

Present: Armitage, Heldt, McLain - Birmingham  
Heyman, Verdi-Hus, Pfeifer, Woodard – Beverly Hills  
Ettenson – Bingham Farms  
Jahnke – Franklin

Absent: Abbott, Decker, Mathers – Birmingham  
Borgon – Beverly Hills

Also Present: Hagaman - Executive Director  
Currier - Attorney for Cable Board  
Rota - Bloomfield Community Television representative  
Valentine - Birmingham staff liaison

Vice-Chairperson Ettenson 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 Heldt, second by Woodard, that the minutes of a Birmingham Area Cable Board meeting held on December 19, 2007 be approved as submitted.

Motion passed.

### **PUBLIC COMMENTS**

Hildreth Buterbaugh of Beverly Hills stated that he is appointing himself as a public representative to the Cable Board. He expressed the view that the Cable Board should be more proactive. Buterbaugh shared several complaints about Comcast service and related his experience with obtaining and installing a digital converter box. He asked questions about the digital converter boxes and DVR service. Buterbaugh did not think there was a federal mandate that required cable companies to stop broadcasting channels in the analog form. He questioned whether Comcast has to charge for a digital converter box if a subscriber can receive analog channels without it.

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

Hagaman reported that the City of Birmingham has appointed John Decker to fill the vacant position on the Cable Board. Mr. Decker has previously served on the Board and was past Treasurer.

It was noted that there was no Comcast or AT&T representative present at today's meeting. Comcast has informed the municipalities in a letter that it is canceling its Comcast Local channel, which was on the basic tier. Comcast had introduced this channel 18 months ago as its contribution to the community. Hagaman affirmed that the PEG channels remain on Channels 15 and 18 due to a temporary restraining order issued by a federal court yesterday.

Comcast has expanded the hours of operation at its local office on Delemere in Royal Oak. The information is located on the Cable Board web site. Comcast's free converter box promotion will

continue through January of 2009. Each subscriber will receive one free converter box. The free delivery and installation promotion is effective until January 31, 2008.

The Cable Board formally notified Comcast in August of 2007 that it was in breach of the Franchise Agreement and the Consumer Protection Ordinance due to recurring complaints and that the Board would consider assessing liquidated damages. Elaine McLain will address this further during her Cable Action Committee report.

Hagaman commented that there is a lack of information from AT&T on the progress of its roll out of the U-verse product. She understands that there are select areas in each of the communities where the product is available. Hagaman is not able to answer questions from subscribers on whether the AT&T product is available in their area and must direct them to the AT&T website. If residents see VRAD boxes in their neighborhood, it is possible that AT&T is preparing to provide service in their area in the near future.

The Cable Board brochure has been distributed and is available at the municipal offices, Baldwin Public Library, Birmingham Schools, and the BASCC (Birmingham Area Seniors Coordinating Council) office. Beverly Hills has begun web streaming its Council meetings. Today's Cable Board meeting is going out live over the Internet.

Hagaman stated that she and Steve Rota have been answering inquiries from vendors regarding proposals for the Board's new production van. Bid proposals are due by 2 p.m. on January 21, 2008. It is anticipated that the PEG Committee will have a recommendation to the Board by the February Board meeting.

There has been no progress on amendments to the Uniform Franchise Act by the State Senate or House of Representatives. The Board filed its annual report to the Michigan Public Services Commission by the December 31, 2007 deadline.

#### **ACCEPT 2008 MEETING DATES**

Motion by Woodard, second by Heldt, that the Birmingham Area Cable Board accept the 2008 Cable Board meeting dates as follows:

January 16	July 16
February 20	August 20
March 19	September 17
April 16	October 15
May 21	November 19
June 18	December 17

Motion passed.

#### **COMMITTEE REPORTS**

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

McLain reported that Jeffrey Heldt has agreed to chair the PEG Committee, and that they will work as a team. She and Heldt would like to include other board members on the PEG and Cable

Action Committees. McLain welcomed new member John Decker, noting that he has previous experience on the Cable Board.

McLain stated that the Cable Board brochure has been distributed locally and is also available through a link on the Cable Board website. There is a new phone number to contact for information on the digital TV changeover (1-888-dtv-2009). McLain reiterated that the transition to digital TV would affect only those people who rely on analog-based televisions with “over the air” broadcasts received with an antenna. Those viewers have two options: 1) purchase a television equipped with a digital tuner; or 2) purchase a digital converter box to place on top of their analog television. The digital transition would not affect a person who has a cable provider, although it may apply to older televisions elsewhere in the house.

People may call the above listed telephone number to request a coupon for a digital converter box. Coupons can be requested now but will not be mailed until February 17, 2008; they are good for 90 days.

At the last Cable Board meeting, Chairman Borgon directed the Cable Action Committee to evaluate liquidated damages. The Committee has been collecting and reviewing Comcast complaints for the last three years and has found that there are many recurring issues. The Committee will be preparing a notice of defaults in preparation for assessing liquidated damages.

The next Cable Action Committee meeting will be held on Wednesday, January 23 at 5:30 at Baldwin Public Library.

### **PEG Committee**

Ettenson thanked Heldt for assuming the PEG Committee chair. Heldt will work with the PEG Committee in developing a recommendation for the purchase of a production van. He hopes to have that recommendation at the February Board meeting. There will be a meeting of the PEG Committee following today’s Board meeting.

### **COMCAST RELATED TOPICS**

#### **Subscriber complaints**

Ettenson asked Hagaman to make an inquiry of Comcast to provide the number of requests they have received for digital converter boxes and the originating municipalities. Hagaman indicated that she has made the request and is awaiting a response. It was noted that the Board has not yet received a response from its letter to Comcast CEO Brian Roberts.

Hagaman reported on customer complaint issues. The Board has been told that Comcast has the technology to determine if an outage is area related or whether it is an individual outage. There is a disconnect, however, because subscribers who call Comcast are not informed by the Customer Service Representative as to whether there is an area outage. In addition, subscribers often cannot get through to Comcast when there is an area-wide outage. This is a continuing problem.

Hagaman said that the frustration level of subscribers who register complaints via the Cable Board is increasing to the point that they hesitate to deal with Comcast. She encouraged

customers to return Comcast's phone calls to discuss their complaint. Hagaman mentioned that she continues to receive complaints about billing problems.

### **AT&T RELATED TOPICS**

McLain has sent email messages to Carmen Johnson, AT&T representative to the Cable Board, on the topic of PEG programming and whether there are any communities broadcasting PEG programs other than Clinton Township. The AT&T PEG product is located on channel 99. McLain noted that there is a delay in receiving the channel and the quality is marginal. Carmen Johnson has responded that AT&T is working to upgrade the PEG product and that there are several communities working towards providing PEG broadcasts.

McLain recalled that AT&T has produced documents stating that they support community television. She asked for that support in terms of funding for a T-1 line to broadcast PEG programming in this consortium. Johnson indicated that she and her team have communicated the request for assistance for the T-1 line and equipment onto corporate headquarters.

Attorney Tim Currier related that he heard a news report on the radio this morning that AT&T is replacing its backup batteries in 17,000 units due to explosions and fires. An inquiry should be made as to whether this will effect any equipment in this cable consortium area. McLain will follow up with Carmen Johnson.

### **MLTV 15/PA18 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 December 20, 2007 – January 16, 2008).

Rota welcomed Jeffrey Heldt to the PEG Committee. He offered to give Mr. Heldt and other interested Board members a tour of the Bloomfield Community Television studio and facility.

Rota announced that a production specialist position has been filled by Jeff Gudme, who has seven years of experience with the City of Sterling Heights.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

McLain commented that Wireless Oakland is apparently stalled due to lack of investment capital according to an article in the Detroit Free Press.

### **BOARD COMMENTS**

Attorney Tim Currier responded to a public comment made earlier in the meeting by outlining the arrangement between the Cable Board and the Village of Bingham Farms with respect to Ms. Hagaman's part time duties as Executive Director of the Board and full time position with Bingham Farms.

Ettenson referred to a sheet distributed to Board members from Consumer Reports, which rates Internet, TV and phone service. Comcast rates second from the bottom on a list of how the big players compare.

**PUBLIC COMMENTS**

Hildreth Buterbaugh commented that a Comcast digital converter can be installed by subscribers. He suggested that Comcast employees call the company's phone number to hear what subscribers have to go through. Buterbaugh commented on other topics addressed by the Board including area outages and difficulties encountered when trying to return calls to Comcast.

Joe Valentine from the City of Birmingham asked that the Board's 2008 meeting schedule be sent to both representatives of Comcast and AT&T so they can avoid future conflicts with Cable Board meetings.

**ENTER INTO CLOSED SESSION**

Motion by Woodard, second by Heyman, to go into closed session to discuss attorney client privileged communication.

Roll Call Vote:

Motion passed unanimously.

The Board went into closed session at 8:35 a.m. Joe Valentine and Steve Rota were in attendance.

**RECONVENE IN OPEN SESSION**

Motion by Heldt, second by Pfeifer, to return to open session at 9:20 a.m.

Motion passed.

The meeting was adjourned at 9:21 a.m.