

# Cable Advisory Board Minutes

## January 24, 2008

### Board Members:

Present: Donna Behlen, Herb Friedman, Mary Herres, Jerrod Jaeger, Jim Johnson, Laurie Lee, Stuart Long, Scott Young, Art Zygielbaum

Absent: Jon Rehm, Herb Schimek

Others Present: Steve Huggenberger (City Attorney's office), Al Laukaitis (Lincoln Journal Star), Adam Ziegler

In the absence of the chair, vice-chair Stuart Long called the meeting to order at 4:03 p.m.. Board members and guests were introduced.

### MINUTES:

Minutes of the October 25, 2007 meeting were read. Stuart Long proposed the following correction: Substitute the following for the last paragraph on bottom of column one on page two which begins "Zygielbaum moved ...":

"Long moved his amendment to Rules Governing the Television Access Channels. Zygielbaum seconded. Motion passed 9-0. (Schimek and Friedman had left the meeting.) Zygielbaum moved that the board recommend to the city that it find money to purchase a new server for Channel 10. Long seconded. Motion passed 9-0."

Johnson also indicated that Ann Shrewsbury from Time Warner Cable (TWC) had passed on a second correction: Dave Norris had been misidentified in the list of visitors present as being with TWC. Mr. Norris is actually with the City's Citizen Information Center.

Minutes adopted as corrected.

### ELECTION OF OFFICERS FOR 2008:

This being the annual meeting, we voted on officers to serve until the next annual meeting.

For the chair, nominees were Jon Rehm and Art Zygielbaum. Zygielbaum won 5-3.

For vice-chair, nominees were Herb Friedman and Stuart Long. Friedman won 5-2.

For secretary, sole nominee was Jim Johnson, who won 8-0.

### OLD BUSINESS:

#### (A) Update on negotiations with TWC:

Huggenberger reported that he and the Mayor had met with TWC about two weeks ago, following several meetings in the interim between the last Cable Board meeting. Prior to the meeting a couple of weeks ago, TWC had expressed interest in adding other topics on the agenda. The City would also have had other topics to consider; so negotiators decided to just stick to the Cable Board requests. Disposition of these were as follows:

(1) Redesign of Web site, specifically moving toward a model based more on the TWC New York & New Jersey site: TWC agreed to look at their Nebraska site and report back to the City on the feasibility of changing it.

(2) Cable Subscriber Bill of Rights: Negotiators were working with the Los Angeles bill of rights which had been supplied with the initial Cable Board documentation, and TWC agreed to review that document to the extent which it does not create new rights which are not granted by federal law.

(3) Increase reporting of complaints: For one year, TWC will report to the City on written or e-mailed complaints. After one year, TWC and the City will review the process and determine if it should continue.

(4) No beta testing: TWC will set up and publish a policy that precludes beta testing in the Lincoln market without notice. Huggenberger has requested that they put "skin on those bones" and give their definition of beta testing. TWC has indicated that they do not accept the definition of beta testing that was in the CAB report.

(5) Skipped over this request until after discussion of (6) and (7).

(6) Allow use of either Passport or Navigator if technically feasible: TWC said that it's not technically feasible to allow both options.

(7) TWC is not of a mind to do that at this time.

(5, revisited) Compensation: Rather than a blanket compensation of some kind, TWC will continue to compensate customers on a complaint basis, as before. They did agree, however, to participate more actively in community activities, and to be a better corporate citizen. The Mayor has determined that this is as much as the City will be able to get, so he directed staff to accept this.

Friedman commented that handling customers on a complaint basis sounds like a case of "the squeaky wheel getting the grease."

Zygielbaum asked if someone who might have been waiting on the negotiations before calling in a complaint would still be able to call in now. Huggenberger said that there is no statute of limitations, but there are also no guarantees that satisfactory compensation will be granted.

Behlen said that it would be nice if TWC had a complaint policy.

Friedman said that it's been delayed so long now that the issue is basically dead, and people have just given up on getting help. However, he said that if the City has chosen to leave the issue, then the Cable Advisory Board needs to move on as well.

Lee said that we should continue to monitor the situation.

Zygielbaum said that we could see about getting together a form for complaints.

Long said that he thinks it would be helpful if more people are aware of our Cable Board activities; he intends to request during new business that our meetings be televised.

Long asked about complaints, specifically phone complaints which will not be part of the one-year reporting that TWC agreed to give the City. He said that when we were discussing the proposal, we wanted phone complaints to be reported as well. Huggenberger said that he had always assumed that if we received reports of phone complaints, that would have to be a summary rather than a detailed report.

Long asked if we could get a list of the e-mail complainers' e-mail addresses, so we could contact them if we choose to. Huggenberger said that the reason for the trial period is to figure out what's workable.

Long moved that we set up a subcommittee to assist Huggenberger in drafting the reporting form. Johnson seconded. Motion passed 9-0. Subcommittee members were selected: Long, Behlen, and Young.

Jaeger read a prepared statement, thanking Huggenberger and the City for their work on this. But he said in his statement that he feels the outcome is unfortunate because it doesn't bring a complete release of the money that people deserved in compensation for the Navigator. He fears that the publicity generated will make the public have a false sense of security.

Friedman moved that we draft a resolution stating that we're unsatisfied with the decision. After seconding and amendments by Jaeger and Lee, Friedman's motion became the following:

*The Cable Advisory Board is dissatisfied with the decision of Time Warner Cable not to compensate customers in a global manner for their Navigator problems. Since Time Warner Cable has agreed to handle complaints on an individual basis, the Board recommends that citizens who feel that they have been unfairly treated be encouraged to contact Time Warner Cable via written communication, or pursue private remedies.*

Motion passed 9-0.

#### **(B) Competitiveness Study**

Lee had looked for information on studies that are out there. She brought a packet of information on competition in cable markets. She had wanted to see if we could set up some sort of metric to measure our service. She distributed copies of an article she had found that had attempted to do that for a market in Taiwan. She said that cable companies are mindful of competition that's coming very soon not only from phone companies but also from the Internet. The industry is migrating to offering of commercial telephone and Internet services. Zygielbaum asked if that would affect the market; Lee is not sure.

Lee wanted to know if we think we can pursue this study, given our lack of financial resources.

Friedman wanted to know if Huggenberger thinks that there will ever be cable competition. Huggenberger said yes, he expects there will be some at some point, but he's not sure when.

Long commented that Tacoma WA is similar in size to Lincoln, and public power customers there have had competition of

public vs private for some time. He said that basic service at Tacoma Click! was \$30.35, as opposed to \$55.55 here in Lincoln.

Long and Herres pointed out that there is a petition currently being circulated to let Nebraskans vote on letting public power into telecommunications, including cable.

A subcommittee will meet and discuss these issues at greater length.

#### **NEW BUSINESS:**

Conversion of broadcast channels to digital in 2009:

Zygielbaum said that he's still concerned that when broadcast channels go digital, cable companies may decide not to convert their customers. Herres reiterated as she had during an e-mail discussion on the matter that the conversion will only affect people who get their broadcasts through antennas. Zygielbaum agreed that the conversion is only required for broadcast channels, but he thinks that cable companies might decide that it doesn't make financial sense for them to do the conversion, and that customers will then have to buy a box. Herres repeated that cable customers won't have to buy boxes. Jaeger commented that the FCC ruling only applies to broadcast channels. Zygielbaum agreed; just thinks they might go that way anyhow. Issue was put on hold for now given that we have no real action that we can do on it.

Long moved that we televise Cable Advisory Board meetings on Channel 5. Jaeger seconded. Friendly amendment was made to request that CIC and/or the Mayor's office sponsor the televising of the meetings, in order to give us a sponsor so that we can be placed on the air under Channel 5 rules. Motion passed 8-1, with Lee dissenting.

Since TWC has promised to renew their community commitment efforts, Zygielbaum moved that we ask TWC to give periodic reports on their community service involvements. Motion passed 8-1, Behlen dissenting.

Zygielbaum thanked Rehm and Long for their service as Cable Board officers for 2007.

Meeting adjourned at 5:28 p.m.

Respectfully submitted,

*Jim Johnson, Secretary*