

Good morning and welcome to the Cable Television Advisory Board, Comcast Franchise Renewal Subcommittee Meeting on Tuesday, May 4th at 8:30 AM via Zoom teleconference.

As Chairman of Cable Television Advisory Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

To access Zoom, please refer to the agenda or the City's website for the meeting link.

To join by phone dial: 1-929-205-6099 - Meeting ID: 849 5727 8864 Passcode: 022855

The Public may also view this meeting on Comcast Channel 16.

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at [www.nashuanh.gov](http://www.nashuanh.gov) and publicly noticed at Nashua City Hall and the Nashua Public Library.

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that all the votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking attendance. Each member please state your presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.

Also if you could announce who you are before speaking, it will help the Transcriptionist when transcribing the minutes. We have received word that she doesn't necessarily recognize all of the voices yet, so please do announce yourself. OK with the scrip read we will get roll call.

Call to order:

The roll call was taken with 9 members of the Cable Television Advisory Board Subcommittee present: Chairman Andrew Cernota, Alderman Ernest Jette, Kimberly Kleiner, Director of Administrative Services; Jeff Poehnert; Cheryl Lindner, Mayor's Office; Nick Miseirvitch, Pete Johnson, Cole Morgan and Corporation Counsel, Steve Bolton.

ROLL CALL

Kim Kleiner, Director of Administrative Services

Here, I am attending the meeting, I am remote in my office and I am alone.

Chairman Andrew Cernota

Andrew Cernota is here, I am also remote in my office due to the pandemic. Mr. Poehnert?

Jeff Poehnert

I am remote, I am here at home and I am alone.

Pete Johnson

I am here, I am remote and I am also alone.

Steve Bolton, Corporation Counsel

I am here, I am alone, I can hear everyone.

Cheryl Lindner, Mayor's Office

I am here in my office, social distancing due to the pandemic and I am alone.

Nick Miseirvitch

I am present, I am remote in observance of social distancing guidelines and I am alone.

Cole Morgan

I am here, remote from my home office and alone.

Chairman Cernota

And I see that Alderman Jette has joined us just in time.

Alderman Jette

Yes, I had trouble making the Zoom connection, but yes I am here.

Chairman Cernota

Alright and you're alone?

Alderman Jette

I am here alone and I can hear the proceedings.

Chairman Cernota

Excellent, thank you. So we are now called to order. Ms. Kleiner, would you like to start us off with the discussion?

Director Kleiner

Sure. As I communicated via email we have reached out to our Comcast Representative. That person was away and just returned last Friday and is working on our multiple documentation requests. So we are hopeful that we may have some information by next week's meeting. I also shared, via email, and included it with the Agenda on the web site the franchise payments from 2016 through 2021. And the account to which the City pays Comcast which are broken out by location for the City's review. I do believe we have looked at the questions, at least Jeff and Pete and I and had some updates. But I will refer to Jeff for that information.

Mr. Poehnert

Ok what Pete and I did was we kind of actually pared it down. You know what, I don't know if I can send this to people. I am not even sure about sharing my screen here. But what we did was we kept the questions, we didn't go into programming because programming isn't anything that we have control over. But we at least do have some influence on how their technical support; how their customer service is. So our questions were based on that. We asked what services people subscribe to, you know, how much their total monthly bill for Comcast or Xfinity Services are. You know, under \$50.00, \$50.00 to \$100.00 that type of a scale. And we just went through a bunch of questions. I've got to send it out to everybody so everybody can see this. Kim would you be able to forward ... this particular computer I only have the open office.

Director Kleiner

I would be happy to. I do think you could share your screen.

Mr. Poehnert

My problem is that is not coming up the way Word put it. Let me try. Let's see, I don't know can people see that?

Mr. Johnson

Can you Zoom in some, pretty small.

Chairman Cernota

Even if you zoomed in, in the document window, the bar down at the bottom.

Mr. Johnson

In Open Office, I am not sure where it is at.

Mr. Poehnert

Yeah that's why I am looking.

Chairman Cernota

It looks like at the bottom right, there's a slide bar. It's at 100 now?

Mr. Poehnert

Oh I see, alright.

Chairman Cernota

That's better.

Mr. Poehnert

Thanks. Let me go a little bit back there.

Mr. Johnson

Maybe get rid of that margin on the right completely and that would help.

Mr. Poehnert

Alright. Let's see if I can ... Are you currently a Comcast / Xfinity ... well you can read this. And then how much is your total bill for all Comcast/Xfinity services. In addition to your Comcast bill how much do you pay monthly for additional streaming services such as YouTube TV, Netflix, Hulu, etc. How likely are you to drop traditional cable tv in the future? If you were previously a Comcast customer, please briefly describe why you dropped Comcast service. Please rate the following – 5 being the highest grade and 1 being the lowest; how satisfied are you with the Comcast technical support and customer service. And then we broke this down into visiting the local office as also if you call the numbers and what was your experience there. And then an overall rating for technical support and customer service. How satisfied are you with your monthly Comcast bill. And just some questions breaking that down. And then an overall monthly Comcast bill rating. How satisfied are you with the Comcast signal reliability and we broke that down and then an overall rating for that. How satisfied are you with Comcast user experience? So that would be the on-screen channel guide, voice remote, on demand menu, that kind of stuff. And then we asked how often do you watch Public Meetings on Channel 16. And how often do you watch Public Meetings on Channel 99. And how often do you watch programming on Channel 96. And then how did you obtain your local COVID-19 news and then you can check all that apply. And that's it.

Chairman Cernota

One thing, an additional question I would like to find out about is how likely respondents would be to use our streaming capabilities, particularly if Comcast starts charging for the actual channels it might be helpful to know just how tied people are to accessing 16, 99 and 96 via cable versus accessing it through the internet services.

Mr. Poehnert

Ok we will put that down.

Chairman Cernota

Does anyone else have any topics or do they want to digest it and provide some edits via email.

Mr. Poehnert

And, of course, we will send this out to everybody. I'll send it out right after the meeting.

Chairman Cernota

I believe Kim just sent it out.

Director Kleiner

There were a couple questions on the original 2015, this is Kim Kleiner, and I am not sure if the Committee thinks these are important. But there was one about if the City was to renew for 10 years, or should we consider a shorter renewal period or a longer renewal period. And do we think that's important to ask the public.

Mr. Johnson

I don't know whether they would understand what the difference is, this is Pete Johnson. So I am not sure it is an appropriate question just for the general public. And I know Comcast, at this point, definitely would not go beyond a 10 year timeframe anyhow.

Chairman Cernota

I remember thinking that question rather struck me as inside baseball when it was posed in 2015. But I think that there might have been some feedback from the public pushing for a shorter term though I think again that the exact benefit of that shorter term which is why we actually ended up with a shorter term on the last renewal, I don't know that the exact benefits were clear.

Attorney Bolton

I think one of the problems is there is widespread misconception. I think most of the public think we do have an ability to negotiate over channel selection, over rates charged, they believe that somehow we have given Comcast an exclusive right to provide this service and that we are locking out alternatives. So I think the public would say, No make it short, bring in some competition, get lower rates so on and so forth. As I think every one of us knows, we've got no authority, no power at all to do any of that.

Director Kleiner

So Kim Kleiner again. I think that's one of the reasons why maybe the Committee in 2015 inserted the last question about if someone wanted to write a comment to Comcast but please remember that rates are out of the City of Nashua's control. And do we want to give that option?

Mr. Johnson

Pete Johnson. I think probably the only way you ask that question is anonymously for answers and I think it might just give people an opportunity to vent, you know, say something and think that they've said their piece regarding it even though we have no control over it.

Attorney Bolton

I think that might even lead to greater frustration. Someone could say, everyone I know said the same thing I did, that rates are too high the City should do something about that. And the City did nothing about it. That's what we are going to get.

Chairman Cernota

Would it be, this is sort of just spit balling, but I agree with Attorney Bolton that a lot of the issues regarding the renewal are downstream from a misunderstanding as far as exactly what the City can do in its contract. Given that we have access to Channel 16, 99 and 96, would a public information spot that explains what franchise renewal was, what things the City has authority to influence in the regular process, be something that we would think would be helpful in at least with the subset of people that watch those channels and our streaming services, be able to identify and hear that misunderstanding to some extent.

Director Kleiner

Kim Kleiner. I think that's a wonderful idea. I think perhaps Mr. Johnson and Mr. Poehnert working with Attorney Bolton could develop something that we could air. I am not sure how many people are even aware that the City is undertaking this and I think for general transparency we should air something.

Mr. Poehnert

Jeff Poehnert. Could we put something on the web site as well? I was thinking like Franchise 101 and what we can do and what we can't do. We can make that document up, that would be good.

Ms. Lindner

Cheryl Lindner. I agree with Jeff that the web site would be key for this and I think it would also help to boost any responses to our survey. The more information we can put out and try to educate the public about this process and what we can control and what we can't control as far as the negotiations go. I think it will really help to encourage people to fill out the survey and to share their feedback as well.

Alderman Jette

Thank you Mr. Chairman. Yes, so maybe using our communications person in the Mayor's Office, I am thinking maybe a press release you know perhaps in the form of an interview with the Chairman, you know, talking about the fact that this is coming up and what we can and cannot do. And send that to the various news outlets and maybe one of the Channel 96 programs could have you as a guest and you could kind of go through the same thing.

Mr. Poehnert

Jeff Poehnert. And we can incorporate that in the web site as well, the document and that interview, that would be really good.

Ms. Lindner

Cheryl Lindner. We can absolutely help spread the word, Alderman Jette.

Alderman Jette

Alderman Jette here. So I was thinking, so when you say that, are you on the same page as I am about arranging this kind of a press release in the form of an interview with the Chairman, are you on board with that? OK, thank you.

Mr. Poehnert

This is Jeff Poehnert. I just have one thing. Last night, you know, it kind of came to light how there is a misunderstanding about everything when they were interviewing Justin Chapman, it really revolved around internet that they were talking about. And as I was sitting there, I was listening and really there was a misunderstanding on what this is all about, you know, what PEG is and what it is all about. So there is a misunderstanding all the way across the board.

Chairman Cernota

I think probably that particular part of the misunderstanding is going to become rather more dramatic as time goes on and the two services become even more closely overlapping.

Mr. Johnson

I'll bring one thing up, Mr. Chairman. This is Pete Johnson. I just don't know if we hold off slightly on putting out this press release until we have a date for a public hearing potentially or maybe we do a similar press release before a public hearing. But that's going to be something that will be coming up and the City residents will have a chance to sort of sound of publicly at that point. During the 2015 negotiations we had a meeting and discussed all three PEG Channels, and what the Community wanted in the Franchise Agreement up in the Auditorium on the third floor of City Hall. And I remember Comcast, at the time, saying that was one of the largest turnouts that they had ever had at a community forum like that.

Chairman Cernota

I think that we probably need something at the roll out of the questionnaire and then perhaps a similar introduction at the public meeting. I don't know that it is a message that's only to be heard once.

Mr. Johnson

We had also written up a two or three paragraph thing that would go out with the questionnaire, I don't know if it was sent out today with the questionnaire but it was included with the information Jeff and I sent yesterday, sort of going over that. It could be put in as a sort of introduction to the questionnaire on the web site or if we are sending out the questionnaire to individuals via email, it could also be part of the email and it does discuss what the City can and can't ask for and those types of things, where to get more information from the FCC if you have questions regarding franchise and such.

Director Kleiner

Kim Kleiner, Mr. Chairman. Mr. Johnson is that the intro Cable TV, what's your opinion with the paragraphs that follow?

Mr. Johnson

Yes.

Director Kleiner

Mr. Chairman, Kim Kleiner. My concern is that with other surveys that we have placed on the web site, we need to allow ample time considering the timeline that the Committee is now under. We should finalize something rather quickly to place that on the web site. We also did inquire to Comcast, with the Committee's request, from our last meeting about including it in their bills. So we are waiting on a response.

Chairman Cernota

That's great. And I agree we do need to keep going on this and finalize a questionnaire and get it launched as soon as we possibly can. Any other – Mr. Poehnert?

Mr. Poehnert

Yeah I think certainly Pete, I don't want to speak for both of us but Pete has said we can get the web site template done this week for our next meeting so it can be approved or changed or edited.

Chairman Cernota

Alright so should we perhaps shoot for getting the questionnaire and materials for the web site for approval for next Tuesday. That'll be the same time I'll be getting my second vaccine so someone else might need to Chair the meeting so that we can launch it. After we approve it, how long would it take to get that up on the City web site?

Director Kleiner

Mr. Chairman, Kim Kleiner. Our team is very quick, I would say it could up within a couple days.

Chairman Cernota

OK. Does that timeframe work for everybody else?

Mr. Johnson

Mr. Chairman, if we are going with that timeframe, if anybody has any edits or additional questions it may be best to send them to Mr. Poehnert before the next meeting and then we can sort of finalize those questions during the meeting.

Chairman Cernota

That's a good idea. Alright. It seems that we have completed the items on our Agenda. Are there any other issues regarding the renewal that need to be discussed today? Alderman Jette?



Alderman Jette

I am wondering if Attorney Bolton had a chance to speak to those law firms that we talked about at the last meeting.

Attorney Bolton

I don't have answers yet. Jeff let me know that fellow who had assisted Nashua some years ago is a man named William August. He is still practicing, it's Epstein and August in the Boston area. And the other firm is Donahue, Tucker, and Ciandella. Two of them were on that video that I think some of us have seen. One of those, Brendan O'Donnell I happen to know. So I am seeking from both firms; 1) hourly rate information and 2) an estimate of what the total fees are likely to be. Hopefully I will be able to provide that information next week.

Chairman Cernota

Excellent.

Alderman Jette

Alderman Jette here. And also some ideas as what they think they could do for us, you know, how their involvement would benefit us, I think was another issue that you were going to explore.

Attorney Bolton

I can discuss that.

Alderman Jette

Thank you.

Chairman Cernota

Alright. Any other contract related questions or discussion? If not, I guess we will have a final motion. Mr. Poehnert?

**MOTION BY MR. POEHNERT THAT THE TELEVISION ADVISORY BOARD, COMCAST FRANCHISE RENEWAL SUBCOMMITTEE BE ADJOURNED, BY ROLL CALL**

A viva voce roll call was taken to adjourn the Cable Television Advisory Committee meeting which resulted as follows:

Yea: Director Kleiner, Mr. Johnson, Attorney Bolton, Mr. Miseirvitch,  
Ms. Lindner, Alderman Jette, Mr. Morgan, Chairman Cernota 8

Nay: 0

**MOTION CARRIED**

The meeting was declared adjourned at 9:03 a.m.

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Jeff Poehnert, Clerk