

IOWA CITY TELECOMMUNICATIONS COMMISSION

DRAFT

MONDAY, OCTOBER 26, 2009--5:30 P.M.

CITY CABLE TV OFFICE, 10 S. LINN ST.-TOWER PLACE PARKING FACILITY

MEMBERS PRESENT: Laura Bergus, Hans Hoerschelman, Robert Kemp, Saul Mekies

MEMBERS ABSENT: Gary Hagen

STAFF PRESENT: Mike Brau, Bob Hardy

OTHERS PRESENT: Josh Goding, Beth Fisher, Michael McBride, Lee Grassley, Susan Rogusky, Tim Teck

RECOMMENDATIONS TO CITY COUNCIL

None at this time.

SUMMARY OF DISCUSSION

Grassley said Mediacom is in negotiations with Sinclair Broadcasting for retransmission consent of the CBS and FOX broadcast channels. The current agreement expires at the end of December. Sinclair is requesting a very large increase in transmission consent fees. Sinclair recent acquired full ownership of the FOX channel and Mediacom believes they have violated federal law forbidding ownership of 50% of the television broadcasters in a given market. A letter signed by U.S. Senators Grassley, Rockefeller, and Kerry has been sent to the FCC requesting they investigate the issue. Mediacom will be requesting an injunction forcing Sinclair to allow Mediacom to carry the channels until the legal issue can be resolved. Mediacom plans to offer a 105 megabit service in Iowa City. Goding reported that PATV's annual membership meeting would be held Nov. 19 from 7-9 at PATV's facility. The program will be carried live and feature an awards ceremony. Members will also be able to vote on what new equipment PATV will purchase. PATV will be surveying membership on PATV operating hours. With regard to the school channel Hoerschelman asked if there was a point at which the Commission would wish to take action regarding the school channel, and if so, what the criteria to assess the school channel's performance might be. Hardy said the school channel continues to provide programming. The question is the school's commitment to the channel and the amount and quality of the programming. There are no franchise agreement provisions governing the amount of programming on any access channel or for eliminating a channel. Bergus said a minimum performance threshold for her would be covering the school board meetings. Hardy said legislation has been introduced in the U.S. House of Representatives that would protect access channels. The Alliance for Community Media is requesting help in getting local organizations and individuals to request their Representatives co-sponsor the bill. Hardy referred to the prepared resolution in the meeting packet and said that it and possibly a letter from the Mayor could be forwarded to the Iowa delegation. The City Council might also pass a resolution.

APPROVAL OF MINUTES

Bergus moved and Kemp seconded a motion to approve the amended September 28, 2009 minutes. The motion passed unanimously.

ANNOUNCEMENTS OF COMMISSIONERS

None.

SHORT PUBLIC ANNOUNCEMENTS

None.

CONSUMER ISSUES

Hardy referred to the complaint report in the meeting packet. There were three technical complaints and two service/billing complaints. Those complaints that could be resolved have. Mekies asked about the complaint about an automatic withdrawal. Hardy said the problem was with the length of time between when service was terminated and when the automatic withdrawal took place. Hardy said the subscriber received a prompt refund after contact with local Mediacom staff.

MEDIACOM REPORT

Grassley reported that Mediacom is nearly ready to launch the DOCSIS 3.0 Internet service in Waterloo, which offers up to 50 megabits of bandwidth. Mediacom is in negotiations with Sinclair Broadcasting for retransmission consent for the CBS and FOX broadcast channels. The current agreement expires at the end of December. Sinclair is requesting a very large increase in transmission consent fees. Sinclair recently acquired full ownership of the FOX channel and Mediacom believes they have violated federal law forbidding ownership of 50% of the television broadcasters in a given market. A letter signed by U.S. Senators Grassley, Rockefeller, and Kerry has been sent to the FCC requesting they investigate the issue. Mediacom will be requesting an injunction forcing Sinclair to allow Mediacom to carry the channels until the legal issue can be resolved. Mediacom has had discussions with Comcast, Time Warner and Suddenlink about working together regarding Sinclair. Suddenlink has already signed a retransmission consent agreement with Sinclair that boosted fees by 85%. Hoerschelman asked if the Sinclair channels are lost if other broadcast channels could be brought in to replace them. Grassley said that would not be possible legally. Grassley said there will be channel lineup changes late in the first quarter of 2010. Hoerschelman asked about different speed tiers for the Internet service after the upgrade to DOCSIS 3.0. Grassley said there will continue to be a 3 megabit service and a 20 megabit service and the 10 megabit will increase to 12. Mediacom plans to offer a 105 megabit service in Iowa City. Grassley said Mediacom is not in favor of the net neutrality proposals being considered by the FCC but they are officially neutral on the proposal. Goding asked about some PSAs PATV submitted but did not get on the air. Grassley said Mediacom did not get the PSAs in time for PATV's chili supper fundraiser and the other PSAs will be on soon. Grassley said the lead-time for the PSAs is 10 days. Hoerschelman asked

about Mediacom's position on open broadband access. Grassley said Mediacom would never consent to allowing other companies to use their network for free but would be willing to talk about leasing bandwidth on their network. Hoerschelman asked if Mediacom has any plans to offer wireless phone service. Grassley said Mediacom might have an announcement regarding this later this year. Hoerschelman asked if Mediacom had any WiMax or 4G Internet service plans. Grassley said those technologies still have some refinement to be worked out before Mediacom would provide those services.

UNIVERSITY OF IOWA REPORT

McBride reported that the University channel recently recorded the Homecoming Parade and the open forum on locating Hancher Auditorium. There were fewer productions during the past quarter than compared to previous years but the productions were generally more involved from a technical point. Mekies said he has noticed an improvement in technical quality and the content of programs.

KIRKWOOD COMMUNITY COLLEGE

No representative was present but a written report was included in the meeting packet.

PATV REPORT

Goding introduced Timothy Tech, PATV's new assistant community programmer. PATV's chili cook-off fundraiser was successful. PATV's annual membership meeting will be held Nov. 19 from 7-9 at PATV's facility. The program will be carried live and feature an awards ceremony. Members will also be able to vote on what new equipment PATV will purchase. PATV will be surveying membership on PATV operating hours. The next guidelines workshop will be Nov. 1 at 2:30.

SENIOR CENTER REPORT

Rogusky reported SCTV has three new student volunteers including someone who works on the staff of Daily Iowan TV. It is hoped that a workshop provided by PATV on imovie may generate more producers.

LIBRARY REPORT

Fisher reported that 25 live events are scheduled for October. Among the adult programs are Eco Iowa City, International Mondays, and International Authors. Ellen Buchanan continues to tape interviews with individuals on local history. New microphones have been purchased.

IOWA CITY COMMUNITY SCHOOL DISTRICT

Hardy said Hoyland informed him he had a conflict with a meeting he was recording and would be unable to attend the Commission meeting. Hardy said the schools did not respond when they were informed that the school channel would be one of the access channels moved to the digital

tier if the Mediacom proposal was to be acted upon. Hoerschelman asked if there was a point at which the Commission would wish to take action regarding the school channel, and if so, what the criteria to assess the school channel's performance might be. Hardy said the school channel continues to provide programming. The question is the school's commitment to the channel and the amount and quality of the programming. There are no franchise agreement provisions governing the amount of programming on any access channel or for eliminating a channel. Bergus said a minimum performance threshold for her would be covering the school board meetings. Hardy said that if the schools wished to abandon the channel arrangements, could be made to air the school board on the channel 5. Mekies said data on programming should be tracked in the event that the Commission wishes to take action in the future. Hardy suggested the Commission form a committee to look at alternatives for the school channel. Mekies suggested that some other entity might be given responsibility for school channel. Hardy will talk with Dale Helling about the City's position. Hardy said the Commission might wish to consider guidelines for channel utilization for all the access channels and consider alternatives if a channel is determined not to be meeting community needs. Hardy said he would contact the schools to get the past several months programming data.

CITY CHANNEL REPORT

Hardy reported that the Community Television Service recently recorded the Pat Meyer Vision Award Ceremony for the Domestic Violence Intervention Project and a program for the Johnson County Historical Society entitled "The Museum Curator and the Meskwaki". Upcoming programs include the Iowa City Area Development Committee and a forum on healthy school lunches. The city channel taped a segment to be included in a Writer's Workshop play that will be traveling around the state.

ACCESS CHANNELS AND THE DIGITAL TRANSITION

Hardy said that he requested an opinion from the legal department on obligations for Internet copyright. He received their opinion last Friday. A license from BMI/ASCAP for public performance for the entire City could be acquired for about \$1,300 annually. A webcasting license would be \$608 but it is unclear if that would cover the entire City. Hardy will discuss with Mediacom what they might contribute towards those costs. Bergus asked if the City has a timeline for action. Hardy said he is trying to get this project accomplished by the end of the year and has stressed to Mediacom that changing the franchise agreement could be a lengthy process. A separate side agreement may be made rather than a franchise modification.

TRIENNIAL REVIEW

Hardy said he hopes to have it ready for the next meeting.

FEDERAL LEGISLATION

Hardy said legislation has been introduced in the U.S. House of Representatives that would protect access channels. The Alliance for Community Media is requesting help in getting local organizations and individuals to request their Representatives co-sponsor the bill. Hardy referred

to the prepared resolution in the meeting packet and said that it and possibly a letter from the Mayor could be forwarded to the Iowa delegation. The City Council might also pass a resolution. As the legislation progresses additional efforts could be undertaken. The Commission agreed to take up the issue at the next meeting when Hagen is present.

CABLE DIVISION BUDGET

Hardy said the proposed budget is very similar to past years. There has been a decline in the local programming fees collected. There is an open position but it has not yet been decided if the position will be filled or the division will be reorganized.

COMMENT TO THE FCC ON OPEN BROADBAND ACCESS

Hoerschelman said the adoption of an open broadband access policy could lead to significant improvements for consumers with regard to price competition, access, and net neutrality. It is likely that in the future all communications services will come from a single conduit. An open access broadband access policy overcomes the problem of building out the last mile of competitive system. Hoerschelman said that absent an open broadband policy that net neutrality would not likely survive in the long term. The FCC has opened a Request for Information (ROI) regarding a study they commissioned to look at broadband issues. Brau noted the ROI was asking for input on the study's methodology at this point rather than the concept of open broadband access. The FCC has been collecting comments on 6 principles outlined by the FCC regarding net neutrality and some action is expected in the coming months. Legislation has been proposed on both sides of the net neutrality issue in the U.S. Congress. Mekies suggested the City website add something on net neutrality and maybe produce local access program with local experts on the issue

ADJOURNMENT

Bergus moved and Kemp seconded a motion to adjourn. The motion passed unanimously. Adjournment was at 6:45 p.m.

Respectfully submitted,

Michael Brau
Cable TV Administrative Aide