

Good morning and welcome to the Cable Television Advisory Board, Comcast Franchise Renewal Subcommittee Meeting on Tuesday, May 11, 2021 at 8:00 AM via Zoom teleconference.

As Vice Chair 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:

We are utilizing Zoom, through the City's IT Department for this electronic meeting. All members of the Cable Advisory Board and the public has access to contemporaneously listen in to this meeting through dialing the following number:

1-929-205-6099 - Meeting ID: 849 5727 8864 Passcode: 022855

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

We are providing public access of the necessary information for accessing the meeting. 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 and publicly noticed at Nashua City Hall and the Nashua Public Library and providing a mechanism for the public to alert the public body during the meeting if there are problems with access.

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect and adjourning the meeting if the public is unable to access the meeting. 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 a roll call attendance. When 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.

Call to order:

The roll call was taken with 7 members of the Cable Television Advisory Board Subcommittee present: Alderman Ernest Jette, Kimberly Kleiner, Director of Administrative Services; Jeff Poehnert; Cheryl Lindner, Mayor's Office; Nick Miseirvitch, Pete Johnson, Corporation Counsel, Steve Bolton.

ROLL CALL

Pete Johnson

Pete Johnson, I am here, I can hear everybody and I am at home today, at least this morning with – under the Governor's – it's now "safer at home orders", I'm not sure. I believe that is what it is at the moment.

Jeff Poehnert

My name is Jeff Poehnert, I am here in the office. I am alone, in the next room is Frank Wallin running the broadcasting studio and I can hear everybody.

Nick Miseirvitch

Nick Miseirvitch, I can hear the meeting, I am alone and I am at home in observance of social distancing guidelines.

Kim Kleiner, Director of Administrative Services

Good morning, Kim Kleiner, I am alone in my office at City Hall. I am social distancing per the Governor's Order.

Alderman Jette

I am here alone and I can hear the proceedings.

Steve Bolton Corporation Counsel

I am in my office, socially distant, alone and I can hear everything quite well.

Vice Chairperson Linder

I am in my office, I can hear everything and I am alone, social distancing per the Governor's Emergency Order. Alright, let's start the Agenda. The first item is Review & Approval of the 2022 Community Survey. Did everyone receive that?

Alderman Jette

Madam Chairman, this is Alderman Jette. Yes I took a look at the survey and I can't get it up here in front of me right now. But I noticed one, I think I noticed something, at least in my mind and perhaps people more familiar with it can correct me if I am wrong. But I think it was the last question, it was a question about how did you learn about COVID and it had a bunch of choices, you know, Boston TV Stations, WMUR was a choice, local newspapers, etc. But Cable TV, Cable News was not one of the choices. I thought that was – you know I know a lot of people look at CNN and MSNBC I had to say the word but Fox News. So those are all cable provided I think, so I don't know if that should be included as a choice. I know there is "other" there but I thought Cable news would be a good item to add.

Vice Chairman Lindner

Yes, Mr. Poehnert.

Mr. Poehnert

Jeff Poehnert, maybe we can add various news cable networks.

Mr. Johnson

I believe that the idea behind the question was to find out what local information you were finding out about COVID-19 and maybe a rewording of the question might be better than broadening the answer.

Alderman Jette

Alderman Jette here. So like there's New England Cable News they provide local news but you can access them only through cable. I was just trying to give people the choice that cable news was one of the things that was available. But I really didn't study it as well as probably most of you others did. So I will accept whatever the Committee decides to do on that.

Vice Chairman Lindner

I don't see any harm in adding the cable news, I don't know, does anyone else have any opinions or feedback?
Ms. Kleiner?

Director Kleiner

Kim Kleiner. I do agree with Alderman Jette. I do think that there are members of the public that look to local cable stations as well. The question was about gaining your local COVID news. I wouldn't want to necessarily change the question as I think that part of it is important but I agree adding cable news would be a good option.

Vice Chairman Linder

Does anybody else have any feedback. Attorney Bolton do you see any issues with adding that?

Attorney Bolton

None.

Vice Chairman Lindner

Was there any other feedback on the questions or any additions that you wanted added or anything that didn't appear clear? So do we feel like we are at a point we can take a vote to approve the survey?

Alderman Jette

Yeah Alderman Jette. I'll make a motion that we approve the survey with that amendment.

**MOTION BY ALDERMAN JETTE TO ACCEPT THE SURVEY AS AMENDED BY ADDING A QUESTION ABOUT CABLE NEWS AND COVID INFORMATION BY ROLL CALL
MOTION SECONDED BY PETE JOHNSON**

A viva voce roll call was taken which resulted as follows:

Yea:	Mr. Johnson, Mr. Poehnert, Mr. Miseirvitch, Ms. Kleiner, Attorney Bolton, Alderman Jette, Ms. Lindner	7
Nay:		0

MOTION CARRIED

Vice Chairman Lindner

Thank you very much for all your hard work in putting this together. There were a few additional materials that were sent over. Some were sent over by Mr. Poehnert and some were sent by Ms. Kleiner and Attorney Bolton. So how would you like to handle going through these additional documents. Would the sender like to address them? I guess Mr. Poehnert, you sent a bunch over, would you like to start and then we can go through them and answer any questions?

Mr. Poehnert

Jeff Poehnert speaking. I had sent the, are you talking about what we want to have go on the web site?

Vice Chairman Lindner

Mm-hmm.

Mr. Poehnert

Oh OK, I was just amending our survey here, try to get it to you guys. Alright here we go. So Pete and I went over this and we were just thinking that we don't want to say a lot on the web site because it will just confuse people, it'll be too much said. So really what is a Cable Franchise Agreement and under Federal Law Comcast must have a Franchise Agreement with the City of Nashua, known in the document as Local Franchising Authority to operate its Cable System. Franchise Agreements allow companies to operate a cable system in the public rights of way in return for certain benefits to the City. Under the agreement the City is allowed to operate on an agreed upon number of access channels as a public service. However, the City may not set cable TV rates or impose channel requirements other than those allowed by the law that I put in the section of the Cable Act that refers to that.

And then the next thing would be, what is a Franchise Fee. And the Cable Television Franchise Fee is an annual fee charged by the City of Nashua to Comcast as compensation for using public property, the City owns as right of way for its cable. The Franchise Fee is set during negotiations of the Franchise Agreement and the agreement lasts for a set number of years, decided at the time of negotiations. Franchise Fees are covered under Section 622 of the 1984 Cable Communications Act. The City of Nashua charges 4% of Comcast's gross revenue that comes from the operation of the Cable Systems for the provision of cable services including the above mentioned public education and Government Access Channels. These channels are referred to by the acronym "PEG". It is important to understand that the Franchise Agreement only covers cable related services and facilities and then I reference that part in the Cable Act.

When the Cable Act was written in 1984 the internet didn't exist and when it was updated in 1992 and 1996 the internet was still in its infancy. So we just put that thought that less is better. We don't want to go through a whole definition of everything.

Mr. Johnson

I think this would be put up on the web site as a prelude to getting to the survey, correct?

Mr. Poehnert

Yes, I mean I am sorry, because then what is your opinion and at the bottom of that where it says “thank you for taking time to reply” there would be a link to the survey, the survey wouldn’t be there, because obviously you wouldn’t know where to go. So the link would be there. Now that, I don’t really know how that works but it would link to something that we could gather when people fill them out. But I am not sure how that works.

Vice Chairman Lindner

OK so there was another document that was sent over as well. Did that come from you Ms. Kleiner?

Alderman Jette

Madam Chairman, Alderman Jette here. Before you leave that, I’ve lost it now but let me see if I can get it back up here. So at the end of the first paragraph it says, “the City may not set Cable TV rates or impose channel requirements other than those allowed by law”. So “allowed by law” does that refer to rates or channel requirements or both?

Mr. Johnson

I believe it is only channel requirements Alderman.

Alderman Jette

OK and are those channel requirements so extensive and complicated that we can’t say what they are? I don’t know about other people but when I read that, “channel requirements other than those allowed by law” I am thinking well what are those? What channel requirements can we impose?

Mr. Johnson

We can ask for PEG channels, they are not limited necessarily to the three that are currently here. I know Merrimack has just renegotiated their contract and asked for a fourth channel in their agreement with Comcast. The other thing is by law, at least currently, there are must carry channels in local areas. So in this area the Boston stations, over the air stations and WMUR are considered must carries for the cable system. They also carry a station out of Canada right now but that’s not a must carry, they could drop that channel and we would have no say over that. So those are the two reasons that some channels might be required by the cable company.

Alderman Jette

So the Boston Stations are required by law. So our ability to impose channel requirements is really limited to how many local access channels we can ...

Mr. Johnson

Correct. It is pretty limited what we have control over. And that's why I think Mr. Poehnert didn't want to sort of open up a can of worms there necessarily but gave information on where to go to find that information if you wanted it.

Mr. Poehnert

Jeff Poehnert. I am a little confused now with it, I mean, the cable rates, because we can't really set cable rates. That is something totally out of our realm. Now Comcast is required to give us notification when their rates change and what they are. But we can have no say in what those rates are.

Mr. Johnson

Right and I think your document says that.

Mr. Poehnert

Sorry I think I got confused on what you were talking about. So it is that the City may not set cable tv rates or impose channel requirements. And Alderman Jette maybe that was it, other than "those allowed by law" which would be the PEG channels. And I didn't want to put numbers because it doesn't have to be three. Just as Pete just had said, that you can ask for more if that comes up.

Vice Chairman Lindner

Attorney Bolton, did you have something to add?

Attorney Bolton

Yeah I think the issue may be that the phrase "other than as allowed by law" of that sense and I think it is somewhat ambiguous maybe even misleading. Some people may think there's a big carve out of certain things that we can require and actually the carve out, if that's what it is, is very narrow and very limited. So I think it might even be best to leave that last phrase out and just say we can't control rates or make channel requirements. I think that the PEG channels are really different from trying to say you have to provide Showtime or you have to provide ESPN or something like that. The ability to negotiate for PEG channels is of a different nature than requiring certain channels, certain networks.

Alderman Jette

Alderman Jette here. I think Attorney Bolton's suggestion is an excellent one. In my mind at least it says what you want to say without opening the door to questions that really don't or really aren't germane to this discussion. I mean the truth is imposing channel requirements, we really can't impose any channel requirements so I think eliminating that phrase "other than those allowed by law" is a good idea. So I would suggest we eliminate that.

Mr. Poehnert

Again, yeah a matter of less said is better. And I also, if it's OK I will keep that reference to where it is in the – so if somebody did want to go into more detail they could go to the Cable Act and they could read what everything is allowed and not allowed.

Attorney Bolton

I think it would be good for everyone to read the entire act.

Mr. Poehnert

Over three weekends.

Alderman Jette

I think everybody ought to read the entire US Code. I think that would be helpful.

Vice Chairman Lindner

OK do we have any other comments or concerns about the document that Mr. Poehnert reviewed?

Mr. Johnson

It's Pete Johnson. I had one other thing potentially. When we talk about Franchise Fees it might be best to say that allows for up to 5% rather than talking about what is in our current contract.

Vice Chairman Linder

Ms. Kleiner did you have something to add?

Director Kleiner

So the document that we are discussing is the paragraphs, Mr. Poehnert, correct me if I am wrong, the paragraphs that you are suggesting we put in front of the survey is that correct?

Mr. Poehnert

Correct. The link to the survey.

Director Kleiner

So then I think this may not be part of the previous motion but we also have to discuss if we are looking at moving forward with this, the deadline, because the deadline is in those paragraphs as well. So if we are going to get it up on the web site I would think we should try to nail that down.

Alderman Jette

Alderman Jette here. So taking one thing at a time, you know, whether we should put 4% in there or up to 5%; my initial reaction is I had the same question whether it wouldn't be better just to say that the City may charge up to 5% opening the door for the possibility that this is not part of the discussion at the moment but I think everyone is aware, certainly everyone on this Committee is aware that the City is facing very difficult budget issues and whether or not an additional 1% - I know the argument was made the last time that this contract was looked at that since it is a pass through to the consumer that there was a reluctance to increase the rate to 5%. It is not up to us at this point to decide what it should be. But there's certainly a possibility that we would want to

increase it just as a way of ... you know the City is very limited as to where it can raise its money. And the State keeps imposing additional burdens on the City. The State has a lot more ability to raise revenue. The City is very limited to pretty much just property tax. This Alderman being on the Budget Committee, I am certainly interested in whatever ways the City can raise additional revenue given the constraints that we are under. So without deciding whether we would increase it to 5% the fact that we are allowed to charge up to 5%, I would be in favor of changing that to say that, that the City of Nashua may charge up to 5% of the Comcast gross revenue.

Mr. Johnson

I would think we would need to say, this is Pete Johnson, that it is only gross revenues on the television portion of the bill. So if you are only a Comcast Internet subscriber, you would not have any additional charge.

Vice Chairman Lindner

Attorney Bolton did you have something to add?

Attorney Bolton

The problem with saying anything is if you don't give all the information you leave a misleading impression. The fact is there was a change an amendment to the law a couple years back that this Franchise Fee is not just 5% or 4% or whatever per cent off the gross revenues, send a check and then negotiate whatever other benefits the City is going to get like the PEG channels, like service to some City facilities that sort of thing. That's sort of how it used to be; they would provide whatever they provide in the way of PEG channel. They provide services to some or all of the schools, some or all of other City Buildings. As a result of the change in the law the cost as measured by what it would cost retail if they were providing these services to anyone else basically is part of that 5% max. So it is not just a question of we are getting 4% now if we moved it to 5% we'd get 25% more. It would subtract out the cost of all the other services the City gets and it is not clear whether that would result in any increase in revenue. It may be, if they sharpen their pencils, they could in fact pay us less in cash and these in kind services they are providing would add up to the other 1% plus. And I don't know that, I've got no idea what they would say the cost of these things are but the accounting has gotten more complicated.

Vice Chairman Lindner

Mr. Miseirvitch did you have something?

Nick Miseirvitch

Yeah. Nick Miseirvitch. Just a question. We state the City of Nashua charges 4%, would it be better to say the City of Nashua receives 4%? Just to clarify things.

Attorney Bolton

Sounds good to me.

Alderman Jette

Yeah Alderman Jette says that is an excellent idea.

Mr. Johnson

Do you want to have some way of saying that “receives 4% of the 5% allowed by law” so that you still have your 5% cap in there?

Alderman Jette

Yeah Alderman Jette here. After hearing what Attorney Bolton had to say, this is a lot more complicated than I realized. So maybe it would be better just to leave it out at this point. If we decide to increase it and if that makes sense it is really not necessary to put that into this paragraph.

Mr. Miseirvitch

Nick Miseirvitch, I agree especially with what Attorney Bolton explained. This is not the right spot for that. So why add more confusion.

Mr. Johnson

I might just say add the word “currently receives 4%”.

Vice Chairman Lindner

Mr. Poehnert, did you get all those changes? You are on mute.

Alderman Jette

Alderman Jette here. To Mr. Johnson’s point it does say 4% of the gross revenue that comes from the operation of the cable system for the provision of cable services.

Mr. Johnson

I think it should say Cable TV and not Cable System, because people can confuse that with thinking that the internet is also there or their telephone service is they get it through Comcast. So I think somewhere we need to state it is the Cable Television side of things.

Mr. Poehnert

This is what I was putting down but I don’t think we are going to do this but the City may receive up to 5% of Comcast gross cable television revenue and then I put in parenthesis “Nashua Currently receives 4% that comes from the operation of the Cable System for the provision of Cable Services”. So we don’t want the 5% in there though is that correct? Or we do?

Vice Chairman Lindner

I don’t think we wanted the 5% I think we want “that currently receives 4%”.

Mr. Poehnert

Alright so the City currently, no – alright hold on. The City receives 4% of Comcast’s gross Cable Television Revenue that comes from the operation of the Cable System for the provision of cable services including the

above mentioned Public Education and Government Access Channels. These channels are referred to by the acronym PEG. Would that sound right?

Mr. Johnson

I think we still wanted the word “currently receives”.

Mr. Poehnert

Alright. So the “City currently receives”.

Mr. Miseirvitch

And change “system” to “television”.

Alderman Jette

So Alderman Jette here. While I am thinking of it, Cheryl Paquette who is one of the assistants of the Legislative Assistants to the Board of Aldermen who transcribes these minutes asked me to mention that she’s not familiar with all of our voices so she asked that we state who we are every time we speak. Some of us she knows, but a lot of us she is not familiar with. So when you start to say something, if you could just say your name to help her out she would appreciate it.

So my point was that to satisfy Mr. Johnson’s concern and I think it is a good one, perhaps just adding a sentence there after these channels are referred to by the acronym PEG, maybe we could just add a sentence saying the City does not – rather than trying to play with Cable Services or Cable TV Services, maybe we just ought to say the City receives no portion of the internet or telephone service, something to that effect.

Mr. Johnson

I think they provide enough other services that it just may be easier to talk about Cable TV portion because they do mobile now, they have a mobile service, they have Home Security and other areas that they service. This is Pete Johnson.

Mr. Miseirvitch

Nick Miseirvitch here. I agree with Mr. Johnson. Instead of listing out what it doesn’t include, because the list is probably going to continue to grow as Comcast provides more services, we just should focus on that this is just for Cable Television and leave it at that.

Alderman Jette

Alderman Jette here. I agree I think that makes sense. So Mr. Johnson what you want to do is just add TV to comes from the operation of the Cable TV System?

Mr. Johnson

Cable Television Services. And that is I think the appropriate term to use so any other service that is part of Cable TV, if they are collecting something because they are selling Showtime or that they have a pay per view event that’s a television event, those franchise fees are also imposed on those other television related services.

Alderman Jette

Alderman Jette. So your suggestion is that it be operation of the Cable Television Services and eliminate Cable System for the provision of Cable Services? Is that your suggestion?

Mr. Johnson

I think that makes the most sense or Cable Television related services. And take out the second reference to cable that is in that sentence.

Alderman Jette

So Mr. Poehnert, do you understand what he is saying?

Mr. Poehnert

Wait a minute. So the City currently received 4% of Comcast gross cable television revenue that comes from the operation of the Cable Television Services, including the above mentioned Public Education and Government Access Channels?

Mr. Johnson

I think that's probably pretty good.

Mr. Poehnert

Because we do say it is important to understand that the Franchise Agreement only covers Cable related or I guess Cable Television Services and facilities?

Mr. Johnson

Yes.

Mr. Poehnert

OK I think I got it.

Vice Chairman Lindner

Did we have a deadline date by which we want the survey responses submitted. So in here it is June no date 2021. Do we have a particular date in mind based on our renewal timeline?

Mr. Johnson

I would think if you gave people up to four weeks, assuming that we started this next week, we want to have some time available for people to learn about it and get on-line and take the survey. So I would think four weeks would be adequate.

Vice Chairman Lindner

So that would give me – if the survey went live and was loaded on to the web site by the 17th, is that doable by the 17th to have everything up and loaded?

Director Kleiner

This is Kim Kleiner. I think we could work, if the Committee approved the survey this morning, we could look to have it posted by the end of the week which would be the 14th. And then once we close the survey there's certain clean up that would take place of compiling information and then possibly have it ready for, if we close it the 11th we could have it ready for the Committee on the 15th of June.

Vice Chairman Lindner

OK is everybody OK with that timeline?

Mr. Poehnert

Just make sure I got it, so the deadline to submit a survey response is June 11th, 2021 is that correct?

Vice Chairman Lindner

Yes.

Mr. Poehnert

Ok wanted to make sure.

Mr. Johnson

And what day of the week is that, I don't have a calendar in front of me.

Vice Chairman Lindner

June 11th is a Friday.

Mr. Johnson

Is there any reason why you wouldn't want to include Saturday and Sunday? We are not going to look at that data over the weekend anyhow and give people an extra weekend to complete the survey to make it the 13th instead of the 11th?

Director Kleiner

This is Kim Kleiner. I was just concerned about getting the information, having it compiled and having time to get it out to the Committee prior to Tuesday morning.

Mr. Johnson

No one is going to do that until Monday anyways, correct?

Director Kleiner

Yes we would.

Mr. Johnson

Pete Johnson. If you use a product like Survey Monkey or something like that, that's going to compile the data for you anyhow.

Director Kleiner

Kim Kleiner. There's no comment, general comment on this one. There was on the 2015 survey. We allowed people to give General Comment and those had to be downloaded and worked out; there were over almost 200 of them. So it would be easier with this, that's correct.

Mr. Johnson

I think we will have the general comment during our public hearing, allow people to have comment at that point.

Vice Chairman Lindner

So does the Committee want to go with the date of the 11th then or the 13th? Any thoughts?

Alderman Jette

Alderman Jette here. I think the more time we give people the better; so I guess I would go with the 13th, but I don't want to make Ms. Kleiner's job any more difficult than it already is. So if she feels the 11th makes it easier for her and her people, that's fine. But if she can accommodate people like Mr. Johnson suggests to make it the 13th I would go along with that. Could I ask, Ms. Kleiner, are you OK with the 13th?

Director Kleiner

Kim Kleiner. I am if we could do Sunday maybe at midnight because I don't think there would be many people after midnight on Sunday.

Alderman Jette

That's past my bedtime.

Attorney Bolton

After midnight it is Monday.

Director Kleiner

Right. The only other request that I would make is that I want to be sensitive to giving the Committee time to look at it, before Tuesday morning and we may not get it out to you until mid-afternoon on Monday. I just would want to make sure that the Committee is OK with that.

Alderman Jette

So it makes me ask the question, so once we get this survey, what do we anticipate we are going to be, what action are we going to have to take with it anything? Or is it just information we are being provided. I mean are we going to have to do anything on Tuesday morning with it?

Director Kleiner

I do know that there was some significant discussion over it. The survey led to one of the recommendations of the subcommittee in 2015 and their request of Comcast for some customer service monitoring, not that I have found much that resulted from that and I am still doing my research. But it was noted during those meetings that the survey, because of responses that they received during the survey, they made that request to Comcast.

Alderman Jette

Is that something we would be dealing with on our meeting of Tuesday the 15th or could that wait until our meeting of Tuesday the 22nd?

Director Kleiner

I think that's totally up to the Committee. I am certainly hoping far before then we have response from Comcast on the number of requests that we have sent over and with that information it may just be compiling more information at that point we will have the Director's Meetings and I think we will still be compiling more if not even identifying some other information that we possibly may need. So I don't think that the meeting of the 14th would require us to do something with the survey, if the Committee didn't want to discuss it.

Vice Chairman Lindner

So do we want to set the deadline for midnight on the 13th and then we will have a little bit of time to review it before June 15th I guess that Tuesday? Is that what the Committee would like to do so we can get that finalized.

Mr. Johnson

That sounds fine to me, timing-wise.

Vice Chairman Lindner

Anybody else have any concerns or questions or comments on anything we have discussed so far the opening or the timeline? Alright, do we need a motion Attorney Bolton to approve this opening to put up on the web site or are we good with the changes as made.

Attorney Bolton

It's essentially unanimous by acclamation.

Vice Chairman Lindner

Ok. Alright. So we will have the survey go live on the 14th of May which is this Friday and it will be active through Sunday, June 13th at midnight. OK if we don't have any more discussion or comments on that

document, there were a couple of additional pieces of information that were sent over. Attorney Bolton would you like to speak to any of the documents or Ms. Kleiner to the documents that were sent over to the Committee?

Attorney Bolton

I sent over a proposed agreement from Bill August who is a lawyer in Massachusetts who has extensive experience, including experience with Nashua in helping communities with Cable Franchise renewals. He proposed that he would bill at a rate of \$225.00 an hour and the agreement details the services that would be provided. I don't know him personally but I have spoken to him. He seems very knowledgeable. Meanwhile I talked to Attorney O'Donnell at Donahue, Tucker and Ciandella, that's a New Hampshire law firm. Their main office is in Exeter and they have a couple of other offices around the State as well. Kate Miller, I recognize the name but I don't know her personally is their primary person who is involved with Cable Franchise Renewals and representing communities in that regard. Her billing rate is \$195.00 an hour. Brendan O'Donnell works in that area with her and his billing rate is somewhat less than that. Recently, maybe last year or so, they helped out with Derry and its Franchise renewal. Their total billings to Derry were in the range of \$11,000.00 for that effort so that can give you some idea. Branden has indicated to me that he would submit a written proposal to us and when that arrives, I will forward it to all of you. So that's where we are in terms of looking at getting legal assistance through this process.

I have no particular expertise in this regard. I do know that we have very limited leverage in trying to negotiate anything with the franchisee. So I am not sure that hiring outside counsel, while they will bring expertise that I don't have, whether that will be worth the investment in terms of what we get back. It is very difficult to say. I do not really see us reaping great rewards, financial or otherwise not matter how sternly and strictly hard we try and conduct the negotiations.

Vice Chairman Lindner

Should we hold off on continuing that discussion until we receive the other proposal? Do you feel like that is coming through shortly or before our next meeting?

Attorney Bolton

I do. I think if everyone is willing to wait until the next meeting we will probably have some proposal from Donahue, Tucker and Ciandella to look at.

Mr. Miseirvitch

Would it be possible to reach out to someone at the City of Derry to find out what benefit that their attorney had in the franchise agreement?

Attorney Bolton

I mean I could randomly call and see if I could talk to the Town Manager. I don't know if Kim is acquainted with anyone over there. Maybe she'd be a better person to do that but if people want me to do it, I can do it.

Director Kleiner

It is up to Attorney Bolton but I'd be happy to make the call; I do know some.

Attorney Bolton

Well as long as you've got a relationship already it strikes me that we would want to make use of that.

Vice Chairman Lindner

So we will hold off on that until next week; we will get some more information. Were there any additional documents that we needed to review that were sent over?

Director Kleiner

So I sent two documents. In our research of what happened with the last renewal. One is the City of Nashua System Report. So this was information that was provided by Comcast. This is information that we have requested from Mr. Christianson again with much more detailed information this time. But we wanted to give the Committee a little bit of background to compare the information we will receive against. The other was an overall progress letter that had been given to various boards and published on the web site. The interesting part of this was during the last renewal we created a page on the web site in which all the documents went. I thought that was important. So as we are gathering information and that becomes public information, I thought it may be important to do this again. It does seem like the page was temporary and I'm not sure how long it was up for. But on there they put the results of the survey, the various information that was gathered. So I wanted to see if the Committee would like to use that again and we could have our web site individual create another page.

Vice Chairman Lindner

I don't think that can hurt. I think it will draw more attention to the all of the process and bring another level of transparency. What does the rest of the Committee feel?

Mr. Poehnert

Sounds good, that sounds like a good thing to do.

Vice Chairman Lindner

Alright so we will plan on having that additional page up as information becomes available. I think some of the information we have available now, members of the Committee and what we can and can't control in the negotiations. So maybe it can be a page of progress, a working page and we add information as we have it. Does that sound like a plan? Alright. Thank you very much. Is there anything else that we need to review or confirm or vote on today to move forward?

Mr. Johnson

I was just concerned, we had talked at the first meeting about having a meeting with our group as well as other leaders in City Government. And I just wonder if we could either look at setting a timeline for that?

Vice Chairman Lindner

We have a meeting set up on Thursday morning. It is at 8:00 a.m. and I believe the information for that is posted or will be posted shortly with members of our City team. And the Committee should have received an invite for that; did you all receive an invite? If you didn't, I can resend it.

Mr. Johnson

I will not be able to be there, I have a dentist appointment scheduled at that point in time at 8:00.

Mr. Poehnert

I will be there so I can just pass everything along for you Pete.

Mr. Miseirvitch

Cheryl, Pete was not on that distribution list.

Vice Chairman Lindner

Alright I will forward it to you Pete, my apologies.

Mr. Johnson

I will try to get in there as soon as possible and see if it is still going on.

Vice Chairman Lindner

I am sending this over to you now.

Mr. Johnson

Thank you.

Vice Chairman Lindner

You're welcome.

Director Kleiner

It is posted on the City Web Site.

Vice Chairman Lindner

I am hoping to share the survey with the attendees prior to that so they can look over it and see if they have any questions or anything like that. But I just wanted to give them a heads up as to what the survey is going to look like. Do we have anything else, anything else that anyone would like to discuss? Mr. Poehnert.

Mr. Poehnert

I will send this edited version out as soon as we are done here at the meeting to everybody.

Vice Chairman Lindner

Thank you. Ms. Kleiner did you have something?

Director Kleiner

Mr. Poehnert beat me to it. So if he's sending it out then we will get IT working on creating the survey so it is up on Friday.

Vice Chairman Lindner

Thank you all very much. Alright if there is nothing else, do we have a motion to adjourn?

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

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

Yea:	Mr. Johnson, Mr. Poehnert, Mr. Miseirvitch, Ms. Kleiner, Attorney Bolton, Alderman Jette, Vice Chairman Lindner	7
Nay:		0

MOTION CARRIED

The meeting was declared adjourned at 9:00 a.m.

Jeff Poehnert, Clerk