

Montague Cable Advisory Committee
Meeting was remote by Zoom
Meeting Minutes for April 23, 2024.

Meeting convened 4/23/2024 5:00 pm via Zoom. This meeting was recorded.

Members present: Kristi Bodin, Jason Burbank, Ryne Hager
Also present: Steve Ellis, Dean Garvin, Walter Ramsey (partially), Karen Siwicki, Dana Faldasz, Bill August (partially)

Cable Advisory Committee Meeting Minutes

Quorum was established at 5:00 PM and the meeting was called to order at 5:01 PM.

Jason Burbank introduced the members of the committee and attendees to Bill August.

1) Review of prior minutes

Prior minutes were reviewed and one adjustment was made, changing the language regarding a statement about internet connectivity and the committee's authority therein to make the connection of that authority as tied to the committee more clear as follows: "Kristi pointed out that she felt the authority of the committee in regards to internet connectivity is limited." This was voted upon and accepted. Minutes subsequently passed.

2) Attorney Bill August of Epstein & August

Steven asked Kristi if the fee agreement discussed with Bill August needed any adjustment, and she did request that file retention be more explicitly defined and compatible with state requirements. Kristi noted that there was no retainer, which is fine, but that a baseline estimate of hours was preferred vs a simple dollars-per-hour. Bill said that this can vary dramatically based on how the town wants to do things, but that he'd have a better sense of the town's goals and possible hours tonight.

Bill reviewed the informal and informal processes that the committee may consider as part of the negotiation, and that we can expect an added expense of an RFP with a more involved process. Kristi explained that the committee was primarily considering an informal process.

Bill explained that there are categories that are open for negotiations: capital funding, the number of channels (up to three), and HD upgrades to those channels, and the “level playing field” clause. Upon being asked, Dean explained that the town was currently on SD channels. Bill urged Dean to continue to discuss things with Comcast’s techs, as they are often more transparent about what can be done.

“Stepping back,” at a simple level, Bill summarized: We need to ascertain our needs. One of the best things we can do is schedule a public hearing to engage the selectmen. It can be held by them or the committee. We invite Eileen from Comcast to show that we’re doing our due diligence. Invite some interested people who love the local channels and are familiar with town needs. It’s a show, but it has to be credible and show that we’re engaging in good faith.

Phase two, following ascertainment, is we draft a license and we give it to Eileen when it’s satisfactory, reserving the right for the selectmen to review it — a working draft. Then we enter into informal negotiations. With the limited time we have left, that means we need to start moving, and not show that we’ve left this all for the last minute.

If we keep an eye on the RFP option, knowing that we might want to issue one with about six months left to go on the contract, the best way to avoid having to do that is to use informal negotiations to determine that we don’t even need one. If we arrive at a reasonable agreement through the informal process, then we can prove we don’t need the RFP. And we are urged strongly not to just “talk at them.” Give them a draft and allow them to mark it up with changes.

The other ascertainment task, in addition to the public hearing, is generating needed documents. We need talking points and two budget documents: An equipment budget. Another strong ascertainment fact we can present is growth — anywhere there is growth. More sports coverage, more meetings, demand, programming categories, etc. It has to be credible, but it shows an increased need over time.

Bill can show us some nice equipment budgets that break things down into functional categories.

Bill asked questions about how the town currently connects to comcast and our plans regarding expanding comcast access infrastructure for local programming uploads. Steven noted that our current solution at the Town Hall presents ADA accessibility issues and that we’d like to see a build out of our town hall annex to make a community room that can be used for larger MCTV events and broadcasts, both increasing capacity and flexibility of broadcasts.

Bill said this is one of those things that varies greatly from town to town: architecture and origination to send content up to comcast. There are new technologies that are favored by many

of the studios where content can be streamed back to an origination location — Comcast uses the term “hubsite” for this. Dean explained that we’re currently using a solution like that by Comrex. Bill said that this could be a solution for the town instead of a new origination location there, and that we could ask Comcast for an equipment budget for that rather than a new origination location.

Bill says we need to get started on two budgets: Capital budget projections for the next ten years regarding equipment, studio costs, etc. A 10-15% contingency fund is reasonable to include here. Also an operating budget, to show we can actually use the 5%. Bill says that there’s a reorganization happening for Comcast in the state now.

Bill said that the subscriber counts through 2022 are available online. When the last license was signed we had 2672 subscribers. We lost 649 subscribers since then. That’s a 24% decrease. Comcast may use that to push back against any requested increases.

Siwicki joined the meeting at roughly 5:45 and Bill reviewed much of the above very briefly for her, reiterating that we need to begin ascertainment and start working on a draft to suit our needs.

The level playing field clause is also something Comcast will be pushy with. If we allow a competitor to get away with less, then almost all contracts will allow for adjustment to the same level following public hearing. Comcast used to claim they’d only pursue this if the competitor was another cable company, but now they’ll apply that to any “wire-line multi-channel video company.”

Ryne asked if that would apply to any data service of any kind, and Bill said that it could be interpreted in that way. Bill explained that in another circumstance this was able to be required to be attached to a cable license, but that is outside our power. Bill’s position is that, if we were to try to get 5% of gross revenue from a non-cable company, that it would interfere with their rights, as there is no law that would allow us to do that.

This new language on level playing field/competitive equity, a new in-kind benefit rule as of 2019 that limits us to 5% of gross and which limits “in-kind benefits” like free service to parts of towns as being part of that 5%. They may reserve the right to have us pay for that service or include it in that number, though Comcast has never invoked that power to Bill’s knowledge. HD service is new for many contracts. Just from 2021 to 2022 they had a 10% drop in subscribers in our area. 7% the year before, 6.5% the year before that. The loss is accelerating.

At 6:00, Steven reminded the committee that we still need to review MCTV and asked Jason if we wanted to move that to a later meeting, and it was decided not to when Bill explained he was nearly done summarizing what we’d need. Where and how to send additional documents was discussed. Bill also stressed that a budget from the town would carry more weight than one from a non-profit in discussions with Comcast.

Steven explained that we needed to reach out to Eileen soon to start things rolling. Bill said to schedule a public hearing and to invite her, and that it might be the easiest solution — this is the best opening move on the chess board. Bill will start a draft license, but we need to do the hearing first so that the draft can include public input.

Bill stressed that if we wanted one of our channels to be HD (which might not be accessible to all subscribers), that limits one of our channels to HD. Two channels become one SD and one HD, and not all can be accessed by all subscribers. Three channels could be better for that. Dean said that our channels are currently 9 and 1070, and we're only broadcasting on one. Bill explained we'd be unlikely to ask for a third, in that case, without proof of saturation of the existing channels.

Steven said that, though it wasn't required to sign an agreement with Bill by Monday, we would need the changes discussed with Kristi by then, and Kristi stated that they'd be sent soon.

Jason asked if cable subs included internet subscribers, and Bill explained that it does not, and plan types that include cable and how that is divided for the purposes of this allocation were discussed. Bill asked if he could see the prior payments to the town and other data sent from Comcast to the town.

Bill said that the town's goals were to his satisfaction and that our expectations didn't seem unrealistic and that our interests and demands for Comcast wouldn't be impossible. Dean reiterated that his interests for MCTV weren't outside what was discussed. Ryne raised that some people in town still aren't served by cable TV and that could be something to discuss as well, and Bill said this was an important point. However, Comcast won't agree to universal service as a practice, he's tried and they won't do it. They'll do it on certain streets based on density or they'll agree to contribute up to a certain number on a street while homeowners have to pay the difference based on a formula. But we can work with them on applying for MBI money. However, we can't deliver 100% coverage. Dean also stated that when they do cover it, that also comes out of the 5%. Comcast's requirements and logistics in extensions were discussed.

Bill then signed off, reiterating that he's very informal, and we can cold call him as needed.

3. Continue MCTV 2023 Annual Evaluation

MCTV's various requirements and needs were discussed. Standout issues included more details on training and a lack of long-term strategic vision and planning expressed in the documents provided by MCTV, though the latter was mitigated by a death at MCTV.

The committee presented its final score following the discussion.

To what extent do narrative reports, testimonial, and/or observation suggest that MCCI is fulfilling its performance expectations relative to:

	Entirely	Mostly	Partly	Not at All
Scope and quality of program	3			
Outreach and engagement	3			
Community and member training	2	1		
Capital asset management	3			
Fiscal management	3			
Strategic vision			3	
	Excellent	Good	Fair	Poor
Overall Rating of MCCI	2	1	0	0

4. Next meeting

The next meeting was discussed as being a couple weeks out regarding ascertainment and the first public hearing, set for May 7th. Ryne asked if all of the current meeting was public record and it was.

Meeting adjourned before a motion to adjourn could be passed when quorum was lost due to an interruption at 7:06 PM.