



CITY OF PORTSMOUTH, NEW HAMPSHIRE

**CABLE COMMISSION MEETING**

**City Hall - Conference Room A**

Thursday, August 18, 2005

The Portsmouth Cable Commission met on Thursday, August 18, 2005 at 4:00 p.m.

**I. Call to Order** - The following were present:

John Gregg, Chairman  
John P. Bohenko, City Manager  
Louis Vinciguerra, Commissioner  
Gene Fisk Commissioner  
Jeff Landry, Commissioner  
Kathleen Pearce, Commissioner

Also present were Alan Brady, City of Portsmouth Webmaster and Asst. City Attorney Suzanne Woodland.

**II. Approval of Minutes** – Voted to approve and accept the minutes of the July 19<sup>th</sup> Cable Commission Meeting.

**III. Report back** - Information on other public access stations – City Manager John Bohenko referred to the package of information prepared by Alan Brady regarding community access stations in other NH cities and asked Alan to walk although the information.

Alan gave a brief synopsis of the power point presentation he prepared on the public access stations in Concord, Manchester and Bedford. Concord is a non-profit organization, Manchester has just recently become non-profit and Bedford is under City Council/City Manager and is a Department of the City.

Concord was established in 1998. Funding is provided by the City: 40% of the city's 5% franchise fee received from Comcast is given to CCTB. The access channel receives \$200,000/year in total from franchise fee and revenue supplemented through grants, annual fund drive, special events and business underwriting. There are 3 full-time employees and 10 – 15 part-time producers. They have 3 channels.

The Manchester access studio recently moved and is in the midst of turning the channels on. They set up a new studio new digital equipment. Manchester is also

non-profit organization. Monies are provided to the access channel from cable TV franchise fee: 1% of the 5% is given to the channel. They will receive \$240,000/year for 10 years. They have 2 full-time employees and additional part-time producers. They received a \$350,000 grant from the City that allowed for the renovations and equipment.

Bedford is under direction of the City Manager and City Council. Funding provided by the City from their Cable TV franchise. Bedford receives the full 4% franchise fee from Bedford Community TV. Amount of \$200,000/year for 10 years. They have two full-time employees and additional part-time producers. They also negotiated with Comcast to provide an additional \$250,000 for capital expense items which Comcast is passing through to customers (collecting from customer and then giving to the city).

Gene Fisk said when Cable first started there was no pass through, they were not allowed to pass through. The law changed and cable started passing through to the customers.

#### **IV. Public Ascertainment Hearings**

Suzanne Woodland stated that sometime prior to October 1<sup>st</sup> we need to hold an ascertainment hearing which is to gauge the public and the City's interest in cable and its needs. After discussion it was decided to have 1) an ascertainment hearing Sept. 8<sup>th</sup>, prepare a public notice and place on the website for public notice; 2) have a subsequent meeting for the City with representatives from other communities and 3) a 2<sup>nd</sup> and possibly a 3<sup>rd</sup> ascertainment hearing with departments of the City and non-profit organizations.

**MOTION** made by Jeff Landry to move forward with the Sept. 8<sup>th</sup> ascertainment hearing. Seconded by Louis Vinciguerra. Motion passed.

City Manager stated that interested persons in community access should attend the Sept. 8<sup>th</sup> hearing at 7:00 p.m. Notices will be sent out on the community electronic newsletter, Website and Channel 22 and a press release.

#### **V. City Attorney comments concerning pending federal legislation - Asst. City Attorney Suzanne Woodland referred to recently introduced federal legislation regarding telecommunications companies e.g. phone companies, interested in providing video services to communities in competition with a cable company and whether they will have to negotiate a franchisee agreements. After looking at the proposed legislation, she recommended the Cable Commission simply sit tight for the time being. These are early pieces of legislation and it makes sense to see how it evolves. No action is required. She also stated that she spoke with Verizon to confirm that they do not intend to wait for new federal legislation before negotiating with the City of Portsmouth.**

- VI. **Discussion of upcoming non-public session to interview potential legal counsel** – City Manager stated that on September 1st the Committee will be meeting with two law firms regarding their representation of us for our cable negotiations.
- IV. **Other Discussion** - Kathy Pearce referred to an article that was in the WIRE last week regarding public access that is also on line at wirenh.com. Presented a copy to the Committee.
- V. **Adjournment - MOTION** made by LouisVinciguerra to adjourn. Seconded by Kathy Pearce. Adjourned at approximately 4:50 p.m.

Respectfully submitted,

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Elaine E. Boucas