

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – September 21, 2016

Present: Bozell, Heldt, McAlear, McLain, Eick – Birmingham
 Borgon, Maly, Gugni – Village of Beverly Hills
 Ettenson – Village of Bingham Farms
 Stakhiv – Village of Franklin

Absent: Verdi-Hus – Village of Beverly Hills

Also Present: White – Executive Director
 Currier – Attorney for Cable Board (arrived at 7:57 AM)
 Rota and Black – Bloomfield Community Television

McLain called the meeting to order at 7:48 AM in the Birmingham Public Schools' Education & Administration Center, Evergreen Room, 31301 Evergreen Road, Beverly Hills, MI.

APPROVE MINUTES OF CABLE BOARD MEETING HELD August 17, 2016

Motion by Ettenson, seconded by Maly to approve the minutes of the Regular Cable Board Meeting on August 17, 2016, as presented.

Motion passed.

PUBLIC COMMENTS

None

COMMITTEE REPORTS

Cable Action Committee

In Verdi-Hus' absence, White reported that a meeting was held this month with Heldt, McLain, Verdi-Hus, and herself in attendance. The budget for the upcoming fiscal year was discussed and questions were answered. The next meeting is scheduled for Thursday, October 6, 2016 at 5:30 PM upstairs in the Baldwin Public Library in Birmingham. The meeting is open to the public. White will send out reminders closer to the date. McLain added that the budget discussion was in anticipation of her visiting and presenting it to the four (4) communities.

PEG Committee

McAlear, Chairman, said there would be a short meeting following the BACB meeting this morning. Rota reviewed the policies and processes of how new shows are produced and how to get shows/events on BCTV's calendar so they can be covered.

McLean noted that one of the subjects to be discussed in the PEG meeting would be how to get a representative on the Board to support/check-in with the BCTV. Previously it had been mentioned that there had been requests for programming which may not be covered in the BCTV contract, such as additional staffing and time for the editing and production. Such budget line items might be similarly handled as they were in the evaluation of whether to add more sports programming. This subject came up at yesterday's NEXT meeting that she and Borgon attended.

EXECUTIVE DIRECTOR'S REPORT

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White referred to her monthly report dated September 16, 2016. The pending complaint from last month concerning the installation of Comcast service (including equipment in the home and activation) has been completed. The complaint is now closed. Since her last report she has received five (5) complaints: three (3) are closed (one was submitted on behalf of a Village of Bingham Farms resident regarding a low-hanging AT&T wire, one involved the burial of a WOW cable, and one was regarding a low-hanging Comcast wire, both from Birmingham residents.)

Two (2) complaints are still pending: a Birmingham resident claimed she had previously locked in a \$149.99 per month rate with Comcast but the provider had not honored it and, in fact, her bill was increasing each month, and a homeowner in Beverly Hills was waiting for responses from all three (3) providers concerning the cutting down of a tree on his property, which might interfere with the providers' lines. WOW has been out to evaluate the situation but, as of yet, AT&T and Comcast have not. McLain noted that since the wires are in the easement behind the resident's property, it was a City issue and the City should be consulted and held responsible since it has tree trimmers on retainer. White would call the City concerning this matter.

White received a call from a resident who wanted the Board to know that she did not like Comcast charging a regional sports fee. White explained to her that it was a fee passed on by the programmers to the cable providers who do not have a choice in the matter. McLain added that the Board does not regulate fees. White would follow up with the Comcast representative for clarification and share the information at the next meeting.

The account balances for the MBS, BBCU, and Beverly Hills accounts were provided to the Board, in addition to the Revenue and Expense Budget reports for FY2016/2017.

Since her last report, White has written one (1) check on behalf of the BACB to the Birmingham Bloomfield Credit Union for a Visa bill for equipment.

Additional Notes:

White included in the packet an invoice submitted by the Village of Bingham Farms requesting funds from BACB to pay for their PROTEC membership dues. PROTEC is the Michigan Coalition to Protect Public Rights-of-Way and BACB has paid these dues in the past. For the benefit of the new Board members and the public, White gave a brief background of the formation and purpose of PROTEC. Sufficient funds have been budgeted for this purpose.

Motion by Borgon, seconded by Ettenson to pay the PROTEC membership dues on behalf of the Village of Bingham Farms in the amount not to exceed \$138.88.

Roll Call Vote:

Motion Passed (10-0)

White read a note sent from Derby Middle School thanking the BACB for the recent PEG grant it was awarded which will enhance their audio/visual and broadcasting capabilities. She thanked Eick for all of his work in conjunction with that project.

Also in her notes, White proposed the regular meeting dates for 2017 (the first Wednesday of the month), as well as those for the Cable Action Committee meetings (the first Thursday of the month).

Lastly, she reported on the lawsuit filed by the State of Washington against Comcast alleging the violation of Washington's Consumer Protection Act. The significance for Michigan is that many of the states' Consumer Protection Acts are similar. The issue centers around Comcast's \$4.99 monthly service protection plan which Washington is alleging was deceptive. The state is claiming that Comcast has been charging for services that the customers have been led to believe were free and did not sufficiently inform customers about the plan's limits. The Washington Attorney General claims that the plan covers all service calls for wiring inside the home but not the wiring inside walls which constitutes the majority of the wiring inside the home. Comcast disagrees and claims that wall-finished (and thus not readily accessible) wiring is "pretty rare". Because Comcast's Protection Plan is a nationwide program, similar lawsuits may be filed.

White and McLain were at the Beverly Hills Council meeting last night sharing BACB's budget with them. State Representative Jeremy Moss was also present to give the Council an update on his recent activity of introducing legislation that would require utilities to give a sixty (60) day notice before an introductory rate package would expire. His proposal is that on the last two (2) months of the bill before the rate is to increase, a "warning" notice would be printed in large bold print and highlighted. It would then be the consumers' responsibility to call and begin negotiations on their bill. McLain suggested that this would then also happen in the electronic delivery as well. McLain also told Moss that while cable issues don't seem to be at the forefront on the national level, they are to the citizens in our four (4) communities and anything he could do in the form of consumer protection would be appreciated. She will stay in contact with the Representative.

White noted that the audit has wrapped up. The auditors would be finalizing their work and would present it to the Board at the November meeting.

PROVIDER RELATED TOPICS

a. Comcast

There was no representative present. However, White spoke with Kyle Mazurek who asked that the following information be shared with the Board: A Press Release was issued by Mike Duggan's office, Mayor of Detroit, about the Project Green Light Program which would put cameras at the gas stations to try to deter crime. Comcast would help those small businesses that can't afford the cameras with a financial program to lease the camera equipment. Mazurek also shared a Press Release about its Internet Essentials Program for low income families to access high speed internet at a lower price. The program has been successful and will be expanded to include those households which receive HUD assistance. Since the launch of the program it has distributed more than 54,000 subsidized computers, partnered with more than 9,000 community partners, including schools and school districts, invested more than \$300 million in cash since 2011, have reached more than 4.5 million people through their partners, and have provided access to free digital literacy training and print online and in-person. At the end of August, Comcast announced that it now has a new X1 DVR with Cloud technology.

White will be in contact Mazurek about next month's meeting.

b. AT&T/Uverse/Direct TV

There was no representative present. McLain explained that there has been an on-going complaint with a condo complex in Birmingham about the Uverse product, not the Dish product. The AT&T Representative is out of town so she will reach out in hopes of rectifying the situation.

Currier related that AT&T has requested a renewal of its video franchise service local agreements with all four (4) communities. Notices were sent out in the month of August. He gave the Board Members a synopsis of the history of this matter, beginning with the adoption of Public Act 480 in 2006. The cable providers had the option of switching to the new uniform franchise agreement or living by the federal franchise agreement which had been negotiated prior to that. Comcast elected to let the Federal Franchise Agreement run out, which was to our benefit. They are the incumbent cable provider and the other providers have to match what the incumbent does. When the franchise agreement expired in 2015, Comcast elected to go to a uniform franchise agreement which Currier explained in detail. Because of our extensive PEG program, Comcast agreed to give us a "side agreement", which Currier explained to the Board. This is exclusive to only our four (4) communities. After some discussion, AT&T came to the decision and submitted the requested franchise renewal agreement to each community which would match the "step-down" basis for PEG that is contained in Comcast's agreement. The next step is for the Cable Board to make a recommendation to the communities to adopt the franchise agreement.

Ettenson inquired about WOW's position on this. Currier stated that WOW has yet to ask for a renewal. Stakhiv inquired about a timeline. Currier stated that once the communities receive this recommended motion, it could be put on the next Council agendas of the four communities for adoption after which it would be sent back to AT&T.

Motion by McAlear, seconded by Borgon to recommend approval of the August 31, 2016 request for the new video franchise service local agreement for AT&T Michigan with the "Step Down" PEG fee of 2.5 percent, 2.25 percent and 2.00 percent which is set forth in Section 8 (PEG fees) of the Franchise Agreement.

Roll Call Vote:

Motion Passed (10-0)

McLain thanked Currier for handling this issue. Currier complimented the assigned AT&T employee, Yvette Collins, who was very professional in her dealing with him and the handling of this matter.

Borgon inquired if the old Booth cable wires which were still in his backyard would ever be removed. Currier stated that due to several new ownerships the wires probably belong to

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Comcast who has elected not to move them. He will check into whether or not they are still being utilized. Abandoned cables can be requested to be removed from the right-of-ways.

For those residents who want the cables buried, McLain stated that White should be notified so their names can be put on a list for such work.

McLain explained that she felt a Roll Call Vote was necessary since it was for a recommendation from the BACB to each one of the communities that receives BACB revenue.

c. WOW

There was no representative present.

Borgon recently received a letter stating that bill payments by “internet-only” customers could be made on the internet without a charge. If a resident requests a paper bill there would be a charge. White will follow-up on this information. For WOW “internet-only” customers, McLain recommended they check their bill.

BAPA/BAMA REPORT

Steve Rota referred to his memo to BACB, dated September 14, 2016, and pointed out the six (6) completed **BAMA** Programs which were regularly scheduled municipal meetings, Board of Zoning Appeals meeting, Birmingham Advisory Board Meeting, the BACB meeting, Special Birmingham Commission Planning Workshop Meeting, and the Baldwin Public Library Board meetings. They also taped the Annual Franklin Labor Day Parade.

For the **BAPA** Programs, from the BACB area individual producers and organizations, twenty-three (23) programs were taped. He listed all the programs, including the three of the six events approved by the Board (Boys Water Polo, Boys Tennis, and Boys Soccer). This Friday will be the Groves vs. Seaholm football game and there will be two (2) events in October (Girls Swimming and Girls Volleyball).

Regarding the **PRODUCER WORKSHOP**, Rota reminded the Board that one-on-one sessions are offered for those who are interested in producing their own show and to those who want to learn how to run the equipment. This change in format seems to be working out better. Residents can contact BCTV at 248-433-7790 to schedule an appointment date and time. There is no fee for those living in one of the four BACB communities.

The next Program Development Committee meeting will be Thursday, September 29 to discuss two (2) new shows: one will highlight a non-profit organization and the other will highlight financial planning. If interested in producing a show, a resident would talk with the committee and discuss the program idea and would move forward if approved by the committee.

Rota encouraged residents to call the station if they have any problems with the audio or video on the Municipal or Public channel. They monitor Comcast and some of AT&T and Bob Borgon monitors WOW for the station. Borgon thanked Steve and Greg Black for troubleshooting his recent problem with WOW. BCTV went over and above what he had asked them to do to rectify the issue. He commented that BCTV is a wonderful contractor to work with. McLain added that

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when she, White, and Borgon were at the Beverly Hills meeting, John Mooney wanted to make certain that the Board compliment and communicate to Rota and Black how much they appreciate what they do for the Board. It's not simply a contract with our TV production crew but it is a relationship and the Board appreciates everything they do and extends thanks to BCTV. It's not surprising they have won all the awards that they have. White added her congratulations. When the Auditors come in they want to look at our capital assets: what equipment we own, what equipment we purchased and what equipment we got rid of. The BCTV staff was great to work with when getting all this information and she thanked them again.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

None

BOARD COMMENTS

Borgon noticed that the fund balance at Beverly Hills was large. He cautioned Heldt and White to be fiscally vigilant of those fund balances because of the recent robberies in Birmingham.

Heldt stated that he and White have been talking about moving some of the monies around but due to the transfer process it may take some time to accomplish this.

Ettenson relayed an incident regarding a landline being disrupted and AT&T responded quickly and successfully. Not only did they respond by phone but the service person came out, let the resident know he was there to fix the problem, and then came back to let him know it was fixed. Responding to the resident's inquiry about the promptness, the technician commented that Comcast was a competitor so AT&T is trying harder.

Bozell updated the Board on his issue which he raised a couple of months ago about switching to satellite dish service after AT&T acquired DirecTV. A question centered around the locating of the dish: whether it should be on the roof and if so, in what location or whether it should not be on the roof. After several months DirecTV resolved the problem: it will put it on his roof and he was given a credit on his bill.

McLain clarified that DirecTV is part of AT&T and Dish Network is a separate satellite provider and is not involved with the Cable Board. Also, BACB does not receive franchise or PEG fees from the DirecTV portion of AT&T bill.

Bozell emphasized the importance of the Birmingham School Board Election on the November ballot. Last Monday there was a forum for all those running, including his wife, Adrienne Young. There will also be another event coming up which will be sponsored by the League of Women Voters on October 5, 2016 in the Birmingham Public Schools' Education &

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Administration Center, Evergreen Room, 31301 Evergreen Road. Rota said that it would be rebroadcast on the Birmingham channel.

Maly commented that the problems he and others had experienced during the Olympics have now stabilized. McLain suggested that residents might want to call their provider to find what their provider is providing them and ask how to check their speed. The consumer is paying for a specific “download” and “upload” speed which affects the bill. This should be checked throughout the year not just when a customer is struggling for service. When calling a provider, subscribers should keep track of how long they are on “Hold”. Maly added that a speed check can be found on the website “Speedtest.com”. Keep in mind that the speeds fluctuate. It might be slower in the evenings and faster in the afternoons when there is a lesser load. Seventy-five percent of the top end of your limit is considered meeting the provider’s contractual guarantee.

The meeting was adjourned at 8:45 AM.