

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

Absent: Mathers - Birmingham

Also Present: Hagaman - Executive Director
Currier - Attorney for Cable Board
Martinico - Director of Technology, Birmingham Schools
Helwig - Bloomfield Community Television representative
Beller - Comcast representative
Johnson – AT&T representative
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

Page 2 was omitted from the copy of the July 18, 2007 meeting minutes distributed to the Board.

Motion by Ettenson, second by Heldt, that the minutes of a Birmingham Area Cable Board meeting held on July 18, 2007 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

None

EXECUTIVE DIRECTOR'S REPORT

Hagaman announced that Comcast's Macomb Call Center facility tour is scheduled for Thursday, August 12 from 8-10 a.m. Board members were encouraged to attend the tour.

Hagaman congratulated Louise Beller on her promotion to the position of Senior Director of Communications and Public Affairs. She mentioned that Steven Transeth has been named to the Michigan Public Services Commission, the three-member board that regulates the state's utilities and cable franchises.

Hagaman reported that the Office of Management & Budget approved the new FCC ruling that mandates municipal action on franchise requests within 90 days if a municipality already has a franchise agreement and 180 days if there is no existing franchise agreement.

The audit of Cable Board operations by Plante & Moran is near completion.

COMMITTEE REPORTS

Cable Action Committee

McLain reported on Cable Action Committee activity since the last meeting. The intent of the committee is to view and balance the mission of the Board, which is basically to share

information, protect and encourage participation in all available cable access, monitor the use of funds or resources, and provide a neutral forum for complaints and disagreements between franchisees and subscribers.

McLain noted that Carmen Johnson, representative from AT&T, is present at today's meeting. The Board looks forward to working together with her.

McLain stated that the Committee drafted a letter dated August 15, 2007 placing Comcast on notice that the Birmingham Area Cable Board considers Comcast to be in breach of the Franchise Agreement and the Cable Ordinance. The letter states that, over the past several months, the Cable Board has received a number of complaints relative to Comcast service including excessive hold times through the 1-800 number, inconsistent delivery of signals (including pixilation and freezing), and other unresolved service issues. The Cable Board would call for immediate corrective actions and a written response from Comcast as to the measures it is taking to rectify these defaults. It is recommended that the Board proceed on that basis due to recurring problems that have occurred with no improvement in service. The Board has the ability to levy certain remedies pursuant to the Franchise Agreement: civil suit for monetary damages, civil suit for injunctive relief or specific performance, liquidated damages of up to \$100.00 per day for each day or partial day of default, and termination of the franchise.

Currier provided some background stating that the Franchise Agreement is based on negotiations entered into between Comcast and the BACB. The basis of the negotiations was founded in the Federal Cable Act, which sets forth specifications regarding customer service. Those regulations were negotiated into the Franchise Agreement and Consumer Protection Ordinance. The specifications are preserved in the current State Cable Act.

Currier recalled the last time the Cable Board initiated this process in 2001/02 when a number of events led to the issuance of a notification to Comcast of potential defaults by this and other boards. Comcast responded, and the resolution resulted in customer credits, the issuance of free movies to customers, and correction of the problems going forward.

The Cable Franchise Agreement requires that the Board give Comcast notice of defaults before taking formal action. A default is described in the Franchise Agreement and the Consumer Protection Ordinance as a breach of agreement based on specific standards of performance. A default is declared when a breach occurs and the Board documents those defaults in writing to Comcast. Comcast can be placed on notice if complaints continue unresolved, and the Board may choose to assess liquidated damages. Once Comcast is notified of the defaults, it has an opportunity to come forth and make a case as to why it should not be assessed. Liquidated damages go to the Board; however, the Cable Board would rather have the cable company provide credits to the customers.

Board members discussed whether to proceed with the assessment of liquidated damages. The point was made that the Board needs to show that it is serious about enforcing the Franchise Agreement while recognizing that taking this process to its completion would involve legal costs incurred by the Board.

Motion by McLain, second by Kott, to authorize the Chairperson of the Birmingham Area Cable Board to sign the letter notifying Comcast that it is in default of specific sections of the Cable Ordinance.

Ettenson suggested that the Board initiate a dialog with Comcast regarding the defaults before sending the letter. He mentioned that the number of complaints was down substantially compared to prior years and the trend was in the right direction.

McLain responded that Board members have talked about imposing liquidated damages at public meetings numerous times. Given the fact that Louise Beller is transitioning to a new position, it was thought that the Board should provide the new Comcast representative with the necessary facts. Members of the Board would like to meet with the Comcast representative and discuss the problems as soon as possible.

Mancini asked if there is a threshold that defines default from a legal standpoint. Currier responded that a default is warranted with one complaint.

Roll Call Vote:

Abbott	- yes
Heldt	- yes
Kott	- yes
Mancini	- yes
McLain	- yes
Borgon	- yes
Heyman	- yes
Verdi-Hus	- yes
Woodard	- yes
Gallasch	- no
Ettenson	- no

Motion passed (9 – 2).

McLain commented that AT&T should be on notice that, if there are problems with their 1-800 number or the call center, now would be the time to rectify it.

McLain continued with the Cable Action Committee report. She commented that the Board will be asking detailed questions about the Comcast quarterly statistics when they are submitted.

The Committee has discussed how it can reach members of the communities with information about the activities of the Birmingham Area Cable Board. Heyman made a suggestion that the Birmingham Farmers Market is a community effort that takes place on Sundays. The Board could look into obtaining a booth at the market, which would involve a volunteer commitment for available Board members. It was suggested to distribute magnets printed with the Cable Board's phone number and web address so that people with questions or concerns about Comcast or AT&T can contact the Board. McLain has received quotes on a paper sign to display in front of the table at the Farmers Market and a quote on printed magnets.

The Farmers Market is open on Sundays through the end of October. It is proposed that volunteer Board members occupy a table provided at no charge by the Farmers Market Board in exchange for the Cable Board providing volunteers in terms of providing help at the children's play area, package pickup, or information area. The Cable Action Committee talked about starting off with two dates, one in September and one in October.

Board members expressed interest in this awareness campaign. The only cost would be for a sign to display at the Farmers Market and the cost of magnets.

Motion by McLain, second by Heldt, to approve an expenditure of up to \$200 for a BACB sign and magnets displaying the Cable Board phone number and web site address for distribution at a table at the Birmingham Farmers Market contingent upon approval of free space at Farmers Market.

Motion passed unanimously.

PEG Committee

Mancini reported on items discussed at the PEG Committee meeting held on July 18, 2007. The primary topic of discussion was scheduling of additional promotional announcements. Mel Ettenson and Beverly Hills Council President Todd Stearn recorded announcements in late July. Lisa Martinico of Birmingham Public Schools and Mark Janke from the Franklin Village Council participated in recording promotional messages. These videos will be incorporated into the rotation schedule.

The PEG initiative also focused on the bidding process for the BACB approved equipment to enhance channel broadcasting efforts. Mancini reported that the process is complete and that the BCTV negotiating team achieved success in purchasing the products at a cost of \$47,693, which was below the Board approved amount of \$52,100. This means that funds are available to add the PA 18 equipment at the same price as earlier approved, adding value to our constituents at no additional cost.

It is the intent of BCTV and the PEG Committee to proceed with testing and learning the technical and production capabilities of the acquired equipment for immediate execution on M15. It is anticipated to expand the system to add PA 18 by year's end.

A PEG Committee meeting will follow today's regular Board meeting with a topic of discussion being the necessary initiatives to provide constituents with school closing information that would be broadcast via our new system effective with the fall term. Lisa Martinico was asked to be present for that discussion. Mancini proposed to identify any other information issues that Birmingham Public Schools feel are paramount to improving communication with residents.

The PEG Committee will also focus today on its first quarterly discussion regarding hours and production/playback issues. All Board members are invited to attend.

Mancini commended Steve Rota and Zack Florance on their creativity in directing M15 programming. They have responded admirably to discussions earlier this year about enhanced production techniques including close-ups, pans of the Board, super impositions, etc.

Borgon asked that the PEG Committee also focus on securing Requests for Proposals on the production truck so it will be available for use next spring.

COMCAST RELATED TOPICS

Subscriber Complaints

Borgon stated that it is proposed to discuss complaints using file numbers rather than subscriber names and addresses in order to retain customer confidentiality for both Comcast and AT&T.

Hagaman referred to complaint #07-54 regarding pixilation problems that were difficult to diagnose and repair. Comcast is continuing to work with the subscriber to identify the source of the problem. Another customer (07-69) had billing and service problems and received a credit from Comcast. Complaint 07-68 concerned billing errors and a request for competition. Comcast forwarded a letter to this subscriber. Hagaman reported that all complaints have been resolved as of this Board meeting.

McLain asked both Comcast and AT&T representatives if there were special circumstance that applied to installing new service at a residence with a home burglar alarm. Beller responded that the burglar alarm situation is related to the voice product and is dependent on the type of technology used by the company. Comcast is compatible with all alarm companies unless the homeowner is using analog technology. Carmen Johnson from AT&T added that it is wise to tell the technician what other services you have in the home. McLain concluded that it is important for the homeowner to discuss the type of phone service with the service provider if they have a burglar alarm.

Hagaman commented that subscribers have complained that there is a \$1.99 charge associated with dropping off a payment to Comcast at their local office.

McLain asked if Comcast followed up with a complaint outlined by Rosanne Koss at the last meeting. Beller responded that Ms. Koss' issue has been resolved. Hildreth Buterbaugh also attended the meeting and commented that Royal Oak Comcast offers a senior discount. Beller stated this inquiry has been addressed previously. It appears that there was a prior franchise obligation that Comcast is honoring in Royal Oak. Borgon added that the Board has made numerous inquiries about the need for a senior discount and will continue to pursue the topic.

Comcast Updates

Beller stated that Comcast has received a letter from the Cable Board attorney dated July 24, 2007 regarding Comcast Video Accounts; a response is forthcoming.

Currier related that this letter addressed the complimentary cable television service being provided by Comcast to municipal offices, police stations, and fire departments and the fact that Comcast intends to discontinue that free service except for one drop. Currier asked for clarification as to the specific section(s) of the State Video Uniform Franchising Act that Comcast is relying upon in seeking to change the terms of the current Franchise Agreement negotiated with members of the BACB. Currier informed the Board that he has requested a meeting with Comcast prior to the October date when they intend to initiate a change in the municipal courtesy service.

Other Issues

Louise Beller thanked the Board members for the opportunity to work with them during the last few years. Beller has been promoted to Senior Director of Communications and Public Affairs for Comcast.

Hagaman asked if Comcast changed the location of the NFL Network to a different tier. Beller will look into this and inform the Board. It was noted that there is not a exclusive toll-free number for subscribers to call about being charged for Cableguard when they upgraded from analog to digital.

Ettenson commented that he looked into Comcast workplace television service due to the large office complex located in the Village of Bingham Farms. He received information by fax from Comcast regarding four available tiers for this service; pricing is different from residential fees.

AT&T RELATED TOPICS

Complaint 07-02 was received from a Birmingham resident who had issues with billing and quality of signal with his new AT&T U-verse service. The complaint was forwarded to Carmen Johnson. Johnson informed the Board that the technical difficulties have been resolved, and AT&T is working with the customer on the billing resolution.

Borgon asked if AT&T has a workplace television service tier and rate. Johnson responded that this is a new product for AT&T, which is being rolled out in residential areas at this time. In answer to another inquiry, Johnson said that she related the question about a senior discount to the AT&T marketing team for investigation.

Johnson affirmed that AT&T service was available in certain areas of Bingham Farms. Specific locations is proprietary information. Ettenson and Hagaman have searched the AT&T website for service availability at a variety of addresses in Bingham Farms with results indicating that service was not available. Johnson suggested that people go to the AT&T web site, insert their phone number, and ask to be notified when service is available in their area (www.uverse.att.com).

PEG Channels

Hagaman reported that the Village of Bingham Farms was notified that AT&T is requesting information on the availability of equipment in the municipality for receiving PEG channels. Bingham Farms does not have enough information to estimate the cost of equipment needed to receive the AT&T signal. Further, a sample of the AT&T product has not been provided. She questioned how to proceed based on the information available.

Hagaman questioned whether AT&T can provide a video that demonstrates the quality of its product. Communities are being asked to make a major investment without any knowledge of the product. There is also a need for specific information as to the equipment and costs associated with receiving PEG channels. The point has been raised that there are copyright issues based on the AT&T system.

AT&T representative Carmen Johnson reiterated that this is a new product and everyone is learning. The technology being used by AT&T is Internet Protocol Television. AT&T will be

offering PEG Channels as per the State statute. Johnson said that the company has been meeting with communities such as Bingham Farms to discuss what will be coming.

Borgon asked what an AT&T customer will have to do in order to view a Beverly Hills Council meeting. Johnson responded that the customer will go to Channel 99 and select a city in the Detroit market area (southeast Michigan) and look for the channel requested. It will appear as an Internet site where you make a selection and click.

McLain stated that the new AT&T system has rolled out in a number of communities throughout the country. She asked if PEG programming is being broadcast in any of these communities. Johnson did not have that information but said that AT&T is working with several communities at this time.

Martinico commented that the cable company provided the equipment whenever there was equipment needed in the past to connect PEG channels to the cable provider. In this instance, AT&T is asking the municipalities to pay a charge to connect to their service. She asked if there is anything in the Franchise Agreement that addressed this.

Currier responded that State Law says that the provider must bring the lead into the area and the customer has to provide the equipment to receive it. According to State law, the provider can agree to something else.

Martinico stated that, if a school or municipality is not currently broadcasting with IPTV, it has to buy equipment in order to convert video to IPTV. There will have to be two systems, one for the traditional fiber optic cable system and one for the Internet Protocol TV transmission. This would involve the purchase of costly equipment to convert existing video to a digital transmission format and an expensive telephone line with an installation charge and monthly fees in order to transmit that video. This is an expense that the School District or municipalities may not have the funds to cover even if they would like to broadcast PEG channels for the benefit of their constituents.

Borgon asked if there is any indication of the quality of replay through the AT&T system. Johnson stated that she cannot comment because she has not seen it. She will check into whether Board members will be able to view the quality of the transmission before making an investment to carry PEG channels through the AT&T system.

Helwig from Bloomfield Community Television commented that a number of communities would be willing to get together and establish one site for a test of the AT&T system. BCTV has vendors that would lend them equipment for an actual simulation of this test, but the communities are lacking a T-1 line for the test. It is a high-speed telephone line used specifically for data transmission. Helwig questioned whether AT&T has a T-1 line that it could lend the Cable Board for a day so that a number of community representatives can come to one location and watch a simulation of the product they would be investing in to air PEG channels. Johnson will take the question back to AT&T for an answer.

Currier questioned the difference in quality between what AT&T is proposing to do with its Internet Protocol TV and the current webstreaming of Birmingham Commission meetings.

Board member Abbott indicated that he has a T-1 line coming into his store in Birmingham. He spoke with Helwig about the technicalities of arranging a shoot at his location for viewing by the Board. Cooperation from AT&T would be needed to make this happen.

McLain asked Currier if subscribers should pay the AT&T fee listed on the bill for Michigan Local Video facilities since the communities are not receiving PEG channels. Currier asked to review a copy of the bill before commenting. Johnson indicated that she will check into this.

Abbott questioned the status of installing AT&T VRAD boxes in Birmingham and expressed concern about the location of a box at his business site in downtown Birmingham. Currier responded that State statute gives AT&T the permission to use the rights-of-way. However, AT&T has been cooperative with the Birmingham engineering department in trying to select appropriate locations for these boxes. He suggested that Abbott contact Paul O'Meara with his concerns.

Mancini commented that the Board received information on a more compact VRAD box. Johnson responded that the low profile box has been used more lately.

BEVERLY HILLS GRANT REQUEST

Woodard stated that the Village of Beverly Hills is requesting a grant to fund web streaming of its Council meetings, noting that the City of Birmingham currently web streams its Commission meetings. Board members are in receipt of a memo from Beverly Hills staff member Erin Saur, who is present to give an overview of the proposal.

Erin Saur stated that the Village of Beverly Hills is requesting a grant for \$4,000 for the purchase of hardware and training to provide start-up costs for basic webstreaming of live-viewing and on-demand capabilities for repeat viewing of Council meetings. Software that would add features such as the ability to view the agenda or skip to specific points in the meeting via the agenda along with training is included in this amount. PowerStream has provided a quote of \$85 per month to provide web hosting with 10 GB of live/on-demand streaming as well as 500 MB of storage. It is anticipated that a member of Village staff would operate the equipment at Council meetings at no added expense.

Questions and comments from Board members were addressed by Saur. The pricing was based on webstreaming Council meetings only. The hardware and software would be located in the control room area of the Council chamber. Council meetings would be live and would be archived only until the next Council meeting.

Saur informed the Board that Beverly Hills may be applying for another grant opportunity available to local government for webstreaming. Because the deadline for submitting an application for that grant is October 15, 2007, Beverly Hills would like to have a response from the Cable Board by that time.

Saur indicated that she will prepare a formal grant application to the Birmingham Area Cable Board for the start up costs for webstreaming Council meetings. The proposal will include information on quotes received for this service, staffing available to operate the equipment at Council meetings, and the cost of expanding the grant to include webstreaming of BACB meetings and possibly other Village Board meetings.

Board members questioned the feasibility of subsidizing the ongoing operation in terms of a monthly fee for network use and memory. There was a concern expressed about providing a service to a consortium community when Birmingham is financing its webstreaming costs through its general fund. A question was posed as to whether there is an overlap between webstreaming service and the AT&T Internet Protocol technology for broadcasting PEG channels.

Heyman asked if there was documented interest from Village residents for webstreaming. Woodard remarked that webstreaming would provide individuals with the opportunity to watch a meeting anywhere at any time without waiting for a television replay.

Beller cautioned against using PEG fees provided by Comcast subscribers for financing webstreaming. She mentioned that one reason for providing webstreaming is to allow satellite users to have the opportunity to view municipal channels on a computer. Satellite television pays no franchise or PEG fees.

Currier affirmed that the BACB receives funding from the consortium communities in the form of general funds as well as PEG fees. Webstreaming of a municipal meeting is not subscriber based. A resident would be able to go to a particular web site without paying franchise or PEG fees to view these meetings.

Motion by Woodard, second by Heldt, to table the Beverly Hills grant request for webstreaming Council meetings until the September Cable Board meeting in order to receive a formal grant application and requested information.

Motion passed unanimously.

MLTV 15/ PA18 REPORT

Leslie Helwig 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 July 21 – August 15, 2007).

Helwig mentioned that taping of the Beverly Hills Concert in the Park was cancelled the day of the event for the reason that the performers would not give their permission. The cancellation of a major shoot on short notice causes problems for BCTV in terms of scheduling, pay for hourly workers and volunteer relationships. BCTV will be working with Beverly Hills staff and the members of the Parks and Recreation Board to submit a completed standard release form for each performance at the time the entertainment is scheduled.

The community was saddened by the sudden death of Rabbi Sherwin Wine, founder of the Center for New Thinking. His lectures were among the most popular programming on Channel 18 and BCTV 15. Bloomfield Community TV will be talking to the Center for New Thinking regarding future lecture series.

Zack Florance is continuing to work on securing bids from different vendors for the playback server, ENG cameras, and new bulletin board. Helwig announced that BCTV hired Kristina McIntyre to fill its open position.

Bloomfield Township is hosting the Bloomfield Township Classic Car Show at the Mercedes Benz dealership on Woodward south of Quarton 1:00-5:00 p.m. on the day of the Dream Cruise, August 18. Board members are invited to visit. If you have a classic or specialty car to display, registration information is available online at www.bloomfieldtwp.org.

Gallasch stated that Oakland County is sponsoring foreclosure seminars. A seminar scheduled for August 29 at the West Bloomfield Library will be videotaped. Gallasch would like to show the seminar on the public access channels. Helwig remarked that County Commissioner Gershenson or West Bloomfield can supply BCTV with the DVD.

OLD BUSINESS

Currier stated that Oakland County held a meeting yesterday regarding Wireless Oakland with the test communities. Representative from the pilot communities were in attendance to find out what they can do as far as municipally assisted wireless capabilities. Phil Bertonelli, Deputy County Executive, announced that the test communities are 90-95% complete and that they expect work on the remaining 900+ miles of Oakland County to start shortly. They will be looking for placement of the MichTel boxes.

NEW BUSINESS

McLain asked that Comcast and AT&T work with college students who are going back to school in terms of their cable and Internet service accounts to avoid any problems.

BOARD COMMENTS

Mancini reminded Board members of the PEG Committee meeting immediately following the Board meeting.

Kott asked for input from members of the Board or public regarding disposal of old equipment and the truck following procurement of the new production van.

PUBLIC COMMENTS

None

The meeting was adjourned at 9:45 a.m.