

## BIRMINGHAM AREA CABLE BOARD MEETING MINUTES – August 21, 2019

Present: Abraham, Eick, Fenberg, McLain - Birmingham  
 Borgon, Delaney, Gugni – Beverly Hills  
 Ettenson – Bingham Farms  
 Mydloski - Franklin

Absent Shand - Birmingham

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 introduced Heather Mydloski, the new Franklin representative.

**APPROVE MINUTES OF CABLE BOARD MEETING HELD July 17, 2019.**

Motion by Ettenson, seconded by Gugni to approve the minutes of the Regular Cable Board Meeting on July 17, 2019, as presented.

Motion Passed (9-0).

**PUBLIC COMMENTS**

Jeff Davidson, Birmingham resident, came home in July, went through his gate and found yellow and red blotches on the pavers in his back yard. He found no sign and had had no advance phone call regarding this action. He called Joe Valentine, Birmingham City Manager, to get some information. Valentine referred him to Cathy White, BACB Executive Director. After dealing with Comcast on this matter, he was unhappy with Comcast’s Customer Service. Taking the matter into his own hands and doing some additional research, he spoke with the president of the local Miss Dig who directed him to URG - Utility Resource Group, LLC, the company which “lays” the paint for Miss Dig. That day someone from URG came out to his house and removed the paint. The issue was not about the paint but rather how someone could come on personal property without the homeowner’s knowledge and/or permission, or even without advance notice and state he/she had permission to do this, and then not even leave a notice after the work was done.

Ettenson was curious as to the explanation of what the paint was for. Davidson explained it was for laying new cable TV lines. He even found paint on the pavers at his back door.

McLain explained her role in this scenario as she was on the line with Miss Dig at the same time Davidson was getting information. For the benefit of the public, she explained the process. When any of the three (3) cable providers (Comcast, WOW, and AT&T) in Birmingham want to do any work in the rights of way or in the easement, a “job request” is issued with Miss Dig, which is a 1-800 service, then with AMcomm Telecommunications, Inc. the boring company, and then with URG which paints the marks: red paint for electrical and yellow for gas. This was a very tedious procedure involving several different subcontractors but nowhere was there any contact with Mr. Davidson. The question was: how did this happen and what are the guidelines in Birmingham? Guidelines for Beverly Hills, Bingham Farms and Franklin would be investigated.

Currier explained that, generally, cable companies are allowed to use the easements of DTE or AT&T, wherever the poles are. The Birmingham Ordinance does not state that those companies need to notify the resident in advance or leave a notice after the fact when access to private property is required. He will have a discussion with the City Manager about this problem and the constant problem with the paint removal. He will investigate the guidelines for Beverly Hills, Bingham Farms and Franklin.

McLain inquired as to what the subscribers and BACB can do to remedy the problem of courtesy and respect for boundaries and how to update the Ordinance. Currier gave some suggestions on the local level. With McLain's assistance, Davidson would like to send an informal complaint to the MPSC. According to McLain, the MPSC has 21 days to respond and if Davidson was unsatisfied with the resolution his option would be to lodge a formal complaint which would be retaining an attorney, etc. He and McLain would consult and decide which way to proceed.

### **COMMITTEE REPORTS**

#### **Cable Action Committee**

Abraham, Chair, stated there had not been an August meeting and, therefore, nothing new to report.

The next Cable Action Committee meeting would be Thursday, September 5 at 4:30 PM at the Baldwin Public Library in Birmingham.

#### **PEG Committee**

Borgon reported there had been a meeting, Tuesday, August 13, 2019, attended by Abraham, Kowalski, Black, White and himself to talk about several items that required more details to bring to the BACB meeting this morning.

For Mydloski's benefit, Borgon gave a brief history of the BACB's relationship with BCTV and an update on BCTV's proposal to BACB which was the only one the Cable Board had received. He noted that due to some FCC legislation currently pending, the proposal would not be formally approved. Currier would provide an update on the changes on how much BACB would receive from the providers if it were approved. Until there was an FCC decision, BACB and BCTV have agreed to continue with the current contract paid on a quarterly basis.

#### **i. Approval of BCTV Proposal (as modified) – Cable Access Management**

Motion by Abraham, seconded by Etnenson to approve the payment to BCTV in the amount not to exceed \$53,200 per quarter until details of the new FCC Rule are clarified after which the BCTV contract can be negotiated and approved.

Borgon stated that the contract with BCTV would be negotiated once the FCC Rule regarding the PEG and franchise fee collections were clarified. He noted that the quarterly amount was the same as in the past. He reminded the Board that part of the contract included the sports programming of Groves vs. Seaholm sporting events on a quarterly basis and may have to be reconsidered if funding from the providers does not materialize.

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Currier explained the FCC situation regarding the rules of PEG and the cost of PEG. The cable providers can now charge against the PEG fees the cost of any capital improvements or capital expenditures. This would automatically reduce the PEG fees at their end for those expenditures. He stated that what was disturbing to him was that the providers can now charge for the transmission of the signal from any meeting room to the head-end station, the calculation of which is unknown. He has heard different opinions, estimates and explanations on this subject but no one really knows. He has also heard there has been a big effort by certain firms to raise funds to start a lawsuit to get this overturned. He was not recommending this because the BACB did not have the resources to do that. He, McLain and Borgon met with Kowalski and Rota to discuss entering into a short term contract until this was resolved. The BACB must talk with the four (4) communities to find out what their desires are as all this unfolds. Fortunately BACB has enough funds in the bank right now to sustain the television programing with the PEG funds for four (4) or five (5) years; however, BACB needed to safeguard them.

Delaney inquired about the franchise fees and how they would be affected. Currier responded that from what he has heard and read it was unclear but it looked like the handling would be the same as with the PEG fees. McLain explained the monetary distribution if the FCC legislation took effect. No timeframe has been set for a decision; however, Currier believed it would be before the end of the year. In addition, there was nothing in what he has read or heard which addresses whether the decision would be retroactive or not. Because of all these uncertainties, the discussions with BCTV were very cautious.

Responding to Delaney, Currier confirmed that he would be in immediate contact with McLain, as he has been in the past, reporting to her everything he has done as well as notifying the Board immediately. McLain affirmed this and added that she, being on the Board of the Michigan NATOA, has been in direct contact with the national NATOA which was fighting this.

Roll Call Vote:  
Motion Passed (9-0).

#### **ii. Approval of Purchase-Equipment to film Bingham Farms meetings**

Borgon explained that Bingham Farms has voted to record and show their meetings in the future. Rota has been working closely with Ken Marten, Village Manager, and looking at needed equipment. The cost would be a little over \$13,000 and in addition it would cost \$3,600/year for the filming of the meetings. The total would be \$17,600.

Motion by Ettenson, seconded by Abraham to approve a PEG Grant request in the amount not to exceed \$17,600 to the Village of Bingham Farms for the purchase of equipment to film the Village meetings and the actual cost to broadcast those meetings.

Rota clarified that the \$300/meeting was consistent with the cost of all the Birmingham meetings.

Roll Call Vote:  
Motion Passed (9-0).

**iii. Approval of Purchase – Truck Camera Triax (3)**

Borgon explained that the truck normally has four (4) functioning triax cables. Unfortunately, two (2) are malfunctioning and need to be replaced. He recommended that a third Triax be purchased as a back-up.

Motion by Abraham, seconded by Fenberg to approve a PEG Grant request for the purchase of three (3) Triax cables with connectors for the truck in the amount not to exceed \$3,500 to be paid to Advanced Lighting & Sound.

McLain emphasized this was PEG money and by way of discussion this is BACB's mission and demonstrates to the FCC and others who are paying attention that the BACB are responsibly using these funds to provide access to all community members and municipalities and being transparent in the process.

Roll Call Vote:  
Motion Passed (9-0).

**iv. Approval of Purchase – Monitor for Beverly Hills Control Room**

Borgon explained that something had happened to the monitor in the Beverly Hills control room when the new equipment was installed.

Motion by Delaney, seconded by Abraham to approve a PEG Grant request for the purchase of a new monitor for the Beverly Hills control room in the amount not to exceed \$200.

McLain noted that this was a backup system. In case there was an interruption of transmission, the person in the control room can immediately see it and fix the problem.

Roll Call Vote:  
Motion Passed (9-0).

**v. Approval of Cost to film 6 Fall Sports Events**

Borgon reported that Rota had sent him the Groves vs. Seaholm tentative Fall Sporting Events Schedule (Volleyball, 2 Boys Water Polo, Boys Soccer, Girls Swimming, and Football). There are six (6) events at \$2,500 each which equals \$15,000.

Motion by Abraham, seconded by Gugni to approve the payment to BCTV in the amount not to exceed \$15,000 for broadcasting six (6) Fall Sporting events (\$2,500 per event).

Fenberg inquired about the filming of Tennis. Rota explained there were conflicts with the schedule and after some evaluation it was decided to only cover team sports.

Roll Call Vote:  
Motion Passed (9-0).

Borgon reported the Program Committee looked at and approved three (3) new program ideas and one (1) idea which would be added to the website. He detailed all the ideas.

McLain thanked Borgon for all his hard work on PEG.

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

White referred to her monthly report dated August 14, 2019. There were eleven (11) complaints since the date of her last report. Because there were so many she touched on the subject matter of some. Most of the requests were asking for assistance in getting wires raised, removed or buried. There was a couple from people hoping to get additional compensation from Comcast: one for the loss of an internet program he was unable to get on Comcast as it was no longer available and another from a man who had some difficulties with his cable package options and billing. Both of these were pending. One complaint involved an AT&T customer who was unhappy that U-Verse couldn't reach an agreement with CBS and it had been removed from its line-up. This complaint has been closed. A Beverly Hills resident wanted one of his WOW boxes repaired before his wife came home from the hospital and the original date that he had been given for the repair was not soon enough. A member of the WOW escalation team reached out to the homeowner asking that he notify when he would be available but never received an answer before the original scheduled date. This complaint is now closed. Another Comcast customer had a complaint that his promotional period had passed and he did not like his new package. The escalation team worked with him to get a better package with features closer to what he used to have and to check his internet speed. The complaint is closed. In her report she noted which complaints were now closed and which were still pending for further follow-up.

#### **Financial**

Since the last Board meeting White has written four (4) checks on behalf of the BACB, including payments to the Charter Township of Bloomfield for BCTV's filming of March and May sports and payment to the Franklin Public Library which was approved for the PEG grant for internet costs.

The account balances for MBS, BBCU and Beverly Hills accounts as of July 31, 2019 were emailed to all Board members. This information was also provided via hard copies at the meeting.

Ettenson reported that a Bingham Farms resident who switched from AT&T to Comcast had a very satisfactory experience which consisted of a 3 hr. appointment to change over from AT&T to Comcast. By going onto Comcast's website the day of his appointment, the resident was able to find out where in the four (4) hour "appointment window" he was and he had no complaints. White will forward this information to Mazurek, Comcast representative.

### **PROVIDER RELATED TOPICS**

#### **a. Comcast**

There was no representative present.

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White reported that Mazurek shared that Comcast was broadening its Internet Essentials Program to reach all local low income Americans. Thanks to their efforts it is estimated that 7 Million households would have access to low cost internet service.

Last week Delaney received two (2) calls at his house, each identifying herself/himself as a Comcast employee and each leaving a message stating there was an open service call, which, according to Delaney, there was not. The message was requesting a call back in order to schedule a time to come to the house. He was suspicious of these calls and wondered if the requesting to come to the house was a new sales tactic to get him to expand his service. This was not surprising to McLain as she has gotten them from two (2) out of the three (3) providers in the area. She warned every consumer to be aware of this method as “knocking on the door” was not having much success. She cautioned everyone (especially Seniors) that before engaging in any conversation about changing service and/or plan, to make sure they know what existing plan they already have and make sure they know exactly what they are agreeing to. This was the time of year when there are all sorts of sales outreach.

There was a discussion about many phishing and scam scenarios.

(Borgon left the meeting at 8:40 AM).

Abraham advised that the Comcast phone service has a method of filtering calls. Personally speaking, his “spam” calls have been reduced 90%. McLain added that AT&T does the same for cell phones and landlines.

Fenberg related a good experience he had had at the new Comcast store off Maple Rd. near the Walmart store when he replaced some equipment. It appeared the store could handle many different issues.

**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 August 15, 2019. He listed the completed **BAMA** Programs which were eight (8) regularly scheduled municipal meetings, the BACB meeting, the Parks and Recreation meeting, Zoning Board of Appeals meeting and the Baldwin Public Library Board meeting..

For the **BAPA** Programs, from the BACB area individual producers and organizations, twenty-eight (28) 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

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“behind the scenes”, as well as do some programming. Please call 248-433-7790 and BCTV will schedule a date and time for you.

Rota welcomed Heather Mydloski to the Cable Board and invited her to visit the studio for a tour. The invitation is open to all Board Members.

### **OLD BUSINESS**

McLain thanked Mira Stakhiv, the former Franklin representative, and Sara Bresnahan, the former Beverly Hills representative, for their efforts and contributions to the Cable Board. Both will be missed. She welcomed Heather Mydloski as the new Franklin representative. Mydloski gave a brief personal history of being a Franklin resident of four (4) years and her desire to participate in the community, including being a member of the Franklin Mobile Watch where she met Stakhiv.

McLain and White will meet and review with her the New Member Manual.

### **NEW BUSINESS**

McLain continued the discussion from the last meeting about the NATOA conference. Yesterday she was on a Michigan NATOA call and now she thinks it would be a good idea if she attended the conference given the fact that no one knows when this FCC decision would come down. The people from Washington, D.C. who are working on the appeal will be in attendance and she has the ability to get some information from them. White has estimated the total cost for conference fees, traveling, baggage, hotel and ground transportation would be \$1,931.00.

Conference dates are 9/23/19 to 9/26/19. In the past McLain attended every session, prepared a summary and had access to people who made decisions which impacted what the BACB does here.

Ettenson confirmed that in the past he was one of the three (3) who would attend the conference and found it helpful and useful and would recommend the Board send McLain again. Eick felt this to be very important considering what was happening on the national level. On behalf of Beverly Hills, Delaney felt this was important enough for McLain to attend especially since she would be a representative from Michigan. He added that this should be a planned event every year.

Motion by Fenberg, seconded by Ettenson to authorize the BACB Chairman, Elaine McLain as the BACB representative to attend the NATOA conference in Florida, September 23-26, 2019, the cost not to exceed \$2,200.00.

Roll Call Vote:  
Motion Passed (8-0)

### **PUBLIC COMMENTS**

None

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**BOARD COMMENTS**

None

There being no further business, the meeting was adjourned at 8:55 AM.