



CITY of BEVERLY
CABLE TV ADVISORY COMMITTEE
191 Cabot Street, Beverly, Massachusetts 01915
Phone (978) 605-2334

Mayor
Michael P. Cahill

Chairperson
Brendan Sweeney
Committee Administrator
Stephanie Bilotti

MINUTES
Tuesday, January 12, 2021
7:00pm.

AGENDA

- Commencement
 - Rollcall
 - Approval of meeting minutes – last 2 meetings (12/8, 12/22)

 - Ascertainment Survey
 - Review and Discussion of Draft Survey
 - Finalize Survey for Public Distribution
 - Feedback collection mechanisms

 - Development of Questions for Bill Hewig of KP Law
 - Questions will pertain to parameters of contract negotiations with Comcast

 - Ongoing Items
 - City Council policy document (RE use of cable TV and political campaign coverage)
 - Update commission language in City ordinance
 - Discuss ways to attract other cable and/or internet providers

 - Discussion of Future Meeting Times

 - Adjournment – Rollcall
-



Commencement

Roll Call

1 Wayne Miller	present
2 Brendan Sweeney	present
3 Sean Leach	present
4 Bryan Whitehead	present
5 Kyle Sweeney	present
6 Matthew Bilotti	absent

Brendan – reads public meeting ground rules

Approval of Minutes

1st agenda item – approve meeting minutes from last two meetings 12/8 and 12/22. Walt Kosmowski from BevCam had provided a few clarifying changes.

Wayne Miller – motions to accept the 12/8 minutes with Walt’s updates.

Sean Leach – 2nd the motion

Roll Call Vote – to approve 12/8 meeting minutes with changes from Walt Kosmowski

Kyle Sweeney	yes
Wayne Miller	yes
Bryan Whitehead	yes
Sean Leach	yes
Brendan Sweeney	yes
Matthew Bilotti	absent

Motion is past



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Wayne Miller – motions to accept the 12/22 minutes with Walt’s updates.

Sean Leach – 2nd the motion

Roll Call Vote – to approve 12/22 meeting minutes with changes from Walt Kosmowski

Kyle Sweeney	yes
Wayne Miller	yes
Bryan Whitehead	yes
Sean Leach	yes
Brendan Sweeney	yes
Matthew Bilotti	absent

Motion is passed



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Ascertainment Survey

Discussion

Thanks to Wayne and Kyle for putting the survey together.

Brendan shares screen to display the draft survey for discussion

Survey is up on the screen and is broken into 3 components

Kyle Sweeney explains the structure and intended layout of the survey.

Based on the answer to the first question, the survey taker will be directed to 1 of 3 possible pages of questions. The first question is - does this person currently pay for cable only, internet only or both. So the next set of questions are directed to the answer, i.e. if cable only, then next page of questions are specific to cable, if internet only, the next few questions are about internet, and so on. Then the questions that follow on page 4, after the horizontal line, are questions asked of all subscribers. It doesn't matter what plan they have with Comcast. These are the BevCam related questions we want subscribers to answer.

Wayne Miller – I don't think we will have a lot of folks who have cable without internet, but figured we provide the option.

Brendan – so let's open the discussion on the survey.

Bryan Whitehead – what is the thought process around capturing what people's internet usage is?

Wayne – A lot of this is not just for capturing the current situation, but year 2 and 3 down the road. To see what we might anticipate. Also wanted to get an idea of what speed people require. Whether happy with just the minimum or they require a significantly higher bandwidth.

Sean – and to reiterate, cable tv is going to travel over the internet for the foreseeable future, so whether Comcast wants to let us talk about it is another thing, but they will be limiting our bandwidth and we will all have data caps starting soon as well. If you don't pay to play using Xfinity's tv service, it's going to count against your data cap. So they are intrinsically intertwined now and we cannot let Comcast dissuade us from talking about both services.



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Bryan – yes, I guess as it relates to this specific contract, it doesn't cover internet, so I'm curious with these questions how we would integrate that in.

Wayne = my thought process was to use the survey as a forward looking mandate, not just for settling the license agreement. I'm looking toward what this committee will be doing beyond the contract and thought to use this information for that purpose.

Bryan – thank you.

Brendan – so one point I want to put out there to play devil's advocate on the detail. Matt Bilotti had emailed me some of his comments b/c he knew he could not be here. His thinking that we should focus more on the cable side than the internet side. I do think what bridges the 2 services (cable and internet) are the questions on streaming service. I know a handful of people that have left cable altogether b/c the streaming services can offer all they need for programming. Adding sports was the last hurdle for them to make the jump and ditch cable entirely. If we are to focus on internet and feel free to point out why the collection of internet speeds are relevant. Should we scale down the internet section to focus more on the cable adjacent services that people can obtain from having just Comcast internet and other streaming services.

Wayne – I suggest we go through the survey

Kyle – not as many questions as there appears to be, really only 2 pages of questions.

Stephanie - I know we had a couple of sample surveys that were sent to Wayne and Kyle to leverage. Did you use those surveys? Or did we start from scratch.

Wayne – We did use them. There was a lot of stuff we used and a lot we did not. Much of it was dated. Not all that relevant. I suggest we go down the both internet/cable lane and run through the survey that way.

Brendan – let's go question by question and follow cable/internet path

Sean – most chord cutters would still have cable to keep their costs down b/c of Comcast's silly pricing system.

I'll read through questions and you can comment. If any revisions or objections or additions chime in.

What internet speed do you pay for?



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Bryan – are these answers off an internet site? I didn't realize we had different options.

Wayne/Kyle – no, I just came up with those numbers. I actually didn't look to see what options they had.

Bryan – I thought 100 was the lowest, that's why I asked.

Brendan – worth flagging that anything under 25, and you're going to struggle with more than 2 ppl using internet at a time.

Wayne – we can refine that by looking and seeing what they offer.

Bryan – I have it right here. Up to 25mg, 100-200, 300-400 and up to 600, then 1 gigabyte +, I think you guys cover it. Not sure we need to capture this many options.

Kyle – we can edit them to be ranges.

Stephanie – it might be helpful to say where folks can find this info on their Comcast bill.

Because I wouldn't know which plan I have. Is "I don't know" an answer and if so, is that the data point b/c I think it's what most will choose for their answer.

Sean – if people don't know what they are paying for, than that speaks to an education problem and it's probably something this committee will want to address down the line.

Wayne – I would rather have the data of "I don't know" so that people don't think the survey is homework and they have to looking things up.

Sean – I agree we want them to stick with the survey. I think we should add an 'I don't know' as an answer to each question b/c in my work I've found a lot of people who don't know they were subscribed to things b/c of bundled services. They were paying for services they were not aware of, so I think that would be in interesting data point as well.

Wayne – let's figure that out as we go along sean.

Brendan – so I think next question is fairly straightforward. What devices do you use for internet service, tablet, computer. I think that covers it.

Wayne – we also added security service. Is it too early to be thinking about internet of things, like a fridge using internet service?

Sean – I don't think we need to go that deep.



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Bryan – another way to ask that question is - How many devices do you have connected in your household?. Then you don't have to itemized all that stuff.

Wayne – I think I have 25 devices connected. I'm not sure people even know that. So I thought giving them these options was sufficient.

Sean – technically all those devices are a computer with hardware.

The group continues to go through the various questions on the survey.

Bryan – is this survey disclosed to Comcast?

Brendan – I don't think so,

Wayne – I don't think we are required to

Sean – if not required, I don't think we should give anything to them at all.

Bryan – I think knowing that may change what we would ask. That is where my reservations were coming from at the beginning of the call. Asking if everyone is switching to internet.

That's a concern if you want to disclose that information if you are negotiating a cable contract.

We probably want to entice Comcast by saying look we have people that are going to sign up for your services for the next 3-5 years. They are looking to do a bundle. That is the data that entices Comcast. We save the other data and as a group decide if we want to use it to bring other vendors into town . And on that note, we should probably be asking questions like, “if we were looking at using an alternate cable provider, would you pay a premium or tariff to help seed them to get them running in this environment.” Would people be willing to pay an extra \$10 to RCN in order to bring them into Beverly? Give the community have the option that if they really want multi players in this environment it's probably going to take some seeding to do that. Because it's not cost effective b/c everyone is banking on 5G, or the next greatest thing, to not have to spend millions of dollars on cable lines going in.

Brendan – those are all good points. Stephanie do you know if this is internal information only or if this comes into play as part of the agreement negotiations.

Walt – this is our information. How much of it we want to share with Comcast is up to us.

However, the idea is that you gather information from the public that supports the points that you



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want to argue or discuss or make in the agreement and that the public supports your position. I might say that any discussion on pricing, the franchise agree is strictly about cable TV. It doesn't include anything about internet. I understand you want to get internet usage information for future actions and discussion, but none of this information is Germaine to the discussion with Comcast about renewing their license agreement contract with Comcast. Certainly nothing about the pricing. Everyone is going to tell you, yes we pay too much.

Bryan – exactly. We need to prove using the survey that people are going to stay with cable for a period of time so that Comcast is going to want to reinvest proceeds into Beverly based on a forecast of potential volume they are going to get in the future.

Walt – the funding is specifically for running a local cable access operation that allows the public to create programming. That's the funding that you're talking about and that the agreement addresses. There are 2 things you don't discuss, pricing for services and the content of the programming. As for surveys, Comcast has this information already, down to the most granular level. Any data you gather pertaining to internet, I'm sure they are aware of.

Brendan = ultimately the info we will use to negotiate the agreement with Comcast will come from the Bev Cam business plan. This survey is more for our understanding as a committee, should we be concerned with a major drop in cable subscribers that we do need to factor into this discussion. Longer term – what are the attitudes of the City about making the jump away from cable.

Bryan – but at the same time Brendan, understanding if someone is going to jump or drop cable is not going to help our case in negotiating with Comcast. Any of that output is not good for us, just lets us know they will drop.

Brendan – although it doesn't help our case, it may inform us that if subscribers are going to drop, we need to increase our funding percentage for example from 2.9% to 5% .

Bryan – I see what you are saying, the percentage should be higher b/c the revenue will not be coming from cable, the revenues are coming from internet. And ultimately Comcast is making the revenue no matter what. Whether they agree with that because it's only a contract for cable .

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Walt – No, the 2.9% does not come from internet at all. It's all from Cable.

Bryan – Agreed, but to Brendan's point, the percentage we request should increase if we think the number of subscribers will decrease. So we can continue to run our operations. Walt to you, my question is if their revenues drop, will they still want to increase the amount they provide to BevCam (cable access).

Walt – we can't shake them down, for lack of a better word, for more than 5%. They are used to giving communities 5% and they are usually okay with it. They have to obey the law and give back to community access. Even if their revenues are dropping, we can't ask for more than 5%

Bryan – Are other towns getting more?

Walt – 5% is the max specified in the law. We did a document, Paul Earl and I, did some research on 35-40 entities and 2/3rds of them were getting 5%, some were getting 3 and 4%. BevCam is getting the lowest at 2.9%.

Bryan – what was the compelling event that got them to 5%? What is it that we can point to that gets us to 5%

Walt – they made a case in their business plan and asked for it. They need to show the costs of running their operation and what their capital needs (equipment) are and back it up with a business plan.

Wayne – if I understood correctly, the previous administration did not want 5% b/c they were under the impression it would raise cable rates/fees and constituents would complain. I don't believe there is anything in the survey that will give us any more leverage for this agreement. I agree with Walt that Xfinity already knows anything we would uncover. But we could at a minimum know what they know and we could let them know that. Transparency is important.

Walt – that's the business plan I'm currently working on and we will present that as our case.

Brendan – the one piece of information that will be helpful from the survey, is we can gauge sentiment of whether folks are going to cut the cable and go to solely internet, maybe not this year, but in the next few years. Otherwise, this is just helpful information.

Walt – the survey is part of the ascertainment portion of this exercise, and the other part is the public hearing. Where we will get feedback from the public. What really helps the narrative is during the public hearing, to get reference letters from 75 people in the community to say how



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BevCam has been helpful to the community. The letters cement that it brings value to the community. The public hearing with the reference letters is what is going to make an impact. You're not going to find anything new from the survey. Comcast is doing surveys all the time. As I pointed out last time, I've been hearing that cable is going to be cut since 2003. But number of subscribers had stayed pretty constant.

Stephanie - I have a suggestion, I know why we decided to do the survey originally was to use it as a mechanism to gather data for some future goals of this committee. I think after listening to this discussion, I don't think this survey is going to do anything for our negotiating our contract. Based on what Walt said and in general. If we're going to do it to get responses, we need to focus on just the cable portion of this service for negotiating the agreement. Otherwise, it may be a waste of time to do it now, in preparation for this upcoming deadline. If we want to later on to really get at what Beverly residents want in the future, that can be something we do as a committee after the license agreement is finalized. I feel like we are getting a bit off track with what we need to do to renegotiate the actual cable contract.

Wayne – our motivations for being here are not really just to get a new contract. We're here b/c we want to change that status quo we've been in for 20 years.

Stephanie – Right, but I don't think that's going to happen with this contract. It can't, it's not part of it. We have to, by law, have a contract with the cable company that is in our City. That's rule #1. We can't function without a license.

Bryan – It's more a point of prioritization. I would agree with Wayne that we all want to see if there is another alternative and maybe that's getting another service provider to Beverly. But we have to get this contract done and out of the way first and then we can focus on the other goals.

Sean – I'm with Wayne on what he said and I agree with Stephanie's comments that are spot on. Our hands are pretty tied in this endeavor. What we should be trying to do, is get the 5% in our contract. Lets just get this thing done now and if this committee grows to become cable plus technology or something like that, we can do a survey then to get that data. But let's focus on getting the task out of the way.



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Wayne – Sometimes we need to throw stuff away to move forward

Stephanie – well let's not throw it away, lets just shelve it and come back to it later.

Wayne – maybe we alter the survey to just focus on cable and bevcam.

Brendan – walt, can you review the BevCam questions? I'm going to go through them.

Brendan reviews BevCam survey questions.

Walt provides some comments on the wording of some of the questions.

More discussion occurs around the structure of the survey.

Walt says he will get back to us with some thoughts around the survey questions.

Sean leaves the meeting.

Brendan – do we need to vote on the survey.

Stephanie - I don't think so. We don't even need to do a survey. This is really just checking a box to say that "we didn't do nothing" as a committee.

Walt – I might add, the only thing we have to do that is required is the public hearing. We don't have to do a survey, but we do have to present a business plan and do a public hearing.

Brendan – so should we discuss whether we should do that survey at this time? Should we push the survey off. Does anyone have any thoughts on whether we hold on the survey.

Wayne – I think we should.

Bryan – I think if it's not required for the license agreement, then we probably don't need it. I see a lot of good questions in this survey around the internet services that would be valuable data to get from Beverly residents, but if we don't need to do it right now, we should hold off. I would vote to hold off and if we want to do a more inclusive survey later. Not against it but think it would have value if we put all of the content into it later.

Wayne – we do have a quorum if we want to vote on that.

Brendan – that works. We can hold off on the survey and use it later down the line.

Wayne – I'll move that we table the survey until a later date.

Brendan – okay – let's table it now and move to the rest of the agenda.



Development of Questions for Bill Hewig of KP Law

- **Questions will pertain to parameters of contract negotiations with Comcast**

Brendan – Moving on in the agenda . Did discuss putting together a list of question for Bill Hewig from KP Law. (outside council for City).

I pulled a few together that I can start with and maybe that will spark some questions in your

- Gather data for subscriber numbers to piece together with the revenue

Walt – we know that number, number of subscribers is not a secret. Number we are trying to get from Comcast is the viewership of BevCam. That’s the number we can’t get from Comcast.

Wayne – what would BevCam viewership data do for us?

Bryan – good point and we could probably leverage BevCam youtube channel numbers.

Brendan – can we push Comcast to list programming on the digital guide?

Wayne – is that the 2nd of only 2 requests we wanted from Comcast?

Brendan – I’d like more detail on subscribers, to match it to the revenues, which Walt says we have,

Wayne – I don’t have any other questions.

Stephanie – for Bill, I’d just like to know next steps in the process. We have to get Bill back involved b/c I received the formal proposal from Comcast on Jan. 3rd. We know we want 5% and we have a few other “demands”, Walt is putting together his business plan, and the reference letters. I think we’re ready to negotiate.

Walt – next thing we do is schedule the public hearing. Last time the public hearing was in person at the council on aging. So we incorporated the letters into that meeting.



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Brendan – let's pivot to map out the timeline.

Wayne – Comcast is following the formal process?

Stephanie – I have put that question to Bill Hewig. I believe Comcast has to follow the formal process, but we are following the informal process. I'm just unsure if that need to be said to Comcast or how that should be handled. Is that something we do, or he does as our outside council. I'm just wanting to understand our next steps b/c I think we are at a point as a committee where we know what we want to ask for. So do we send the contract back with red lines and all of our asks? What are our next steps? And that is what I'm hoping to get from Bill.

Wayne – so we need to confirm with Bill the process. So we are asking for 5% and the other 3 things: 1. BevCam viewership numbers 2. Inclusion in the digital guide 3. A high definition channel.

Brendan – assume we need to have Bill execute our negotiations. So is there anything else we need to bring up to Bill? Otherwise, we are just waiting on Walt to finish the business plan.

Wayne – do we have any reach requests? Folks in Dubai? I am just thinking if we ask for something state of the art, they may come back and say we can't do that, but we can do this.

Walt – not expanding iNet anymore, but I don't know what a stretch ask would be in this case. I can't really think of anything that we need to run our operation.

Wayne – what about capital expenditures? Cameras ?

Walt – anything like that you present as a capital need in the business case. Closed captioning, system in library and council on aging. We're fully loading that stuff into the business plan.

We're going out 10 years. Valid things we need and could use.



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Brendan – maybe we give Bill a list of asks and see what he says could be awarded. I think we're in a good spot.

Wayne – what about equity training and internet literacy training

Walt – training is in our business plan.

Wayne – homework: look to other cities and countries to see if there are higher reaches we can add to this request.

Brendan – so just put those 3 items to Bill

Stephanie – I'll take the action to draft the questions we want to send to Bill.

Ongoing Items

- **City Council policy document (RE use of cable TV and political campaign coverage)**
- **Update commission language in City ordinance**
- **Discuss ways to attract other cable and/or internet providers**

Brendan – consensus from previous calls was to not touch the language in the ordinance around this committee. That we would change it down the road if necessary. Was that committee's consensus? Does anyone have any changes to the ordinance? Stephanie if you want to chime in

Stephanie – if you read the description of the Cable TV advisory committee's roles and responsibilities in the City ordinance, it's a bit outdated and even the discussion this group has had on this call, has raised some questions about the end goal of this body. Whether this committee stays the same and only really works on the cable contract periodically and then there is another committee that looks into all things internet. I think that may need to be determined.

Matt – doesn't stuff like internet vendors, etc. wouldn't that fall under economic planning? Isn't that the department/committee that works on businesses and services that come into the city?



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Stephanie – I would need to look into that.

Brendan – something to keep in mind. I just wanted to make sure there wasn't a particular action. Same goes for the policy document for city council.

Walt – in 2005 we had a member of our board that was also a politician and he wanted to make sure that all of the politicians were given the same amount of time. It took on a life of its own, but nothing was ever created in terms of a document. It's really unnecessary b/c BevCam provides a forum for programming and political programming and any other kind of programming where people can express their opinion. No one is ever turned away. As long as you don't break the rules, there is a list of rules, everyone has equal access to the station and its facilities. Anyone and everyone can express their opinion, including the political opinion and I think this person was looking for was giving programming equality to the politicians. If one politician got a show, then we need to give a show to the opponent.

Stephanie – that whole statement goes toward changing the ordinance to take out that paragraph about creating a document for City politicians to use BevCam.

Walt – I didn't realize it was in the City ordinance. I didn't think it had made it in there b/c I don't think it's necessary.

Stephanie – yes it is. We can move on right now, and talk about it later. Just wanted to add it as future topic once the license agreement is finalized.

Wayne – I agree we can move on, but it's a topic worthy of talking about b/c we have recently seen groups co-op things by straying from the truth. Even the American flag has been co-opted. Don't think a public station couldn't be used in the future for that type of thing. So agree we should discuss at a later point.

Walt – but then you would have to be arbiter of who is telling the truth and who is not, etc. Who is speaking in a hyperbolic manner, and you really get into some grey areas, wouldn't you agree Wayne?

Wayne – yes I would. It's the world we live in.

Walt – didn't we also suggest that contacting Peabody to see how they got RCN. I can get that contact information.



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Bryan – wasn't the fundamental issue that Peabody owns the lines so the infrastructure is already there, so the cost of infrastructure for them is not an issue. If we bring somebody in we'd need to address infrastructure costs, we circle back to we still need a contract with Comcast finished and finalized before addressing new infrastructure, etc.

Walt – there is something called level playing field. Any incumbent can get no better or worse deal than the current licensee.

Bryan – agreed, but that's only on the percentage of money going to BevCam and the answer to those 3 questions.

Wayne – I think we can't lose track of the fact that some technology may come in to disrupt what's in place. That's highly probable.

Walt – that could happen. With Roku and everything else, cable could go the way of the buggy whip.

Bryan – we will all continue to watch BevCam on YouTube

Wayne – what is not going away is the need to teach people how to produce content with an eye toward equity and internet literacy.

Discussion of Future Meeting Times

Brendan – last agenda item. Finding a new meeting time. I can reach out after this call with options.

Stephanie – Has morning been ruled out? If on our computers anyway and don't need to come into City Hall after our day jobs, does time of the day really matter.

Brendan to reach out with a Doodle Poll.

Last point – Walt assume you will give us time to review the business plan when it's completed.

Walt – it will be available after January 25th.

Stephanie – I will send out the digital copy of the official proposed agreement.

Adjournment

Motion to adjourn - Wayne



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2nd Motion to adjourn – Kyle.

Wayne – don't have to vote on adjournment.

Brendan – we are adjourned.