

City of Biddeford
Cable T.V. Committee
March 11, 2019 4:30 PM
15 Columbus Way, Biddeford, ME

- 1. Roll Call**
- 2. Welcome Guests**
- 3. Approval of Minutes**
 - 3.1. Minutes of January 14, 2019
[Cable TV Committee Minutes of January 14, 2019](#)
- 4. New Business**
 - 4.1. Discussion - Franchise Agreement Expiration
[DRAFT - Franchise Notice to City Council](#)
- 5. Old Business**
 - 5.1. POLCO Update
 - 5.2. Franchise Fee Payment - Update
- 6. Other Business**
- 7. Next Meeting Review**
- 8. Adjourn**

CITY OF BIDDEFORD

CABLE T.V. COMMITTEE

SCHEDULED MEETING – JANUARY 14, 2019

The meeting of the Cable T.V. Committee was called to order at 4:30 p.m. on January 14, 2019 in the Biddeford Public Access Building. Present were Committee Chairman Mike Swanton, and Members Toni Sipka, Don Harper, and Lou Belanger. Members Bob Mills and Deb Davis were absent. Also present were the City's Chief Operating Officer Brian Phinney and Public Access Director Steve Pulos.

It was on Motion duly made by Chairman Mike Swanton, and seconded by Committee member Toni Sipka, unanimously

RESOLVED: To Accept the Minutes of May 14, 2018, as written.

New Business:

Committee member Don Harper requested that the following items be on the agenda. There was a lengthy discussion regarding Charter/TWC billing practices – consistency, ability to read customer bills, content of bill and format, small print, and equipment pricing (consistency).

Steve Pulos added that people are being charged different prices for the same required digital boxes.

Next, Don Harper had a Charter/TWC franchise fee worksheet and stated that the cable company is required to give these worksheets to the City on a regular basis so the Committee can see how many subscribers there are and how much money is actually coming into Biddeford. Don said the last worksheet the Committee received was over 2 years ago.

Brian Phinney explained that the annual franchise fees are sent to the Finance Department and he spoke to Cheryl, the Finance Director, who said they have not been receiving the franchise fee worksheets. Brian said he emailed Charter TWC/Spectrum and asked for past fee worksheets and requested that the current worksheet be sent with this year's fees. Brian informed the Committee that when Cheryl receives them he will schedule this item on the next Committee's Agenda.

The next item on the agenda deals with private equipment vs. Charter/TWC equipment. Don Harper stated he was told he could buy his own WiFi equipment rather than leasing the cable company's equipment and paying \$30-\$40 every month. Now, he said he has \$500 worth of his own equipment that is incompatible and TWC/Spectrum said they cannot help him because it is not their equipment.

Don Harper then informed the Committee that he was having trouble with his signal and tech support told him to bring his cable box into the store in Saco, which he did, and there he was given a Spectrum modem, which should be free, and was told he has been using a Time Warner modem and being charged an extra \$10 a month.

Don Harper stated that half of Biddeford residents do not know where the Public Access channel has gone. He said that there was no notification from the cable company that they were changing channels and when he asked for a printout of channels from the Saco Spectrum store, the updated channels were not on the listing and the font was so small you couldn't read it, anyway.

Don Harper next suggested that The Cable T.V. Committee send Biddeford residents a 1-page letter requesting a list of any problems they have had with Spectrum. Don said he feels this would help the Committee compile something to present to the Cable Company.

Don Harper commented that in December of 2016 the Cable Committee requested answers to problems with Time Warner Cable, and they were never answered. Today some of those same problems still exist with Spectrum.

Don Harper had questions about the language in the Franchise Agreement dating back to 2005 regarding transfers and acquisitions. Committee Chairman Mike Swanton stated that a merger is not an acquisition.

Brian Phinney stated that Charter/Spectrum actually purchased Time Warner Cable and there was a notice sent out by the FCC asking for comment. He continued that John Bubier, the City Manager at the time, drafted a response but it was sent out past the deadline.

The Committee moved onto the subject of the City having 3 channels. Steve Pulos explained that there are currently 3 channels: 1301 is the current channel 3, 1302 is the current channel 85, and 1303 is tied to channel 1302. Brian Phinney added that there needs to be 75% original programming on channels 1301 and 1302 to utilize channel 1303 according to the Franchise Agreement. Steve Pulos commented that Biddeford has enough original programming to meet that requirement but Channel 85 never ran correctly and was off-line for a long time.

Brian Phinney stated the Franchise Agreement expires on July 7, 2020 and last July City Manager Jim Bennett talked about this with the City Attorney and already has some negotiators in mind. Brian continued that this will probably be put before the Council for authorization to start the negotiation process in May of 2019.

The Committee will think about any recommendations for inclusion in the Agreement.

Toni Sipka said she thinks asking for residents' input is a good idea.

Old Business:

Brian Phinney informed the Committee that the City Manager and the Communications Coordinator are looking into a software program for Community Surveys to use on a trial basis. He stated that he will follow-up on this to see when it can be implemented.

There was a short discussion regarding the channel switching.

Other Business:

The Committee discussed the many guests from the City Council that Toni has had on her show.

Next Meeting Review:.

The Committee scheduled its next meeting for Monday, February 11th at 4:30 pm at the Public Access Building. Mike Swanton said the agenda will be sent by email unless there is not anything to put on the agenda and, in that case, the meeting will be cancelled.

There being no further business, it was on Motion duly made by Mike Swanton, and seconded by Don Harper, unanimously

RESOLVED: To Adjourn

Meeting adjourned at 5:30.

Respectfully submitted by P. Conway A 22/22



Biddeford Cable TV Committee
c/o Biddeford Public Access
15 Columbus Way
Biddeford, Maine 04005

March xx, 2019

Honorable Mayor Alan Casavant
Honorable City Council
City of Biddeford
P.O. Box 586
Biddeford, ME 04005

RE: Cable Renewal Contract/Franchise Agreement dated July 7, 2005

Honorable Alan Casavant and Honorable City Council,

The Cable TV Franchise Agreement between the City of Biddeford and Time Warner Cable (now Spectrum) expires in July of 2020. The Cable Television Committee wishes to bring this to your attention and to ask for guidance on what support you wish of the Cable Television Committee and how you would like to proceed with a new cable franchise agreement.

Section 2-403(b) of the Code or Ordinance identifies the duties of the Cable Television Committee, in part, as, “(1) Recommend terms of negotiation to issuing authority on nonexclusive cable franchise matters.”

The Cable Television Committee stands ready to support the City as deemed appropriate. Please relay your wishes at your earliest opportunity. In the meantime, the Committee offers an initial suggestion that you consider issuing a Request for Letter of Interest in order to understand the competitive landscape and get an idea who may be interested in a franchise agreement before starting any franchise discussions.

I look forward to your response.

Sincerely,

Michael Swanton
Chairman, Cable Television Committee

cc: Cable Television Committee