

**CHESHIRE, MERIDEN, SOUTHTON CABLE ADVISORY COUNCIL  
MINUTES OF NOVEMBER 10, 2009  
COX COMMUNICATIONS - CHESHIRE**

**Members Present:** Rosalie Fountain, Tim Johnson, Michael Grove, and Andy Jay

**Members Absent:** Sara Porter, David Cooley, Phil Brewer, Mike Solomine Richard (RIT) Campbell, and Adam Grippo

**Cox Cable:** Peter Talbot

**Others Present:** Kathy Doherty, Recording Secretary

Chairman Rosalie Fountain called the meeting to order at 6:38 P.M. and read the charge of the Council.

Rosalie welcomed Michael Grove the new Board of Education representative from Meriden.

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**SECRETARY'S REPORT – ADAM GRIPPO**

Kathy called the roll and a quorum was determined.

**MOTION:** To accept the minutes of the September 8, 2009 meeting as presented.

JAN - 8 2010  
10:00 S.M.  
By Rosalie H. Fountain  
Town Clerk

Moved by Andy Jay, seconded by Tim Johnson, motion was passed unanimously by the Council members present.

**TREASURER'S REPORT – MIKE SOLOMINE**

Mike was absent due to illness. The balance is the same as September. The only outstanding bill is \$227.64 for secretarial expenses which would leave a balance of \$5,503.31.

Mike was going to put in a request for the 2010 stipend but that has not been received as Cox would not accept the invoice until January 1, 2010.

The post office box payment is due in December which is approximately \$100.00. Rosalie will pay the bill and get reimbursed.

**COMMUNICATIONS FROM THE PUBLIC**

None.

**COMMUNICATIONS BY MAIL**

Rosalie gave two payments to Peter.

**CHAIRMAN'S REPORT – ROSALIE FOUNTAIN**

A. Rosalie had met with Peter to discuss Tim's questions of the previous meeting. Rosalie addressed each of Tim's questions as follows:

1. A copy of the letter from Cox to Reverend David Carey from Our Lady of Mount Carmel Church in Meriden was read into the record by Peter with regards to his complaints about programming. See attached copy.

Peter noted that although this was a Cox error, the programming was not immediately removed and customers continued to receive the service until March.

Kathy stated that she had also received one of these letters and that the last paragraph had apologized for the error and gave the customers a free on-demand movie.

2. The Franchise Agreement is no longer in effect. Cox has a Certificate of Video Authority as part of Public Act 07-253 which superceded the Franchise Agreement that was in place. As soon as Cox received the Certificate of Video Authority it immediately replaced the Franchise Agreement that was good until 2011.

3. With regards to this Council joining the Statewide Council, that is not the case because we do not have statewide coverage.

Peter explained that Public Act 07-253 did two things, one was the statewide license which AT & T and Cablevision took advantage of. That is why Cablevision appears at the Statewide Council meetings. The other operators do their own meetings.

There is a section of the Public Act which deals with the Statewide licenses which talks about Advisory Councils. Section 6 states that there shall be a Statewide Advisory Council made up of one representative from each of the existing Advisory Councils.

Section 17A talks about Cox's situation and that says that a Company issued a Certificate of Cable Franchise Authority shall twice a year convene a meeting with the Cable Advisory Council / Video Authority. It also states that no member of that Council shall be an employee of a Company providing those services. It further provides for funding in the amount of \$2,000.00 per year for the Council and states that members of the Council shall serve without compensation, including any free or discounted services.

The DPUC is required to designate the Council as an intervener in any disputed case concerning the cable company it advises. Copies of any report or applicable documents of these cases / proceedings are to be provided to the Council. These are provided by the attorneys for the DPUC, Murtha Cullina.

Peter stated that many years ago he went through the State Statutes and Regulations and pulled out any thing that pertained to Advisory Councils. Section 16.333-30 of the Statutes relates to "Function of Council." Each Council may give advice to the management of the cable company upon matters affecting the public which it deems necessary. The Company must respond within five days to the issues brought before the Council. The Council is required to file a yearly written report to the DPUC concerning its activities for the period ending on June 30 of each year.

Peter gave a copy of that information to Tim for his records and stated that he would send an electronic copy to all the members of the Council.

AT & T wanted to get into the video provider business and told the DPUC that they did not want to apply for a Franchise Agreement. Their reasoning was that they were not providing the same thing as cable companies because they are providing their service over phone lines, not co-axial cables.

The legislature agreed to let AT & T come in at a specific, lower level of regulation. At that time, Cable Companies were held to very cumbersome and restrictive regulations over long periods of time, somewhere between 10 – 12 years in their Franchise Agreements. As part of these renewals, there were things that were required by the Companies to do and it gave the Companies exclusivity in the franchise area.

The new Certificate of Video Authority allows the Company to service the Towns in the Franchise area. Because Cablevision has applied for a Statewide license as well, theoretically they could overbuild and service the entire state if they desire.

When AT & T came in at that level, Franchise Agreements went away and now every company is under the Certificate of Video Authority. Cox no longer has a Franchise Agreement with the DPUC to service Cheshire, Meriden and Southington.

There was language in the Franchise Agreement concerning Advisory Councils, however, the establishment of Cable Advisory Councils go back to the beginning of cable with the original Regulations in 1974 when the State Statutes were put in place.

Under the Certificate, the guide lines for Advisory Councils went into effect October 1, 2007 and these guide lines are talked about in Section 17 of the Public Act. The State Regulations and Statutes which govern Advisory Councils are still in effect, they never changed.

The State Regulations of April 23, 1974 was established concurrent with Franchise Agreements. There are other pieces of those Statutes and Regulations which deal with CATV companies. PEG was established at the same time as the regulations regarding Cable Advisory Councils along with other guidelines with regards to equipment, access, and services.

Although Franchise Agreements are gone, the regulations with regards to Cable Advisory Councils are still in place and AT & T and Cablevision have the opportunity to come in to service anywhere they want to within the State along with anyone else who may get a Statewide license.

AT & T has to convene two meetings a year and they have to provide PEG access. They are currently in the process of negotiating to provide that service. Section 6 of the Public Act deals with the Statewide Councils and Section 17 of the Act deals with local operators.

Kathy questioned why AT & T is allowed to "cherry pick" as to who they will provide service to but Cox has to provide service in the street everywhere in the Towns.

Peter stated that Section 3 says that "the DPUC shall not require a competitive video service provider to comply with any facility build-out requirements or provide video service to any customer using any specific technology. The DPUC shall initiate a contested case proceeding in accordance with the provisions of Chapter 54 of the General Statutes three years after the issuance of their Certificate of Video Authority to such provider to investigate the availability of the certified competitive video services and record its findings to the joint standing committee of the General Assembly having cognizance of matters relating to energy and technology."

Peter states that it appears that the DPUC has three years to look into this situation. The by-laws of the Council are still by-laws of the Council based upon the State Regulations.

Peter stated that some of the things in the Certificate of Video Authority and the State Statutes are redundant such as the yearly stipend but the scope of this Council falls under the State Statutes. The scope of this council only deals with the area which they represent as their provider. The Statewide Advisory Council deals with AT & T and Cablevision along with a representative from each of the previously established Company Cable Advisory Councils.

If a customer of AT & T has a problem, they can come to members of this Council who would then refer them to the representative of this Council who serves on the board of the Statewide Council. These issues should then be brought to the Statewide Council meetings or one of the co-chairs of that Council.

Cox is paying the Council a stipend of \$2,000.00, AT & T is not. On the Cox billing, there is information about how to contact the Cable Advisory Council and on AT & T's bills there should be information about contacting the Statewide Advisory Council.

Peter will send Kathy an electronic version of the State Regulations and Statutes governing Cable Advisory Councils and she will circulate it in the minutes. He will also provide the link to Public Act 07-253.

When SNET got into the video business, they used to have a SNET representative come to our Advisory Meetings but that was done away with under this Certificate of Video Authority.

This Council used to get a \$2,000 stipend from Cox and a \$2,000 stipend from SNET. This Council did not, however, hear any information about what was being done in the Cable Companies as it was considered proprietary information.

The yearly stipend will not end and the Council will not be obsolete. This Council must get new members.

Peter stated that, as requested, he did call Tim and they spoke briefly but that Tim had wanted to discuss these items at the meeting.

B. Rosalie contacted the Meriden Assistant of Schools and was given the name of Michael Grove to fill the position of the Board of Education representative. Michael is the Supervisor of Technology for the District.

C. Rosalie received a notification on November 10, 2009 that the November 25, 2009 Statewide Council meeting was cancelled. The meeting had been scheduled the day before Thanksgiving and only three people were going to attend. The next meeting is scheduled for Wednesday, January 27, 2010, the time and place to be announced.

The topics for the Agenda of this meeting will be:

- a) Nominations of officers
- b) Discussion of new State law regarding CTN
- c) Cablevision rate increase
- d) Technology Committee report
- e) Member certification
- f) Letters from Cable Councils regarding appointments
- g) Update on paid secretary

This Agenda was submitted by Don Saltzman and his email is: [Donald@optonline.net](mailto:Donald@optonline.net) for anyone wishing to contact him.

Rosalie stated that she had printed out a copy of the minutes from the September 23, 2009 Statewide Advisory Council Meeting and available for anyone wishing to review them. The amount in their treasury is \$12,853.76. Some of this money is a carry-over from the original Statewide Council.

The minutes from the Statewide Council also indicated that AT & T is moving slowly towards an agreement with Cox and indicated that Cox has asked their CAP's not to negotiate with AT & T. The definition of CAP was assumed to mean Cable Access Providers.

Mike had planned on attending the November 25<sup>th</sup> meeting which was cancelled. RIT went to the September meeting but he is not listed as attending. Rosalie will let Mike know that the November 25th meeting was cancelled and ask him if he would like to attend the January meeting.

**MOTION:** To accept the Chairman's Report.

Moved by Andy Jay, seconded by Michael Grove, motion was passed unanimously by the Council members present.

**COMPANY REPORT – PETER TALBOT**

Kathy asked about the status of the changes to the DVR in which customers would be able to tape four shows at a time and playback in any room.

Peter stated that it is coming but he is not sure when. No advertising has been done as of yet, but the boxes will have increased capacity.

Michael Grove stated that it would be nice if the Schools would be able to DVR a show which could then be played back in all the classrooms.

Peter will try to find out when these changes to the DVR will be done and if there will be any potential additional costs for this service. Peter will also check into how the schools can DVR a show and have it play back in the classrooms. One possibility would be to DVR the show and burn it onto a DVD.

Peter stated that this can be done by taking the output of the box and run it into a DVD burner. The only time you would not be able to do this would be for the movies that are on the DVR from On-Demand.

Rosalie and Kathy both stated that they are having problems with sound and video interruptions where it may stop in the middle, just goes crazy, tiling, and missing part of what is being said. Kathy says she sees a lot of jumps right at the ends of shows and you lose the last few seconds of the show and / or voice. Peter does not know why this is happening but will try to check into this.

Peter stated that in the next year Cox will be in the wireless business (cell phones).

**MOTION:** To accept the Company report.

Moved by Tim Johnson, seconded by Andy Jay, motion was passed unanimously by the Council members present.

### MINUTES CLARIFICATION

Peter stated that there were a couple of things in the minutes, some of which were discussed this evening, that needed clarification. Peter stated that the Company still gives notifications to the chairperson with regards to rate increases and information on the DPUC filings.

Tim stated that the minutes reflect opinions of the members at the meeting. The Council can now begin to clarify what the role is of this Council for customers as well as council members.

Peter stated that he feels that it would be highly unlikely that there would be an over-builder in the area and it is extremely unlikely that Cox would over-build into another area because of the expense involved. AT & T is using their existing phone lines so that has allowed them to do more.

Peter noted that the DPUC had limited authority over basic programming rates. Cox has always stayed under the maximum permissible rate that could be charged.

Tim stated that he understands that the Council has no input on rate increases, the Council would just like to be made aware of the increases coming so they are not blindsided when approached and asked about them.

Peter stated that he has always tried to give the Cable Advisory Councils as much lead time as he can but unfortunately sometimes it is the same time as the press and / or public gets the information. But he does try to give the chair's a heads up on rate increases and programming changes.

### OLD BUSINESS

The Board of Education representatives from each Town are putting together their wish lists for equipment to be provided from this Advisory Council with the excess funds in the treasury.

Tim stated that letters were to go to RIT and Mike and a representative from Meriden and those letters were to be copied to the Superintendent of Schools in each Town but this had not been done. Rosalie will take care of this.

Council vacancies. Rosalie did not contact the Towns about vacancies because she wanted to wait until Tim's questions were addressed this evening. In addition, the chief elected officials have changed in Southington and in Cheshire. Mike Rohde will stay the chief elected official in Meriden.

Cheshire has a full contingency with three members and a Board of Education representative. Southington also needs three members plus a Board of Education representative so they have two openings for regular members. Meriden has six representatives, four regular members, one Board of Education Representative and one Library Representative. Meriden is now missing two regular members.

Rosalie has contacted Meriden several times and has been told that no one wants to serve as they are afraid of being sued. Rosalie will send a request to Mayor Mike Rohde in Meriden requesting new members and copy the DPUC.

Kathy noted that Robert Galati had volunteered to contact the appropriate parties in Southington to get the necessary new members. Once Robert was appointed to the Board of Education in Southington, he was no longer on this Commission and so nothing was ever done.

Tim noted that although Robert had been appointed to the Board of Education seat to fill in for the remainder of an open term, he was not elected to continue in that position.

### NEW BUSINESS

Tim stated that we need to rewrite the by-laws because there are references made to Dimension Cable as well as other outdated information. A by-law committee should be formed to work on these revisions. It was suggested that RIT would be a good asset to this committee due to his years of knowledge on this Council.

### NEXT MEETING

The next meeting will be held on January 12, 2010 at the Cox Communication Studio on Route 10 at 6:30 P.M.

Peter stated that he will attend the March and September meetings. He will also attend the June meeting if he is invited.

Additional meetings are scheduled for March 9, 2010 and May 11, 2010. The June 8, 2010 meeting will be held at a Cheshire restaurant.

**REMINDER**

**Rosalie has requested that anyone who is unable to attend the meetings, that they please contact either Kathy or herself.**

**ADJOURNMENT**

**MOTION: To adjourn the meeting.**

**Moved by, seconded by, motion was passed unanimously by the Council members present.**

**The meeting was adjourned at 7:55 P.M.**

**Respectfully submitted,**

A handwritten signature in cursive script, appearing to read "Kathy Doherty".

**Kathy Doherty  
Recording Secretary**