

**City of Bloomington
Telecommunication Council
Business Meeting – April 7th, 2009**

Common Council Chambers
City Hall at the Showers Building
401 N. Morton St.

I. Members Present: Carl Zager, Eric Ost, Suzann Owen, Jesse Strycker, Duane Busick,
Others in Attendance: Rick Dietz- ITS, Kevin Bowlen – ITS, Michael White – CATS

II. Approval of Minutes: Motion was made by Duane Busick to accept the March 3rd minutes, Suzann Owen seconded the motion. Unanimously approved. Motion was passed.

III. Public Comment – None

IV. Reports

1. Telecom Members

Suzann- As noted in the minutes from last month, there was a discussion of the revenue from the franchise fees received from the video service providers. Suzann put together a table showing the revenue from 2007 and 2008. These raw numbers are the only clues we have as to what the city gets paid. This is a requirement that the video service providers do have to send quarterly payments to the city they operate in, so we receive checks from AT&T and Comcast.

	2007	2008
AT&T	\$5,380.73	\$41,371.28
Comcast	\$645,250.34	\$667,616.63
Totals	\$650,631.07	\$708,987.91

There is a proposed bill in the general assembly about decreasing the franchise fee percentage from 5% to 4% and then trying to make up the difference up by taxing satellite services. We are not sure how this might affect the city. Satellite subscribers do have a higher percentage in the rural areas outside the city limits, where cable is not available. We have to look at the total revenue number with the possibility that the revenue coming into the city, and the percentage of that which is allocated to CATS, and if that would be decreased.

Eric – The state of Kentucky passed in 2005 an amendment that levees what they call a 3% sales/excise tax, and a 2.4 gross revenue tax on all multi-channel video programming service which includes satellite and cable. It was challenged in the U.S. Court of Appeals for the 6th District and in 2007; on May 31st they issued an opinion saying that they upheld the constitutionality of the amendment.

Suzann – Franchise fees are what video providers have to pay for the right of way, laying cables, stringing wires, poles, which isn't the same for satellite.

Carl – One of the things missing from these revenue reports is the amount of subscribers that these dollar amounts represent. In addition, before the law, cable providers would also give information on the services that subscribers use. We do see some dramatic jumps, which may be due to the substantial increase in the basic rate for local subscribers.

Suzann – We need to be more attentive to when rate changes are made and put them into our notes.

Michael White – CATS

Our two major supports are city government and county government. If you combine, we would loose approximately \$120,000. To make this realistic we would loose half of our crew if this were to go through. The loss would be significant to CATS.

Rick Dietz – ITS

If the general assembly were to shift that 1% to satellite fees then that would not necessarily be made up to the city because there are fewer satellite subscribers, depending on the state distribution of those funds. The county would likely benefit more.

Duane – Where are the lobbying efforts coming from?

Rick – Non-satellite video service providers.

Suzann – Do you have any idea where this legislation is going to be attached? There doesn't seem to be a separate bill.

Rick – It is part of an omnibus bill that had a number of provisions to it. I don't know what the current status is.

Duane – Just too re-fresh memories, the local control of cable franchise was taken away in a bill that essentially happened on the last day of the long-term session.

Carl – A good percentage of the expenses incurred by CATS is coverage of city and county government meetings. Reduce the number of people who can provide that service to you and you greatly reduce the amount of people in both the city and county that can view what is going on in local government, as well as the school boards and committees.

Carl – Emergency Overrides

Representative Pierce decided to follow our issue from a community protection standpoint and attempt to get an analysis from the Department of Homeland Security. We are not sure what support we will get. One of the reasons, we are so unsure is that many communities don't have this service, so they don't understand the importance and how it works.

2. CATS – Michael White

* Announced meeting on Wednesday – Access members will be meeting with Brent Hershman. Mr. White will email findings to committee members.

- Monthly programming
- As part of the Memorandum of Understanding Bloomington, we are saving the oldest tapes in our archives. We are giving the archival programs a spot in the line-up.
- If you notice any people in these archival programs that you know something about. CATS is interested in documenting information about them. CATS can be contacted at 349-3111 or CATS@mcpl.info

Suzann - Are programs from Rachel's Café taped, since you don't have a live feed?

Michael – Correct!

Suzann – Where do you have live feeds?

Michael – Courthouse, City Building, HT, RBB School Building, Bluebird, Buskirk Chumley, WHB, and the Old Police Station (3rd Street)

3. WTIU – Phil Meyer

No Report

Jesse – In talking about the 4th channel that came online which is the Spanish channel, did he by any chance mention being able to get to English on it?

Duane – He just mentioned it by name and called it WTIU World.

Jesse – Apparently, there is no 2nd audible programming for the Spanish channel. Some of the programming doesn't appear to be originally Spanish but dubbed over to Spanish, there has to be another audible soundtrack somewhere.

4. ITS Dept. – Rick Dietz

- Next BDU Meeting on May 7th at 4pm
- PEG Platform – Equipment is in place in the telecom hotel, but no live test has been test. We are in the process of making draft of a user agreement for the usage of the telecom hotel. We would like to extend a big thank you to WTIU for the technicians who assisted with the selection and deployment of equipment.

Suzann – Does this suggest that the city will have fulfilled its obligation to make available the PEG channels for AT&T like they are asking?

Rick – When we are running, But there are some differing interpretations of what is required.

Eric – It is a very generous contribution that the municipality has made in assisting the video service providers in providing the PEG channels.

Suzann – The AT&T representative, his response to the Lieutenant Governor office that placed an inquiry about this was: “we have had a dialogue regarding the city’s carriage of the PEG channels on AT &T Indiana U-verse platform. When we last spoke, we discussed a draft proposal put forth by the city that among other things describe the way AT&T could obtain the cities PEG content, during those discussions AT&T, Indiana’s technical and network staff provided feedback on that proposal but did not received any additional feedback from city officials.” What they are saying is the ball is in the city’s court, denying it is in theirs?

Rick – The ball is everyone’s court. Essentially, we have had follow-up discussions with them that we were in the process of designing and deploying this system.

Suzann – Is that installation complete or is it a work in progress?

Rick – It is largely complete, just not done final testing.

Suzann – When you notify AT&T that you are ready for testing, could you notify the council as well.

Rick – I will keep you updated. We are attempting to provide a technical solution that answer the challenge placed on local communities that is forward-looking, flexible and smart.

Eric – This is a very central location. A future proof solution because it is based on technology that carries enhanced quality signals. It also carries signal in a neutral setting.

Duane – What is going on with the BDU?

Rick

*Currently have an active fiber-optic ring within the downtown part of the city.

* Currently provide dark fiber to the City of Bloomington.

* Connect over a dozen locations.

Duane – Is anything happening as far as a WIFI system that would spread across the community?

Rick – Not a system that is spread out, but we are looking at other deployments in the downtown area with a pilot project with IU. You can see a map of the fiber layout as a PDF file on the ITS website.

Duane – Are we still expanding where we put fiber as part of the BDU?

Rick – When we have opportunities. Our most recent is a City facility on Adam’s street across from the new tech high school. We have also been deploying conduit as part of the B-line.

5. Comcast – No Report

Carl – I received a number of phone calls throughout the month of March, concerning a wide disparity in Comcast volume from channel to channel. CSPAN channels.

6. AT&T - No Report

Suzann – I received a mailing that they are really marketing their U-verse as a television service. A great many people across the country are seeing U-verse as a broadband service. People don’t see the services they won’t get like PEG channels, and emergency over-rides.

V. Old Business

Reports to City Council

Carl – Did we put together a report for 2008?

Suzann – We still haven’t delivered 2006 & 2007.

Carl – Would like to have a volunteer to put together a report of our activities for 2008? (Suzann volunteered.)

Comcast, EAS, Local Emergency Overrides

On March 18th, the state did a statewide tornado test, and Monroe County tested 31 sirens. Four were tested for the first time on the IU campus. All the sirens operated, what did not operate was the local override on the cable system. This was a statewide set-off. We are concerned we may have a disconnect caused by equipment, and if this is the case, House Bill 1619 is more valuable. We may need to lobby for repair of the system which is mandated by the FCC.

Suzann – Status of House bill 1619, it is in committee in the Senate.

Carl – The taskforce as two groups of people who are actively lobbying colleagues. Rick Dietz and Jeff Schimmer are collaborating with 9/11 officials and county management officials around the state. Mr. Satterfield has been working with the Association of Indiana Towns, and communicating with government entities. Iris Kiesling has been working with the Association of Indiana Counties. What I would like to do with your approval is contact those four people and ask them to follow-up with the people they been dealing with and see if we can't nudge officials to take another look, especially of the senate side.

Suzann – Last action on the bill seems to be on March 3rd, nothing since then.

Duane – I motion that we appoint Carl as a representative of this council to communicate with these four areas and try to stimulate some discussion in the State Senate.

Jesse – Seconded the motion.

Telecommunications Council Charter

Carl – Any progress or information on the status of the telecom charter. Perhaps we should drop this from our old business.

Suzann – There are certain things that need to be changed in the charter. It speaks specifically to our role with the franchise. It needs to be revised. The ordinance creating the Telecommunications Council is very out-dated.

VI. New Business

VII. Adjournment

Suzann – Motioned for the meeting to be adjourned. All were in favor.

Next Regular Meeting

Tuesday May 5th, 2009 at 7:30

Common Council Chambers in City Hall at the Showers Building
401 N. Morton St.

Submitted By:
Stephanie Jachim 4-20-09