

Present: Armitage, Heldt, Lurie, McLain, Thorsby - Birmingham
Heyman, McFadden, Pfeifer, Verdi-Hus – Beverly Hills
Ettenson – Bingham Farms
Eads – Franklin

Absent: Decker and Urcan – Birmingham

Also Present: Borgon – Executive Director
Currier - Attorney for Cable Board
Rota - Bloomfield Community Television representative
Dr. Hoffman - Birmingham Schools representative
Brogan – Comcast representative
Kiste – Wide Open West representative
Valentine and Glenn – Birmingham staff representatives
Briggs - Beverly Hills Council Liaison

Chairperson McLain called the meeting to order at 7:46 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road. McLain welcomed Dorothy Pfeifer, newly appointed member representing the Village of Beverly Hills. She also acknowledged Joseph Hoffman, new Birmingham Schools representative.

APPROVE MINUTES OF REGULAR CABLE BOARD MEETING HELD JUNE 16, 2010

Motion by Heldt, second by Ettenson, that the minutes of a regular Cable Board meeting held on June 16, 2010 be approved as submitted.

Motion passed.

PUBLIC COMMENTS

Hildreth Buterbaugh from Beverly Hills described a problem with his Comcast remotes. Comcast representative Leslie Brogan offered to take Buterbaugh's contact information and have someone contact him about his remote issues.

COMMITTEE REPORTS

Cable Action Committee

McFadden announced that the next meeting of the Cable Action Committee will be Thursday, August 5 at 5:30 p.m. at the Baldwin Library. At its last meeting, the Committee focused on its objective to review and update the educational components of the BACB website. McFadden reported on current news in terms of activities related to positioning between content carriers and conduit carriers.

PEG Committee

There will be a PEG Committee meeting following today's Cable Board meeting. Heldt hoped to have Dr. Hoffman attend and bring Board members up to date on athletic programming at the high schools.

The Board will consider approval of the BCTV Policies and Procedure Manual today. These are the policies and procedures in place that are administered by Bloomfield Community Television. Heldt remarked that Steve Rota will report on the status of continuing generator problems with the production truck.

Dr. Hoffman stated that he is aware of the wiring project at the high schools and the need to initiate a pilot program.

AMEND 2010-11 BUDGET

Borgon related that feedback on the 2010-2011 Cable Board budget was received from the City of Birmingham after the budget was approved at the July Cable Board meeting; modifications to the budget are proposed based on those comments. Proposed amendments include revising the Executive Director's salary to \$30,000, eliminating out-of-town travel to conferences, and updating numbers from Plante & Moran and Ibex Insurance Agency. Borgon has created an account that will incorporate all Executive Director expenses including mileage, office supplies, meeting materials and computer related expenses.

Motion by Heldt, second by Ettenson, that the Birmingham Area Cable Board approve the amendments as proposed to the 2010-2011 Cable Board Budget.

Roll Call Vote:

Motion passed unanimously.

ADOPT BCTV POLICIES AND PROCEDURES

Borgon conveyed some background on services provided by Bloomfield Community Television (BCTV) to provide access to local television programming. BCTV supplies programming to Birmingham, Beverly Hills, Franklin and Bingham Farms by contract with the Birmingham Area Cable Board. A document containing Access Policies & Procedures for Bloomfield Community Television is before the Board for review and approval. The document has been recommended for adoption by the PEG Committee.

Comments and questions from Board members on specific sections of the Policies & Procedures Manual were addressed by Attorney Tim Currier.

Motion by Thorsby, second by Eads, that the Birmingham Area Cable Board adopt the Bloomfield Community Television Access Policies and Procedures document revised as of May 2010.

Motion passed unanimously.

RECOGNITION OF CAROL WOODARD

McLain read a resolution of appreciation recognizing Carol Woodard with honor and gratitude for her years of dedication and extraordinary accomplishments while serving as Beverly Hills representative on the Cable Board from August, 2001 to June, 2010. The Resolution will be signed by the Board members and presented to Carol Woodard.

EXECUTIVE DIRECTOR REPORT

Borgon recapped four new complaints received from Comcast since last month's meeting. Board members are in receipt of financial reports for the month. The AT&T rebate of \$7,790 on the cost of equipment has been received. The Cable Board audit by Plante & Moran is ongoing.

Thanks to the initiative of Steve Rota of BCTV, "Video on Demand" for public access programming is now available on the BACB website.

The Board received a \$3,583 rebate from insurance carrier Michigan Municipal Risk Management Authority (MMRMA). The rebate represents the Board's share of the distribution of excess net assets attributed to member responsiveness to risk control and good management practices by members resulting in fewer losses.

Borgon received a phone call from a Comcast Internet subscriber who expressed frustration with paying franchise fees and PEG fees. Currier responded that Comcast should not be charging PEG fees or franchise fees to customers with only Internet service or phone service. Leslie Brogan from Comcast will follow up on this customer complaint.

COMCAST RELATED TOPICS

Leslie Brogan reminded the communities and Comcast customers of its Customer Guarantee. She reviewed the seven components of the customer guarantee, noting that letters outlining these assurances will be sent to the communities shortly. Brogan remarked that Comcast is continuing its efforts to provide their customers with a good experiences and the best service that the company can deliver.

Brogan referred to the complaint numbering issue brought up at the last Board meeting. The resolution is that Comcast will use the Cable Board complaint number on the top of the Comcast response; the Comcast tracking number will appear on the line entitled, "Date Cable Provider Notified". Board members and Borgon commented on specific customer complaints, which were addressed by Brogan.

AT&T RELATED TOPICS

AT&T representative Lori Doughty was not present. McLain stated that AT&T will be submitting its third annual Video Report today to the Michigan Public Services Commission. There have been concerns as to whether AT&T is meeting requirements for its U-Verse rollout.

Attorney Currier related that he spoke with the Birmingham City engineer and others in this and neighboring consortiums regarding placement of the AT&T VRAD Boxes on private utility easements as opposed to public rights-of-way. The question is whether these private easements are appropriate for VRAD boxes or were they intended for lesser use. The City of Birmingham has taken the position that it will not issue an engineering permit for the installation of a VRAD box in a private utility easement without the permission of the homeowner. AT&T is not happy with this because it slows down their rollout.

Two plaintiffs filed a suit against AT&T in the City of Grosse Pointe Farms after the city issued a permit to install a VRAD box in a private utility easement. Currier reported that AT&T brought

a motion for summary judgment; the trial court agreed and issued an order of summary judgment in favor of AT&T. It went to the Court of Appeals, where an opinion was issued last month saying that the court has to decide whether this VRAD box is overburdening the private easement. It would be a setback for AT&T if the company had to examine each private utility easement and receive permission for a municipal permit. Currier will send copies of the Court of Appeals decision to each of the member municipalities.

WOW RELATED TOPICS

Kathy Kiste representing Wide Open West provided an update on the construction of its system in the Village of Beverly Hills. Residents received a letter on June 23 about WOW coming soon. It will take three-four months for the network to be constructed. WOW hopes to start hooking up residents going east to west in mid-August.

Doors are being tagged 96 hours prior to work being done in the areas where underground crews are working. Kiste asked residents not to remove flags marking underground utilities; the underground crews will remove them when the work is completed. WOW has completed the fiber connect from its Troy head end into Beverly Hills; construction will start soon.

Kiste announced that Beverly Hills will be holding a Picnic in the Park this evening, July 21, in Beverly Park. Wide Open West is sponsoring an ice cream truck for the community event.

McFadden commented that Beverly Hills has launched a community information service called Nixle designed to deliver important and timely public safety and municipal information to area residents. Nixle subscribers received a communication informing them of specific streets where Wide Open West was doing its build out.

Board member Pfeifer stated that she welcomed Wide Open West and the competition coming into the community. She mentioned that she lives on a private road in Beverly Hills where there are no public rights-of-way. The Village Manager has spoken with Kathy Kiste and alerted her to the fact that WOW representatives will have to request permission from the Charrington Court association to construct their system on her street. Pfeifer questioned how people on private roads are legally protected from problems that might occur. She questioned whether the Cable Board would be an advocate for residents on private roads.

Currier responded that members of the private road association can come before the Cable Board and seek assistance. As far as actual construction, the cable company must secure an engineering permit to build on a private road, which will involve review by the village engineer. He compared this situation to the discussion cable providers have with condominium or apartment complex owners.

Heyman commented that he lives in an area of Beverly Hills where utility easements are in backyards, sometimes in landscaped areas. He questioned how the easements are reached without damaging landscaping when there is not clear access from the property. The construction representative from WOW commented that their staff will assess each situation and take as much care as possible not to damage anything; any damage to property will be repaired.

BAMA/BAPA REPORT

Steve Rota presented the Bloomfield Community Television report on 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 June 17, 2010 – July 21, 2010).

Rota reported on recent problems with the generator on the production truck and outlined measures taken to resolve those issues. It appears that the concerns have been resolved; Rota will keep the Board updated.

Two residents attended a recent volunteer camera workshop. The next workshop is scheduled for Wednesday, October 27. Interested individuals can call 248/433-7790 to sign up.

Floyd from Wide Open West stopped by the BACB facility for a tour and to discuss how programming is sent out to Comcast and AT&T.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

Hildreth Buterbaugh commented on the private road right-of-way issue, the appearance of VRAD boxes, and truck batteries.

BOARD COMMENTS

Heyman commented that an ongoing task of the Cable Board is to educate the public and communities about what the Cable Board does. A recent Comcast customer complaint (#7-29) involved a subscriber who signed up for a service and was told that there was no charge when, in fact, the customer did receive a charge for the service. This individual voiced the concern in his complaint that the Board was too chummy with Comcast; the customer went on to say that the Board should represent the people and get their original service levels back.

Heyman discussed the authority of the Cable Board over cable providers before PA 480 (Michigan Uniform Video Services Local Franchising Act) changed the playing field. When Comcast was the sole cable company providing service to the community, the Board had some power to enforce provisions of the franchise agreement. The influence of the Cable Board was diminished with respect to many matters with the passage of PA 480 of 2006. The Board can encourage television providers but not require them. In terms of representing the residents, the best the Board can do is share information with people in our communities and empower citizens to have as much information as they can to receive the best service and the best deals.

Heyman remarked that the Birmingham Area Cable Board is fortunate that it typically has representatives from Comcast, AT&T and WOW attend its monthly meetings; their attendance is voluntary. It would serve no purpose to create an adversarial relationship with the companies. It

is in the best interest of the Board, service providers, and, ultimately, the subscribers that the Board remain as cooperative as possible in order to work toward the end goal, which is receiving the best service at the best prices and best overall experience for residents. Heyman encouraged residents with a specific criticism to provide examples, and the Board will do its best to take them under consideration and act on their suggestions.

Currier related that, in the past, the Cable Board had authority under the consumer protection ordinance to assess defaults against the cable providers for failure to comply with the franchise agreement. The Board exercised discretion in order to encourage or force the cable providers to appease the customers, who are our constituents. The Board would rather see the customer's problem solve than receive a \$100 fine for a default. The cooperative effort between the providers and the Board has been evident through the history of this body.

Currier informed the Board that the City of Detroit has filed a lawsuit against Comcast. Detroit is in the process of renegotiating its franchise agreement with Comcast. The suit is challenging whether the federal act preempts the state act as far as franchise renewal. The outcome will have a major impact on surrounding communities because this consortium communities' franchise agreements come up for renewal in a few years. If it turns out that the federal act preempts the state act, we may be going back to the old rules. The position among providers is that the state act preempts the federal act. With respect to the recent challenge that arose regarding changing the location of PEG channels, a federal judge ruled that the federal act preempts the state act.

Eads invited the public to attend the First Annual Concours d'Elegance Vintage Boat & Car Show at the Village Green in Franklin on August 7, 2010. It is hoped that BCTV will be available to film this event.

Eads stated that he was disappointed that the budget was amended to remove funds designated for Board members to attend the Annual NATOA conference. It is a prime opportunity for the Board to be involved and engaged in the industry and to communicate with other cable entities and television providers.

The meeting was adjourned at 9:07 p.m.