Minutes – June 3, 2021, PAAC meeting

Meeting -- Date, Time, Location: PEG Access Advisory Committee (PAAC) Meeting, Thursday, June 3, 2021, 1:00 p.m., via Zoom. Video link: https://www.youtube.com/watch?v=thhpHMPA&ab_channel=MinutemanMediaNetwork

1. Roll Call – Chair Karlen Reed called the meeting to order at 1:00 p.m., announced it was being recorded, and reviewed the agenda. Present with Ms. Reed were PAAC members Ruth Lauer, Vince Carlson, and Court Booth (School Rep.); Terri Ackerman (Select Board Liaison rep), Carole Cushing (COA liaison), David Allen, Nancy Pierce, Lois Suarez, Paul Gill, Frank Breen, Erin Stevens; DTC staff Michael Mael, Lindsay DeRoche, and Courtney Walker. Absent: Scott Hopkinson.

2. Meetings and Minutes – The minutes for May 6 were approved. The next meeting will be Thursday, Sept. 9, 1:00 p.m.

3. Massachusetts Department of Telecommunications and Cable (DTC) presentation --
Michael Mael, Lindsay DeRoche, and Courtney Walker of the DTC gave an overview of the DTC’s cable activities and regulation parameters, described the cable franchise renewal process, and answered the PAAC’s questions. Mr. Mael noted that the DTC maintains an on-line database of all cable licenses, acts as the dispute-resolution body for issues that arise during franchise negotiations, and provides towns with technical information such as time frames. The DTC recommended we look at other towns’ negotiated licenses for ideas on contract terms. They explained the ascertainment phase, where a town determines its current and future needs for cable TV and public access. At least one public hearing must be held before the contract is signed, preferably as part of the ascertainment process to allow the public to weigh in. The DTC recommended meeting with various stakeholder groups (police, fire, schools, etc.) and sending a survey on Comcast’s performance.

Mr. Mael observed that Concord should have received its Sec. 626 letter from Comcast seeking to begin the license renewal process. Towns can use an informal process if there are few areas of dispute. Ascertainment should be completed 6-12 months before the license expires. Then the Town provides its findings to Comcast, which then can draft the proposed license. After the Select Board receives Comcast’s proposal, the Select Board has 120 days to either grant or deny the license, and typically will ask for the PAAC’s involvement and recommendations. The Select Board is the license issuing authority. If the Select Board denies the license proposal, the Select Board must send the DTC a Preliminary Assessment of Denial notice. Comcast’s license term is typically 10 years. Some towns seek and are granted time extensions.

DTC staff described some contract factors to consider: the term of renewal (e.g., 10 year term), service territory, line extension (homes passed per mile), standard installation rate, long drops, system upgrades for future technology, and capital grant. Formerly free drops (providing cable TV service, not their installation) to Town and School buildings will now be counted as part of franchise fee as in-kind benefits, based on a recent FCC ruling. Towns now have three choices on these drops: 1) the Town discontinues the use of cable drops, 2) Comcast assigns a cost to the drop and they deduct it from the franchise fee payment to the Town, or 3) Comcast bills the Town separately for the drops. A recent 6th Circuit appellate ruling (July/Aug. 2021) on the FCC order held that cable operators like Comcast can charge only the incremental cost, not the retail cost, for
the cable TV service being delivered to a Town building. Some towns are evaluating whether they still need these drops. Comcast is also consolidating the reporting of some of its operating fees on customers’ bills.

When asked about the use of consultants, Mr. Mael noted that towns take different approaches – some hire consultants for all, part, or none of the renewal process. The Select Board will guide the hiring process and may want to consider using a consultant for the strategic planning portion. Most towns have state-of-the-art cable TV platforms include, e.g., high-definition, DVR, broadband, wireless, home security services, which provide Comcast with revenues. Regarding deregulation, cable rates are not regulated any more (though the franchise process is still regulated), and some cable operators (e.g., Verizon) are heading towards wireless services via 5G that do not require a franchise agreement. Cable revenues statewide are declining while internet revenues are increasing. The DTC finished the presentation and encouraged the committee members to reach out if any questions arise.

4. MMN Update – Phil Lupsiewicz, station manager, said MMN posted over 40 meetings in May and several community-produced programs. MMN is working on projects with the farm mural, the Carlisle garden tour, and the CCHS orchestra. The lead producer position should be filled soon and MMN hired a part-time videographer; still, MMN is treading water (i.e., is understaffed).

5. PEG Access Program Awards – Karlen gave an update on this award program. Bill Crosby of Crosby Design is working on the plaque. When the plaque is done, a presentation will be made with a press release sometime this summer.

6. PAAC Charge – The committee reviewed the proposed changes to the PAAC charge, which reduced the number of voting members from 7 to 5 and reduced the citizens-at-large from 5 to 3. The Committee approved these changes and asked the Chair to forward the revised charge to the Select Board for consideration and approval.

7. Liaison Reports and Public Comments – Vince said he was looking into a pilot project with Concord Light Broadband to get fiber into multi-unit dwellings. He reported there was federal money that might support this project. Article 41, which would create a new broadband committee, may be related to this. Karlen reported that the PEG’s supporting statement on Article 41 is in the Town Meeting materials. Lois Suarez and others in the meeting thanked Ruth Lauer for her service on the committee.

Reed adjourned the meeting at 2:30 p.m.
Submitted by Karlen Reed, chair.
Approved on Thursday, September 9, 2021