

FIVE TOWN CABLE ADVISORY COMMITTEE  
Representing the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge  
Minutes  
December 19, 2017  
6:00pm  
Great Barrington Town Hall  
334 Main Street  
Great Barrington, MA

Members Present: Linda Miller –Lenox  
Steven Moritz – Lee  
David Parker - Lee  
Tom Hatch – Great Barrington  
Rene Wood – Sheffield

Others Present : Rhonda LaBombard – Sheffield Town Administrator  
Natalie Hawver – Sheffield Selectman  
Jennifer Tabakin – Great Barrington Town Administrator  
Ed Abrahams – Great Barrington Selectmen  
Christopher Ketchen – Lee/Lenox Town Administrator  
Anna Lucey – Charter  
John Fogarty – Charter  
Frank Boehlke – Charter  
George Doin - Charter  
Will Ryan – CTSB  
Eileen Mooney – The Newsletter  
Denise Curtin – Recording Secretary  
Approximately 25 – 30 attendees

6:01pm Linda Miller called the meeting to order.

- Motion was made by Linda Miller to break into Executive Session.
- Motion seconded by Steve Moritz and Tom Hatch.
- Rene Wood asked what the purpose of going into Executive Session was and Linda stated to discuss legal strategy. Rene stated that litigation has been discussed at many of our meetings and that it was in violation of the Open Meeting law to go into Executive Session as no litigation was pending.
- Rene requested that the Executive Session requirements be read from the Open Meeting Law. Linda Miller read the requirements.
- Rene said she would be filing a violation of the Open Meeting Law on the way the agenda was posted.
- No vote was taken to proceed with Executive Session and a decision was made to discuss in open.
- Linda Miller explained to the town officials that the committee had received information from counsel that litigation was not the best way to proceed because we don't have the deep pockets to go through litigation. (See attached email from legal counsel)
- Legal counsel reviewed the FCC regulations and suggested we work with our state legislature to move forward.
- The committee feels that the charges incurred with the encryption devices have placed a burden on our subscribers. Linda read the language from the contract, section 3.19.

- Spectrum's reason for encrypting the signal is to prevent cable theft. There have been no reported cases of cable theft in our 5 towns. The committee feels that the only thing the encryption is doing is forcing subscribers to get a boxes for \$6.99 per box, per month.
- Rene Wood read information from legal counsel and she does not believe that the 5 towns have a legal stand against Charter.
- Other issues were brought up that the committee is very dissatisfied with; Peg channels disappearing from the basic tier, important information being mailed 4<sup>th</sup> class mail, CTSB not being listed on the channel sheet that was mailed, among other items.
- Rene Wood made a motion to formally ask the Boards of Selectmen, or the executive authorities of the 5 towns to lend their influence to the 5 Town Cable committee and that they will go forward as they see fit to bring these matters (Charter/Spectrum matters) forward to the Attorney General and the Department of Telecommunications and Cable with the 5 town Advisory Committee acting as advisors to the 5 Towns.
- Discussion ensued with both Steve Moritz and Linda Miller commenting. Steve brought up the issue of being in the Albany, not Boston market through actions taken by the FCC decades ago.
- Rene Wood amended her motion to request the executives of the 5 Towns work to get the market area moved to Boston rather than receiving Albany channels. The motion and amended motion were seconded by Steve Moritz and passed unanimously.
- Motion was made by Linda Miller to recess for 3 minutes. Seconded by Steve Moritz. Motion passed unanimously and the meeting recessed.
- Meeting resumed at approximately 7:00pm.
- Motion was made by Rene Wood that there were many people there to speak and we should allow them to speak. Linda stated that there was time allotted for that on the agenda and that we would proceed with the agenda. No second to the motion was made.
- Christopher Ketchen, speaking on behalf of the towns of Lee, Lenox, Great Barrington and Sheffield indicated that the town officials have heard the desires of committee and will certainly be willing to step in and take the lead on contacting our legislative branch.
- They ask that all of the requests that the committee would like them to work on be put in writing.

Regular Quarterly Meeting will begin now.

MINUTES: Steve Moritz moved to dispense with the reading of the minutes of September 12, 2017 and accept as submitted. Seconded by Linda Miller. Rene Wood abstained from voting. The motion passed.

### **CTSB REPORT:**

Will Ryan, Board President gave report.

- CTSB board of directors have approved \$31,843 to have Spectrum run fiber to the four area high schools.
- CTSB will not support anything other than HD anymore.
- Anna Lucey from Spectrum said that they do not offer any Peg channels in HD. Question was asked is it possible and Anna will find out and reply to CTSB by January 15<sup>th</sup>.
- PEG channels -
  - Peg channels have been moved to digital channels 1301, 1302 and 1303. Who made this decision?
  - Can they be put back to channel 16, 17, and 18?
  - Can subscribers be notified somehow where to find these channels now (i.e. flyer insert in next bill, crawler on the screen)?
  - Spectrum will relay our request to return the channels to their prior location.

- Linda stated that we have the best community channels in the country.
- Their location is on Rt. 102 at the Quarry Park. The entry sign is being fixed to include CTSB.
- Impressions Video –Steve Moritz asked if anyone has contacted Simons Rock? There is a new person at the school.
- Shakespeare Festival – another fabulous session this year. Zero technical issues. Anyone interested in ordering can call the station at 243-8211.
- CTSB can always use contributions and volunteers.

## **SPECTRUM REPORT:**

- Anna Lucey and John Fogarty present to give report. George Doin and Frank Boehlke present to answer questions.
- Breach of License-
  - Charter denies that the completion of the long term process to deliver all programming in digital format was in any way a breach of its franchises. The concern raised regarding Section 3.19 is misplaced. That Section, inter alia, requires that Charter, under certain conditions (including the absence of a financial burden to subscribers), must implement enhancements to its system. However, the Section places no limits on Charter's right to voluntarily take steps to improve its system-as it has done with the conversion to fully digital programming delivery.
  - Linda Miller asked the question "is encryption part of the process to improve"? The committee feels that this could have been done without encryption.
  - This is now an extra cost to our subscribers. Some Medicare subscribers are now paying more for the boxes than for their service.
  - During the public hearings prior to Charter purchasing Time Warner we were verbally promised that there would be no significant changes. We granted the license based on those promises.

## **Peg Fee pass through –**

- December data has not been completed as of this meeting. As of August there was \$149k remaining to be recouped by Charter of the initial \$212k grant.

## **Digital Transition update –**

- Project still on track.
- Silver Street office has increased staffing and has a technician on-site to answer questions.
- Question was asked why there is no telephone number to the Silver Street office? The only way to get answers to your questions is to drive over there. For some subscribers in the Sheffield area this is a 40 minute drive each way. If there was a phone number questions could be taken care of on the phone.
- Overall Spectrum technicians feel that this transition has been pretty positive.
- Many subscribers feel that there was a lot of mis-communication about the 2 free convertor boxes for 2 years. They feel the staff at the office were not very knowledgeable about this transition, how to connect the boxes, can't activate the boxes, etc.
- Other complaints surrounded the monthly bills. Every month the bills are different.
- What's the difference between Legacy TW and Spectrum? Why are prices under the old TW \$3.00 higher than new customers?
- Committee requested clarification on all charges (regulated, unregulated, Legacy TW, Spectrum, etc.) prior to February billing.
- Jim Biancolo, subscriber couldn't be here tonight but asked the committee to relay information about how to not use the box.
- He states that if you have a computer you can get the Roku and Spectrum app on any device.

- Discussion ensued regarding part-time subscribers who want to put their service in suspension and getting the free boxes when they return. Currently it is only 105 days. This is not enough time as people come back later than 105 days.
- Anna will work with Melinda on seasonal people to get their boxes sent to them before the 105 days or the free period to start when account comes off suspension.
- Spectrum announced that there will be a fee increase beginning February 1, 2018.
  - Great Barrington and Sheffield are not rate regulated.
  - Lenox, Lee and Stockbridge are rate regulated.
- It was explained that the FCC sets the guidelines for “effective competition” for other alternative services (i.e. satellite penetration). This determines what towns are regulated and which ones are not.
- Only basic service and equipment are regulated.
- What would it take for Great Barrington to become regulated? John Fogarty will look into this.

#### **OLD BUSINESS –**

- No old business.

#### **NEW BUSINESS –**

- No new business.
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#### **OTHER BUSINESS/CITIZEN SPEAK –**

- Attendees spoke throughout the meeting. Most attendee comments were not in favor of the new charges for encryption and/or spoke of their frustrations in getting/installing the required boxes.

**NEXT MEETING DATE –** March 13, 2018 at 6:30pm at Sheffield Town Hall.

Motion made by Steve Moritz to adjourn. Motion seconded by Tom Hatch. Motion carried unanimously.  
Meeting adjourned 8:55pm.

Respectfully submitted,  
Denise Curtin  
Recording Secretary