

**City of Lincoln**  
**Telecommunications/Cable Television Advisory Board**  
**Meeting Minutes – August 4, 2014 - Special Meeting**

**Members Present:** Paul Barnett, Steve Eggland, Matt Hansen, Ed Hoffman, Linda Jewson, Jim Johnson, Laurie Thomas Lee, John Neal, Art Zygielbaum

**City Staff:** Diane Gonzolas, Steve Huggenberger, Bill Luxford, Jamie Wenz, Beau Wolfe, David Young

**Representatives of Time Warner Cable (TWC):** Jarad Falk, Bill Austin (attorney appearing on behalf of TWC)

**Call to Order**

Meeting was called to order at 12:00 noon by chair Ed Hoffman. Hoffman made note of the copy of the Open Meetings Act at the back of the room. Board members and guests introduced themselves.

**Resolution of Appreciation for Bill Luxford**

The board presented Bill Luxford with a certificate of appreciation for his many years of service to the City as Operations Manager of the City's TV studio. Board Chair Ed Hoffman read the resolution and presented the certificate to Luxford.

**Old Business**

***Performance evaluation of Time Warner Cable***

Hoffman thanked committee members John Neal, Laurie Thomas Lee, and Art Zygielbaum for their work in putting together a draft copy of the performance evaluation. Hoffman asked board members for comments, first general comments on the document as a whole followed by more detailed discussion of specific findings.

Johnson suggested that in the first sentence of the fourth paragraph of the Executive Summary, we change "included" to "includes."

Huggenberger commented that we've received other emails and comments from other subscribers since the public hearing, and these should be included in the numbers for Attachment 2.

Questions with respect to the various sections:

Comments on Finding (1): No comments

Comments on Finding (2): Changed "where" to "when" in the last paragraph. Changed "sponsorship" to "underwriting" in both locations where it occurs. Removed "decreased" from both of these locations, changed wording of the second to "underwriting concerns."

Executive Summary: Change "get" to "obtain."

Regarding Item (1), Eggland asked Jarad Falk if TWC has the capability to track viewership of PEG channels. Falk said it could be done, but at a very great expense. Eggland said that cable TV is the only medium which sells advertising based on what people are watching; yet you are telling us that you can't tell how many are watching. Falk said that at the top tier level they can. What matters to their station in Kansas City is who is watching in Kansas City.

Item (3): In the sentence reporting on the statistics (sentence beginning "During the Performance Evaluation ...") Huggenberger has looked through the numbers; he gave us updated numbers. Gonzolas believes that there were three additional comments received as of the August 1 deadline date but she was out of the office and unable to process until later; also, one of the three was stopped by the City's spam filter and was unable to be received until she got back in town.

Item (4): No comments.

Item (5): Zygielbaum received two complaints from friends of his regarding rates; one asked the company about it and the TWC representative which he talked to asked what he would like it to be. They changed it, but then that adjustment disappeared later. Eggland said that he had a similar experience; his cost went down \$50/month after he called to complain, but he needs to keep

calling back whenever the rate goes back up. Zygielbaum is more concerned about the lack of communication than the rates themselves; Hoffman agrees.

Recommendation 1: No comments.

Recommendation 2: Hoffman said that in other communities, there have been recommendations that the PEG channels be consistently placed so that viewers with different kinds of equipment can find them. Laurie Thomas Lee commented that we should change "on" to "with" in the last line.

Recommendation 3: Hoffman said that very few people these days actually submit written complaints; phone and email are much more common.

Hoffman said that he would like to see TWC add a breakdown of the total percentage of complaints by complaint category.

Zygielbaum said that he didn't think that would add anything; Laurie Thomas Lee agreed.

Laurie Thomas Lee said that we should copy the "periodic aggregated data and trend data" section into the Executive Summary as it is on the recommendation; the version on the recommendation is more readable.

Recommendation 4: Hoffman thinks that we should have had more warning on the PEG channel changes. Laurie Thomas Lee thinks a year might be a long time in the telecom world. Zygielbaum asked how long is appropriate; Laurie said maybe 6 months. Zygielbaum asked Falk what kind of schedule TWC might think is appropriate; Falk said 30 days for price increases. Zygielbaum said that he was referring more to equipment changes. Falk said that they can't promise less than their current standard of 30 days. Zygielbaum said that it would be nice to have it at least 90 days, giving the Cable Board time to look into the matter if needed. Consensus was to change "one year" to "90 days."

Huggenberger commented that he assumes that there will be a motion at the end to approve all the changes, correct. Hoffman said yes.

Recommendation 5: No comments.

Recommendation 6: No comments.

Recommendation 7: Change "TCTAC" to "TCTAB".

Huggenberger asked if it is the intent of the board that we have an annual performance evaluation? Zygielbaum and Neal said yes.

Hoffman asked for other board comments; there were none.

Huggenberger asked Falk how costly it would be for TWC to do the PEG reporting. Falk said it could be up to 1/2 million dollars. Gonzolas said that the City has been able to do surveys for about \$40,000.

Neal moved approval of the report pursuant to the changes; Hansen seconded. Motion passed 9-0.

#### ***Update on cable franchise transfer request from Comcast***

We were given a template with three choices:

- (1) Approve.
- (2) Deny.
- (3) Approve with conditions. (Conditions will be discussed separately if we go with Item (3).)

Huggenberger explained the three options.

Hoffman: Wouldn't recommend denial, wouldn't recommend unconditional approval; would be OK with approval with conditions. Wants to hear what others feel. The board took a ten minute recess at 1:05 to look over the template.

After the recess, Zygielbaum moved that we go with Item(3); Johnson seconded.

Hoffman said that before the final vote he would like to hear whether ComCast has any comments.

Hoffman: Agrees with each of (a) through (w) on the template.

Lee had a question about (f): Is there a time frame? Huggenberger said that he has not given a suggestion about how to evaluate that. Hoffman doesn't think we can put a numeric timeline on this. Jewson said that presumably they could change the rates 30 days later. Zygielbaum said that Comcast may have a different base rate than TWC. He doesn't know how one can separate that from other price increases. Zygielbaum said that we could possibly specify that any increase within 90 days would have to be approved by the City. Huggenberger said that without some kind of an audit effort it would be difficult to enforce this. Jewson said that would be comparing apples to oranges; the service bundles may be different.

Hansen asked if we would provide (a) through (w), what kind of teeth would we have in making this happen? Huggenberger said that the City is not waiving any issue that could exist with TWC in the transfer to ComCast. Zygielbaum asked whether Huggenberger thinks that this would give the City sufficient support to negotiate with the franchisee. Huggenberger thinks we could ask for an explanation of a rate increase, but doesn't think that we could prevent one. Huggenberger said that on the national level, there has been discussion that a city may be giving up rights in a franchise transfer unless the city specifies that they will not be giving up those things.

Zygielbaum's motion to approve with conditions as specified in (a) to (w) passed 9-0. Recommendation will be forwarded to the Mayor and the City Council.

**Public comments**

Hoffman asked if there were public comments; there were none from the public.

Laurie Thomas Lee asked what has happened to channel 6, WOWT in Omaha. Falk said that the channel was on Channel 6 briefly, but there is now a new Lincoln affiliate which has been moved to Channel 6, and WOWT has been moved to Channel 83.

**Adjournment**

Meeting was adjourned at 2:00 p.m.

Respectfully submitted,  
Jim Johnson, secretary