

**Cable Re-franchising Advisory Work Group
Minutes of November 12, 2019, 3pm**

Members Present: Jane Covey, Donna Frisoli, Gary Vincent, Kristi Eiane

Absent: Peg Newberg

Selection of Chair: By unanimous consent, the group elected Town Administrator Kristi Eiane as its Chair.

The first organizational meeting of the group was held to begin the steps associated with the cable re-franchising process. The Town's current cable agreement with Comcast terminates in September of 2020.

Review of Notebook Material: The group was provided with a notebook that contained the following:

- (1) Community Television of Maine Powerpoint dated 9/27/2018 and other CTAM docs
- (2) Town of Harpswell Cable Television Ordinance dated 3/5/1998
- (3) Renewal Cable Television License between Town of Harpswell and Comcast for the period from 9/24/2010 to 9/23/2020
- (4) Franchise fee calculations from 2016 to present
- (5) Town Meeting warrant articles from 2019
- (6) Comcast Commencement of Renewal Process Letter dated 2/16/2018 with a copy of the Communications Act of 1934, as amended
- (7) Copy of Maine Law: An Act to Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable Systems Operator

Main Areas of Discussion:

Need for Outside Expertise: The group discussed the need for outside expertise to assist with its mission. It was noted that the Town of Berwick recently signed a 15-year renewal with Comcast and utilized Tony Vigue as a consultant. Tony, who has presided over Community Television Association of Maine (CTAM), came to a workshop with the Harpswell Board of Selectmen several months ago and indicated he was no longer taking on new clients. The Chair was asked to contact Berwick to find out who else assisted Berwick, particularly with legal matters.

What Information can be obtained from Comcast: The group discussed finding out what information it could ask of Comcast and what maps it might be able to obtain from Comcast showing the location of existing cable lines. In past negotiations Comcast has provided Harpswell with mapping and other information, when explicitly asked. Another question asked by the group was how many residential properties were in Harpswell. The Chair noted she

would reach out to staff for that information. It was noted that Comcast has said that the number of subscribers in Harpswell is proprietary and not to be shared with the public.

New FCC Regulation: There was a discussion about the new FCC regulation and how that might impact the 5% franchise fee that is currently paid to the Town of Harpswell. Apparently, the value of cable “drops” (locations where programming can be broadcast live), is something that may now be considered of value and deducted from the 5% franchise fee paid to municipalities. The group wanted to better understand the implications of the new FCC regulation and the definition of in-kind, cable related contributions. It was noted that capital costs for local PEG (Public, Educational and Governmental) purposes were not considered to be in-kind contributions.

What Items/Services are Negotiable: The group wants to get advice early on about what items/services are negotiable as it does not want to spend time on matters that are unable to be considered. Broadband is one such matter. It was noted that the 5% cable franchise fee relates to a percentage of television services and not to internet services. It has been a long-standing principle that internet services are not part of cable television negotiations, and this is not likely to change, but the group will get clarification.

Next Meeting: The group plans to meet again in early December and would like legal counsel and/or a consultant to be available to answer many of the technical and legal questions that have arisen. Questions will be provided to legal counsel and/or a consultant in advance for discussion at the next meeting.

The meeting adjourned at approximately 4:30pm.

Respectfully submitted,

Kristi K. Eiane