



**Portsmouth  
Cable Commission Meeting  
3:30 p.m. – May 28, 2009  
City Hall/City Manager's Conference Room**

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The Portsmouth Cable Commission met on Thursday, May 28 at 3:30 p.m.

- I. Call to Order - The following were present:  
John Gregg, Chairman  
Kathy Pearce, Commissioner  
Brian Gregg, Commissioner  
Bill Southworth, Commissioner

Also present was Suzanne Woodland, Assistant City Attorney and Alan Brady, Communication Supervisor. Absent: Nancy Beach

Chairman John Gregg called the meeting to order at approximately 3:35 p.m.

The chair welcomed Bill Southworth to the Committee and the members introduced themselves and gave their background.

**Approval of Minutes – April 9, 2009 MOTION** made by Kathy Pearce to approve the minutes April 9, 2009 meeting. Seconded Brian Gregg. Motion passed.

**FairPoint Update** – Suzanne Woodland reported that the FairPoint video trial was completed the end of April. Notices were sent out to the trial participants getting final surveys, thanking them and trial participants were permitted to retain the television set. John Gregg, City Manager, Alan Brady and Suzanne will be meeting with Rick Preti of FairPoint on June 9<sup>th</sup> to learn of the trial results and FairPoint future plans. Suzanne also mentioned that the city is looking at shifting a telephone pole near the Music Hall on Chestnut St for aesthetic and safety reasons and approached Fairpoint to see if they would absorb the cost. They are considering the request.

**Comcast Update** – Suzanne Woodland reported that the Mayor and City Manager received a letter from a Mr. Castro who had a concern with loss of Channel 17, the Maine public broadcast station. Suzanne has since been advised by Comcast that they sent out postcards notifying Portsmouth subscribers of the change of Channel 17. After discussion, the Commission asked that Suzanne send letter to Comcast regarding our disappointment with the way in which Comcast is notifying customers when they relocate channels from analog to digital tiers. Also, Brian Gregg suggested asking if WGBH really considered our primary public broadcast channel for Portsmouth i.e. not the New Hampshire public broadcast station.

Suzanne Woodland then updated the Commission regarding Comcast's failure to follow through on providing digital boxes for public housing residents. She has spoken with the

Executive Director of PHA who is frustrated at the slow, unsatisfactory cooperation being received from Comcast: first in failing to supply digital boxes and now in approving a new rate plan and setting up service. Suzanne recommended that the Commission consider invoking the formal complaint response procedure of the franchise agreement which would involve sending a letter to Comcast advising of our concern, asking for information and notifying them of our intent to hold a public hearing on the matter if we have not heard back from them within 10 days.

Commissioner Southworth suggested that PHA be advised to consider developing a video service via satellite dish. His experience with a local condominium association has been quite favorable in this regard.

**MOTION** made by Brian Gregg for Suzanne Woodland to formalize a complaint, to request investigation of this and to ask for additional information on negotiations. Seconded by Kathy Pearce. Motion passed.

**Public Access Charitable Trust** – The Chair then updated the Commission regarding conversations that were held since the last meeting with each City Council member for the purpose of ascertaining their interest in launching public access in Portsmouth. The conversations included obtaining views on setting up a Charitable Trust for the purpose of managing monies that might be received from individuals, organizations and the city. Councilors were generally supportive of moving forward in this manner. Accordingly, the Commission decided to request time to formally address the Council on this matter at their meeting on August 3, 2009.

Suzanne Woodland presented the committee with the latest draft of the Charitable Trust with changes from the last meeting and will be voted on at the next meeting.

The Chair explained that the process of setting up a nonprofit organization is to have a group of six people called incorporators who file paperwork with the state and federal government, develop by-laws written, and recruit board members. These six people may or may not be on the actual board of the non-profit. The Chair felt it would be desirable to have some of the Commissioners as part of the incorporators and asked Commission members to think about whether they will want to be a part of the six incorporators and ultimately the nonprofit board in lieu of or in addition to being on the Commission. It will have to be decided as to whether sitting on both the Commission and nonprofit board would represent a conflict of interest. The Chair suggested discussing this further at the next meeting and to finalize the trust.

**Other** - Suzanne Woodland will get a copy of the minutes from the day long work session held on January 22, 2009 to Bill Southworth.

The next two meetings are on June 11 and July 9. Brian Gregg stated he will not be able to attend the July meeting and offered to do anything he could do to be helpful between now and June. Bill Southworth will not be available on June 11<sup>th</sup>. John Gregg will not be able to attend the August 13<sup>th</sup> meeting and suggested we go along with our regularly scheduled time.

**MOTION** made by Bill Southworth to adjourn. Seconded by Kathy Pearce. Motion passed.

**Adjournment - MOTION** made by Bill Southworth to adjourn. Seconded by Kathy Pearce. Motion passed.

Respectfully submitted, Elaine E. Boucas