

Montague Cable Advisory Committee  
2nd Floor Meeting Room, Town Hall  
Meeting Minutes for January 25, 2024.

Meeting convened 2/8/2024 5:33 pm. This meeting was recorded.

Members present: Kristi Bodin, Jason Burbank, Ryne Hager  
Also present: Stevel Ellis and Walter Ramsay.

## Cable Advisory Committee Meeting Minutes

Jason Burbank greeted the advisory committee and called us to order after citing the date and time, noting that the meeting occurred via Zoom before naming the various members.

Ellis noted that all votes must be done through roll call since the meeting was occurring remotely.

The Meeting agenda was briefly discussed:

- 1) Review and Approve Minutes on January 25, 2024
- 2) Discussion of Comcast Relicensing Process
- 3) Consider Options for Legal Representation
- 4) MCTV 2022 Annual Report Feedback
- 5) Next Meeting Date, Logistics and Agenda
- 6) Unexpected Business

### 1) Minutes Approval

Prior minutes were approved without dissent. Jason asked if Ryne had remembered to take minutes, and he had.

### 2) Discussion of Comcast Relicensing process.

The guide sent by Ellis to the members of the committee was discussed — identical to the guide presented during the prior meeting.

Jason Burbank noted some specific licensing requirements that caught his eye, including the fact that it isn't just tied to cable, but also the cable-based internet access provided to much of the town, though the cable TV aspect was what the contract and negotiation will primarily cover. The renewal process was reviewed, and that the ascertainment process was a major

component in assessing the performance of the cable provider during the prior contract period. It's unclear if the ascertainment process is required if the informal process is adopted, but that it would be beneficial either way. Not renewing the contract would be both difficult and require serious reasons if the need arose, though it would not be impossible.

Walter Ramsay joined the meeting during this discussion (5:40 PM)

Ellis noted that the FRCOG has worked with the town to implement a survey as part of a digital equity needs assessment, and there might be some relevant data there. Anecdotally, service speed was less of an issue than service cost in the review of that survey data. The selectboard also maintains a SurveyMonkey license for any new surveys the committee might want to have.

Burbank asked how to best promote the survey. Ramsay explained that one could be sent to town meeting members, and other avenues for distribution include the newspaper. A few hundred responses was considered a "good" result. Bodin said a review of the existing data could be useful before determining how to gather new survey data. Burbank said he might have some of the prior data and that he would look for it. Ellis said that data from the 2014 survey, if such a survey was taken, might be available in the town archives, and other relevant data could also be secured. Bodin said she did not remember a survey happening at that time.

Ellis noted that the town does receive the cable operator's financial forms from time to time, and that new financial forms would be provided by Comcast's attorney. Maps were provided in a recent exchange, but the data in them was impenetrable. A tour of the town's MCTV facility could be arranged for those that was interested. Ellis explained that we will have to summarize our ascertainment results.

Burbank asked if the committee could review the survey results, and Ellis said he would make such a request and include Burbank on the communication.

Burbank explained that coverage was a concern during the last negotiation, and Comcast expanded coverage to some named areas that were previously underserved, and that some other projects provided last-mile extensions since then, bringing the town to some 98% estimated coverage and a guess at 37 houses that were not covered. A grant may fill out service to some of the remaining homes, according to Ellis.

Burbank asked if anyone had other concerns for the contract renewal. Hager asked about the possibility of bringing in a competitor for the contract and if that was a typical practice during renewal. Ellis was unsure, but said that an attorney could better confirm, and it was unlikely that this agreement would prevent another entrant to the market.

Hager expressed concern regarding declining cable subscriber counts and how that might impact collected fees, but Ellis stated that the financials so far hadn't shown issues. Hager asked if the fee was tied only and specifically to cable access, and not internet. Bodin explained that this was correct and tightly defined, though an attorney could offer more information.

Ellis discussed a fiber buildout happening in another town, and that the financial burden on the town was high because cable was “sticky,” and retained subscribers. Fighting a protracted battle against the real boundaries in authority of the agreement was noted as probably futile and possibly representing a higher cost. The members briefly discussed the impact of cable access on internet access and the probable limits of the committee’s authority in regards to internet access. Burbank expressed that these restrictions simplified the discussion.

Ellis pointed out that, in the absence of contested issues, the informal negotiation process might save both time and cost, as the town was already receiving at or near the maximum percentage of possible benefits, and that without a set of defined needs, this could be the most expedient path.

### 3) Consider Options for Legal Representation

Burbank noted that two possible attorneys offices have been proposed for the negotiation: Epstein & August and KP Law. Ellis remarked on anecdotes of his prior experience with Epstein & August in regards to technical broadcasting requirements. Burbank asked if Ellis had an opinion, and Ellis noted that he’d worked with one of the firms in the past and not the other, though he had not spoken to either in detail regarding the subject of cable relicensing, though he had spoken to them on other legal areas. He did not have any specific feelings for using that firm again, though he noted that the situation may be the same with another firm. He had no reason to recommend for or against either in this context. Ellis described some ways that the committee might try to make their own determination, and that August & Epstein was slightly cheaper than KP Law.

Hager asked if we might be able to comparison shop using public records to see how much other towns were charged. Bodin said that might not be part of public records, but it could be. Ellis said that KP might be the most cost-effective option, and that the right line of questioning might reveal cost differences between legal firms.

Burbank asked if it was worth scheduling calls with the two firms, Ellis explained that this could be delegated or handled as a committee or in part. The members of the committee discussed whether it was too early to make a decision in regards to legal representation, informally deciding it was too early. Securing additional information from prior surveys and other sources was decided to be a priority. Burbank proposed shelving the discussion of representation for a later meeting.

### 4) MCTV 2022 Annual Report Feedback

Burbank noted that we were running up against time.

The CAC opts not to do a retrospective evaluation based on the 2022 report but instead to use it as a basis to provide feedback to MCTV as they prepare the 2023 report due on March 31, 2024. Discussion moved to a review of the most recent report from MCTV. Hager showed a list of requirements noted in the town's contract and pointed out items he was unable to find in the report in an itemized list. Burbank said that the details would be shared with MCTV for feedback on the next report.

## Next Meeting

Running against time, Burbank proposed scheduling the next meeting as Ellis had to step out. After deliberation, Tuesday March 5th at 5:30 PM was selected (subject to Kuklewicz's availability), to occur via Zoom.

Burbank entered a motion to end the meeting, seconded by Kristi, all are in favor. Meeting adjourned around 7:00 PM