

FIVE TOWN CABLE ADVISORY COMMITTEE
Representing the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge
Minutes
September 10, 2019
6:30pm
Lenox Town Hall
Walker Street
Lenox, MA

Members Present: Linda Miller –Lenox
Michael Kernan – Great Barrington
Rene Wood – Sheffield
Others Present: Leo Mahoney – CTSB
Richard Frederick - CTSB
Denise Curtin – Recording Secretary

6:35pm Linda Miller called the meeting to order.
Quorum was met. A quorum constitutes 3 towns represented.

Before the agenda, Linda Miller reported on the lack of the presence of any representative of Charter Communications.

Charter informed Linda Miller on August 9th that something “had come up” and that no one would be able to attend the September meeting. They were informed by the committee Chairman that such absence of any Charter representatives would be considered a breach of contract.

By the lack of the presence of any representatives from Charter Communications, they are in violation of our Agreement, Sections 7.4 and 7.5a and this is unprecedented in the 12+ years that Linda Miller has served on the Cable Advisory Committee.

They had previously tried to skip the June meeting when John Maher asked if he could attend via phone and the Chair told him that it was not acceptable. Charter needed to be represented at the meeting in person. John Maher attended that meeting.

Committee Chair will write a letter to express the committee’s dismay at the lack of respect for the Issuing Authorities of the Five Towns by Charter with a copy to go to the Massachusetts Department of Telecommunications and Cable (DTC).

MINUTES: Michael Kernan moved to dispense with the reading of the minutes of June 11, 2019. Motion was seconded by Linda Miller.
Michael Kernan made a motion to accept the minutes as submitted. Motion was seconded by Linda Miller. Motion was passed.
Rene Wood abstained from voting on both motions as she was not in attendance at the June meeting.

CTSB REPORT:

Leo Mahoney was present to give the report.

- Leo Mahoney introduced the CTSB new Executive Director, Richard Frederick.
 - Richard Frederick comes to CTSB from Dalton Community Television where he served as their director.
 - Richard Frederick has extensive broadcast background working with Channel 13 in Albany and CNN in New York.
 - Richard Frederick began work yesterday and will be covering for Leo Mahoney in October while he is on medical leave.
 - Leo Mahoney will be departing after the Fall Festival of Shakespeare in November.
 - Feel free to reach out to Richard Frederick at 413-441-6951, or through Leo Mahoney, at 413-212-1444. You can also reach him via email at rich@ctsbtv.org.
- Operations Manager – Chris Graham
 - Chris Graham will be leaving CTSB to focus on his broadcast business.
 - We are currently talking to several candidates.
 - Chris's vacancy will be incredibly hard to fill based on his hard work and dedication to CTSB over the years.
 - Everyone at CTSB wishes Chris a successful future.
- Membership needs
 - Membership numbers are good and currently at 138.
 - Members, volunteers, donations are always needed.
 - With elections and census coming up it would be great if we could increase our membership.
- Founders Day Parade / Tub Parade / Apple Squeeze
 - Three local events that will be recorded by CTSB.
- Statistics for June/July/August
 - 55 Meetings covered, 27 live and 163 hours of recordings.
 - No live meetings were lost.
- FCC News
 - On September 26, 2019, the FCC changes regarding PEG funding goes into effect.
 - Many organizations have filed lawsuits challenging the decision.
 - CTSB will not see any changes or income lost until March when they receive their yearly 5% payment.
 - We are in close contact with Shawn at PCTV to keep both companies apprised of the situations that arise.
 - Unfortunately, we (CTSB and the Committee) don't have deep enough pockets to hire lawyers to challenge this decision.
- Audits
 - All in the positive – no negative reports.
 - CTSB voluntarily does them yearly.
 - Most do them every 5 years.

- 2020 Census
 - Rene Wood asked what CTSB was doing about the census and whether they would participate in getting the word out to the public.
 - Leo Mahoney said that they would be very willing to discuss coverage and work on this but could not take the lead due to time constraints. Rene Wood said she would be back to CTSB on the matter and thanked them.
- CTSB Financials
 - On page 5 of the report it shows “Revenue Fees & Grants” – Those numbers we get from the cable company yearly (5%) plus what we brought in from Shakespeare.
 - Income from election years advertising increases our numbers.
 - Time Warner used to give us a breakdown of how those \$ are derived.
 - Spectrum tells us that those numbers are proprietary numbers and they don’t have to provide where those funds are derived from.
 - North Adams audit is in progress and it was requested because Spectrum would not provide numbers to them either.
 - Leo Mahoney will provide breakdown from pre-Spectrum and Rene Wood will look at our agreement to challenge the numbers.
 - Section 5.8. states:
 - Recomputation” – Tender or acceptance of any payment shall not be construed as an accord that the amount paid is correct, nor shall such acceptance of payment be construed as a release of any claim that the Issuing Authority or the Access Corporation may have for additional sums including interest payable under this Article 5. The Issuing Authority and/or an independent certified public accountant hired by the Issuing Authority shall have the right to inspect records necessary to verify Gross Annual Revenues, as defined herein, in order to establish the accuracy of the payments tendered hereunder. If after such inspection, an additional payment is owed, such payment shall be paid within thirty (30) days after any recomputation. The interest on such additional payment shall be charged at the Prime Rate from the date that the Licensee is notified that such additional amount is owed.
- Leo Mahoney states that is has been a pleasure working with the committee and he will try and come to our December meeting which will be his last.

SPECTRUM REPORT:

- Linda Miller will read into the record the Spectrum report that was sent to the Committee. She may make commentary during the reading.
- CTSB channel identification in guide still not reading CTSB-
 - As per Spectrum report: This was corrected on March 10, 2019; please send a screen shot if anybody sees anything otherwise.
 - Leo Mahoney states that ID’s on channel are correct.
 - Linda Miller states that when in the guide you cannot enter CTSB and get the channels.
- Billing Due Date Change -
 - As per Spectrum report: Customers were notified between February and March of 2019 that their billing due date would be changing beginning with May bills. This change was done as part of an

effort to streamline the billing process and help eliminate customer confusion on any billing lags that can occur. This billing standardization will now result in statements being generated on the day the billing cycle starts. Previously bills were generated about 10 days before a billing cycle started. The DTC has been briefed on these matters.

- Committee states that subscribers were not notified in February and March. They were notified in May.
- Bills in June came with notification. Obviously, the DTC did not do any follow-ups.
- There are 9 days from billing-cycle date to payment due date.
- Some bills arrive after the due date.
- Linda Miller has sent notification to the Attorney General's office.
- Rene Wood suggested that we send to the other 2 State oversight commissions.
- They contend that bills are put in the mail the day they are cut. There is no way this can happen.
- No postmark on the envelope to check as they are pre-sorted First Class mail.
- Suggestion was made that every quarterly meeting minutes should go to the Attorney Generals' office and the Department of Communications and Cable.
- "Peg Fee" pass through –
 - As per Spectrum report: As of June 2019, \$109,735 remaining to be recouped by Charter of the initial \$212K grant.
 - Committee states that this continues to be an issue between it saying "grant" and "pass through".
 - The money they have been holding is for CTSB capital projects.
 - It was agreed at the signing of the agreement to be \$.19 and then went up to \$.33 without consultation with, nor permission from, the committee on the increase.
 - CTSB has their money; Spectrum is trying to recoup their money.
- CTSB is available on Starter/Basic Tier-
 - As per Spectrum report: CTSB remains part of the Basic/Starter package.
- Items raised at 6/11/19 Meeting-
 - As per Spectrum report: All broadcast stations except PBS are subject to retransmission consent agreements.
 - Survey results attached.
- Status of WCVB and WWLP –
 - As stated in Spectrum report: There are no plans to bring these out of market stations back onto the Berkshire channel lineup.
 - Committee states that they have put in Channel 3 WSHM out of Springfield. It is not HD and it is not very clear.
 - It is a CBS affiliate and if duplicated program it is blacked out.
- Single channel line-up for all of Berkshire County-
 - As stated in Spectrum report: Charter strives to offer a consistent line up throughout its service areas as evidenced by the grouping of the PEG channels. To the extent we can achieve similar program offerings across our channel line ups we try to do so; it is one of our goals to try and achieve this consistency.
- FCC proposed changes relating to Franchise Fees –

- As stated in Spectrum report: Charter is evaluating the 621 Report and Order issued 8/2/19. The Order is not yet effective. More information regarding the Order will be communicated after it becomes effective.
- Berkshire 2019 Survey Results -
 - As stated in Spectrum report: Results attached.
 - Report was not tallied.
 - Was it printed on both sides?
 - Survey came with identification of subscriber – was supposed to be anonymous.
 - There was no address for returning the hard copy.
 - The sample we gave them had changes which they did not incorporate.
 - 1 - 5 ratings were not done.
 - Committee proposes that it be re-done because they did not follow our instructions.
 - Michael Kernan and Leo Mahoney said they never even received the survey.

End of Spectrum report as submitted.

- Committee issues with report –
 - No response of issues raised at March & June meeting on Spectrum's lack of communication.
 - They indicate that they send out notices and they don't go out on a timely basis.
 - Customer Service – When calling 5 different representatives you get 5 different answers.
 - We were told that all call centers would be moving back to the U.S. – that has not happened.
 - Public Service Announcements they said were on and we asked for dates and times and schedule of these and we have not received anything yet.
 - September 6, 2019 a major rate increase was implemented, and it wasn't in their September report.
 - States that every tier will increase by \$7.50 – asked for clarification – is it for every tier (i.e. standard, then silver, then gold?)
 - Asked in June if the zip code on bills for Great Barrington could be changed because it was incorrect stating 01262 and it should be 01230. This has not been done.
 - More and more subscribers, including a committee member and a CTSB executive have cancelled Spectrum service due to lack of communication and horrible service.

OTHER BUSINESS –

- Rene Wood brought to the committee's attention that the Town of Sheffield sent a letter asking the Attorney General to file immediate suit to overturn the recent FCC decision. The letter cited impacts from this decision.
- Rene Wood made a motion to have our Chairman sign and send the letter to the Attorney General from the committee with corrections as discussed, as well as, any other changes that the chair wished to make.
- Motion was second by Michael Kernan. Vote passed unanimously.
- Michael Kernan asked what happens if we voided our contract with Charter Communication – not advocating for this, but just asking.
 - Committee stated they could basically shut down service to all subscribers.
 - Each town's Board of Selectmen would have to vote on this.

NEW BUSINESS –

- None

OLD BUSINESS –

- None

NEXT MEETING –

- December 10, 2019 at 6:30pm in Lee

Motion to adjourn made by Rene Wood. Motion seconded by Michael Kernan. Motion carried unanimously.

- Meeting adjourned 7:55pm.

Respectfully submitted,

Denise Curtin

Recording Secretary