

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, October 16, 2019 at 7:45 am

***Village of Beverly Hills

Council Chambers***

18500 West 13 Mile Road

1. Roll Call
2. Approve Meeting Minutes for Cable Board Meeting of September 18, 2019-M
3. Public Comments
4. Committee Reports
 - a. Cable Action Committee
 - b. PEG Committee
5. Executive Director's Report
6. Provider Related Topics
 - a. Comcast
 - b. AT&T
 - c. WOW
7. BAPA/BAMA Report
8. Old Business
9. New Business
10. Public Comments
11. Board Comments
12. Adjourn

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – September 18, 2019

Present: Eick, Fenberg, McLain - Birmingham
 Burry, Delaney, Gugni – Beverly Hills
 Mydloski – Franklin

Absent Abraham, Shand – Birmingham
 Borgon – Beverly Hills

Also Present: White - BACB Executive Director
 Currier – Attorney for Cable Board
 Rota – Bloomfield Community Television

McLain called the meeting to order at 7:45AM in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

McLain welcomed Greg Burry who has returned to the Cable Board.

APPROVE MINUTES OF CABLE BOARD MEETING HELD August 21, 2019.

Motion by Eick, seconded by Burry to approve the minutes of the Regular Cable Board Meeting on August 21, 2019, as presented.

Motion Passed (7-0).

PUBLIC COMMENTS

None

MUNICIPAL SUPPORT SERVICES GRANT REQUEST FROM THE VILLAGE OF BEVERLY HILLS.

Kristin Rutkowski, Village Clerk/Assistant Village Manager, presented the Village's annual request for a Municipal Support Services Grant for internet services, as referenced in her August 26, 2019 Memo. The Village contracts with WOW! Business for internet services in the amount of \$178.98 per month/\$2,147.76 per year for high speed internet, 5 additional static IPs and a modem. This request is for FY 2019-2020 (July 1, 2019 to June 30, 2020).

Motion by Fenberg, seconded by Delaney to approve a Municipal Support Services Grant for internet services for the Village of Beverly Hills in the amount not to exceed \$178.98/month for Fiscal Year 2019-2020 (July 1, 2019 through June 30, 2020) or \$2,147.76/year.

McLain confirmed with White this had been approved in the past and was a line item in the Budget under Municipal Support Services Grants.

Roll Call Vote:
 Motion Passed (7-0).

MUNICIPAL SUPPORT SERVICES GRANT REQUEST FROM THE BEVERLY HILLS DEPT. OF PUBLIC SAFETY

Kristin Rutkowski presented this request on behalf of the Beverly Hills Public Safety Department. The Department contracts with Comcast and was requesting a grant for internet

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services at the cost of \$82.90 per month/\$994.80 per year. This request was for Fiscal Year 2019-2020 (July 1, 2019 through June 30, 2020).

Motion by Burry, seconded by Delaney to approve a Municipal Support Services Grant for internet services for the Beverly Hills Department of Public Safety in the amount not to exceed \$82.90/month for Fiscal Year 2019-2020 (July 1, 2019 through June 30, 2020) or \$994.80/year.

Roll Call Vote:

Motion Passed (7-0).

COMMITTEE REPORTS**Cable Action Committee**

McLain presented the report as Abraham was not at the meeting. There had not been a meeting last month. The meetings are scheduled for the first Thursday of the month. The next meeting would be Thursday, October 3 at 4:30 PM. at the Baldwin Public Library in Birmingham. Later in the meeting McLain would speak about her anticipated trip to the NATOA meeting. She will leave this Monday and return on Thursday and will give a detailed report at the next BACB meeting.

PEG Committee

Bob Borgon was not in attendance. White reported that the initial deposit for the equipment to film the Bingham Farms meetings had been made and the monitor for the Beverly Hills Control Room had been purchased. All had been approved last month.

EXECUTIVE DIRECTOR'S REPORT

White referred to her monthly report dated September 10, 2019. The majority of last month's complaints had been resolved: a low hanging line in Beverly Hills has been taken care of, as well as the line at the condominiums in Birmingham. Last month there was a complaint from a Franklin resident who was having service issues with Comcast. This has been resolved. Later in the month the same Franklin resident was having additional issues with his internet service. This complaint was resolved when he reset his modem. This particular resident was very appreciative of all that the Cable Board does in helping residents with issues with the providers that residents, personally, are unable to resolve alone. Another Franklin resident had some issues with her Comcast home phone. White believed this had been resolved but was waiting for confirmation from the resident. A complaint was received from a Birmingham resident who was trying to get his AT&T service transferred to his new residence but by mistake all the service to his home phone, cable and internet was disconnected. After being told it would be two (2) weeks before a technician could be sent to this home, the resident spoke with an AT&T escalation team representative about the situation. On Labor Day weekend a technician arrived early in the morning as promised and fixed everything in less than an hour. The resident was very grateful for the help from BACB and AT&T. This complaint was closed.

FINANCIAL

The account balances for MBS, BBCU and Beverly Hills accounts as of August 31, 2019 were emailed to all Board members and she also provided hard copies for the Board at the meeting, as well as budget to actual figures.

Since the last Board meeting White has written several checks on behalf of the BACB, most of which were either for the grants that had been awarded last month or the quarterly contract payment to BCTV.

ADDITIONAL NOTES:

In the Board members' packet she provided a new roster which now needed to be changed due to the vacant position of the City Clerk of Birmingham. The dates of the 2020 regular meetings were also included. She noted that the April meeting was a week later than usual, due to the Easter holiday.

McLain referred to the complaint by the resident who had attended last month's BACB meeting. Without his permission, someone had entered through his gate and painted the pavers in his backyard. He was concerned about that policy. As of yet McLain has not completed her submission of a complaint to the MPSC; however, she promised to follow through with this. She also commented on the frequency of complaints about losing telephone service. It appeared that for those who have cellphones this was not as much of an issue as it was for those with landlines. For those who have a "bundled" service, she reminded the public that the BACB can escalate those complaints to the providers but the Escalation Team is only responsible for the cable aspect of what occurs. However, as a courtesy, BACB will also escalate complaints about internet interruptions and phone service.

PROVIDER RELATED TOPICS**a. Comcast**

There was no representative present. However, White received a call from Mazurek wanting to clarify the issue with the Birmingham resident and the idea that someone could come onto private property without the homeowner's knowledge and/or permission. This was not the responsibility of Comcast but that of Miss Dig.

b. AT&T/Uverse/Direct TV

There was no representative present.

c. WOW

There was no representative present.

BAPA/BAMA REPORT

Rota referred to his memo to BACB dated September 11, 2019. He listed the completed **BAMA** Programs which were five (5) regularly scheduled municipal meetings, the BACB meeting, the Parks and Recreation meeting, Zoning Board of Appeals meeting, Advisory Parking Committee

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meeting, the Baldwin Public Library Board meeting and the Village of Franklin Labor Day Parade.

For the **BAPA** Programs, from the BACB area individual producers and organizations, twenty-one (21) programs were taped, all of which he listed.

PRODUCER WORKSHOP - BCTV is offering a one-on-one session for those who are interested in producing their own show and for those who want to volunteer and experience “behind the scenes”, as well as do some programming. Please call 248-433-7790 and BCTV will schedule a date and time for you.

As White had mentioned, the monitor for Beverly Hills had arrived and been installed and the truck triax should arrive next week. The equipment for Bingham Farms should arrive mid-October and hopefully, the first meeting would be taped October 28.

OLD BUSINESS

None

NEW BUSINESS

As previously mentioned, McLain pointed out that the NATOA meeting was next week. McLain asked Currier to comment on the FCC issue as some of those involved in the appeal would be at that conference and this would be the main topic of conversations.

Currier reported that the FCC came down with a ruling regarding the providing of PEG services and its cost to the providers. By FCC rules, the providers would be permitted to first deduct from the PEG fees and, if need be, from the Franchise fees for the cost of any capital improvements that the cable providers needed for the PEG broadcasting. There are many unknowns pertaining to the BACB, such as he was uncertain about the cost of broadcasting. He continued by saying there were lawsuits challenging this new FCC rule and other related issues. Different entities have approached the BACB and requested BACB contribute to a legal challenge of the FCC ruling. Before such a decision is made, the Village/City managers (franchising authorities) needed to be contacted as the BACB funding comes from those communities. The BACB is very fortunate to have the large resources it has when compared to some of the neighboring communities. PEG funds of those same communities are also at risk. As a result of the uncertainty of the situation, it was decided that the current contract with BCTV would be paid on a quarterly basis.

McLain added that the primary mission of the BACB is to continue the revenue stream and the way to do this is to have open communication and respect with the providers, the stakeholders and the public. That is the reason the BACB is openly discussing this issue. September 26 is the due date for the appeal and the effective date of the order is supposed to be October 1. What happens after that is uncertain. Clerks of the various communities are aware that if and when they hear anything from the providers, it was important they contact Currier and/or White. McLain explained the different scenarios happening in communities throughout the United States. After October 1 there are 120 days to negotiate, discuss or respond, after which litigation might follow. Currier’s guideline for BACB is to keep the municipalities informed but BACB

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itself will not contribute to any possible litigation at this point. One of the reasons McLain is going to NATOA and is on the NATOA Board is to find out and understand what other communities are doing. Managing funds is very important. She, Fenberg and White had received an email from Multi-Bank Securities alerting them that a CD was coming due next week. Fenberg will be reviewing this and different options with Charles Kipp. The next PEG money due will be in January 2020 which will be monitored.

Delaney questioned Currier as to what if anything had changed since last month. Currier replied that the only change that has occurred was the introduction of legislation that has been presented to the US Congress to limit the FCC ruling authority. Currier included his uncertainty of what the charge would be to transmit the signal for cable TV as he has not seen anything definitive as to how it would be calculated. It may have to take a ruling by the FCC or some court to determine what the charge will be. Currier will keep the BACB updated on this matter.

McLain requested that if BACB communities receive a letter or any communication from a provider with a timeline regarding this topic they are advised not to respond independently. Please let Currier know because this must be a coordinated effort.

PUBLIC COMMENTS

None

BOARD COMMENTS

Delaney thanked White and McLain for their help with those two (2) unsolicited phone calls he reported on at the last meeting. After that meeting the number of calls increased significantly; up to four (4) a day, identifying themselves as Comcast. He emailed McLain and White about the situation and they looked into it. The day after he had sent those emails, the phone calls stopped. McLain detailed what she had done to help, including contacting Mazurek, the Comcast representative.

Delaney also noted the different effects the cancellation of a cable channel might have on the public; i.e. payment for a different channel replacement might change the resident's monthly charge. This disturbed him as it especially affects low income residents and seniors.

Burry thanked the Board and stated he was looking forward to representing the community because it appears that a lot of changes are going to occur.

White announced that Ettenson from Bingham Farms has resigned from the Board. He had been planning this for a while and regrets he couldn't be at this meeting to formally say goodbye to everybody. A new representative from Bingham Farms will be appointed in the future. McLain acknowledged that he had been on the Board for a long time and added that he commented that he would stay on until the Bingham Farms meetings were televised and he has gotten that done. We thank him and Mira who always reviewed the minutes very closely.

There being no further business, the meeting was adjourned at 8:25 AM.

MEMORANDUM

DATE: October 9, 2019

TO: Board Members

FROM: Cathy White

Re: Monthly Report

CUSTOMER COMPLAINTS

We have received five (5) complaints since the date of my last report. Complaint No. 2019-31 was received from a Beverly Hills resident who was doing work to his home and was having all the utility lines buried. WOW did not charge anything to bury its lines and Comcast charged him \$1,700.00 to bury its lines. However, he received a much higher quote from AT&T to bury its lines which he felt was exorbitant. The resident was advised that we have no control over the amount charged for this type of work and that he would have to discuss and/or negotiate the fee with the AT&T technical team. He understood and this complaint is now closed.

Complaint No. 2019-32 was received from a Beverly Hills resident who was upset about the profane language used in a movie he was watching as part of his WOW cable service. He wanted to know if this was allowed by the FCC and requested that an escalation team representative call him to discuss his concerns. WOW has provided information from the FCC which states that: "Because obscenity is not protected by the First Amendment, it is prohibited on cable, satellite and broadcast TV and radio. However, the **same rules for indecency and profanity do not apply to cable, satellite TV and satellite radio** because they are subscription services." WOW also provided a link to an article with more information on the subject. This complaint is now closed.

Complaint Nos. 2019-33 and 2019-34 were received from the property manager of the Williamsburg of Birmingham condominiums requesting that Comcast bury a line and that WOW remove a line improperly attached to one of the buildings. Comcast has removed the drop from the specified location and Complaint No. 2019-33 is now closed. WOW has assigned the matter to its technical team to address the concern referenced in Complaint No. 2019-34.

Complaint No. 2019-35 was received from a Beverly Hills resident who has an old pole with WOW cable lines on his property that is leaning over and that he would like removed. WOW is investigating the situation and this complaint is pending.

FINANCIAL

The account balance for the MBS, BBCU and Beverly Hills accounts as of September 30, 2019 will be e-mailed to all Board members. This information will also be provided via hard copies at the meeting, as well as budget to actual figures.

CHECK DISBURSEMENT

Nine (9) checks have been written since the date of our last meeting as follows:

1. Michigan Municipal Risk Management Authority (liability insurance): \$1,563.00
2. Michigan Municipal Risk Management Authority (liability insurance): \$750.00
3. Advanced Lighting & Sound (truck equipment repair): \$116.75
4. Village of Beverly Hills (Mun.Support Services Grant – Village internet): \$2,147.76
5. Village of Beverly Hills (Mun. Support Services Grant – Public Safety): \$994.80
6. Advanced Lighting & Sound (triax cables for truck): \$2,805.00
7. Charter Twp of Bloomfield (filming September sports): \$7,500.00
8. Charter Twp of Bloomfield (BCTV internet): \$425.55
9. Charter Twp of Bloomfield (quarterly contract payment): \$53,200.00

ADDITIONAL NOTES:

1. We have a new WOW escalation team representative who is based in Michigan. His name is Jon Hurst and his business address is 32650 North Avis Drive, Madison Heights, MI 48071. His phone number is 248-259-9248 and his email address is Jon.Hurst@wowinc.com.
2. USA Today reported on October 3, 2019 that Consumer Reports conducted an investigation into nearly 800 cable TV bills and found hidden fees in the fine print on top of advertised rates, concluding that hidden cable TV fees may cost consumers an extra \$450 annually. Using Spectrum in Los Angeles as an example, the advertised price is \$89.97 for new subscribers to get internet, cable and phone service. USA Today tried that offer and after adding the fees for two DVRs and cable boxes, plus the “broadcast fee” to watch local cable channels, the final tally was \$131.95. Spectrum blames the broadcast fee on the local channels but a spokesman for Consumer Reports says that the broadcast fee is company-mandated and should be included in the advertised price. Consumer Reports found that cable companies pocket \$28 billion a year in imposed fees that are not mandated by the government and that these fees cost subscribers \$37 per

month and add 24% to the cost of the bill. Believing that pricing for cable service should be fair and transparent, Consumer Reports launched a website called What the Fee.com to highlight these fees and charges.

3. Comcast has notified us that effective October 10, 2019, Turner Classic Movies (TCM) will move to the Sports Entertainment Package and will no longer be included in its current service package(s).



Bloomfield Community Television

Memorandum

Bloomfield Township

To: BACB

From: Steve Rota

Subject: Report September 19th, 2019 through October 16th, 2019

Date: October 9th, 2019

Cc: Greg Kowalski; Cathy White; Elaine McLain, Bob Borgon

BAMA Programs

During this time period we've completed six regularly scheduled municipal meetings, the BACB meeting, Parks and Recreation meeting, Zoning Board of Appeals meeting and the Advisory Parking Committee meeting.

BAPA Programs

From BACB area individual producers and organizations we've taped 22 programs. From individuals:

- ❖ Beyond the Box Score *'Seaholm 2019 Fall Edition* hosted by Brad Fedders'.
- ❖ Beyond the Box Score *'Groves 2019 Fall Edition* hosted by Brad Fedders'.
- ❖ Inside City Hall October edition with Joe Valentine.
- ❖ Three *Making a Difference at The Community House* hosted by Bill Seklar.
- ❖ Three *Managing Problems of Daily Living* hosted by Linda Sircus
- ❖ Four *Everyday Planning* hosted by Bob Gibbs. (New Series)

From BACB area organizations:

- ❖ BACB Sports *'Girls Swim and Dive'*.
- ❖ BACB Sports *'Boys Water Polo'*.
- ❖ *Birmingham Concert Band.*
- ❖ *Birmingham Musicale*
- ❖ *Birmingham Republican Women's Club Lecture.*
- ❖ Birmingham Bloomfield Art Center *'24th Annual Cultural Arts Award'*.
- ❖ League of Women Voters *'Birmingham City Commission Candidates Forum'*.
- ❖ TCH *Women's Club Lecture.*
- ❖ Women Officials Network *WONder Women Award Ceremony.*

PRODUCER WORKSHOP

We are offering a one on one session for those who are interested in producing their own show and to those who want experience behind the scenes. Please call 248-433-7790 and we can schedule a date and time with you.

EQUIPMENT

The truck triax has arrived. The Bingham Farms install is happening as we speak and should be done today!