

**Minutes of the Harvard Community Cable Access Committee Meeting
March 12, 2014**

(Approved on April 9, 2014)

The Meeting was called to order at 7:08PM.

Attendees

Bill Johnson (Chair)

Steve Adrian (Member)

John Burns (Treasurer/Recording Secretary)

Mitch Norcross (Deputy Chair)

Robert Fernandez

Minutes of the February 12th meeting were approved as submitted.

Mr. Burns provided a summary of the HCTV operational budget and relocation budget. Spending continues on plan with a projected EOY balance of under \$1000 not including the annual deposit of subscriber fees which is estimated to be \$26095.48.

Mr. Johnson lead a review of the action item list with the following resolutions:

- Mr. Burns summarized the investigation of closed captioning (**AI-20130124-2**) which was documented in an e-mail to committee members. Based on evolving technologies and the continuing impact on operational costs (closed captioning is labor intensive), he recommended that HCTV not invest in closed captioning at this time but to include it in the later part of a 10-year plan. The action was closed.
- Based on the decision to hold portions of the Video Production course in Bromfield classroom, **AI-20131114-2** was closed.
- Mr. Adrian reported that further progress has been made on the Partnership Agreement with representatives of the COA (**AI-20131211-1**); some details remain but COA is on board and stated that we could mention their support in preparations for Article 24 of the 2014 Annual Town Meeting.
- Mr. Burns summarized the investigation of telephone service (**AI-20140212-1**) which was documented in an e-mail to committee members. Level of service has not changed as a result of the relocation. Recent increased bills reflect increased use of long distance services. All calls are charged on a per minute basis so we should simply be aware of that fact. It was agreed to close the action item.
- Mr. Norcross provided an update on his evaluation of TRMS server software updates. The vendor states that the updates will solve some of the problems we have experienced but Mr. Norcross suggests that we proceed cautiously. **AI-20140212-2** remains open.
- Mr. Norcross provided a summary of "special" email addresses available to @HarvardCableTV.com and their intended use. It was agreed to close **AI-20140212-3**.
- With the successful launch of the video production course, it was agreed to close **AI-20140212-4** and **AI-20140212-5**.

- Mr. Johnson reported that he had received the requested feedback on the Consolidated Goals sheet. The document remains a working document and additional feedback is welcome. It was agreed to close **AI-20140108-2**.

As part of the station managers report, Mr. Fernandez reported that two volunteers (part of the COA tax write-off program) have been trained to assist in recording meetings in the town hall meeting room; additional training will be provided to support Volunteer Hall and ATM recording. Mr. Fernandez accepted **AI-20140312-1** to prepare a monthly schedule for meeting recordings by individual including the upcoming ATM. The intent is to maintain and make this available on a monthly basis.

No members of the public were present for Public Comments.

In preparation for coverage of the ATM to be held in Cronin Auditorium, Mr. Fernandez reported that he, Mr. Adrian and Mr. Dunn will set up a test of the portable equipment in advance of the meeting (to ensure availability at the time of the meeting). Coverage of the meeting will be provided by committee members and the COA volunteers.

Mr. Johnson lead a discussion of preparation for support of the HCTV facility warrant article (Article 24). Over the next month, members of the committee are reaching out to community groups including parents (through the schools) and seniors (through COA) to garner support for the article. In support of this outreach, HCTV will host the weekly COA Men's Coffee on March 19 at the facility; Mr. Johnson accepted **AI-20140312-2** to document in pictures and possibly video the coffee for use in other promotions. In addition, as was done last year, we will set up an information booth at the ATM. Mr. Johnson accepted **AI-20140312-3** to prepare (with support from Mr. Dunn) a handout. Mr. Fernandez accepted **AI-20140312-4** to update the poster board used at the Video Production kickoff. Mr. Fernandez accepted **AI-20140312-5** to set up the continuous screening of the "Bromfield News Launch" Video.

Mr. Johnson presented the previously distributed Contract Renewal presentation included as Attachment 2. Near term goals include determining town infrastructure upgrades to be requested and town investment requirements for each HCTV goal. The first will be lead by Chris Boyle, Harvard IT specialist; Mr. Burns accepted **AI-20140312-6** to assist Mr. Boyle. Mr. Burns also accepted **AI-20140312-7** to lead the effort in determining the investments costs; members of the committee will be requested to assist by costing one or more of the goals. (These are not detailed cost estimates; simply order of magnitude costs to help budget capital investments and ongoing operational costs.)

From the Policy and Procedure Working Group, Mr. Norcross lead a discussion of the work-to-date on the Facility Access policy. Mr. Norcross expressed concern that the "devil was in the detail"; Mr. Burns suggested that in order to move forward, we should recognize that the policy should be at a high enough level to guide the details and that the details are in the procedures. After a lengthy brain-storming session, Mr. Norcross accepted **AI-20140312-8** to incorporate the ideas and distribute a draft of the Facility

Access Policy by COB March 16. Similarly, Mr. Norcross accepted **AI-20140312-9** to distribute a draft of the Equipment Access policy by COB March 16.

Messrs Burns/Norcross moved/seconded to adjourn. With a unanimous vote, the meeting adjourned at 10:00PM.

Respectfully submitted by:

John Burns

Attachment 1 - Action Item Summary

Attachment 2 - Power Point presentation "Harvard Cable License Renewal Process"

Action Item Summary

AI-	Actionee	Description	Status
20130124-2	John Burns	Investigate the possibility of providing closed captioning for locally produced programs.	Closed 20140312
20131114-2	Robert Fernandez et al.	Present a recommendation to the committee at the December 11 meeting for hardware and software to augment the resources available for the Video Production course.	Closed 20140312
20131211-1	Steve Adrian	Draft a Partnership Agreement with representatives of the COA	Open
20140212-1	John Burns	Investigate telephone charges and level of service.	Closed 20140312
20140212-2	Mitch Norcross	Evaluate updates for TRMS video server.	Open
20140212-3	Mitch Norcross	Provide the committee with a list of @HarvardCableTV.com e-mail addresses and their intended use.	Closed 20140312
20140212-4	Bill Johnson	Poll the interested students for time and day preference for Video Production course.	Closed 20140312
20140212-5	Committee	Provide availability for support of the course.	Closed 20140312
20140212-6	Committee	Provide comments on the consolidated goal sheet prepared by Mr. Johnson by Feb 16.	Closed 20140312
20140312-1	Robert Fernandez	Prepare a monthly schedule for meeting recordings by individual including the upcoming ATM	Open
20140312-2	Bill Johnson	Document in pictures and possibly video HCTV hosting of the March 10 COA Men's Coffee for use in other promotions	Open
20140312-3	Bill Johnson	Prepare (with support from Mr. Dunn) a handout for use at ATM to support Article 24.	Open
20140312-4	Robert Fernandez	Update the poster board used at the Video Production kickoff with new material for use at ATM to support Article 24.	Open
20140312-5	Robert Fernandez	Set up the continuous screening of the "Bromfield News Launch" Video for use at ATM to support Article 24.	Open
20140312-6	John Burns	Assist Mr. Boyle in determining town infrastructure upgrades to be requested from Charter as part of contract renewal.	Open

AI-	Actionee	Description	Status
20140312-7	John Burns	Lead the effort in determining the investments costs for each HCTV goal in the 10 year plan.	Open
20140312-8	Mitch Norcross	Distribute a draft of the Facility Access policy by COB March 16	Open
20140312-9	Mitch Norcross	Distribute a draft of the Equipment Access policy by COB March 16.	Open

Harvard Cable License Renewal

Cable License Renewal Working Group

March 2014

Cable License Renewal Working Group

- Tim Bragan – Town Administrator
- Bill Johnson – Chair, Local Cable Access Committee (HCTV)
- Stu Sklar – BOS liaison to HCTV
- Jonathon Williams – 2005 Chair, HCTV
- Chris Boyle – Harvard Director of Technology
- Cable TV contract lawyer (tbd)

Current contract with Charter

- 10-year franchise license expiring 1/17/2015
- Non-exclusive [but no interest by competitors]
- Services guaranteed to Town
 - Distribution of cable services to all existing residences meeting minimum housing density requirements, and all new homes within 250 feet of system at published installation rates
 - System is capable of operating continuously (24/7) at federal standards
 - Operate existing bi-directional Institutional Network (INet) connecting municipal buildings; extend network as requested for free
 - Three Upstream and Three Downstream channels for local non-commercial video/audio programming that are interconnected to subscriber network
 - Subscriber rates conform to state regulations

Current contract with Charter (cont'd)

- **Payments to Town**
 - One-time \$80K payment on 3/7/2005 to “purchase, lease, and/or improve PEG Access equipment and facilities”; Town has ownership rights to all such equipment and facilities
 - Annual payments that started at \$20K in 2005 and grew 3%/year [\$25,335.40 in 2013]
 - Annual license fees of \$0.50/subscriber [\$746 in 2013]
- **Rights granted to Charter**
 - Construct, maintain and operate a cable service along Harvard public ways
 - Full ownership of cable service distribution system
 - License can only be revoked for cause if Charter fails to cure or respond

Cable TV License Renewal Process

- Formal process established by Congress
 - Protects Issuing Authority's (Harvard's) rights to a cable TV system that meets its needs and interests
 - Protects Licensee/Franchisee's (Charter's) existing investment from an unfair denial of a renewal license
- Phase I: Ascertainment
 - Issuing Authority reviews past performance of the current licensee, and determines services and terms to be considered for new license
 - Issuing Authority issues RFP to licensee that incorporates ascertainment results and sets a deadline for response (generally 30 days)
- Phase II: Review of Proposal
 - Licensee responds to RFP with a written Formal Renewal Proposal
 - Within 120 days, the Issuing Authority reviews proposal and makes preliminary assessment as to whether to renew the license
 - A non-renewal assessment requires a formal administrative hearing that reviews and documents evidence on:
 - Compliance with existing contract and applicable law
 - Quality of cable operator's service, including signal quality, response to consumer complaints, and billing practices
 - Legal, financial and/or technical ability of the cable operator to provide the services, facilities and equipment as proposed
 - Reasonableness of the proposal to meet future cable-related community needs and interests, considering the costs of meeting such needs and services

A written renewal decision must be issued after the hearing
- Massachusetts Cable Television Division
 - Oversees licensing/relicensing and ensures compliance with laws
 - Acts as appellate body for denial of a license renewal; appeal must be filed by licensee within 30 days

Proposed Phase I Process

- Review and summarize the last 10 years of documented Charter performance [March]
- Draft a time-phased list of Town needs and interests for the next 10 years [March]
- Collect and incorporate feedback from residents [April/May]
- Submit a formal document to Charter by June 15, 2014

Review and summarize the last 10 years of documented Charter performance

- Resident surveys (2009 and 2012)
- Local Cable Access Committee annual reports and meeting minutes
- Emails to Local Cable Access Committee and Town administration
- Written perspectives of past Local Access Committee chairs and Town administration staff
- Charter's records of service interruptions and customer complaints

Draft a time-phased list of Town needs and interests for the next 10 years

- Determine Town goals for next 10 years [HCTV/BOS/public input]
 - Infrastructure
 - Institutional Net (INet) capabilities
 - Subscriber cable network capabilities
 - Local access channel, facility, and equipment capabilities
 - Content creation: Public, Educational and Government
 - Public services
 - Videography training
 - Facility/Equipment Access
- Determine Town investment requirements for each goal [HCTV]
 - Capital
 - Staffing
 - Non-labor operating expenses
- Create 10-year funding model [HCTV]
 - Charter funding [Cable Contract Team]
 - Other funding [HCTV]
 - Corporate sponsorships
 - Grants
 - Fees for services

Collect and incorporate feedback from residents

- Publicize preliminary ascertainment results on Town website
- Solicit subscriber input during April 2014
 - Post solicitation for email input on HCTV Bulletin Board
- Hold a public hearing in May conducted by the BOS and the Local Cable Access Committee

Proposed Phase II Process

- Submit the formal license renewal RFP incorporating Ascertainment results to Charter by June 15, 2014
- Require the Formal Renewal Proposal from Charter by July 15, 2014
- Assess [including public hearing in August] whether to accept proposal by September 16, 2014
- If decision is to NOT accept proposal:
 - Give Charter opportunity to respond with new proposal
 - Solicit proposals from other providers

We anticipate a difficult negotiation

- **Charter is a sole source provider without competitive threat**, due to prohibitive cost of wiring another network in parallel
- Harvard is not an attractive growing market for Charter, or for any cable supplier for that matter → **we offer no “carrot”**
 - Stagnant subscriber growth [2012: 1492sub 2007: 1487sub 2003: 1465sub]
 - Subscription rates regulated by the state
- With the exception of some signal quality issues, Charter has reasonably met its contract requirements → **we have no “stick”**
- Charter’s MA cable business as a whole is declining:
 - 1998: 212,800 subscribers; 11.30% market share
 - 2005: 213,475 subscribers; 10.66% market share
 - 2012: 184,851 subscribers; 8.48% market

Charter appears far more interested in acquiring new markets than maintaining current ones