

Present: Abbott, Heldt, Kott, Mancini, McLain - Birmingham  
Borgon, Verdi-Hus, Woodard – Beverly Hills  
Ettenson – Bingham Farms  
Gallasch – Franklin

Absent: Mathers - Birmingham  
Heyman – Beverly Hills

Also Present: Hagaman - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Beller - Comcast representative  
Valentine – Birmingham staff liaison  
Pfeifer – Beverly Hills Council 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**

Motion by Woodard, second by Heldt, that the minutes of a Birmingham Area Cable Board meeting held on May 16, 2007 be approved as submitted.

Motion passed.

#### **PUBLIC COMMENTS**

Kathleen Berwick of 31381 Kennoway Court in Beverly Hills related a problem she had with Comcast cable service with respect to missed appointments and technicians arriving unequipped to do the work. She did not think Comcast was doing a good job.

#### **APPROVE BUDGET AMENDMENTS**

Hagaman outlined proposed amendments to the 2006/07 budget reflecting reductions and increases in line items. Members have received work sheets that indicate the budgeted amounts, amendments, and the revised budget. Expenditures will increase by \$24,850, which will be offset by reducing the fund balance to a projected \$142,312.20. Questions from Board members were addressed by Hagaman.

Motion by Ettenson, second by Mancini, to approve budget amendments for fiscal year 2006/07 as presented.

Motion passed unanimously.

#### **APPROVE CABLE BOARD BUDGET**

Board members are in receipt of copies of the proposed budget for the Birmingham Area Cable Board for fiscal year 2007/2008. Hagaman related that she and Chairperson Borgon attended a recent Birmingham Commission meeting and addressed questions from Commission members regarding Cable Board funding and expenses.

The proposed 2007/08 budget anticipates a balanced budget with total revenues and expenditures in the amount of \$736,500. Hagaman outlined significant increases and decreases in the budget from the previous year and addressed questions from Board members. One of the large expenditures in this budget is the purchase of a new production van and related conversion costs.

Motion by Ettenson, second by McLain, to adopt the Birmingham Area Cable Board budget for fiscal year 2007/2008 as presented.

Motion passed unanimously.

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

Hagaman reported that four new complaints were received this month. A few recent issues that are not included in the report are being addressed by Comcast. Two follow-up complaints from last month have been resolved. The majority of complaints concern rates as well as reception and pixilation issues.

Carmen Johnson of AT&T has been invited to attend the monthly Cable Board meetings. There has been no response to date.

The NATOA Annual Conference will be held from October 2-6, 2007 in Portland, Oregon. The budget includes funds for two Board members and the Executive Director to attend the conference. Past practice has been to send one Board member to the event for two consecutive years in order to become better educated on a wide variety of complex topics. Members who are interested in attending should contact Hagaman or Borgon so that representatives from the Board can be appointed at next month's meeting and register for the conference as soon as possible.

Elections will take place at the July meeting for the office of Chair, Vice-Chair, Secretary and Treasurer of the Cable Board.

Letters were sent to the Birmingham City Manager and the presidents of the Beverly Hills and Franklin Councils inviting them to produce short promotions prior to their scheduled council or commission meetings. To date, the City of Birmingham has contacted BCTV to explore this possibility.

Hagaman reported that the Michigan Public Services Commission (MPSC) has released a copy of its Dispute Resolution Process. This will be addressed in more detail by Tim Carrier.

In response to an inquiry, Hagaman explained that AT&T sent Bingham Farms a PEG Service Survey. Hagaman forwarded the request to the Bingham Farms attorney as well as to Tim Carrier to determine whether Bingham Farms would be releasing confidential information. Bingham Farms responded with the information requested noting that Michigan PA 480 places no obligation on the Village of Bingham Farms to provide AT&T with this information. However, in order to insure that our four PEG channels are provided within the time frame required by PA 480 and in the spirit of cooperation, Bingham Farms provided AT&T with the information requested.

Borgon expressed disappointment that Carmen Johnson from AT&T did not respond to the Board's invitation to attend monthly Cable Board meetings. Borgon mentioned that he would like to have McLain attend the NATOA Conference for the second year. He has encouraged the Vice-Chair to attend, but Ettenson has had a conflict in previous years. Ettenson responded that he may be able to attend the conference this year.

Currier reported on the Michigan Public Service Commission's proposed Dispute Resolution Process. The document is based on the premise that the MPSC has been charged by the Legislature to promote the expansion of telecommunications and cable television through recent Legislation. Currier commented that the draft dispute resolution process is an unsatisfactory document that does not provide adequate due process for the communities to air their views. The trials are conducted with administrative law judges in the basement of an auxiliary building and are poorly attended by the public; they are attended by special interest providers. There has been no media coverage of the meetings. Currier stated that there have been no decisions rendered in telecommunications so far that have favored any municipality in the State of Michigan. There have been no cable cases heard as yet.

Currier remarked that the Michigan Public Service Commission has ignored consumer protection ordinances. He commented on the Board's relationship with Comcast representatives and attempts made by the cable company to resolve customer complaints. It has been a successful and practical arrangement, and this Cable Board hopes to retain local control of subscriber complaints.

Currier stated that the Cable Board is preparing comments to forward to the MPSC regarding its Proposed Dispute Resolution Process. The document has not been approved by the Legislature and there may be a delay in the approval process for the reason that the chairman of the Commission is leaving the position and the Governor will have to fill that vacancy.

Ettenson asked if there is a phone number for an individual subscriber to call the MPSC with a complaint. Currier doubted whether customers will call Lansing to submit an informal complaint to the Commission or file a complaint for a formal proceeding before the MPSC for a \$30 dispute on a cable bill. People are not likely to travel 90 miles to Lansing to have their complaint heard by the MPSC.

Gallasch understands that MPSC staff members will be assigned to handle informal complaints. He questioned whether there would be enough people on the MPSC staff to answer the phones. Gallasch remarked that many people view AT&T coming into the area as a positive move because subscribers want competition and lower rates. The reality is that it will be a more burdensome arrangement than currently exists.

Currier said that it is difficult to equitably compare the AT&T and Comcast systems, but the price differential in areas where AT&T has rolled out its product is about one dollar per month. Currier provided information available at this time on AT&T's intent with respect to PEG programming and costs associated with providing PEG channels.

Ettenson questioned whether an AT&T subscriber could come to this Board with their complaint. Currier responded that no court has ruled that municipalities' consumer protection ordinances are invalid. That State statute says that cable providers must comply with all valid and enforceable state and local regulations. Until the court says it is not enforceable, people with AT&T complaints can bring them to the Birmingham Area Cable Board.

## **COMMITTEE REPORTS**

### **Cable Action Committee**

McLain reported that there was discussion at the Cable Action Committee meeting about the placement of VRAD boxes in the community by AT&T. Fred Gallasch related that this was a topic of discussion at a recent Franklin Council meeting, and residents appeared to be satisfied with AT&T's communication relative to placement of boxes, their appearance, and aesthetic remedies.

McLain referred to the Cable Board's letter to AT&T's Director of External Affairs Carmen Johnson inviting her to attend monthly Board meetings. She will call Ms. Johnson to inquire as to whether she will attend meetings and answer questions from people who have subscribed to the AT&T service that has been heavily advertised in the consortium communities.

McLain urged subscribers to call the cable companies for information on their services if they have questions.

At last year's NATOA conference, McLain directed an inquiry to the AT&T representatives regarding their commitment advertisement, which highlights the following points: we will deliver competition; we will provide cities and towns with video franchising fees equivalent to their current agreements; we will deliver community programming, disability access, and emergency alerts, and contribute to the funding of community access operations. She will ask AT&T representatives about these commitments at this year's NATOA conference.

McLain commented that there are glitches with every complaint process, but Comcast does provide contact people who respond and follow up on problems. She affirmed that people will not be left without a forum as long as there is a Cable Board.

In answer to an inquiry, Beller indicated that she is working on a date for Board members to tour of the call center.

The next meeting of the Cable Action Committee will be held on Wednesday, June 27 at 5:30 p.m.

### **PEG COMMITTEE**

Mancini reported that two items were discussed at the last PEG Committee meeting on May 16:

- 1) The content and procedure for quarterly meetings between BCTV and the Cable Board, and;
- 2) County Commissioner Gershenson's programming request.

The PEG Committee and BCTV agreed that their quarterly meetings would operate with a jointly prepared agenda. Mandatory content would include the FASIL hour reports and discussion of

production developments positively or negatively impacting the budget. Consideration will be given to holding some meetings at BCTV depending upon participant availability. Mancini urged as many Board members as possible and all PEG Committee participants to tour the BCTV facility to observe their quality operation and the necessary elements involved in broadcasting good municipal and public access programming.

It was the unanimous decision of the PEG Committee that Commissioner Gershenson's programming request was in the best interest of its constituents, and BCTV will move forward with production. The Committee and BCTV agreed that the productions fall within the contractual parameters, and, therefore, no additional new production costs will be accrued.

The PEG Committee and Board legal counsel agreed that a standing policy for future broadcast requests of a similar nature should be established. Mancini summarized the draft policy in non-legal terms as follows:

*Additional productions from elected officials serving this consortium or residents in the residential district will be produced by BCTV within the contractual cost guidelines. Any productions for which there are questions or significant cost increase considerations will be reviewed by the PEG Committee and BCTV.*

There was discussion at last month's Board meeting regarding expanding the promotional messages from community leaders and/or representatives. A letter from Chairman Borgon was sent to select leaders seeking their participation in the promotional messages. We expect to proceed with the one-minute promotional recordings and 20-second bumpers next month.

Mancini reviewed that the contractual terms for extension of the contract with Bloomfield Community Television for cable access management services was approved at the May meeting. We are awaiting BCTV's concurrence and hope to have a signed agreement within the week.

There will be a PEG Committee meeting following today's Board meeting with three main items on the agenda: 1) BCTV contract update; 2) Agreement on alternative promotional recording participants; 3) Agreement on production enhancements for the electronic billboards.

## **COMCAST RELATED TOPICS**

### **Subscriber Complaints**

Questions from Borgon regarding the process for cable installation and burying cable line were addressed by Louise Beller. She indicated that the process for cable burial is dictated by individual municipal ordinances and established DTE practice in specific areas.

Borgon commented that Louise Beller and the Comcast staff are doing a good job of responding to complaints in a timely fashion. It is nice to work with a company that will cooperate with the Board. He hopes that any other companies providing cable service in the area will give us that same courtesy.

McLain informed the subscriber who was present earlier in the meeting that Louise Beller will follow through on her complaint. McLain advised the public that they can go to the

birminghamcableboard.org web site and register their complaints or comments. In answer to an inquiry from McLain, Beller stated that Comcast is looking at its web site currently to add more customer service options.

### **Comcast Updates**

The Board has received a letter from Beller regarding upcoming price changes effective August 1, 2007. The charges reflect rate changes for residential installation services. Beller explained that the price changes reflect an effort to provide more standardization and streamlining in terms of service. She addressed questions from Board members.

Borgon asked if Comcast will carry the Big Ten package. Beller responded that Comcast is currently in closed discussions with the Big Ten network. Comcast intends to make sure that the bulk of their subscribers are not in a position where they have to pay for more expensive sports programming that only a portion of the subscribers choose to view.

Beller announced the kickoff this Saturday night of Comcast's free weekly summer film series at Campus Martius Park in downtown Detroit. She reported that there were five Leaders and Achievers Scholarship recipients from the consortium communities. The recipients will be treated to a Tigers game.

Borgon related that Comcast has mailed information to subscribers on its new promotion that offers an upgrade to digital cable free for two years.

### **MLTV15/PA 18 REPORT**

Steve Rota from Bloomfield Community Television reported on programming taped for Municipal Channel 15 and PA Channel 18 during the last month and noted upcoming programs of interest (information included in the BCTV monthly report for May 15- June 20, 2007).

Rota stated that he met with Board member Ken Kott to give him a tour of the BCTV studio and the production truck. Other interested Board members were invited to visit BCTV to view the facility and production van. Rota and Zack Florance from BCTV accompanied Kott and Bob Borgon to inspect production trucks in Warren and Royal Oak. Kott will be leading the effort to research and purchase the production van.

Rota related that BCTV hosted a meeting between AT&T and some of the communities and school districts served by BCTV and the Cable Board. An AT&T representative in Dallas, Texas (by way of a conference call) explained their plans for transmitting PEG channels and the PEG menu. Neither the two AT&T representatives who attended the meeting nor the individual from Texas could answer the technical and financial questions posed. AT&T said they would get back to BCTV with their responses.

Borgon asked Rota to provide the Board with an updated equipment list for the production truck. He advised BCTV that the next Beverly Hills Council meeting was rescheduled from Tuesday, July 3 to Monday, July 2. Borgon asked Rota to check to make sure that the Council meeting can be broadcast live. Gallasch mentioned that Franklin's September Council meeting will be delayed a week.

**OLD BUSINESS**

Borgon reminded the Board that election of officers will be held at the July meeting.

**NEW BUSINESS**

None

**BOARD COMMENTS**

Ettenson reported on the June 18 article by the technology editor of Business Week Magazine regarding a new FCC ruling effective July 1 that will force cable companies to split the functions of the cable box. The first task is authentication and the second function involves decoding the signals.

**PUBLIC COMMENTS**

None

The meeting was adjourned at 9:00 a.m.