

BIRMINGHAM AREA CABLE BOARD MEETING

Wednesday, February 19, 2020 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 January 15, 2020-M
3. Public Comments
4. Approval of Payment of Administrative Grants for FY 18-19-M
5. Committee Reports
 - a. Cable Action Committee
 - b. PEG Committee
 - c. Personnel Committee
6. Executive Director's Report
7. Provider Related Topics
 - a. Comcast
 - b. AT&T
 - c. WOW
8. BAPA/BAMA Report
9. Old Business
10. New Business
11. Public Comments
12. Board Comments
13. Adjourn

PEG Committee Meeting Immediately Following the Regular Meeting

BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – January 15, 2020

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

Absent Shand– Birmingham

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

McLain called the meeting to order at 7:50 AM in the Village of Beverly Hills Municipal Building at 18500 W. Thirteen Mile Road.

McLain requested that **PEG GRANT REQUEST FROM BCTV** be added to the agenda following **BAPA/BAMA REPORT**.

Motion by Abraham, seconded by Gugni to adopt the agenda, as amended.

Motion Passed (8-0).

McLain mentioned that Bob Borgon, one of the longest term members of the Cable Board, resigned after the last Board meeting. The Board wishes him the best. Both Beverly Hills and Birmingham are in need of representatives. Residents, please contact your Council, if interested.

APPROVE MINUTES OF CABLE BOARD MEETING HELD December 18, 2019.

Motion by Delaney, seconded by Burry to approve the minutes of the Regular Cable Board Meeting on December 18, 2019, as presented.

On page 1, under **COMMITTEE REPORTS**, **Cable Action Committee**, McLain added that Mydloski also attended the CAC meeting on December 5, 2019.

Motion by Delaney, seconded by Burry to approve the minutes of the Regular Cable Board Meeting on December 18, 2019, as amended.

Motion Passed (8-0).

PUBLIC COMMENTS

Don MacDonald, Beverly Hills, had comments about the contractors used by WOW and Comcast to fix some cables during construction in the neighborhood; specifically the disregard of easements, rights of way, personal property and the disrespectful attitude of the workers. He gave several examples of such behaviors. McLain explained there are very specific guidelines for these and other issues, including the removal of dead cables in the ground. She further noted that White would contact all the cable providers and provide them with the detailed formal complaints/concerns the resident had mentioned to help resolve the unacceptable issues. McLain explained the escalation process. The resident supplied pictures he had taken as evidence of the different occurrences. Delaney inquired if a permit needed to be pulled before any boring can take place. McLain answered that because there was a change in the law it is not a “permit in the traditional sense”; however, a “broad” permit which serves as a guideline is pulled which allows work in the right of way. Such a permit is different for each community.

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Delaney was in favor of Currier looking into the issue of “responsibility of the provider”. According to McLain this issue was on the “to do” list for this month and would be discussed at a later date.

White provided the residents with two (2) ways of filing a formal complaint: filling out a complaint on the website or calling her directly on the BACB phone (248-336-9445).

Vince Borowski, Beverly Hills, stated his complaint was from November, regarding Comcast’s decision to move Turner Classic Movies to the Sports Entertainment Package. After speaking with a Comcast representative, he was offered a deal that for \$5 more for 24 months he could receive a “bundle” which included TCM. He had written a letter to BACB about this problem and wanted to make sure BACB had received it. White acknowledged that she had received several letters about this issue and sent a complaint to Comcast. For the benefit of the public, McLain read a portion of the resident’s letter. She suggested that BACB send a letter to Comcast focusing on the contract aspect and, if need be, possibly carrying this issue further. Borowski provided the Recording Secretary a copy of his letter to the members of the BACB. Delaney pointed out that he had had the same thoughts and had also sent a complaint to White. Abraham inquired if the public could write directly to Comcast about this issue and McLain answered in the affirmative and would post the address on the website of where to write under “Ask the Cable Lady”. She also mentioned that when she has a problem she calls the provider and personally asks for the “Retention Department”. Because people are cutting the cord and the provider has a key interest in keeping subscribers, the department is very creative about how it can consider options. She added that because all conversations are recorded and an ID and a transcript of the conversation can be requested, the public is getting better results. McLain would like the public to reach out to the Cable Board with any and all concerns by calling or sending a message to “Ask the Cable Lady”.

AUDIT PRESENTATION BY PLANT & MORAN FOR FY 2018-19

Spencer Tawa, CPA, Engagement Manager, Plante Moran, provided the Board with copies of the Birmingham Area Cable Board’s Financial Audit, as of June 30, 2019. He addressed three (3) “deliverables”: 1. The Financial Statements issued in December, 2019. 2. An end of audit letter addressed to the Board dated December 18, 2019 which was a follow-up to the pre-audit letter sent a couple months ago during the pre-planning stages of the audit and 3. A draft packet which summarized the other two (2) deliverables and which he would be present this morning.

He provided a power point presentation, Birmingham Area Cable Board, Audit Presentation, which summarized everything for the Board. In the auditor’s opinion the financial statements present referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the General Fund of Birmingham Area Cable Board as of June 30, 2019 and the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Tawa thanked White and others for all their help throughout the Audit.

The Audit would be posted on the BACB website.

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APPOINTMENT OF NEW PEG COMMITTEE CHAIRMAN

With Bob Borgon retiring from the BACB and as the PEG Chairman, there was a discussion in CAC about the appointment of a new Chair. McLain suggested that Heather Mydloski, a new professional on the Board from Franklin, would be an excellent choice to fill the leadership as she has great experience in the field. She would have support of all those involved. Mydloski accepted the position.

Normally, a short PEG meeting would follow the BACB meeting; however, there would not be one today.

COMMITTEE REPORTS

Cable Action Committee

Abraham stated that on January 9, 2020 the Cable Action Committee had a meeting with Fenberg, McLain, Mydloski and himself in attendance. He reported that the FCC would probably not make any more decisions in 2020 on Franchise Fees. McLain had mentioned that many neighboring Cable Boards had a worse financial position than the BACB; however, the BACB was always looking for ways to reduce its overhead. One such subject discussed was the seven (7) year old cable phone used for cable related issues. A new phone was in the process of being purchased. McLain, with the help of others, was able to significantly reduce the monthly phone cost which she stated might be reduced even further. Abraham encouraged members to look at the BACB website and make any suggestions for improvements.

The next CAC meeting will be February 6 at 4:30 PM at the Birmingham Baldwin Public Library.

PEG Committee

There was no meeting. There will be one next month.

Personnel Committee

Gugni, Chairman, stated there was a brief meeting on Monday. The format of the yearly evaluation of the BACB Executive Director White was discussed. He would like to simplify it and would be working on it. It is his hope to have it finished and distributed to the committee by next month. Responding to McLain inquiry, White said the timing of the formal evaluation varies but it usually occurred between February and April.

EXECUTIVE DIRECTOR'S REPORT

White referred to her monthly report dated January 10, 2020. There were two (2) complaints since the date of her last report. The first (1st) complaint was from a Birmingham resident who has been having an ongoing problem with his Comcast cable service sometimes switching from English to Spanish. This happens when he is watching pro football or on the PBS channel. The escalation team representative has attempted to contact him but has been unsuccessful. Direct contact information was left for the resident if further assistance was needed. The complaint is closed. The second (2nd) complaint was an ongoing one from a Birmingham resident concerning the removal of an AT&T wire from an old pole on his property and its relocation to a new pole so DTE could then remove the old leaning pole. The other two (2) providers had already removed and relocated their wires on the new pole. A few weeks ago AT&T sent out a

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technician who told the resident someone would return to finalize the job. No one has come back. She has again escalated this with AT&T. This complaint is pending.

FINANCIAL

Financial information for MBS, BBCU and Beverly Hills accounts as of December 31, 2019 was emailed to all Board members. She apologized for not forwarding fund balances to them as she was waiting for some information from one of the accounts. They would be provided next month. However, she did provide “Budget to Actual” Reports.

Since the last Board meeting White has written two (2) checks on behalf of the BACB. The first was for a PEG Grant for the Village of Franklin video production system to Advanced Lighting & Sound. The second was for the 2nd installment for liability insurance to Michigan Municipal Risk Management Authority.

ADDITIONAL NOTES:

Similar to the complaint about the English/Spanish switch during pro football games, TV Technology reported on January 3, 2020 that some viewers of the Citrus Bowl received a Spanish broadcast on ABC. In response, the Citrus Bowl released a statement saying it had no control over such issues and viewers should contact their TV providers.

National NATOA issued an update about a congressional Act, Television Viewer Protection Act of 2019. It requires that within 24 hours of purchasing a new plan, the cable provider must inform the customer of the “true” full cost of buying the service. Customers will then have 24 hours from the time the cable company sends the notice to cancel the service with no penalty. The law only applies to cable TV pricing and not for broadband or telephone service. The law gives cable companies six (6) months to implement the new practices and also allows the FCC to extend the starting date by up to six (6) additional months. It is not clear how this affects the different bundling packages.

McLain requested White to send something in writing to all three (3) providers or contacts and ask them when this would be implemented and was this something they were already working on? How would they be communicating this? Would this be in the bill or a phone call or a note on the customer’s door?

PROVIDER RELATED TOPICS

a. Comcast

There was no representative present.

b. AT&T/Uverse/Direct TV

There was no representative present.

c. WOW

There was no representative present.

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BAPA/BAMA REPORT

Rota referred to his memo to BACB dated January 8, 2020. He listed the completed **BAMA** Programs which were four (4) regularly scheduled municipal meetings, the BACB meeting, the Parks and Recreation meeting, the Zoning Board of Appeals meeting, Advisory Parking Committee and the Multi-Modal Board meeting.

For the **BAPA** Programs, from the BACB area individual producers and organizations, five (5) programs were taped, all of which he listed.

The upcoming sports events are Boys Swim and Dive tomorrow, Boys Hockey, Girls Basketball and Girls Hockey.

PRODUCER and/or VOLUNTEER 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.

McLain inquired as to how many individual programs BCTV produces a year for producers or for citizens in the four (4) communities. Rota estimated the numbers would be about 500 local producers and organizations and almost 200 meetings per year. He added that BCTV staff consisted of 3 full time production members, 11 part-timers and a couple volunteers. They are always busy with administrative duties, fixing equipment, ordering equipment and checking locations among other things. McLain confirmed that during the spring outside concerts, parades, etc. will be added to the schedule and therefore there is a need to upgrade the truck.

Motion by Burry, seconded by Eick to add a discussion to the agenda about the PEG Grant Request From BCTV.

Motion Passed (8-0).

PEG GRANT REQUEST FROM BCTV

Rota provided the Cable Board members with a quote from Advanced Lighting & Sound, dated 1/13/2020, for a new server system in the playback hub which allows all the programming to go to the website and/or Comcast, AT&T and WOW. The current servers, which were purchased in 2012-2013, are using Windows 7 and are slowly failing, causing long delays in scheduling of playbacks among other things. He gave specific examples of the system failures which had been happening especially in the last few weeks. He also advised that as of yesterday all computers should be updated to Windows 10 in order to receive security updates. Rota also explained the different capabilities this new equipment would provide. McLain pointed out that with this new system residents who normally would receive governmental meetings and/or productions on the cable provider PEG channels or on-line would now be able to access them through streaming services on Roku and Apple TV. This upgrade was highly recommended. Rota further explained that the quote was for all three (3) channels; BCTV was getting a server and would be responsible for that cost and BACB would be responsible for the BAPA and BAMA cost. The final quote from Advanced Lighting & Sound was \$63,497.00 and of that cost the BACB would

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be responsible for \$38,665.00. Referring to page 1 of the Advanced Lighting & Sound quote, Rota detailed and explained the exact equipment BACB would be purchasing. Rota explained that this new server system is a hub for all the programs. The process is similar to how a juke box works; by using a specific ID it will find the requested show, play it and it goes over the air.

Motion by Fenberg, seconded by Eick to approve payment to Advanced Lighting & Sound for the purchase of Playback Equipment in the amount \$38,665.00.

McLain acknowledged that later there might have to be a budget amendment.

McLain thanked Rota for doing all the research. Because time was of the essence, we did not want to wait and do it after two (2) more months and then not have it in the process.

Fenberg noticed on the 2nd page of the quote the annual Cloud-based reflection service for \$2,220.00 and the Screenweave annual subscription fee of \$500.00 to continue the service with ROKU and Apple TV. Rota explained that the annual subscription fee for Roku, Apple TV and any other available apps would be \$2,317.00. This would be included in the \$38, 665.00 and for the next year the annual fee would be \$2,317.00. As soon as Rota finds out the exact break-out of BACB's portion of that cost, he would email Fenberg as he would need it for the year-end calculations.

Delaney questioned if it was necessary to get three (3) bids. Rota clarified that the quote reflected the standard retail price and he felt comfortable working with Advanced Lighting. Due to the emergency situation, it was suggested that Rota call other vendors to get quotes. Because other quotes might be more favorable, Fenberg suggested that the motion be amended. McLain stressed that timing was of the essence as there are security risks for data and management if not handled properly. Regarding the requesting of bids, Rota mentioned there were only a few vendors involved in this industry and for almost every project, Advanced Lighting has been the lowest bid. Once he receives the quotes from other vendors he will send them to the Board.

Motion by Fenberg, seconded by Eick to approve payment for the purchase of Playback Equipment in the amount not to exceed \$39,000.00, as amended.

Roll Call Vote:
Motion Passed (8-0).

Rota added that both Orion TV in Lake Orion and Southfield TV use this same software with the cloud equipment. One of his staff members who has ROKU was able to download the app needed to see Lake Orion's and Southfield's programming.

OLD BUSINESS

None

NEW BUSINESS

McLain mentioned that Alliance for Community Media (ACM) is an association that works with local governments like ours. It is divided into different regions. She is more familiar with the

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“West Region” and met the gentleman who was in charge of it at the NATOA meeting. When all the legal changes came through with the FCC, his community and those which partner with him were concerned about the changes in revenue streams because most of them did not have a fund balance and had not planned ahead nor been able to as BACB has. There is a February 18-20, 2020 ACM Conference planned for the “West Region” in Monterey, CA which will be about revenue streams. This is something that she, personally, is interested in and would like to participate in at no cost to BACB. She would give the BACB a report when she returned. When she does get back from the meeting Delaney would be in favor of considering some sort of reimbursement. McLain felt that the conference registration fee would be appropriate.

PUBLIC COMMENTS

None

BOARD COMMENTS

McLain noted that the Cable Board needed volunteers from Beverly Hills, Birmingham and Bingham Farms.

There being no further business, the meeting was adjourned at 9:36 AM.

Birmingham Area Cable Board
 Review of Franchise fees and Board Expenditures
 Calculation of administrative grants

	YE 2018	YE 2019
Franchise Fees:		
Birmingham	234,171	232,580
Beverly Hills	114,686	95,512
Franklin Hills	26,529	33,780
Bingham Farms	26,804	17,296
	<u>402,190</u>	<u>379,168</u>
Board Expenditures:		
Conferences	3,084	2,157
Contract labor	1,214	824
Exec Director	38,976	38,058
Liab Insurance	2,694	1,847
Memberships	1,214	125
Operating Expense	11,540	16,811
Prof fees	20,697	22,355
Adv/Pro	2,921	1,286
Municipal support services	10,912	11,173
	<u>93,252</u>	<u>94,636</u>
Excess	<u>308,938</u>	<u>284,532</u>
Admin Grant based on 95% of excess	<u>293,491</u>	<u>270,305</u>
Allocation of Admin Grant:		
Birmingham	170,882	165,804
Beverly Hills	83,690	68,090
Franklin Hills	19,359	24,081
Bingham Farms	19,560	12,330
	<u>293,491</u>	<u>270,305</u>

MEMORANDUM

DATE: February 13, 2020

TO: Board Members

FROM: Cathy White

Re: Monthly Report

CUSTOMER COMPLAINTS

We have received four (4) complaints since the date of my last report. Complaint Nos. 2020-1 and 2020-2 were submitted to WOW and Comcast on behalf of the Beverly Hills resident who attended our last meeting. As you will recall, his issue with both providers was the fact that they buried their lines on his property rather than within the easement area. Comcast did reach out to him only to explain that they had a permit from Beverly Hills and considered the matter closed. He contacted them to express the fact that he did not consider this issue closed and reiterated that they put their lines in an area that was outside of the easement. This complaint is pending with both providers.

Complaint No. 2020-3 was received from a Birmingham resident who wanted an explanation as to why his Comcast bill has increased the last two months in a row. This complaint is pending.

Complaint No. 2020-4 was submitted on behalf of a Birmingham resident who was unhappy with Comcast because she reluctantly agreed to a one-year contract but did not get the price she was promised. In addition, she did not receive a credit for service interruption and aggravation. An escalation team representative reached out to her, explaining the rate increases and confirming that credits were applied on her bill. As a courtesy, she was given a monthly discount through November, 2020. This complaint is now closed.

FINANCIAL

The account balance for the MBS, BBCU and Beverly Hills accounts as of January 31, 2020 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

Five (5) checks have been written since the date of our last meeting as follows:

1. Birmingham Bloomfield Credit Union (Visa payment- Chamber event): \$135.00
2. Birmingham Bloomfield Chamber of Commerce (membership dues): \$210.00
3. State of Michigan (2020 truck registration): \$590.00
4. Advanced Lighting & Sound (equipment): \$31,748.50
5. Charter Township of Bloomfield (Jan 2020 sports coverage): \$7,500.00

ADDITIONAL NOTES:

1. Due to changes on the Board, I have prepared a more current roster of Board members and contact information. The new roster is attached hereto.
2. NATOA has endorsed the Protecting Community Television Act, legislation introduced this year by Senator Ed Markey (MA) and Congresswoman Anna Eshoo (CA-18). This legislation seeks to protect cable franchise benefits that have been threatened by the FCC's 2019 Order redefining cable "franchise fees" to include both cash payments and most non-cash cable franchise obligations. The bills would amend the federal definition of "franchise fee" to clarify that franchise fees are only cash payments and do not include other franchise obligations, which is consistent with cable franchising practices since the enactment of the Cable Act in 1984. This amendment would thwart efforts by the FCC to broaden the scope of this definition and otherwise harm localities and PEG access channels.
3. Despite FCC giveaways and massive tax cuts, it is worth noting that many of the companies using the public ROW and which have argued that they need access to the ROWs for free for 5G amidst plans to make vast infrastructure upgrades have actually decreased their capital spending on broadband. AT&T spending for this purpose is down 13%, Comcast spending is down 12-14% and Charter spending is down 20%.
4. The FCC has clarified its Order which denied the request of municipal groups for a stay of its Sec 621 Cable Order. According to the FCC, cable operators and local franchising authorities have a reasonable amount of time to negotiate a resolution on non-franchise financial obligations and that 120 days is not an unreasonable period of time. If negotiations fail, the parties can continue to rely on the processes and remedies that may be contained in their franchise agreement or that are otherwise available (such as taking the dispute to court, requesting that the FCC resolve an interpretive dispute regarding the scope of the FCC rules or seeking a declaratory ruling from the FCC). The bottom line here is that the FCC is **not** authorizing the cable companies to engage in self-help and just unilaterally reduce fees.

5. Comcast has notified us that in the coming weeks they plan to implement delivery updates to their non-Hispanic International programming networks (IPNs) such as : TV Asia, Zee TV, TV Japan, etc. and out of market (OOM) sports Pay Per View packages (initially NHL Center Ice and NBA League Pass, followed by MLB Extra Innings. A limited number of customers may still have older devices that do not support these upgrades and will need to replace them. They will be able to swap their equipment at no cost. Comcast expects the number of impacted customers from these changes to be very minimal.

6. issued an update indicating that in a surprise move by Congress, the recent appropriations bill that funds the government through September 2020 also includes a new law that mandates that cable companies tell their customers the truth about cable pricing. Labeled as the Television Viewer Protection Act of 2019, the law requires a cable provider to notify customers buying a new plan within 24 hours “by phone, in person, online or by other reasonable means” of the full cost of buying the service. Customers then have 24 hours from the time the cable company sends the notice to cancel the service with no penalty. Interestingly, the law only affects cable TV pricing and not pricing for broadband or telephone service. The law gives cable companies six months to implement the new practices. Oddly, it also allows the FCC to extend the starting date by up to six additional months.

**BIRMINGHAM AREA CABLE BOARD MEMBERS
FEBRUARY, 2020**

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Bloomfield Community Television

Memorandum

Bloomfield Township

To: BACB

From: Steve Rota

Subject: Report January 16th, 2019 through February 19th, 2020

Date: February 13th, 2020

Cc: Greg Kowalski; Cathy White; Elaine McLain, HeatherMydloski

BAMA Programs

During this time period we've completed eight regularly scheduled municipal meetings, the BACB meeting, Parks and Rec Board meeting, Zoning Board meeting, Advisory Parking Committee meeting, the Multi-Modal Board meeting, Bingham Farms Council Meeting, Two Baldwin Public Library Board Meetings and a Special Village of Franklin Council Meeting.

BAPA Programs

From BACB area individual producers and organizations, we've taped 29 program. From individuals:

- ❖ *Six Eye on Oakland* hosted by Chuck Moss and David Potts.
- ❖ *Eight Michigan Planning Today* hosted by Bob Gibbs.
- ❖ *Inside City Hall February Edition* hosted by Joe Valentine.

From BACB area organizations:

- ❖ *Plant Based Nutrition Support Group Lecture.*
- ❖ *Birmingham Musicales.*
- ❖ *Birmingham Concert Band.*
- ❖ *Birmingham Bloomfield Chamber 'Real-estate Forecast.'*
- ❖ *Birmingham Bloomfield Chamber 'Economic Forecast.'*
- ❖ *Baldwin Public Library Lecture.*
- ❖ *Patriot Lessons Lecture.*
- ❖ *TCH Women's Club Lecture.*
- ❖ *Birmingham Youth Assistance '39th Annual Kids Dog Show'.*
- ❖ *TCH Bates Streets Awards Ceremony.*
- ❖ *TCH Senior Men's Lecture.*
- ❖ *BACB Sports 'Boys Swim and Dive'.*
- ❖ *BACB Sports 'Girls Basketball'.*
- ❖ *BACB Sports 'Boys Hockey'.*

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.

VILLAGE OF FRANKLIN

The new equipment was installed at the Village of Franklin Council room.

TRUCK EQUIPMENT

I have ordered the new zoom and focus arms for the truck camera and they have arrived.

UPCOMING SPORTS EVENTS

Girls Hockey