held on February 21, 2007 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

None

EXECUTIVE DIRECTOR'S REPORT

Hagaman reported that there were ten new complaints this month and that they were not on the topic of the recent rate increase. There is a continuing problem with field technician service and with other customer service matters. Issues involved a missed appointment, billing disputes, and channel availability. Most of the complaints have been resolved. Hagaman also informed the Board that the Comcast CSR diligently followed up on complaints while Hagaman was attending the NATOA conference in Washington.

Hagaman commented that this year's 2007/08 Cable Board budget will be difficult to prepare due to uncertainty in terms of recent cable legislation. Her recommendation was to continue as usual until the Board encounters a major change in funding. The draft budget will be available for the April Board meeting. Comments will be requested from municipalities by the May meeting, after which time the budget will be adopted by the Board in May or June.

Hagaman reported that the Board has a significant amount of money in a Money Market account at Franklin Bank earning a 3.5% interest rate. It has investments at Multi-Bank Securities with variable interest rates ranging from 3.0% to 4.5% depending on the account. Funds invested in individual accounts at MBS are fully insured, which is not the case with money invested at Franklin Bank. It has been suggested that the Board consider divesting its funds at Franklin Bank to achieve full FDIC insurance.

It has also been pointed out that, depending on action taken by the Board on a grant requests, the amount in the Money Market account may be substantially reduced. In addition, Chairperson Borgon has mentioned that the production van will need replacement in the near future at a significant cost. These options can be discussed during budget deliberations.

Hagaman requested Board consideration of an expenditure of up to \$900 to improve the official Cable Board web site to allow for a more efficient importing of information. She described current problems with the web site and how they could be resolved.

Motion by Woodard, second by Mancini, that the Cable Board authorize an amount not to exceed \$900 for Cable Board web site improvements.

Questions from the Board were addressed by Hagaman.

Motion passed unanimously.

Hagaman referred to a report dated March 12, 2007 prepared by herself and Elaine McLain regarding the NATOA Policy and Legal Seminar they attended on March 8-9 in Washington D.C. Also included in the Board's packet is a summary of the Franchising Report and Order from the Federal Communication Commission (FCC). Hagaman believes that the FCC adopted rules without doing due diligence in terms of fact-finding.

Hagaman informed the Board that Joe Valentine, Birmingham staff liaison, will be coming before the Board with a grant request for additional audio equipment for the Birmingham Commission chamber.

Borgon related his observation with regard to the use of lapel microphones by commissioners during the last Birmingham Commission meeting, which he watched live on the municipal channel.

COMMITTEE REPORTS

Cable Action Committee

McLain presented information related to the legislative and legal update. She commented on the panel discussion on the topic of the FCC ruling and discussion on community perception. McLain addressed the importance of having face-to-face contact and interaction when there is a cable complaint or problem. FCC Commissioner Jonathan Adelstein was the keynote speaker at the conference. He was a dissenting vote on the FCC Rulemaking and believes it is bad legislation for local government.

In terms of BACB business, the contract for storage space for the BCTV truck will expire on May 16 after a six month period. McLain indicated that the Board can take advantage of a discount if it renews the contract for six months or a year. She commented that the current truck is an old product. If a new truck is purchased, consideration should be given to the features and the space needed for winter storage.

McLain addressed a few of the recent complaints related to billing disputes. She advised subscribers to make sure that Comcast has on record the names of all family members who can discuss billing or service charges on their account.

McLain relayed that Comcast is advertising a special triple play offer through March 31, 2007 to subscribers who are already Comcast customers. She suggested that subscribers call the Comcast number for information at 1-888-COMCAST or call the 800 number for AT&T to receive a cost comparison.

Borgon asked if there is justification given by AT&T for offering residents cable television under the guise of the dish network. He asked why AT&T is not offering cable television at this time and when they will have that product.

McLain responded that she spoke to someone from AT&T who related that rollout of the new services is expected soon, but no date is given. Currently, when people call AT&T and ask for broadband, they are told that the only access in this area is a dish connection.

PEG Committee

Mancini stated that there was no formal PEG Committee meeting held again this month due to recent legislation. Recognizing the unresolved cable access management contract issue and the May 31 deadline on the extended contract with BCTV, several meetings were initiated to address options for consideration by the Board.

On February 28, Chairman Borgon, Hagan and Mancini met to discuss alternatives for continuing PEG service to the member communities. A consensus was reached on three options: 1) Reopen dialog with Community Media Network (CMN), 2) Reopen dialog with BCTV; and 3) Consider an in-house service administered by the BACB without vendor participation.

Borgon and Mancini met with Jay Wiencko, CMN Executive Director at their studios on March 9, 2007. It is expected that the Board will receive information requested at that meeting by the end of this month. A meeting has been scheduled for April 2 with Ben Crane, Chairman of the Bloomfield Township Cable Access Board, and Leslie Helwig from BCTV. The purpose of that meeting will be to redefine BCTV's role in providing service to the four communities and to better identify the cost implications to the Board. It is anticipated to have specific feedback before the April Board meeting.

Executive Director Hagan has been in contact with Lisa Martinico representing Birmingham Public Schools and with Comcast representatives to determine opportunities for head end connections and BPS services.

Based on those meetings, Mancini outlined the Board's strategy: 1) Examine CMN's response to an inquiry to re-evaluate and resubmit a new proposal to the Board by the end of this month; 2) Evaluate BCTV's response on the same criteria posed to CMN; 3) Consider BPS as an alternative to options 1 and 2 to offer constituents public access programming at a reasonable cost; 4) Base proposal evaluations on supplier ability to provide basic access

services at the most reasonable cost as well as consideration for enhancements down the road; and 5) A consensus recommendation to this Board will be presented at the April 18 meeting following an evaluation by Borgon, Hagaman and Mancini. Action will be sought at that time to determine next steps and actions. This will allow six weeks to implement a plan before the May 31, 2007 deadline for expiration of the extended contract with BCTV.

Mancini hopes that this process will produce a positive result, but the proposals or potential legal issues that will arise in the meantime cannot be predicted. Mancini has discussed this strategy with Chairman Borgon and Attorney Tim Currier, who approved the legality and logic of the approach.

Since the Board has already gone through the process of seeking bids for cable access management and is now in an extension phase, solicitation from potential suppliers and our existing relationship with BPS allow the Board the legal latitude to seek independent revised proposals. There are head end and studio issues to be worked out as well as costs for services rendered. There will be issues to address before the next Cable Board meeting so that Borgon, Hagaman and Mancini can make an informed recommendation for consideration by the Board.

BIRMINGHAM PUBLIC SCHOOLS GRANT REQUEST

A decision on this item was postponed at the February Board meeting. A motion is needed to place the motion back on the table for consideration.

Mancini related concerns about the future of PEG funding. He was not comfortable with approving a motion that would allocate a large amount of money to Birmingham Public Schools at this time given other cost commitments including the operation of public access channels and replacement of the production van. He asked Attorney Tim Currier to speak to this subject.

Motion by Pfeifer, second by Heyman, to bring the Birmingham Public Schools Grant Request back on the table for discussion.

Motion passed.

Currier stated that he reviewed the revised BPS grant request, which was reduced to benefit only those schools that exist within the political boundaries of the four consortium communities. Upon review of the Interlocal Agreement and BACB Bylaws, Currier affirmed that the responsibility of this Board is to follow the Interlocal Agreement, which is to administer the Franchise Agreement for the four communities. The four communities do not have the latitude to give money to other political jurisdictions directly or through this Board. The Cable Board is limited because its responsibility is authorized solely through the Interlocal Agreement. Therefore, Currier does not believe that the Board has the authority to grant any funds outside the political boundaries of this Cable Board. Lisa Martinico and the School District understood this concern and revised the grant request to seek funding for schools that are only within the political boundaries of our four communities.

Currier proceeded to address the issue of the uncertain future of Cable Board and PEG funding, franchise fees, and competition. The FCC order has come down. It appears not to apply to the State of Michigan because of the state-wide franchising legislation, which provides for a 5% franchise fee and PEG funding allocated from that franchise fee. Currier discussed issues related to the new legislation including NATOA's legal challenge to the validity of the FCC order, the status of the state statute, requests from cable providers for a uniform franchising agreement, installation of AT&T VRAD boxes in utility easements, and the position of AT&T that it is not a utility but a telecommunications service and therefore governed by a state-wide franchise. Currier understands that the state of Michigan statute will be under legal challenge shortly. There are a number of issues that are in flux right now.

There followed questions and comments from Board members regarding the specifics of the current cable franchise agreement in terms of franchise fees and PEG support. Currier offered some background and explanation on those topics.

The subject returned to the request from Birmingham Public Schools for a grant to purchase equipment for schools in the district to facilitate cable production work. Martinico reminded the Board that the "E" in PEG access stands for education, and she would appreciate any support the Board could provide to the School District. She referred to the revised grant request submitted in response to the Board's concern about its financial situation and emphasized that the schools in Bloomfield Hills and in Troy contain students from the four consortium communities. The revised grant total is \$193,903.

Gallasch expressed concern with the need for a new production van, which would benefit and impact all four communities.

Borgon commented on the BPS grant and offered support of a motion that would grant the Schools some of the requested funding. Woodard proposed revisiting the motion to support an expenditure in a revised amount for BPS on the basis that there is money in the BACB budget to be spent on capital projects.

Currier stated that the Board could amend the current motion or rescind the motion and put forth a new motion. The existing motion reads as follows: *Motion by Ettenson, second by McLain, that, subject to an opinion from legal counsel on spending Cable Board funds outside of the boundaries of the consortium, the Birmingham Area Cable Board approve a grant request from Birmingham Public Schools in the amount of \$133,000 to purchase equipment for schools in the district that would facilitate student cable production work.*

Mancini commented that he supported schools and education but was concerned that the Board did not have enough information to make an informed decision. He suggesting that the Board postpone action on the BPS grant request for approximately 60 days until the 2007/08 budget report is prepared and the Board has a firm idea of its financial standing.

Motion by Mancini, second by Gallasch, to table the motion on a grant request from Birmingham Public Schools until the 2007/08 budget figures are prepared by the Executive Director for Board consideration.

There were Board comments on the motion.

Roll Call Vote:

Mancini - yes
McLain - yes
Borgon - no
Heyman - yes
Woodard - no
Pfeifer - yes
Gallasch - yes

Motion passed (5 – 2).

COMCAST RELATED TOPICS

Subscriber Complaints

Subscriber complaints were reviewed during the Executive Director's report. McLain had questions on a few specific complaints. Complaint #07-14 was received from a Birmingham resident who lives in a condominium on Oak Street. Due to other complaints from this location, McLain asked if someone from Comcast has been assigned to handle problems experienced by those residents. Beller responded that Comcast staff in charge of multiple dwelling units are taking a look at this and are working with the condominium association and to make sure that their overall concerns are addressed.

Complaint #07-07 from a Birmingham resident regarding bill payment was addressed. Borgon mentioned that there are a couple of complaints about people being on hold with Comcast. A call report was requested from Comcast at last month's meeting. Beller responded that she will email the quarterly call report to Hagaman today.

Comcast Updates

None

Other Issues

Borgon complained about losing channels on the analog channel to the digital channel.

MLTV 15/PA 18 REPORT

Stephen Rota from Bloomfield Community Television reported on programming taped for Municipal Channel 15 and PA Channel 18 during the last month and mentioned upcoming programs of interest (information included in the BCTV monthly report dated 3/15/07).

BCTV has received and installed the repaired playback deck for M15 along with a new controller to launch the deck. BCTV remains short staffed but has kept up with all regular BACB programming and responsibilities.

In answer to an inquiry, Rota stated that there are no live audiences for shows taped at the studio. Board members may come and watch a show being taped in the green room.

OLD BUSINESS

McLain commented that there is a need for additional Cable Board members to represent the City of Birmingham. She thanked former member Brian Jones for his work on the committee.

NEW BUSINESS

Borgon stated that a request was received from the Franklin Merchant's Association to receive awareness for events they sponsor. Public service announcements may be submitted to the Board's Executive Director for consideration; commercial messages are not allowed to be aired on the public access channels.

BOARD COMMENTS

McLain stated that the annual NATOA meeting will be held this October in Portland, Oregon. She thanked the Board for the opportunity to attend last year's NATOA conference, noting that there is much to be said for making contacts and gaining information at these meetings.

PUBLIC COMMENTS

None

The meeting was adjourned at 9:04 a.m.