

NORTH METRO TELECOMMUNICATIONS COMMISSION MEETING

December 20, 2017
6:00 p.m.

**SPRING LAKE PARK CITY OFFICES
1301 81st Avenue NE
Spring Lake Park, Minnesota**

AGENDA

1. CALL TO ORDER/ROLL CALL
2. CONSENT AGENDA **pp. 1-11**
 - 2.1. Approval of the minutes of the regular meeting, October 18, 2017
 - 2.2. Approval of the October and November financial reports and bill lists
3. CITIZENS TO BE HEARD
4. NORTH METRO TV REPORT **pp. 12--26**
 - 4.1. Monthly update
5. REPORT OF EXECUTIVE COMMITTEE **pp. 27-29**
 - 5.1. Comcast Late Fee
 - 5.2. January Meetings
6. REPORT OF OPERATIONS COMMITTEE **p. 30**
7. REPORT OF LEGAL COUNSEL
 - 7.1. Monthly Report **pp.31-45**
8. REPORT OF COMCAST
9. REPORT OF CENTURYLINK
10. NEW BUSINESS
11. OLD BUSINESS
12. REPORT OF DIRECTORS
13. COMMUNICATIONS **pp. 46-64**
14. ADJOURN

NORTH METRO TELECOMMUNICATIONS COMMISSION

UNAPPROVED MINUTES

Commission Meeting – October 18, 2017

CALL TO ORDER

Chair M. Percy called the regular meeting of the North Metro Telecommunications Commission to order at 6:02 p.m. at the Spring Lake Park city offices.

ROLL CALL

Directors Present: Dick Swanson; Blaine, Matt Percy; Circle Pines, Steve King; Centerville, Melissa Maher; Lino Lakes, Cindy Hansen; Spring Lake Park, Al Parranto; Ham Lake

Directors Absent: Mike Murphy; Lexington

Others Present: Heidi Arnson; Exec. Dir., Rose Valiz; Admin. Asst., Mike Bradley; Legal Counsel

Comcast Rep:

CenturyLink Rep:

CONSENT AGENDA

- **Minutes, Bill List, Financial Reports**

The September 20, 2017 minutes and bill list and financial reports were approved as presented. **Motion for approval made by C. Hansen. Second, M. Maher. Motion passed unanimously.**

CITIZENS TO BE HEARD

None present.

REPORT OF NORTH METRO TV

H. Arnson reviewed the North Metro TV report as presented in the packet. Topics included:

- With the installation of the new sets, the NMTV HD upgrade is complete.

- The new sets were used during the recording of the Lino Lakes and Circle Pines City Council and Mayoral Candidate Forums, along with the School Board forums. The forums and candidate profiles can be found on the Local Decision page on the North Metro TV website. All election related programming is being played on applicable City Channels.
- NMTV's third Open Studio Night was held in September. The goal of Open Studio Night is to make a studio and crew available for anyone who has a show idea, but not a lot of time or crew to produce it. Three new shows were produced.
- T.J. Tronson completed a commercial drone project with Carleton College. He worked with the college media staff to shoot various activities and buildings around campus. The college would like to hire us again to come back during different seasons.

REPORT OF EXECUTIVE COMMITTEE/OPERATIONS COMMITTEE

D. Swanson reported on the following items:

- The City channel Carousel Unit upgrade has been completed. The original bid for the Carousel upgrade was \$60,485. The final cost was \$51,880. The savings were the result of the timely release of a newer, cheaper version of the Carousel Units, and the ability of North Metro TV staff to forego training on the equipment. The project was paid for with franchise fees paid in 2016 that exceeded the estimated amount. Remaining franchise fees, from that pool, totaling \$65,508, will be returned to the Cities.

MOTION: To return the remaining 2016 franchise fees to the Member Cities, as presented in the disbursement chart. **Motion made by D. Swanson. Second, C. Hansen. Motion passed unanimously.**

- The Notice of Franchise Violation was delivered to CenturyLink. CenturyLink's response letter was distributed to the Commission. The company requested that the Commission and Cities wait for a resolution of the Attorney General's Complaint before deciding how to proceed. That is what the Commission stated it would do in the Franchise Violation Notice.
- The Committee discussed the 2017 Small Cell Legislation passed by the Legislature.

REPORT OF LEGAL COUNSEL

M. Bradley reported on the following items:

- The Closed Captioning Project is moving forward.
- Commission Legal Counsel, Mike Bradley, distributed a memo reviewing the new Minnesota law regarding the permitting process for small cell antennas in the public right of way, and an invitation to sign up with a group of Cities interested in having him create a model small cell ordinance. While some Cities have already incorporated a right of way amendment to technically comply with the new law, Mike will be creating a stand-alone small cell ordinance that specifically addresses small cell applications in a way that would make a City more attractive to telecommunications companies. This would be done through a more rapid approval system that encourages use that is acceptable to Cities and the wireless carrier. It will be a chance for Cities to get back some of the control the state took away in drafting the law. The benefit of the stand alone ordinance is that it will accelerate the process for companies, which in turn will make them want to invest in infrastructure in Cities, which is an investment that citizens will be interested in having access to as soon as possible. If Cities are interested in signing up for the ordinance, at a flat rate of \$750, they should contact Mike as soon as possible. Members of the Commission were interested in seeing the amendment that Spring Lake Park adopted.

REPORT OF COMCAST

No report was presented.

REPORT OF CENTURYLINK

No report was presented.

NEW BUSINESS

No new business was presented.

OLD BUSINESS

No old business was presented.

REPORT OF DIRECTORS

No report of directors was presented.

ADJOURN

The meeting was adjourned at 6:32 p.m. **The motion to adjourn was made by M. Maher. Second, A. Parranto. Motion approved.**

The next meeting of the NMTC will be held on **Wednesday, November 15, 2017 at 6:00 p.m.** at the city offices of Spring Lake Park.

Mike Murphy; Secretary, NMTC

**NORTH METRO TELECOMMUNICATION
BILL LIST**

NOVEMBER 2017

Date	Check #	Payee	Amount
NOVEMBER	COMBINED	PAYROLL	35,656.99
NOVEMBER	COMBINED	IRS/US PAYABLE	13,017.97
NOVEMBER	COMBINED	MN REVENUE PAYABLE	2,172.49
NOVEMBER	COMBINED	PERA PAYABLE	6,845.20
NOVEMBER	COMBINED	PEACHTREE	38.40
NOVEMBER	COMBINED	DISCOVERY BENEFITS	962.50
13193	11/8/17	Richard D. Larson	300.00
13194	11/8/17	Rick Larson	37.85
13195	11/14/17	Matthew Waldron	58.84
13196	11/14/17	Eric Houston	14.02
13197	11/30/17	Zachary Paul	500.00
13198	11/30/17	Andrea Mayeux	200.00
EPAY-01	11/1/17	Principal Financial Group	419.86
EPAY-02	11/6/17	SA Fleet-Wex Bank	171.03
EPAY-03	11/7/17	CenterPoint Energy	31.58
EPAY-04	11/7/17	Republic Services	391.55
EPAY-05	11/7/17	AT&T Wireless	383.93
EPAY-06	11/8/17	U.S. Bank Card Service	1,917.61
EPAY-07	11/8/17	City of Blaine-utilities	57.50
EPAY-08	11/13/17	Connexus Energy	1,801.00
EPAY-09	11/21/17	HealthPartners	11,025.48
EFILE	11/1/17	Authorize.Net	26.79
EFILE	11/18/17	Chase Visa Card Services	4,592.31
EFILE	11/19/17	Chase Visa Card Services	1,195.65
EFILE	11/6/17	Deluxe Corp.	299.98
EFILE	11/1/17	Virtual Merchant Credit Card	20.97
OCT SALES TAX	11/13/17	MN Dept. of Revenue	41.00
			82,180.50

**NORTH METRO TELECOMMUNICATION
BILL LIST**

OCTOBER 2017

Date	Check #	Payee	Amount
OCTOBER	COMBINED	PAYROLL	41,117.51
OCTOBER	COMBINED	IRS/US PAYABLE	14,325.11
OCTOBER	COMBINED	MN REVENUE PAYABLE	2,311.89
OCTOBER	COMBINED	PERA PAYABLE	7,020.65
OCTOBER	COMBINED	PEACHTREE	40.00
OCTOBER	COMBINED	DISCOVERY BENEFITS	912.50
13160	10/4/17	Steve King	135.00
13161	10/4/17	Al Parranto	135.00
13162	10/4/17	Michael A. Murphy	135.00
13163	10/4/17	Melissa S. Maher	135.00
13164	10/4/17	Cindy A. Hansen	135.00
13165	10/4/17	Heidi Arnson	134.96
13166	10/4/17	Eric Houston	25.00
13167	10/4/17	Richard D. Larson	398.50
13168	10/4/17	Rick Larson	4.76
13169	10/4/17	Gelbach Designs, Inc.	48,408.64
13170	10/4/17	Harrington Langer & Associates	2,124.00
13171	10/4/17	Alpha Video & Audio, Inc	8,445.00
13172	10/11/17	Winter Green Lawn & Snow L.L.C.	790.00
13173	10/11/17	Metro Sales, Inc.	649.08
13174	10/11/17	Z Systems	908.99
13175	10/11/17	Alpha Video & Audio, Inc	1,247.00
13176	10/18/17	City of Blaine	35,783.38
13177	10/18/17	City of Centerville	2,254.70
13178	10/18/17	City of Circle Pines	3,064.22
13179	10/18/17	City of Ham Lake	9,069.02
13180	10/18/17	City of Lexington	1,141.21
13181	10/18/17	City of Lino Lakes	10,567.02
13182	10/18/17	City of Spring Lake Park	3,629.43
13183	10/18/17	Terry Tronson	165.58
13184	10/18/17	Bradley Law, LLC	2,726.43
13185	10/24/17	Danika Peterson	55.98
13186	10/25/17	Z Systems	506.30
13187	10/25/17	Aid Electric Corporation	955.42
13188	10/27/17	Eric Houston	20.00
13189	10/27/17	Winfield's Windows & Things, Inc	150.00
13190	10/29/17	Lakes Marketing Group Inc	398.00
13191	10/29/17	Heidi Arnson	149.37
13192	10/31/17	The Fiber Guy, Inc	383.53
EPAY-01	10/4/17	Republic Services	411.63
EPAY-02	10/4/17	Principal Financial Group	419.86
EPAY-03	10/4/17	SA Fleet-Wex Bank	111.41
EPAY-04	10/4/17	AT&T Wireless	383.93
EPAY-05	10/4/17	CenterPoint Energy	25.65
EPAY-06	10/10/17	U.S. Bank Card Service	1,107.54
EPAY-07	10/10/17	City of Blaine-utilities	207.40
EPAY-08	10/10/17	Connexus Energy	2,346.96
EPAY-09	10/11/17	Comcast	285.92
EPAY-10	10/17/17	Dept of Empl and Eco Development	3,055.22
EPAY-11	10/18/17	HealthPartners	11,025.48
EPAY-12	10/18/17	POPP TELECOM	1,671.30
EPAY-13	10/18/17	T-Mobile	103.16
EPAY-14	10/18/17	Pioneer Press	229.84
EPAY-15	10/23/17	Comcast Business 100M/100M	854.43
EPAY-P01	10/4/17	Richard R. Swanson	135.00
EFILE	10/1/17	Authorize.Net	27.70
EFILE	10/17/17	Chase Visa Card Services	5,166.27
EFILE	10/1/17	Virtual Merchant Credit Card	19.49
SEPT SALES TAX	10/10/17	MN Dept. of Revenue	40.00

228,186.37

North Metro Telecommunications Commission

Balance Sheet
November 30, 2017

ASSETS

Current Assets

Cash - Checking Account	\$ 2,556,497.76
Petty Cash	150.00
A/R - NMTC	197,006.49
Prepaid Insurance - NMTC	13,276.21

Total Current Assets 2,766,930.46

Property and Equipment

Office Equipment - NMTC	1,304,420.69
Accum Deprec - NMTC	(1,907,264.39)
Bond Equipment 2016	1,985,000.00
Building-Polk/125	1,503,204.17
Land-Polk/125	225,700.00

Total Property and Equipment 3,111,060.47

Other Assets

Deferred Out Related/Pension	347,614.00
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Total Other Assets 347,614.00

Total Assets \$ 6,225,604.93

LIABILITIES AND CAPITAL

Current Liabilities

A/P - NMTC	\$ 1,260.00
Accrued Payroll Taxes & W/H's	449.54
Accrued Vacation	100,862.72
Accrued Wages	45,714.92
Franchise Fee App	924,284.15
Due to City of Blaine	861,760.00
Due to City of Centerville	53,440.00
Due to City of Circle Pines	76,639.50
Due to City of Ham Lake	223,360.00
Due to City of Lexington	28,639.50
Due to City of Lino Lakes	264,000.00
Due to City of Spring Lake Par	92,160.00
Deferred In Related/Pension	85,894.00

Total Current Liabilities 2,758,464.33

Long-Term Liabilities

Net Pension Liability	828,188.00
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Total Long-Term Liabilities 828,188.00

Total Liabilities 3,586,652.33

Capital

Net Equity	294,086.36
Net Equity - Media Ctr	(206,243.34)
Net Equity - NMTC	2,517,656.37
Net Income	33,453.21

Total Capital 2,638,952.60

Total Liabilities & Capital \$ 6,225,604.93

North Metro Telecommunications Comm

Cash Receipts Journal

For the Period From Nov 1, 2017 to Nov 30, 2017

Date	Transaction Ref	Line Description	Debit Amnt	Credit Amnt
11/1/1	KUSSIAN-OCT	KUSSIAN FAMILY MEDICAL COVERAGE Miscellaneous receipts	1,178.87	1,178.87
11/1/1	TAPE DUBS-CASH	TAPE DUBS-CASH Miscellaneous receipts	442.00	442.00
11/1/1	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS Miscellaneous receipts	124.00	124.00
11/1/1	DRONE PRODUCTION	DRONE PRODUCTION-TJ Miscellaneous receipts	1,200.00	1,200.00
11/2/1	3RD QTR FRAN FEES	3RD QUARTER FRANCHISE FEES CenturyLink-Franchise	9,194.54	9,194.54
11/2/1	3RD QTR PEG FEES	3RD QUARTER PEG FEES CenturyLink-Peg	9,328.32	9,328.32
11/12/	OCTOBER PAYPAL	OCTOBER PAYPAL PAYPAL	19.12	19.12
11/20/	DELUXE REFUND	DELUXE SALES TAX REFUND Miscellaneous receipts	19.95	19.95
11/26/	NOV CC SALES-AMEX	CREDIT CARD SALES - AMERICAN EXPRESS CREDIT CARD CHARGES - AMERICAN EXPRESS Credit Card Sales	5.46 134.54	140.00
11/27/	NOV CC SALES-VM	CREDIT CARD SALES-VIRTUAL MERCHANT Credit Card Sales	1,200.00	1,200.00
11/28/	NOV CC SALES-AUTH	CREDIT CARD SALES-AUTHORIZE.NET Credit Card Sales	679.69	679.69
11/30/	INTEREST	INTEREST-COMMISSION CHECKING INTEREST - COMMISSION	1,745.64	1,745.64
			25,272.13	25,272.13

North Metro Telecommunications Comm

Check Register

For the Period From Nov 1, 2017 to Nov 30, 2017

Filter Criteria includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Amount
EFILE	11/1/17	Discovery Benefits	22.50
EPAY-01	11/1/17	Principal Financial Group	419.86
EFILE	11/1/17	Authorize.Net	26.79
EFILE	11/1/17	Virtual Merchant Credit Card	20.97
EFILE	11/4/17	Discovery Benefits	470.00
EPAY-02	11/6/17	SA Fleet-Wex Bank	171.03
EFILE	11/6/17	Deluxe Corp.	299.98
EPAY-03	11/7/17	CenterPoint Energy	31.58
EPAY-04	11/7/17	Republic Services	391.55
EPAY-05	11/7/17	AT&T Wireless	383.93
PEACH	11/8/17	Peachtree/Sage Software	19.20
EFILE	11/8/17	MN Dept. of Revenue	1,045.39
EFILE	11/8/17	Public Employees Retirement	3,361.05
EFILE	11/8/17	IRS/US BANK	6,128.77
EPAY-07	11/8/17	City of Blaine-utilities	57.50
EPAY-06	11/8/17	U.S. Bank Card Service	1,917.61
13193	11/8/17	Richard D. Larson	300.00
13194	11/8/17	Rick Larson	37.85
OCT SALES TAX	11/13/17	MN Dept. of Revenue	41.00
EPAY-08	11/13/17	Connexus Energy	1,801.00
13195	11/14/17	Matthew Waldron	58.84
13196	11/14/17	Eric Houston	14.02
EFILE	11/18/17	Discovery Benefits	470.00
EFILE	11/18/17	Chase Visa Card Services	4,592.31
EFILE	11/19/17	Chase Visa Card Services	1,195.65
EPAY-09	11/21/17	HealthPartners	11,025.48
PEACH	11/22/17	Peachtree/Sage Software	19.20
EFILE	11/22/17	MN Dept. of Revenue	1,057.42
EFILE	11/22/17	Public Employees Retirement	3,394.72

North Metro Telecommunications Comm

Check Register

For the Period From Nov 1, 2017 to Nov 30, 2017

Filter Criteria Includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Amount
EFILE	11/22/17	IRS/US BANK	6,199.33
13197	11/30/17	Zachary Paul	500.00
13198	11/30/17	Andrea Mayeux	200.00
EFILE	11/30/17	Public Employees Retirement	89.43
EFILE	11/30/17	MN Dept. of Revenue	69.68
EFILE	11/30/17	IRS/US BANK	689.87
Total			46,523.51

North Metro Telecommunications Comm

General Journal

For the Period From Nov 1, 2017 to Nov 30, 2017

Date	Reference	Trans Description	Debit Amt	Credit Amt
11/1/17	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	97,541.48	97,541.48
11/1/17	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	16,460.36	16,460.36
11/30/17	ACCRUED DEPRECIATION	ACCRUED DEPRECIATION ACCRUED DEPRECIATION	12,900.00	12,900.00
11/30/17	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	100,862.72	100,862.72
11/30/17	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	21,163.32	21,163.32
Total			248,927.88	248,927.88

North Metro TV

November 2017 Update

Program Production

In November, a total of **78 new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **59:30:00 hours of new programming**.

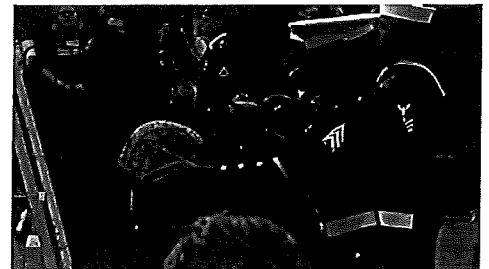
- 38 programs were produced by the public
- 17 programs were produced by NMTV staff
- 23 programs were produced by City staff



Van Shoots

The HD truck was used for **12::45:00** hours of production. Events produced live and recorded for additional playbacks include:

- Football: 6A Playoffs: Edina vs. Centennial
- Veteran's Day Program at Blaine High School



Workshops

Workshop	Instructor	Organization	Students
Blue Screen	Eric Houston	Video Club	12
Special Production Series Class 8	Eric Houston	Blaine/Ham Lake Girl Scouts	13
Studio A	Eric Houston	General Public	1
Editing	Eric Houston	General Public	10
Blue Screen	Eric Houston	General Public	1
Studio A	Eric Houston	General Public	9
Connecting Anoka County	Eric Houston	Video Club	2
Editing	Eric Houston	General Public	1
Movie Night	Eric Houston	Video Club	6
Studio A	Eric Houston	Blaine High School BPA	3
Studio A	Eric Houston	General Public	8
Special Production Series Class 8	Eric Houston	Blaine/Ham Lake Girl Scouts	2
12 Workshops			66 Students

Home Movie Transfers

Home movie transfers have become one of our most popular services. Residents can transfer their family videos themselves for free, or pay NMTV to do it. NMTV can also transfer film, slides, and photos for a fee.

Month	Hours Transferred	Tapes	Film Reels	DVDs	Photos/ Slides	Fees Paid
January	205.75	58	174	46	80	\$675
February	165.75	65	41	14	672	\$411
March	131.5	41	98	45	0	\$305
April	118.5	60	34	40	0	\$157.50
May	192.25	81	58	16	473	\$215
June	207.5	70	26	65	0	\$274.50
July	179.25	83	5	41	208	\$545
August	132.5	59	69	17	0	\$838
September	166.75	61	45	22	30	\$484
October	301.25	75	150	60	2,881	\$737
November	281.5	99	124	17	3,416	\$1,581
TOTAL:	2,082.5	752	824	383	7,760	\$6,223.00

Public Usage Stats

For statistical purposes, the public access department documents total numbers of unique individuals and total hours of usage of the facility by the general public, every month. These numbers include regular users, class participants, individuals transferring videos, people who attend events, and any other public usage of the facility. The numbers do not take into account the many members of the public who work with any other NMTV department, such as news, sports, outreach, or educational.

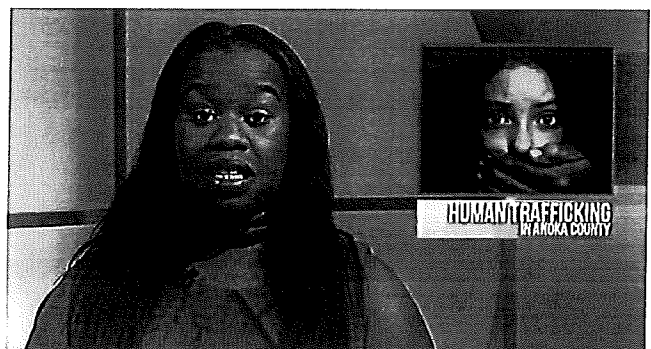
Month	Unique Individuals	Total Usage Hours
January	67	523.5
February	74	461.75
March	54	476.75
April	71	326.5
May	106	665
June	95	511.25
July	75	459.5
August	80	501.75
September	85	516.5
October	106	665.5
November	112	634.75
TOTAL PUBLIC USAGE:		5,742.75

Production Highlights

NMTV News Highlights

Each week Danika Peterson and Ben Hayle create a news program that highlights events, people, issues, and information important to citizens of our Member Cities. Some November highlights include:

- Protecting Yourself From Mail Theft
- Human Trafficking Hits Home
- Anoka Hennepin Voters Increase Funding



- Have Lunch With A Naturalist at Wargo Nature Center
- Your City Staff: Shelley Johnson, Director, Mary Ann Young Senior Center
- Your City Staff: Erik Thorvig, Blaine Economic Development Coordinator
- Your City Staff: Kay Okey and John Angell Spring Lake Park Parks and Recreation Staff

In addition to daily playbacks of North Metro TV News on the cable systems, there are over 440 local stories archived for viewers on the NMTV YouTube page. The page can be accessed through the northmetrotv.com website.

Sports Den Finale

The hour-long Sports Den Fall Finale went out live on Monday, November 20th. Once again, the studio was filled with student athletes from Blaine, Centennial, and Spring Lake Park High Schools. The show included highlights from the volleyball, football, and soccer seasons and interviews. Each student athlete was brought onto the set and asked questions about the past season and their future goals. The students will all receive a copy of the program, to thank them for attending and for being a fan of Sports Den.

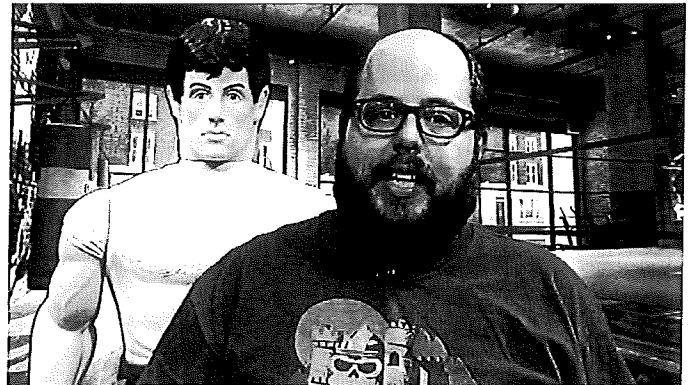


Veterans Day Program

The Sports crew took the truck over to Blaine High School to cover the annual Veteran's Day program and to assist the school with technical needs for the audience in the auditorium. Before the event started, they tested the equipment to make sure that audio and video were making it to the overflow crowd. Typically T.J. Tronson tapes the event and then edits a final program. He was unavailable this year, so the Sports crew volunteered to produce the event with the new HD production truck.

Blue Screen Class

Studio Manager, Eric Houston, created and taught a class about using the blue screen and chroma key in Studio A. He demonstrated lighting techniques, the actual process of keying on the Carbonite switcher, and showed students what would happen if a blue object or clothing was placed in front of the blue screen. Additional demonstrations included the difficulties of a multi-camera show in front of the blue screen and layering two keys on top of each other as a special effect....like making an action figure appear life sized. The students really enjoyed learning about different ways to make their shows look unique.



Meet Your City Staff

News Team members Danika Peterson and Ben Hayle, continued to produce episodes of their new video series called "Meet Your City Staff." In November they introduced viewers to Shelley Johnson, the Director of the Mary Ann Young Senior Center, Erick Thorvig, Blaine's Economic Development Coordinator, and Kay Okey and John Angell of Spring Lake Park's Park and Recreation Department. The intent is to give the public more insight into the people who make things happen and the processes for getting things done in their communities.



City Productions

Municipal Producer, Trevor Scholl, completed one project in November, and put a lot of work into several ongoing projects.

- Blaine MN Promo (90 second and 60 second versions)

New and ongoing projects include:

- Lino Lakes corrections facility piece
- Centerville Mayor's Minutes
- Blaine Mayor's Minutes
- Circle Pines Mayor's Minutes
- Lexington Mayor's Minutes
- Circle Pines road maintenance project
- City/School involvement with Superintendent of Centennial Schools
- A profile on a new juice bar/yoga studio opening in Blaine
- A volunteer dog walker piece for the Animal Humane Society
- Lino Lakes fire recruitment video
- New administrator in Centerville
- Contacted more local businesses regarding doing profiles

Trevor touches base with contacts on a regular basis and also encourages Cities to contact him whenever they have an idea for a new show.

Production equipment consulting for cities and schools

Blaine

- 11/16/17: Roark receives new system drawings. Will keep at Blaine City Hall.

Centerville

- No equipment assistance requested or required.

Circle Pines

- No equipment assistance requested or required.

Ham Lake

- 11/8/17: Experiencing color bars when trying to view the presentation system. Schedule appt.
- 11/14/17: Experienced a power surge that wiped out scan convertor, the Comcast cable box power supply and a VGA splitter cable. Matt replaced the scan converter and cable box power supply and removed the bad cable. All is now working.
- 11/14/17: Don Krueger asked Matt to look into the fire station projector that isn't working. Matt documented all of the equipment and began troubleshooting solutions.
- 11/15/17: Matt determined that the 4x4 HDMI router wasn't passing a signal. He ordered a connector pair to get the video signal to flow over RJ45 network cable.
- 11/15/17: Don Krueger requested that Matt look into getting the fire station set up as a back-up for council meetings and to get prices for a Makito X.
- 11/21/17: Issues with council meeting broadcast. The operator during the meeting noticed graphics pop on the air during the live broadcast of the November 20 Council meeting. Tried to get the live signal back on but nothing worked. Reason undetermined but system currently working fine.
- 11/27/17: The Ham Lake fire projector was fixed by ordering an HDMI over Catx transmitter and receiver. The rack mounted HDMI router is no longer functioning.

Lexington

- No equipment assistance requested or required.

Lino Lakes

- 11/20/17: HD upgrade install scheduled with Alpha for December 12th. Matt will be present.

Spring Lake Park

- 11/1/17: Don Cole from Broadcast Pix was in town for the Alpha Expo. He came to NMTV for a tour of our facility and then Matt and he went to Spring Lake Park. He installed the new switcher update. The switcher could not control the cameras over a serial connection. Matt logged into the camera with his laptop and re-set the IP addresses. Then he connected it to the RJ45 port on the back of the chassis and the cameras to the correct address and established a connection over ethernet. To remedy the situation Matt will need to run network cable from each camera to the Broadcast Pix switcher and plug then into a 1G switch along with the panel.
- 11/6/17: Tried using existing serial cable and converting it to RJ45 network. Camera 4 is working great. Camera 3 is having cycling connectivity issues. Will order more convertors to see if that is the issue.
- 11/6/17: Updated all of Wanda's presets so the new presets cut to the camera after it moves from location to location to avoid seeing movement on air.
- 11/20/17: Camera 3 is working. The reboot may have fixed problem.
- 11/27/17: Meeting transmission issues. Restarted Makito X and it fixed the problem.

City Channel 16 Playback Stats

City	Number of Times Programs Played	Hours Programmed on Channel
Blaine	177	228:22:45
Centerville	76	102:08:32
Circle Pines	149	88:07:11
Ham Lake	99	77:48:38
Lexington	100	46:34:30
Lino Lakes	110	108:43:16
Spring Lake Park	110	94:23:11
Totals:	821 Program Playbacks	746:08:03 Hours of Video Programming on Channels

Programs Produced by the Public

Title	Producer	Runtime
Connecting Anoka County	Julie Jeppson/Eric Houston	00:12:12
Your MN Moose!	Laurie Sigler	04:57:47
Off Constantly: Thanksgiving	David Bauer	00:34:01
Off Constantly Promo	David Bauer	00:00:34
Sloan Sez: Episode 3	Danika Peterson	00:19:55
Toastmasters Live	Sue Thomas	00:54:04
Toastmasters Live	Kent L. Hawks	00:39:45
Toastmasters Live (2 episodes)	Lee Howard	01:22:57
Bad Movie Bros (2 episodes)	Video Club	01:15:46
Every Movie Ever Made (6 episodes)	Ben Daniels/Ryan Frieundschuh, Gavin Van Trease/Eric Houston	02:26:23
Cornerstone Church (2 episodes)	Rick Bostrom	00:51:18
The Power of Love (4 episodes)	Rick Larson	02:00:00
LovePower (3 episodes)	Ann Sandell	03:00:00
Rice Creek Watershed District Meeting	Theresa Stasica	01:08:00
Oak Park Moments (9 episodes)	David Turnidge	05:15:04
Hope Church (2 episodes)	Cindy Hardy	01:18:03
38 New Programs		22:15:49 New Hours

Programs Produced by NMTV Staff

Title	Producer	Runtime
Anoka County Board Meeting (11/14/17)	T.J. Tronson	00:17:16
Anoka County Board Meeting (11/29/17)	T.J. Tronson	01:06:51
Will Steger - Eyewitness to Climate Change	T.J. Tronson	01:09:31
NMTV News (3 episodes)	Danika Peterson/Ben Hayle	01:07:48
Your City Staff: Shelley Johnson	Danika Peterson/Ben Hayle	00:04:25
Your City Staff: Erik Thorvig	Danika Peterson/Ben Hayle	00:04:22
Your City Staff: SLP Parks and Rec	Danika Peterson/Ben Hayle	00:04:44
North Metro Mayor's Association: 30 Years of Collaboration	Danika Peterson/Ben Hayle	00:03:52
Blaine MN Promo	Trevor Scholl	00:01:30
Veteran's Day Program at Blaine HS	Kenton Kipp/J. Millington	01:26:55
Football: 6A Playoffs: Edina/Centennial	Kenton Kipp/J. Millington	01:59:38

Title cont.	Producer cont.	Runtime cont.
Girls Hockey: Maple Grove/Centennial	Kenton Kipp/J. Millington	01:24:30
Sports Den (2 episodes)	Kenton Kipp/J. Millington	00:59:13
Sports Den Fall Finale	Kenton Kipp/J. Millington	00:58:45
17 New Programs		10:49:20 New Hours

Programs Produced by City Staff

Title	Producer	Runtime
Blaine City Council Meeting (11/2/17)	Blaine Staff	00:58:41
Blaine Traffic Commission Meeting (11/7/17)	Blaine Staff	00:50:51
Blaine Planning Commission Meeting (11/14/17)	Blaine Staff	01:56:42
Blaine City Council Meeting (11/16/17)	Blaine Staff	01:29:52
Blaine Natural Resources Conservation Board Meeting (11/21/17)	Blaine Staff	01:19:44
Blaine Park Board Meeting (11/28/17)	Blaine Staff	00:50:24
Centerville City Council Meeting (11/8/17)	Centerville Staff	02:10:35
Circle Pines City Council Meeting (11/14/17)	Circle Pines Staff	00:26:24
Circle Pines Utility Commission Meeting (11/15/17)	Circle Pines Staff	00:06:34
Circle Pines Planning Commission Meeting (11/20/17)	Circle Pines Staff	01:01:48
Circle Pines City Council Meeting (11/28/17)	Circle Pines Staff	00:34:33
Ham Lake City Council Meeting (11/6/17)	Ham Lake Staff	00:52:32
Ham Lake City Council Meeting (11/20/17)	Ham Lake Staff	01:26:56
Ham Lake Planning Commission Meeting (11/27/17)	Ham Lake Staff	00:05:12
Lexington City Council Meeting (11/2/17)	Lexington Staff	00:11:45
Lexington City Council Meeting (11/16/17)	Lexington Staff	00:26:08
Lino Lakes Planning & Zoning Commission Meeting (11/8/17)	Lino Lakes Staff	03:55:40
Lino Lakes City Council Meeting (11/13/17)	Lino Lakes Staff	01:01:34
Lino Lakes City Council Meeting (11/27/17)	Lino Lakes Staff	01:35:52
Lino Lakes Environmental Board Meeting (11/29/17)	Lino Lakes Staff	02:45:52
Spring Lake Park City Council Meeting (11/6/17)	Spring Lake Park Staff	00:43:17
Spring Lake Park City Council Meeting (11/20/17)	Spring Lake Park Staff	00:35:42
Spring Lake Park Planning Commission Meeting (11/27/17)	Spring Lake Park Staff	00:52:32
23 New Programs		26:19:12 New Hours

If you have any questions or comments regarding this monthly report please contact
Heidi Arnson at 763.231.2801 or harnson@northmetrotv.com.

NORTH METRO TV

Production Statistics 2017

Programming Statistics														17 Total	17 Average
	J	F	M	A	M	J	JU	A	S	O	N	D			
Cablecast Programs	2550.00	2317.00	1852.00	2087.00	2537.00	5705.00	2165.00	2154.00	1684.00	2538.00	2516.00		28105.00	2342.08	
Cablecast Hours	1851.00	1568.00	1322.50	1508.50	1842.50	2325.50	1575.50	1412.00	1558.50	1919.50	2024.00		18907.50	1575.63	
Programs Produced - Public	27.00	23.00	25.00	31.00	25.00	37.00	16.00	16.00	33.00	26.00	26.00		285.00	23.75	
Program Hours Produced - Public	14.75	18.25	15.50	15.50	12.00	16.75	8.25	10.00	18.50	19.50	14.50		163.50	13.63	
Prog. Produced - Affiliated Public	6.00	8.00	9.00	9.00	8.00	3.00	9.00	15.00	13.00	5.00	12.00		97.00	8.08	
Prog. Hours Produced - Affil. Public	6.00	9.50	8.50	8.00	8.50	3.00	8.25	13.00	9.00	6.75	7.75		88.25	7.35	
Programs Produced - City Staff	21.00	20.00	20.00	24.00	22.00	19.00	21.00	22.00	25.00	23.00	23.00		240.00	20.00	
Prog. Hours Produced - City Staff	16.25	23.50	17.50	21.50	20.50	22.50	26.25	24.75	29.25	23.50	26.25		251.75	20.98	
Programs Produced - NMTV Staff	33.00	22.00	16.00	17.00	43.00	28.00	37.00	28.00	29.00	46.00	17.00		316.00	26.33	
Prog. Hours Produced - NMTV Staff	17.50	18.00	11.50	13.00	20.45	25.75	32.50	9.00	27.75	42.00	11.00		228.45	19.04	
Total Public Programs Produced	33.00	31.00	34.00	40.00	33.00	40.00	25.00	31.00	46.00	31.00	38.00		382.00	31.83	
Total Staff Programs Produced	54.00	42.00	36.00	41.00	65.00	47.00	58.00	50.00	54.00	69.00	40.00		556.00	46.33	
Total Internal Programs Produced	87.00	73.00	70.00	81.00	98.00	87.00	83.00	81.00	100.00	100.00	78.00		938.00	78.17	
% Staff Produced Programs	62.07%	57.53%	51.43%	50.62%	66.33%	54.02%	69.88%	61.73%	54.00%	69.00%	51.28%		59.28%	59.28%	
% Public Produced Programs	37.93%	42.47%	48.57%	49.38%	33.67%	45.98%	30.12%	38.27%	46.00%	31.00%	48.72%		40.72%	40.72%	
External Programs Submitted	81.00	18.00	33.00	22.00	23.00	38.00	23.00	24.00	33.00	20.00	21.00		336.00	28.00	
External Program Hours	72.75	15.00	24.00	17.00	20.50	30.75	20.00	17.75	29.00	14.50	19.00		280.25	23.35	
Total New Programs	168.00	91.00	103.00	103.00	121.00	125.00	106.00	105.00	133.00	120.00	99.00		1274.00	106.17	
Equipment Usage Statistics															
Facility Hours Available	208.50	199.00	246.00	200.00	229.00	231.00	190.00	186.00	184.00	213.00	187.00		2273.50	189.46	
Public Field Equipment Uses	10.00	9.00	12.00	4.00	7.00	8.00	8.00	11.00	13.00	15.00	6.00		103.00	8.58	
Studio A	36.25	84.00	39.75	19.50	34.00	26.25	110.50	107.75	106.00	108.00	116.50		788.50	65.71	
% of Available Time	17.39%	42.21%	16.16%	9.75%	14.85%	11.36%	58.16%	57.93%	57.61%	50.70%	62.30%		34.68%	34.68%	
Studio B	26.00	25.50	24.00	23.25	34.25	3.25	0.00	2.00	2.25	33.50	28.00		202.00	16.83	
% of Available Time	12.47%	12.81%	9.76%	11.63%	14.98%	1.41%	0.00%	1.08%	1.22%	15.73%	14.97%		8.88%	8.88%	
Public MAC A Edit Suite	118.00	115.75	101.25	71.00	89.50	81.00	109.00	87.75	109.25	180.50	148.50		1211.50	100.96	
% of Available Time	56.59%	58.17%	41.16%	35.50%	39.08%	35.06%	57.37%	47.18%	59.38%	84.74%	79.41%		53.29%	45.37%	
Public MAC B Edit Suite	111.50	114.75	108.00	105.25	89.00	94.75	101.25	101.50	75.00	100.75	102.00		1103.75	91.98	
% of Available Time	53.48%	57.66%	43.90%	52.63%	38.86%	41.02%	53.29%	54.57%	40.76%	47.30%	54.55%		48.55%	48.55%	
Public MAC C Edit Suite	138.50	103.50	133.00	68.75	133.50	85.75	75.50	79.00	103.50	160.00	127.75		1208.75	100.73	
% of Available Time	66.43%	52.01%	54.07%	34.38%	58.30%	37.12%	39.74%	42.47%	56.25%	75.12%	68.32%		53.17%	53.17%	
Production Van Statistics															
Production Hours	14.25	30.00	14.00	16.00	49.75	63.00	66.25	16.00	56.50	66.75	12.75		405.25	33.77	
Number of Van Shoots	2.00	4.00	2.00	3.00	8.00	10.00	8.00	3.00	8.00	9.00	2.00		59.00	4.92	
Average Hours Per Shoot	7.13	7.50	7.00	5.33	6.22	6.30	8.28	5.33	7.06	7.42	6.38		6.87	2.81	
Number of New Volunteers	2.00	3.00	0.00	2.00	5.00	7.00	4.00	3.00	3.00	5.00	0.00		34.00	2.83	
Volunteer Hours	14.00	22.00	11.00	14.00	113.00	166.00	47.00	11.00	46.00	41.00	8.00		493.00	41.08	
Public Access Statistics															
Number of Workshops	9.00	6.00	7.00	6.00	14.00	6.00	5.00	9.00	7.00	10.00	12.00		91.00	7.58	
Number of Students	31.00	24.00	45.00	25.00	68.00	65.00	41.00	63.00	54.00	97.00	66.00		579.00	48.25	
PAP Volunteer Hours	140.50	210.50	169.00	101.50	111.50	116.25	175.50	145.00	177.50	213.50	190.50		1751.25	145.94	
Total Public Facility Usage Hours	523.50	461.75	476.75	326.50	665.00	511.25	459.50	501.75	516.50	665.50	634.75		5742.75	478.56	
Tours	0.00	0.00	0.00	2.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00		3.00	0.25	
Tour Attendees	0.00	0.00	0.00	26.00	0.00	19.00	0.00	0.00	0.00	0.00	0.00		45.00	3.75	

North Metro TV

October 2017 Update

Program Production

In October, a total of **100 new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **91:45:00 hours of new programming**.

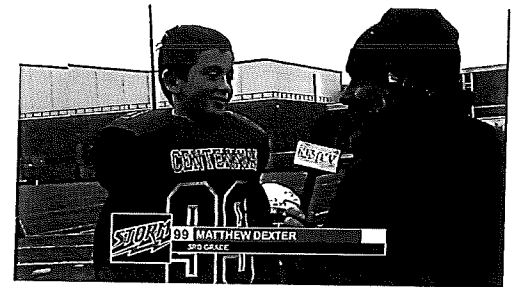
- 31 programs were produced by the public
- 46 programs were produced by NMTV staff
- 23 programs were produced by City staff



Van Shoots

The HD truck was used for **66::45:00** hours of production. Events produced live and recorded for additional playbacks include:

- Volleyball: Park Center vs. Spring Lake Park
- Girls and Boys Soccer: Blaine vs. Centennial
- Football: Blaine vs. Centennial
- Girls Soccer: 5AA Semi-Final: Champlin Park vs. Centennial
- Football: Totino Grace vs. Blaine
- Football: East Ridge vs. Centennial
- Football: 4AAAAA Quarter-Final: Minneapolis Southwest vs. Spring Lake Park
- Football: 6A 1st Round: Stillwater vs. Centennial
- North Metro Youth Football Championships: 2nd, 3rd, 4th, 5th, and 6th Grades



Workshops

Workshop	Instructor	Organization	Students
Special Production Series Class 5	Eric Houston	Blaine/Ham Lake Girl Scouts	13
Q & A W/Butler U	Eric Houston	Butler Students	12
Editing	Eric Houston	Toastmasters	9
Special Production Series Class 6	Eric Houston	Blaine/Ham Lake Girl Scouts	13
Studio B	Eric Houston	General Public	4
Bad Movie Bros Taping	Eric Houston	Video Club	6
Camera	Eric Houston	General Public	7
Puzzled Taping	Eric Houston	Video Club	4
Special Production Series Class 7	Eric Houston	Blaine/Ham Lake Girl Scouts	10
Studio	Eric Houston	Toastmasters	19
10 Workshops			97 Students

Home Movie Transfers

Home movie transfers have become one of our most popular services. Residents can transfer their family videos themselves for free, or pay NMTV to do it. NMTV can also transfer film, slides, and photos for a fee.

Month	Hours Transferred	Tapes	Film Reels	DVDs	Photos/ Slides	Fees Paid
January	205.75	58	174	46	80	\$675
February	165.75	65	41	14	672	\$411
March	131.5	41	98	45	0	\$305
April	118.5	60	34	40	0	\$157.50
May	192.25	81	58	16	473	\$215
June	207.5	70	26	65	0	\$274.50
July	179.25	83	5	41	208	\$545
August	132.5	59	69	17	0	\$838
September	166.75	61	45	22	30	\$484
October	301.25	75	150	60	2,881	\$737
TOTAL:	1,801	653	700	366	4,344	\$4,642.00

Public Usage Stats

For statistical purposes, the public access department documents total numbers of unique individuals and total hours of usage of the facility by the general public, every month. These numbers include regular users, class participants, individuals transferring videos, people who attend events, and any other public usage of the facility. The numbers do not take into account the many members of the public who work with any other NMTV department, such as news, sports, outreach, or educational.

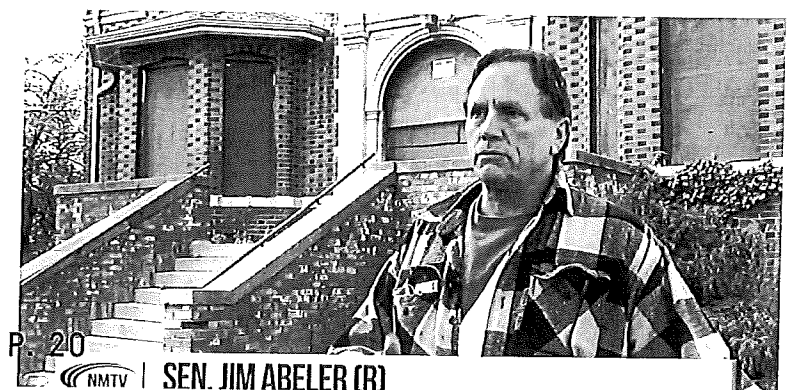
Month	Unique Individuals	Total Usage Hours
January	67	523.5
February	74	461.75
March	54	476.75
April	71	326.5
May	106	665
June	95	511.25
July	75	459.5
August	80	501.75
September	85	516.5
October	106	665.5
TOTAL PUBLIC USAGE:		5,108

Production Highlights

NMTV News Highlights

Each week Danika Peterson and Ben Hayle create a news program that highlights events, people, issues, and information important to citizens of our Member Cities. Some October highlights include:

- Alternatives to Opioids
- Blaine Hires New Police Chief
- Public Safety Open House in Lino Lakes
- Community Meets Blaine Police Chief Finalists



- Solarwise Honey at Connexus Energy
- Blaine's New Public Works Director
- Giving Veterans a Place to Call Home
- First Step to Olympic Glory
- Slow Down for School Speed Limits

In addition to daily playbacks of North Metro TV News on the cable systems, there are over 436 local stories archived for viewers on the NMTV YouTube page. The page can be accessed through the northmetrotv.com website.

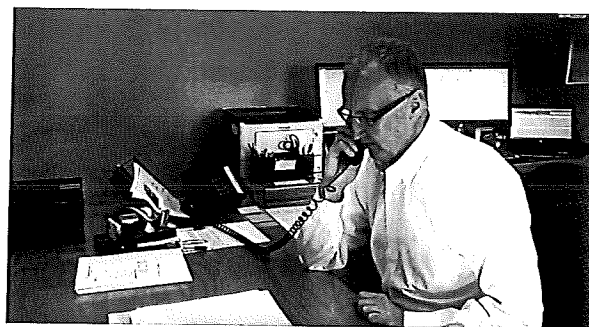
Local Decision 2017

The News crew, and T.J., taped all of our Local Decision 2017 debates and forums in October. Meet the Candidate forums for the Circle Pines and Lino Lakes City Council races were produced along with one-on-one discussions with the un-opposed Mayoral candidates for Circle Pines and Lino Lakes. Forums for Anoka Hennepin and Spring Lake Park School Board races were also taped. T.J. also covered a Spring Lake Park forum sponsored by the League of Women Voters. All debates and forums played on the community channel as well as applicable City channels. Local Decision 2017 programming had over 1,300 views on YouTube.



New City Segment

News Team members Danika Peterson and Ben Hayle, and Municipal Producer Trevor Scholl, collaborated on a new programming idea for the City channels. They will be producing a series of segments highlighting staff in each Cities' departments. The intent is to give the public more insight into the people who make things happen and the processes for getting things done for their communities. The first episode features Ham Lake Fire Chief/City Administrator Don Krueger.



Girl Scouts and Toastmasters

Studio Manager, Eric Houston, is working with two student groups. The Blaine/Ham Lake Girl Scouts completed their seventh class, intended to give them the necessary production skills to script, record, and edit a PSA. They are also learning about media literacy, and recorded short presentations about women in media. The Toastmasters participated in two workshops and developed a production plan for producing a series of programs. At the end of the month, they held a special meeting with the International President of Toastmasters as a studio guest.

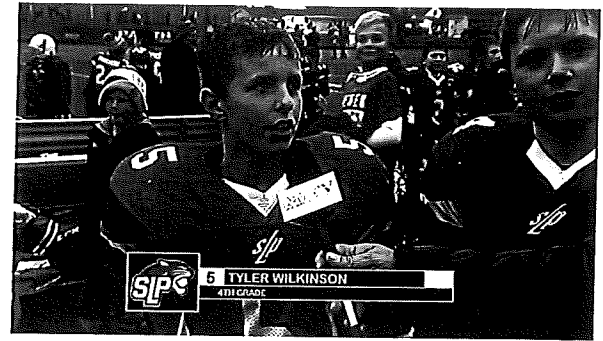


Drone

T.J. Tronson continues to find interesting uses for the NMTV drone. He has been working with Municipal Producer Trevor Scholl to record footage for a Lino Lakes Corrections facility piece. While attempting the first recording they discovered that the drone would not fly at the facility. It had some sort of a disabling mechanism for restricted facilities. T.J. contacted the drone manufacturer and learned how to obtain permissions for such restricted areas. Permissions were granted and the footage was shot. So much to learn! T.J. also received permission to shoot aerials over the Wargo Nature Center from both Wargo and Anoka County. He shared the shots with the County and will be using the footage to advertise our drone service on our website.

Youth Football

The Sports crew spent a Sunday in October covering the North Metro Youth Football Championships. The 2nd, 3rd, 4th, 5th, and 6th grade championship games were recorded. This is an annual event for us, and we go all out. The games include pre and post coach and player interviews, professional graphics, announcers, and re-play. The games were streamed live on channel 15 and are receiving additional playbacks on the channel and are available on demand. This event is very popular with our viewing audience and also results in quite a few Blu-ray sales.



City Productions

Municipal Producer, Trevor Scholl, completed six projects in October, and continued work on several others. Projects that were completed include:

- Lino Lakes Public Safety Open House
- Business Matters: Yoga by Blissstopia
- Lexington Fall Fest
- Lexington's Mayor's Minutes
- Northstar Watermedia Society Exhibit
- Blaine Mayor's Minutes

New projects and projects in the process of completion include:

- Road Maintenance/Construction piece for Circle Pines
- New Blaine City promo
- Lino Lakes corrections facility piece
- Contacted local businesses regarding doing profiles
- Worked with News team on new series highlighting a person in each Cities' various departments to give the public more insight into the people that make things happen for their communities.
- Circle Pines winter Mayor's minutes.
- Circle Pines promo

Trevor touches base with contacts on a regular basis and also encourages Cities to contact him whenever they have an idea for a new show.

Production equipment consulting for cities and schools

Blaine

- 10/2/17: Got Master Control prepped for the Makito X transfer through the FS1 Frame Sync. Went to Blaine to install the Makito X encoder for a test run. Problems. Tried two ports. Still not working
- 10/3/17: Determined everything working in Blaine with Makito X settings. Changed Makito X address. Problem solved. Makito X transmission from Blaine is working.
- 10/3/17:: Monitored first live meeting from Blaine using temporary set-up. Live stream and recording successful.
- 10/3/17: Installed Blaine's new frame sync into the slot that was occupied by the old digital video convertor. Ran a new cable to the Makito X decoder in Master Control. The frame sync is operating properly.
- 10/4/17: Installed Blaine's 2x1 SDI switch for the 10/4 live City Council meeting.
- 10/10/17: Re-wired Blaine control room for a live meeting. Makito X is installed and working properly but has been moved to the rack inside the control room. Ran a cable to the camera and a cable to the network jack to get the signal up and running again.
- 10/11/17: the signal during Blaine's live meeting dropped out a few times for 2 to 5 seconds at a time. Could be an overload of bandwidth. Will monitor the transmission and contact Haivision if the problem persists.
- 10/16/17: Dropped off 2 DVDs of meeting from Cloverleaf Room where Council workshop was held.
- 10/18/17: Met with Roark to go over punch list of Alpha install. Helped Roark figure out several issues. Alpha needs to send drawings so we can do a thorough technical review.
- Made switch in Master Control to send HD signal to CenturyLink for HD sweep.
- 10/19/17: Received punch list from Alpha staff as requested by Roark. It covers a host of issues with Blaine Council install. Install went well and the issues are pretty easily solved.

- October: T.J. Tronson transferred all Blaine meetings recorded at NMTV head-end to DVD masters for Roark. 12 discs in all.
- 10/25/17: Bluray player is not getting audio. The audio in the Cloverleaf Farm room is fixed but we noted that the Crestron Controller in the control room needs to have a source audio button for the Cloverleaf Farms room to be able to adjust audio on the fly. Figured out how to work speakers in the control room. Need Alphas drawings to troubleshoot audio issues.
- 10/31/17: Installed a return confidence monitor for Roark in Blaine's control room.
- 10/31/17: Talked with Roark regarding the punch list. Alpha has completed the punch list of items, mostly regarding audio.
- **Centerville**
- No equipment assistance requested or required.
- **Circle Pines**
- No equipment assistance requested or required.
- **Ham Lake**
- 10/4/17: Talked with Denise Webster about HD upgrade. Not getting proposals from Alpha or iSpace for HD upgrade. Z Systems has been staying in touch. Contacted Alpha to encourage them to send Ham Lake a proposal.
- 10/17/17: Talked with Alpha about Ham Lake proposal. He said he has been sitting on the proposal for a while but hasn't sent it. It is over the 100k budget so gave him some recommendations on how to cut costs to get it below the cap.
- **Lexington**
- No equipment assistance requested or required.
- **Lino Lakes**
- 10/3/17: Alpha video says console to be installed is too small. Larger console approved by Jeff Karlson.
- 10/9/17: Larger console ordered.
- 10/11/17: Talked with Alpha and answered questions they had regarding project. Pointed out items they missed on proposal which were in original request.
- 10/25/17: Phone conference with Jeff Karlson and Alpha team. HD project will be started on December 12. Provided recommendations for camera placement. Talked about dais and monitors. Discussed tear-out. Kerfuffle over Alpha bidding mistake. They missed several items. Proved to Alpha it was their fault. Alpha admitted as much and will provide the missing equipment at no cost to Lino Lakes.
- 10/25/17: Made a diagram for Alpha concerning Lino Lakes install. Took pictures of chambers for camera placement recommendations. Noted where electrical outlets should be installed. Provided Alpha with diagrams for camera placement. Took pictures of control room and noted where Jeff would like the racks and desk placed.
- **Spring Lake Park**
- 10/3/17: Alpha installs new crestron controller on the podium that was damaged due to a power surge. Audio is not working from podium.
- 10/3/17: Decision made to order second new Sony camera. Quote signed and camera ordered.
- 10/9/17: New Sony camera installed but not fully functioning. Wiring different from old camera. No longer uses the VISCA RS-422 port and now uses a VISCA port over ethernet. Alpha did not inform us of this when ordering the replacement camera. Cut the cable and wire the RS-422 to ethernet plug.
- 10/16/17: Spent 6 hours trying to get camera configuration right. No answers from Alpha or Broadcast Pix about how to get the new Sony to talk with the old Broadcast Pix switcher.
- 10/17/17: Talked with Alpha about ideas for getting camera/switcher to communicate. Reviewed pin configurations. They all match.
- 10/18/17: Supply CenturyLink with HD feed for channel upgrade sweep.
- 10/19/17: Solved camera issue. Tested a different controller with my wiring and Phoenix RJ45 connector and it worked. Tells me all the wiring is correct and the camera is fine. Problem resides with the Broadcast Pix switcher and the Edgeport camera control connector associated with the switcher. Both Alpha and I am contacting Broadcast Pix.
- 10/26/17: Spoke with Broadcast Pix. They are looking into it. Might have to string network cable to existing locations.
- 10/27/17: Took pictures and got serial and version info and sent to Broadcast Pix. Will meet them to discuss further.
- 10/27/17: Broadcast Pix believes the switcher must be upgraded. They know newer version works with cameras. SLP must decide on whether to upgrade for \$995.

- 10/31/17: Broadcast Pix in town. Will go to SLP to update software and resolve camera issue.

City Channel 16 Playback Stats

City	Number of Times Programs Played	Hours Programmed on Channel
Blaine	216	215:06:00
Centerville	46	85:35:44
Circle Pines	240	109:32:00
Ham Lake	107	67:35:06
Lexington	95	59:09:36
Lino Lakes	166	136:31:42
Spring Lake Park	171	179:27:18
Totals:	1,041 Program Playbacks	891:57:26 Hours of Video Programming on Channels

Programs Produced by the Public

Title	Producer	Runtime
Garage Deals	Joe Scholz, Laurie Sigler	00:14:43
Hey It's Opera!	Ben Higginbotham	00:18:13
Off Constantly (2 Episodes)	McLean Dolphy	00:58:34
Toastmasters Live	Rick Langness	00:28:31
Every Movie Ever Made (4 Episodes)	Ben Daniels, Gavin Van Trease, Eric Houston	01:40:17
Puzzled (2 Episodes)	Video Club	05:04:58
A Fresh New Day (2 Episodes)	Anita Wardlaw	00:25:58
Exploding Reality	Michele Kurak	01:44:40
Christ Lutheran Church	Chance Amundson	01:05:30
His Legacy TV	Nonie Tanner	00:47:40
Cornerstone Church (4 episodes)	Rick Bostrom	01:54:00
The Power of Love (3 episodes)	Rick Larson	01:30:00
LovePower (4 episodes)	Ann Sandell	04:00:00
Rice Creek Watershed District Meeting (2 episodes)	Theresa Stasica	02:50:47
Trinity Lutheran (4 Episodes)	Tim O'Brien	03:53:08
31 New Programs		26:09:21 New Hours

Programs Produced by NMTV Staff

Title	Producer	Runtime
Anoka County Board Meeting (10/10/17)	T.J. Tronson	00:43:50
Anoka County Board Meeting (10/24/17)	T.J. Tronson	00:57:22
Cable Commission Meeting (10/18/17)	T.J. Tronson	00:29:33
NMTV News (4 episodes)	Danika Peterson/Ben Hayle	01:20:37
On Tap	Danika Peterson/Ben Hayle	00:29:36
Local Decision 2017: Circle Pines City Council	Danika Peterson/Ben Hayle	00:31:10
Local Decision 2017: Lino Lakes City Council	Danika Peterson/Ben Hayle	00:59:02
Local Decision 2017: Lino Lakes Mayor	Danika Peterson/Ben Hayle	00:26:37
Local Decision 2017: Circle Pines Mayor	Danika Peterson/Ben Hayle	00:20:47
Local Decision 2017: Spring Lake Park School Board Candidate Forum	T.J. Tronson	01:23:26

Title cont.	Producer cont.	Runtime cont.
Local Decision 2017: Anoka-Hennepin School Board District 4	Danika Peterson/Ben Hayle	00:27:41
Local Decision 2017: Spring Lake Park School Board Debate	Danika Peterson/Ben Hayle	00:52:55
Slow Down for Speed Zones	Danika Peterson/Ben Hayle	00:04:17
Blaine Welcomes New Public Works Director	Danika Peterson/Ben Hayle	00:02:31
Police Chief Finalists	Danika Peterson/Ben Hayle	00:05:23
Your City Staff: Don Krueger	Danika Peterson/Ben Hayle	00:03:37
Lino Lakes Public Safety Open House	Trevor Scholl	00:02:43
Business Matters: Yoga by Blissstopia	Trevor Scholl	00:05:00
Lexington Fall Fest	Trevor Scholl	00:03:02
Lexington's Mayor's Minutes	Trevor Scholl	00:05:08
Northstar Watermedia Society Exhibit	Trevor Scholl	00:03:40
Blaine's Mayor's Minutes	Trevor Scholl	00:05:55
Volleyball: Park Center/Spring Lake Park	K. Kipp/J. Millington	01:46:14
Girls Soccer: Blaine/Centennial	K. Kipp/J. Millington	01:46:53
Boys Soccer: Blaine/Centennial	K. Kipp/J. Millington	01:45:19
Football: Blaine/Centennial	K. Kipp/J. Millington	02:38:05
Boys Soccer: 7AA QF: Forest Lake/Blaine	K. Kipp/J. Millington	01:37:21
Girls Soccer: 7AA QF: St. Francis/Blaine	K. Kipp/J. Millington	01:32:44
Girls Soccer: 5AA SF: Champlin Park/Centennial	K. Kipp/J. Millington	01:46:34
Football: Totino Grace/Blaine	K. Kipp/J. Millington	02:34:49
Football: East Ridge/Centennial	K. Kipp/J. Millington	02:16:54
Football: 4AAAAA QF: Mpls SW/Spring Lake Park	K. Kipp/J. Millington	02:09:25
Football: 6A 1st Round: Stillwater/Centennial	K. Kipp/J. Millington	01:58:48
North Metro Youth Ftbl: 2nd Grade Championship	K. Kipp/J. Millington	01:28:01
North Metro Youth Ftbl: 3rd Grade Championship	K. Kipp/J. Millington	01:14:23
North Metro Youth Ftbl: 4th Grade Championship	K. Kipp/J. Millington	01:30:23
North Metro Youth Ftbl: 5th Grade Championship	K. Kipp/J. Millington	01:31:55
North Metro Youth Ftbl: 6th Grade Championship	K. Kipp/J. Millington	02:02:40
Sports Den (5 episodes)	K. Kipp/J. Millington	02:26:04
46 New Programs		41:50:14 New Hours

Programs Produced by City Staff

Title	Producer	Runtime
Blaine Traffic Commission Meeting (10/3/17)	Blaine Staff	00:19:12
Blaine City Council Meeting (10/5/17)	Blaine Staff	00:33:38
Blaine Planning Commission Meeting (10/10/17)	Blaine Staff	02:11:37
Blaine Natural Resources Conservation Board Meeting (10/17/17)	Blaine Staff	01:07:23
Blaine City Council Meeting (10/19/17)	Blaine Staff	00:51:38
Centerville City Council Meeting (10/11/17)	Centerville Staff	01:30:00
Centerville City Council Meeting (10/25/17)	Centerville Staff	03:29:24
Circle Pines City Council Meeting (10/10/17)	Circle Pines Staff	00:33:29

Title cont.	Producer cont.	Runtime cont.
Circle Pines Utility Commission Meeting (10/18/17)	Circle Pines Staff	00:10:07
Circle Pines City Council Meeting (10/24/17)	Circle Pines Staff	00:22:48
Ham Lake City Council Meeting (10/2/17)	Ham Lake Staff	00:16:30
Ham Lake Planning Commission Meeting (10/9/17)	Ham Lake Staff	00:49:37
Ham Lake City Council Meeting (10/16/17)	Ham Lake Staff	00:39:14
Ham Lake Planning Commission Meeting (10/23/17)	Ham Lake Staff	01:05:58
Lexington City Council Meeting (10/5/17)	Lexington Staff	00:19:40
Lexington City Council Meeting (10/19/17)	Lexington Staff	00:50:44
Lino Lakes City Council Meeting (10/9/17)	Lino Lakes Staff	01:11:00
Lino Lakes Planning & Zoning Commission Meeting (10/11/17)	Lino Lakes Staff	02:13:10
Lino Lakes City Council Meeting (10/23/17)	Lino Lakes Staff	00:28:06
Lino Lakes Environmental Board Meeting (10/25/17)	Lino Lakes Staff	01:31:32
Spring Lake Park City Council Meeting (10/2/17)	Spring Lake Park Staff	01:10:07
Spring Lake Park City Council Meeting (10/16/17)	Spring Lake Park Staff	00:50:59
Spring Lake Park Planning Commission Meeting (10/23/17)	Spring Lake Park Staff	01:00:16
23 New Programs		23:36:09 New Hours

If you have any questions or comments regarding this monthly report please contact
Heidi Arnson at 763.231.2801 or harnson@northmetrotv.com.

EXECUTIVE COMMITTEE MINUTES

Meeting of December 6, 2017

Executive Cmte. Present: Dick Swanson; Blaine, Matt Percy; Circle Pines, M. Murphy; Lexington

Absent: Cindy Hansen; Spring Lake Park

Others Present: Heidi Arnson; Executive Director, Rose Valez; Admin. Asst.,

CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES

A motion to approve the October 4, 2017 Executive Committee meeting minutes was made by D. Swanson. Second, M. Percy. Motion approved.

EXECUTIVE DIRECTOR / OPERATIONS COMMITTEE REPORT

- The Committee considered Comcast's request for approval of a 50 cent increase to the late fee. A cost study was provided by Comcast and reviewed. The request would raise the late fee from \$9.50 to \$10.00.

MOTION: To approve Comcast's request to increase the late fee from \$9.50 to \$10.00.
Motion made by D. Swanson. Second, M. Percy. Motion approved.

- The third quarter franchise and PEG fee reports were reviewed. H. Arnson also provided a summary of the CenturyLink quarterly meeting that took place on November 30th.
- The Closed Captioning study is moving forward. Staff requested a copy of each Cities' Summary Budget for 2017 to include in the initial data gathering.

OLD BUSINESS

- No old business was presented.

NEW BUSINESS

- The Committee recommended that the January 3rd Executive Committee and January 17th Commission meetings be canceled.

MOTION: To cancel the January Executive Committee and full Commission meetings.
Motion made by D. Swanson. Second, M. Percy. Motion approved.

ADJOURN

Motion to adjourn made by D. Swanson. Second, M. Murphy. Motion approved.
The meeting was adjourned at 6:41 p.m.



Comcast Cable
10 River Park Plaza
St. Paul, MN 55107

October 23, 2017

Ms. Heidi Arnson
Cable Administrator
North Metro Telecommunications
12520 Polk Street Northeast
Blaine, MN 55434

RE: Administrative Late Fee Restructuring

Dear Heidi:

I am writing to notify you that Comcast is restructuring the late fee from \$9.50 to \$10.00, effective January 1, 2018. Comcast has completed a current cost study that concluded that the cost incurred to Comcast by customers that do not pay bill by the due date now far exceeds \$10.00.

We strongly believe that customers who pay bills on time should not have to subsidize the fees associated with customers who do not pay on time. Customers will be provided a 30 day notice of this change in the December 2017 bill cycle.

Should you have any questions or concerns on this matter, please do not hesitate to contact me at 651-493-5501.

Sincerely,

Ronald A. Orlando
Vice President, External Affairs
Comcast- Twin Cities Region

**NORTH METRO TELECOMMUNICATIONS COMMISSION
UNAPPROVED OPERATIONS COMMITTEE MEETING NOTES**

Tuesday, November 30, 2017

CALL TO ORDER

The meeting began at 10:48 a.m.

MEMBERS PRESENT

B. Petracek, D. Buchholtz, J. Karlson, P. Antonen, C. Arneson, M. Statz, D. Krueger

MEMBERS ABSENT

OTHERS PRESENT

H. Arnson

APPROVAL OF MEETING NOTES

The meeting notes of October 3, 2017 were approved by consensus.

EXECUTIVE DIRECTOR REPORT

- Progress on the Cities' HD upgrades was discussed. Blaine is completely upgraded and Lino Lakes will begin their upgrade on December 12th. Several other Cities are in the process of obtaining bids and developing plans. Video Engineer, Matt Waldron, has been working hard to help each City through every stage of the upgrade process.
- The third quarter franchise and PEG fee reports were reviewed.
- The Closed Captioning study is moving forward. Staff requested a copy of each Cities' Summary Budget for 2017 to include in the initial data gathering.

OLD BUSINESS

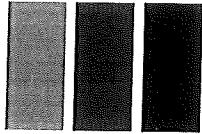
- The status of each Cities' small cell ordinance amendments was discussed.

NEW BUSINESS

- The January 2nd, 2018 Operations Committee meeting is canceled. The February 6th meeting will take place at Blaine City Hall and include a tour of the new HD equipment.

ADJOURNMENT

The meeting was adjourned at 11:30 a.m.



Bradley

MEMORANDUM

To: Municipal Entity Clients of Bradley Berkland Hagen & Herbst, LLC
From: Mike Bradley and Vince Rotty
Re: Classification of CenturyLink Stream
Date: December 5, 2017

Background of CenturyLink Stream

In October 2017, CenturyLink released a new video streaming service called "CenturyLink Stream." CenturyLink Stream is a television service that digitally delivers video programming over the Internet.¹ In the Twin Cities, a CenturyLink internet subscriber may also subscribe to CenturyLink Stream. In this way, CenturyLink Stream subscribers are able to view much of the same video programming as CenturyLink PrismTV subscribers.² Comcast provides a similar streaming service called Instant TV service. However, the Comcast streaming services is only available to existing subscribers of Comcast's other services. Conversely, CenturyLink Stream is available to the public regardless of whether an individual is an existing subscriber to any of CenturyLink's other cable or telecommunications services. In other words, a Comcast internet subscriber could purchase and view CenturyLink Stream. In contrast, a CenturyLink internet subscriber may not purchase and view Comcast's Instant TV service. Throughout the Twin Cities market, CenturyLink has facilities located in the public rights-of-way and CenturyLink Stream will be provided (at least in part) over that physical infrastructure.

Summary

Our municipal clients have asked whether CenturyLink Stream is a cable service under federal law or a cable communications service under Minnesota law. We conclude that it is arguably a cable service under federal law, and it is a cable communications service under state law. Therefore, CenturyLink Stream, like CenturyLink PrismTV, is subject to local cable franchises. In areas in which CenturyLink has already obtained a cable franchise, the CenturyLink Stream service is subject to all of the terms and conditions of the cable franchise.

¹ Additionally, regardless of whether an individual subscribes to CenturyLink's Stream service, individuals are able to rent movies through the platform. <http://www.cordcuttersnews.com/centurylink-just-launched-live-tv-streaming-service/> (accessed Oct. 23, 2017); <https://channelstore.roku.com/details/156803/centurylink-stream> (accessed Oct. 23, 2017).

² To view the channels currently available through CenturyLink Stream go to the following link: <https://goo.gl/euiBMj> (accessed October 30, 2017).

Background

Today, most video is delivered through some form of Internet Protocol Video (“IP Video”). A common method of delivering video services is to stream IP Video over the public Internet. Companies like Netflix, Amazon, and Hulu offer such streaming video services. Notably, these companies do not own or operate any delivery infrastructure (i.e., a cable system), but rather, services are delivered to a subscriber via an Internet connection that is provided by a separate Internet provider, such as Comcast or CenturyLink. The term “over the top” (“OTT”) is often used to describe these services because, in essence, video content is being delivered over another provider’s infrastructure to the home.

Other providers, such as Comcast and CenturyLink, continue to provide traditional video services to their subscribers via existing cable systems. Comcast does this through its Xfinity TV service, and CenturyLink through its PrismTV service. Both companies use IP Video to deliver these services to their respective subscribers. Because both companies use and occupy the public rights-of-way, they must obtain a cable franchise prior to delivering these services. Both Comcast and CenturyLink have obtained cable franchises from local franchising authorities (i.e., municipal entities) throughout the Twin Cities to use the public rights-of-way to provide cable services to subscribers, although, there are still some municipalities in the Twin Cities area where CenturyLink has not yet obtained a cable franchise.

Both Comcast and CenturyLink have started to sell a separate video streaming service in the Twin Cities. Comcast’s product is called “Instant TV,” while CenturyLink’s product is called “CenturyLink Stream.” Instant TV is available only to Comcast subscribers, while CenturyLink Stream is available to anyone with an internet connection. In the Twin Cities, CenturyLink will presumably provide CenturyLink Stream both to its own Internet subscribers over its network and to subscribers purchasing Internet service through a different provider (e.g. Comcast). Under federal law, this gives the CenturyLink Stream product characteristics of an OTT service as well as a wireline cable service.

Federal Definition of “Cable Service”

Not surprisingly, federal law and regulations have yet to catch up to the new ways in which video is delivered to subscribers. Under current federal law, an entity providing “cable service” via a “cable system” is a “cable operator” and must therefore obtain a cable franchise prior to providing cable services.³ As such, if an entity is either not providing a cable service or not providing a cable service via a cable system, the entity is not acting as a cable operator and is not required by federal law to obtain a cable franchise prior to providing its cable services. A “cable service” has been defined under federal law as including IP video services.⁴ A “cable system” has been defined as a system “designed to provide cable service.”⁵ For example, AT&T U-Verse is a “cable service” that is delivered by a system specially designed to provide cable

³ 47 U.S.C. § 522 (1996). *See* Cable Television Technical and Operational Requirements, 27 FCC Rcd 9678; *Office of Consumer Counsel v. Southern New England Telephone Co.*, 515 F.Supp.2d 269, 276 (D. Conn. 2007), *vacated on other grounds*, 368 Fed.Appx. 244 (2d Cir.2010).

⁴ *See* Cable Television Technical and Operational Requirements, 27 FCC Rcd 9678; *Office of Consumer Counsel v. Southern New England Telephone Co.*, 515 F.Supp.2d 269, 276 (D. Conn. 2007).

⁵ 47 U.S.C. § 522(7).

services.⁶ Because AT&T is providing a cable service via a cable system, it would be acting as a “cable operator” and would therefore be subject to cable franchising laws.⁷

CenturyLink Stream, as an IP video service, arguably falls within the federal statutory definition of a “cable service.” CenturyLink, as a franchised cable operator in the Twin Cities, has facilities in the public rights-of-way and at least in-part uses these facilities to provide CenturyLink Stream services. For example, the same facilities providing PrismTV to CenturyLink cable and internet subscribers are also used to provide CenturyLink Stream. The only difference, perhaps, is the technology used to deliver the programming (i.e., a cable box versus a set-top box such as a Roku Streaming Stick).

In 2014, recognizing the changing nature of the delivery of video services, the Federal Communications Commission (herein “the FCC”) issued a Notice of Proposed Rulemaking (herein “NPRM”) seeking to address whether certain video services delivered via IP Video (i.e., Netflix, Hulu, Comcast Instant TV, etc.) are “cable services” and should therefore be subject to federal cable franchising laws.⁸ In its NPRM, the FCC tentatively concluded that an OTT service offered by a traditional cable operator is not a “cable service.” The rationale behind this tentative conclusion was that a cable provider indiscriminately making available an OTT service to any member of the public would not be delivering the OTT service via its own cable system and was therefore not acting in its capacity as a cable operator.⁹ The FCC further reasoned that while a cable provider may be acting as a cable operator within its franchise areas, it would not be acting as a cable operator outside of its franchise areas, and in instances where a cable operator would be simultaneously acting in both capacities, the latter would taint the status of the former. That is, the cable provider would no longer be acting as a cable operator, and any OTT services would not be classified as cable services.¹⁰

However, since a NPRM contains only tentative conclusions, subject to final rulemaking, it provides only guidance as to how the FCC may rule and does not create any final, binding authority.¹¹ Moreover, it is unclear whether the FCC will formally define an OTT service to include IP video services operated by cable operators, potentially altering the FCC’s analysis significantly.¹² As such, because the FCC’s 2014 NPRM is not a rulemaking document, federal

⁶ See *Mediacom Southeast LLC v. Bellsouth Telecomms., Inc.*, 672 F.3d 396 (6th Cir. 2012).

⁷ *Id.*

⁸ *Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services*, Notice of Proposed Rulemaking, MB Docket No. 14-21 (Dec. 19, 2014).

⁹ *Id.* at ¶ 78. See 47 U.S.C. § 522(5).

¹⁰ *Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services* at ¶ 78 (“To the extent a consumer located within a cable operator’s footprint may access the cable operator’s OTT service using that cable operator’s broadband facilities for Internet access, how should this arrangement be classified? We tentatively conclude that such an OTT service, if provided to consumers without regard to whether they subscribe to the cable operator’s managed video service, would be a non-cable MVPD service inside and outside of the operator’s footprint, even if it is accessible over that cable operator’s broadband facilities.”).

¹¹ After issuing a NPRM, there is a period of public comment and reply, sometime after which the FCC will issue an Order, which does have binding rulemaking authority.

¹² See *Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services* at fn. 199 (noting that IP video services that are “treated” by a cable operator as managed video services in the cable operator’s cable system are not OTT services).

law is presently considered silent as to whether revenue derived from such OTT content and services may be counted towards a local franchising authority's franchise fees.

Based upon the guidance provided by the FCC and the definition of cable service in the Federal Cable Act, it is our opinion that the CenturyLink Stream service is arguably a cable service because it is a service delivering video programming to residents in the Twin Cities in part over a managed network located in the public rights-of-way.

State of Minnesota Definition of "Cable Communications Service"

Regardless of its treatment under federal law, CenturyLink Stream is also subject to state law (i.e., the Minnesota Cable Act).¹³ The Minnesota Cable Act is somewhat broader in scope than the Federal Cable Act.¹⁴ For example, in the case of *WH Link, LLC v. City of Otsego*, the Minnesota Court of Appeals held that although federal law exempted open video systems from being regulated as "cable services," such systems fall within the state statutory definition of a "cable communications system."¹⁵ That is, although federal law did not require that an open video system be operated pursuant to a franchise, state law did make such a requirement, and therefore a franchise is required to operate an open video system in the State of Minnesota.¹⁶

Under Minnesota law, and similar to federal law, any operator of a "cable communications system" must obtain a local cable franchise.¹⁷ The statutory definition of a "cable communication system" includes television programming distributed by a wire, cable, etc. (i.e., distributed via the Internet), such as open video systems.¹⁸ A "cable communications system" is defined by Chapter 238 as:

a system that (1) provides the service of receiving and amplifying (i) **programs broadcast by one or more television or radio stations** and (ii) **other programs originated by a person operating a cable communications system or by another person**, and (2) distributes those programs by wire, cable, microwave, or

¹³ See *WH Link, LLC v. City of Otsego*, 664 N.W.2d 390 (Minn. Ct. App. 2003).

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See *id.*

¹⁷ Minn. Stat. § 238.08, subd. 1(a) (2010). See also 47 U.S.C. § 541(b) (1996).

¹⁸ An "open video system" is a network system in which a telephone operator begins to provide video programming services via its existing telecommunications network. See Minn. Stat. § 238.02, subd. 3 (2014) ("Cable communications system" means a system that (1) provides the service of receiving and amplifying (i) programs broadcast by one or more television or radio stations and (ii) other programs originated by a person operating a cable communications system or by another person, and (2) distributes those programs by wire, cable, microwave, or other means, regardless of whether the means are owned or leased, to persons who subscribe to the service."); see also 47 C.F.R. § 76.1500 (1996) ("Open video system. A facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, provided that the Commission has certified that such system complies with this part."). See also *WH Link, LLC v. City of Otsego*, 664 N.W.2d 390 (Minn. Ct. App. 2003) ("An open-video system is a 'cable communications system' as defined by Minn. Stat. § 238.02, subd. 3 (2002), and is therefore subject to the cable-franchise requirement under Minn. Stat. § 238.03 (2002).").

other means, regardless of whether the means are owned or leased, to persons who subscribe to the service.¹⁹

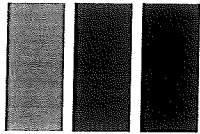
The term “program” is defined as “*any broadcast-type program*, signal, message, graphics, *data*, or communication content service.”²⁰ The CenturyLink Stream service provides video programming that is broadcast by one or more television stations and other programs (such as cablecast programs) originated by other programmers. All of these programs are broadcast-types of programs for obvious reasons, and they are also in the form of data because they are delivered through IP Video, a form of data service. Since the CenturyLink Stream service will be provided to CenturyLink subscribers over its facilities located in the public rights-of-way, CenturyLink is operating a cable communications system subject to local franchising under state law.

Conclusion

CenturyLink, by offering its CenturyLink Stream service to residents in the Twin Cities, where CenturyLink owns and operates facilities in the public rights-of-way is providing programs broadcast by one or more television stations and other programs originated by other programmers. It is, therefore, operating a cable communications system in the Twin Cities area, and is subject to a local cable franchise.

¹⁹ Minn. Stat. § 238.02, subd. 3 (2004) (emphasis added).

²⁰ *Id* at subd. 31 (emphasis added).



Bradley

MEMORANDUM

To: North Metro Telecommunications Commission
From: Mike Bradley and Vince Rotty
Re: CenturyLink Consent Order
Date: December 6, 2017

At our last quarterly meeting with CenturyLink, there was discussion on Stipulated Consent Order (the "Order") recently entered into between CenturyLink and the State of Minnesota in the litigation initiated by the Minnesota Attorney General over CenturyLink's billing practices. Shortly after the meeting, an attorney for CenturyLink sent us a copy of the Order.

CenturyLink recently entered into the Order on October 27, 2017.¹ In short, the Order requires CenturyLink to be more transparent about its billing practices, clearly delineating line items that may be charged to a potential CenturyLink customer prior to their signing up for CenturyLink services. Attached is a copy of the Consent Order. The following is a brief summary.

Paragraph 1 stipulates that CenturyLink will be more transparent about its billing practices. The Order requires that CenturyLink clearly and conspicuously communicate to potential customers:

- the amount that will be due in a customer's first bill; and
- the amount that will be due thereafter in a customer's recurring bill.

Specifically, the following must be clearly and conspicuously communicated to potential customers:

- the monthly base price of CenturyLink services;
- the amount of any recurring fees;
- the amount of any one-time fees; and
- any restrictions or conditions on a quoted price (i.e., a term contract).

Paragraph 2 stipulates that CenturyLink, when selling DIRECTV goods and services, must additionally disclose to a potential customer:

- the amount that will be due for add-on services (i.e., HD, DVR, etc.);

¹ *State of Minn. v. CenturyTel Broadband Services LLC*, No. 02-CV-17-3488 (10th Jud. Dist.).

- the amount that will be due as cancellation fees;
- the amount that will be due as a result of non-returned equipment;
- the details of any promotional pricing including:
 - any rebates that will be required for a customer to realize the promotional pricing;
 - if a rebate is required, how the rebate can be obtained;
 - the length of time the promotional pricing will be applied to a customer's bill;
 - the comparative price of DIRECTV goods and services without promotional pricing;
 - whether a promotional price is contingent on a particular payment form or manner (i.e., automatic payments); and
 - whether the customer will be automatically billed for goods and services at a non-promotional rate at the conclusion of the period of time to which a promotional price applies.

These requirements are meant to mirror the requirements placed on DIRECTV by a prior Order.²

Paragraphs 3 and 4 stipulate that CenturyLink may not charge a customer any amount greater than the price quoted or disclosed to the potential customer. Paragraphs 3 and 4 further stipulate that no promotional pricing offer may be retracted due to a condition or restriction that was not disclosed to a potential customer.

Paragraph 5 stipulates that CenturyLink must enact training, processing, and procedures to ensure that the stipulated pricing practices are achieved. However, Paragraph 6 stipulates that CenturyLink will not be liable for violations of this Order with respect to DIRECTV goods and services if Paragraph 5 is satisfied.

Finally, Paragraph 7 exempts telephone service from this Order.

While the Order could be seen as a step towards resolving the litigation between CenturyLink and the State of Minnesota, the litigation remains ongoing.

² See *State of Minn. v. DIRECTV, Inc.*, No. 62-CV-11-1504 (2d Jud. Dist.).

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

Case Type: Other Civil
(Consumer Protection)

State of Minnesota, by its Attorney General,
Lori Swanson,

Court File No. 02-CV-17-3488
Hon. Douglas B. Meslow

Plaintiff,

vs.

STIPULATED CONSENT ORDER

CenturyTel Broadband Services LLC,
d/b/a CenturyLink Broadband; Qwest
Broadband Services, Inc., d/b/a
CenturyLink; and Qwest Corporation,
d/b/a CenturyLink QC,

Defendants.

The State of Minnesota, by its Attorney General ("State"), and CenturyTel Broadband Services LLC, d/b/a CenturyLink Broadband; Qwest Broadband Services, Inc., d/b/a CenturyLink; and Qwest Corporation, d/b/a CenturyLink QC (collectively "CenturyLink"), agree to the following Consent Order ("Order"):

1. CenturyLink shall not make any false statement of material fact, nor shall CenturyLink omit any material fact, in connection with CenturyLink's sale of internet and/or television service to a Minnesota consumer, including but not limited to, material statements or omissions related to the price(s) of service(s) offered by CenturyLink. Accordingly, for sales of its services, CenturyLink shall accurately and in a clear and conspicuous manner disclose to Minnesota consumers at the time of sale:

a. The monthly base price of the service(s) the consumer purchases;

- b. The amount (either the actual amount or, for fees that are based on percentage, based on usage, or that vary by location, the average amount paid by Minnesota consumers) of each recurring monthly fee (except for those fees described in Section 1(c) of this Order) charged for the service(s) the consumer purchases, in addition to the monthly base price;
- c. For the Access Recovery Charge, the Federal Universal Service Fund, the Federal Telecommunications Relay Service Fee, the Property Tax Recovery Fee, and the Federal Regulatory Recovery Fee when applicable (and, at CenturyLink's discretion, also applicable taxes), CenturyLink shall disclose the total amount of these fees and surcharges (as an actual amount or, for fees that are based on percentage, based on usage, or that vary by location, the average amount paid by Minnesota consumers) that will appear on the customer's first invoice. CenturyLink may refer the customer to his or her first invoice for an itemization of each of these applicable fees and surcharges;
- d. The amount of each one-time fee, or fee charged only on the customer's initial bill, for the purchased service(s), including but not limited to activation and installation fees;
- e. The amount of the first invoice (using the actual or estimated amounts in Sections 1(a) through 1(d) of this Order, which, at CenturyLink's discretion, may include or exclude taxes) of the service(s) the consumer purchases. If this amount does not include taxes, CenturyLink shall disclose that the amount does not include taxes. In addition to this quoted

amount, CenturyLink shall also disclose that CenturyLink bills for services one-month in advance and the first invoice will also include prorated charges from the date the service starts to the next billing cycle;

- f. The recurring total cost (which, at CenturyLink's discretion, may include or exclude taxes) of the service(s) the consumer purchases, starting with the second invoice. If the recurring total cost does not include taxes, CenturyLink shall disclose that the quoted amount does not include taxes. In calculating the total amount, CenturyLink shall include the actual or estimated amount(s) disclosed in Sections 1(a) through 1(c) of this Order;
- g. The time period for which the quoted prices apply, or if any of the quoted base prices, fees, or surcharges may increase after the first invoice, a general statement that CenturyLink does not guarantee the quoted base prices, fees, or surcharges for any additional length of time; and
- h. Any restrictions or conditions on a consumer's ability to receive the quoted price(s).

2. When selling goods and services as a sales agent of DIRECTV, CenturyLink shall disclose any and all material terms or conditions of DIRECTV's offer. Such material terms or conditions include, but are not limited to, the following, if applicable:

- a. The cost to the consumer of any DIRECTV Goods ordered;
- b. The first month's price of any DIRECTV Services ordered;
- c. That a mandatory programming commitment/agreement will apply, including, but not limited to the duration of the contract;

- d. The current monthly fees and charges for HD and/or DVR services, if equipment requiring subscription to such services is initially ordered by the consumer;
- e. Any costs, fees or other consideration consumers must pay to cancel any DIRECTV Services, including, but not limited to the following, if applicable: (i) the existence of any early cancellation fee, (ii) the amount of such fees, and (iii) the amount such fees will decrease and on what basis such fees may be prorated;
- f. That an equipment non-return fee may apply if leased DIRECTV Goods are not returned as required;
- g. Any promotional price, and (i) the fact that the promotional price is contingent upon the consumer's request for a rebate(s), if such is the case, (ii) each component or requirement for claiming a rebate, if applicable, (iii) the duration of the promotional price, and (iv) the current price of the DIRECTV Goods or DIRECTV Services ordered without any promotion or discount applied;
- h. The fact that any price or offer is conditioned upon a consumer's agreement to a particular method and/or manner of payment; and
- i. If DIRECTV offers its services, or any part of its services (e.g., a 3-month trial of premium movie channels or a protection plan), at no cost to the consumer for a period of time ("Promotional Period"), (i) whether the consumer will be automatically billed for the service following the expiration of the Promotional Period, (ii) that the consumer must cancel

the service within the Promotional Period to avoid being automatically billed for it, (iii) the cost of the service after the Promotional Period, (iv) the length of the Promotional Period, and (v) the means by which the consumer may cancel the service during the Promotional Period.

The parties' intent is for CenturyLink to make the same point-of-sale disclosures of DIRECTV's goods and services as is required by § 6.14 in the Agreed Final Consent Judgment in *State of Minn. v. DIRECTV, Inc.*, No. 62-CV-11-1504 (2d Jud. Dist.), filed Feb. 25, 2011 (the "DIRECTV Consent Judgment"). The terms "DIRECTV Goods" and "DIRECTV Services" as used in this Section shall have the same meaning as in the DIRECTV Consent Judgment. If the terms of § 6.14 of the DIRECTV Consent Judgment change in the future, then the parties intend that CenturyLink's disclosures required by this Section shall also change accordingly. Nothing herein shall be construed to waive any claims either party may have against the other under the DIRECTV Consent Judgment.

3. CenturyLink shall not charge any Minnesota consumer any amount greater than the amount CenturyLink disclosed to the consumer (excluding taxes) in accordance with Section 1 of this Order, for the time period disclosed in accordance with Section 1 of this Order, unless the consumer orders additional service(s) or if the consumer stops meeting restrictions or conditions that were disclosed at the time of sale. CenturyLink shall not refuse to honor any quoted price on the basis of a condition or restriction on the consumer's ability to receive the quoted price if the restriction or condition was not disclosed in accordance with Section 1 of this Order.

4. No Minnesota consumer shall be charged any amount greater than the amount CenturyLink disclosed to the consumer (excluding taxes) in accordance with Section 2 of this

Order, for the time period disclosed in accordance with Section 2 of this Order, unless the consumer orders additional service(s) or if the consumer stops meeting restrictions or conditions that were disclosed at the time of sale. No offer made by CenturyLink shall be dishonored on the basis of a condition or restriction on the consumer's ability to receive the quoted price if the restriction or condition was not disclosed in accordance with Section 2 of this Order. Notwithstanding the foregoing, CenturyLink shall not be deemed to have violated this Section if CenturyLink can demonstrate that it did not cause the violation.

5. CenturyLink shall implement processes and procedures, and provide sufficient training designed to ensure that it discloses to Minnesota consumers, at the time of sale, the information required by Sections 1 through 4 of this Order and Minnesota law. The implementation of processes, procedures, and training shall not absolve CenturyLink of its liability for violations of Sections 1 and 3 of this Order and Minnesota law.

6. CenturyLink shall not be liable for violations of Section 2 and 4 of this Order if:

- (i) CenturyLink has implemented or is in the process of implementing reasonable and appropriate policies and procedures to ensure compliance with this Order;
- (ii) the alleged violation is the result of an isolated or inadvertent error related to technical or coding issues, or systems glitches;
- (iii) CenturyLink has reasonable safeguards in place to discover and/or prevent these types of occurrences from happening; and
- (iv) CenturyLink takes appropriate steps to investigate and remedy errors or glitches identified by CenturyLink or otherwise brought to its attention. Such remedy shall include addressing any adverse or negative customer impact(s) in a way that is consistent with the terms of this Order.

Solely for the purposes of this Section, with respect to CenturyLink's sales of DIRECTV's goods and services, each reference to "CenturyLink" in this Section shall mean "CenturyLink and/or DIRECTV, as applicable."

7. The provisions of Sections 1 and 2 of this Order shall apply to CenturyLink's initial sale of service to a Minnesota consumer, and shall apply to any subsequent sale or material change made to the Minnesota consumer's service. This Order applies only to residential and small business customers (that is, businesses with 10 employees or less) who have a Minnesota mailing address or who receive service from CenturyLink in Minnesota. This Order applies only to CenturyLink's sale of internet or television service, or packages that include internet or television service, and does not apply to sales of standalone telephone service only. Section 1 of this Order shall apply only to sales that take place on or after January 1, 2018. Section 2 of this Order shall apply only to sales that take place 30 days after entry of this Order. This Order shall remain in effect until further order of the Court.

8. No later than November 22, 2017, CenturyLink shall implement sales scripts for use by its representatives that disclose all applicable fees and surcharges, terms, and conditions consistent with the purpose of Section 1. This Section shall remain in effect until January 1, 2018.

9. This Order is binding upon the above-captioned defendants, their officers, agents, and employees. The above-captioned defendants shall provide notice of this Order within 14 days to any persons in active concert or participation with the defendants and their officers, agents, or employees.

10. This Order is entered pursuant to the parties' stipulation. The parties' stipulation and this Order do not waive or limit any positions or claims for relief the parties have asserted or may assert in this matter. Moreover, the parties' stipulation and this Order shall not be deemed

an admission of fault or lack of fault in this matter, and any use of this stipulation or Order in this matter or any other matter is governed by Minn. R. Evid. 408.

Dated: October 23, 2017

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Attorney General
State of Minnesota

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s/ Alex K. Baldwin

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Dated: October 23, 2017

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Attorneys for Defendants

Based upon the foregoing stipulation, and for good cause shown, IT IS HEREBY
ORDERED.

Meslow, Douglas

(Anoka Judge)

2017.10.27

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Douglas B. Meslow
Judge of District Court

Preparing for the End of Net Neutrality, City Tech Leaders Warn of Widening Digital Divide

BY: Zack Quaintance | December 1, 2017

As the Federal Communications Commission (FCC) prepares to repeal net neutrality protections, gov tech leaders in America's largest cities warn that such an action would be a major blow to municipal efforts to foster equitable Internet access, potentially crippling small businesses and limiting the career and academic opportunities for residents in the middle class and lower income brackets.

In all likelihood, the FCC will vote to repeal net neutrality restrictions on Dec. 14. The issue is largely split along partisan lines; the five-commissioner FCC currently consists of three Republicans and two Democrats. A repeal would end the 2015 net neutrality restrictions created under the Obama administration preventing service providers from intentionally slowing down Internet speeds or content delivery. Without these restrictions, carriers could charge users more to access certain content or websites, and they could also reserve bandwidth for corporate partners or high bidders, leading to an Internet where some content is exclusively available to users who can afford to pay more for it.

City gov tech leaders said this week that a repeal is all but certain to make it more difficult for municipal governments to foster digital equity. As Internet access has become essential to modern life — for applying for jobs, helping kids with homework, finding health care, etc. — cities have increasingly dedicated resources toward ensuring that all residents have access to the Internet, as well as to the equipment they need to use it and the skills to efficiently navigate the space.

New York City Chief Technology Officer Miguel Gamiño said one of Mayor Bill de Blasio's priorities is to make New York the fairest big city in America. Equitable access to technology is a vital part of that. The FCC rollback, however, would greatly hamper these efforts.

"This is a big step in the wrong direction, frankly, towards achieving that in the digital environment," Gamiño said. "To draw an analogy to the physical world, we wouldn't tolerate the repeal of things directed toward creating equity and access in the physical space."

Gamiño has vocally criticized the FCC's plans for months, and he's not alone. Mayors and gov tech execs from more than 60 cities formed a cohort earlier this year to unify pushback against repeal. In July, they penned a letter advocating against the removal of protections. In September, Gamiño and tech leaders from five other major cities — San Francisco, Seattle, Austin, Washington, D.C., and Boston — visited the nation's capital to voice concerns in person. In total, the cities represented are home to more than 26 million Americans.

This widespread fight against repeal began after a statement made by FCC chairman Ajit Pai in December 2016, suggesting a need to "fire up the weed whacker and remove" net neutrality. Pai, who was appointed FCC chairman by President Donald Trump in January and is leading the push to repeal, argues that net neutrality limits the growth of private industry. Gov tech leaders, open Internet advocates and others counter that removal weakens the egalitarian nature of the Internet, limiting creativity, innovation and free speech.

Seattle's director of digital engagement, Jim Loter, said repeal will lead to higher Internet prices and greater confusion of choices for consumers, which will hurt low-income families to whom price is already a barrier for accessing the Internet. It would also hamper economic growth.

"Internet access is critical for starting a new business, and the loss of net neutrality will disadvantage small business owners who can't afford additional fees to deliver their web content to customers," Loter said.

Both Loter and Gamiño said a repeal would be the beginning or middle of this fight, rather than the end, and the next stage would be taking it to the U.S. Court of Appeals or passing net neutrality legislation at the municipal or state levels. They also said this would mean cities would have to devote governmental resources to understanding the full extent of access inequity. Seattle is already doing policy analysis in anticipation of what this might mean.

"Lots of us have already been applying significant effort to this issue because we can see down the road to the reality of what this would create," Gamiño said

This all comes at a time when cities across the country have increasingly acknowledged the importance of digital equity, subsequently ramping up efforts aimed at inclusion. In fact, this May marked the first National Digital Inclusion week, which was created by the National Digital Inclusion Alliance (NDIA) to galvanize related efforts across the country. In wake of the FCC's net neutrality repeal plan, the NDIA also released a statement warning of its potential to exacerbate digital divides. In a phone conversation this week, the group's director, Angela Siefer, emphasized the move's potential to cut lower-income families out of the digital arena, both in underserved urban neighborhoods and in rural areas where access to broadband choices is unavailable.

"Choosing the internet service plan that is best for one's household assumes there is choice of Internet service providers with multiple speed and price offerings," Siefer said. "This is not always the case, particularly in rural and inner-city neighborhoods. The Internet service market is experiencing a failure. We know AT&T has digitally redlined some low-income communities. Might the deregulation of the Internet lead to additional digital redlining? Very likely we will see the dismantling of net neutrality leading to additional digital divides."

More than 200 private businesses — including Airbnb, Twitter and Pinterest — have also signed a letter to Pai trying to disauge him from the planned rollback. They noted that online shopping taking place on Cyber Monday was "a testament to the power of the free and open Internet to encourage entrepreneurs, drive innovation, make our lives easier and to support a healthy economy."

In a pinned Tweet, Gamiño is urging those who support net neutrality to take action and join the city governments fighting to preserve it.

This article was printed from: <http://www.govtech.com/civic/Preparing-for-the-End-of-Net-Neutrality-City-Tech-Leaders-Warn-of-Widening-Digital-Divide.html>

FCC's net neutrality repeal sparks backlash

By Harper Neidig - 12/03/17 03:03 PM EST _

The Federal Communications Commission's (FCC) plan to scrap net neutrality rules governing how internet service providers handle web traffic has unleashed a wave of intense opposition.

FCC Chairman Ajit Pai, a Republican, announced last month that the agency would vote to undo its 2015 net neutrality rules, which prevent companies like Verizon and Comcast from blocking or slowing down websites or creating internet "fast lanes."

The plan was met with instant backlash from net neutrality supporters, who have been rallying to save the rules for the better part of a year.

As of Sunday afternoon, at least 750,000 people have called Congress since Pai announced his plan, according to battleforthenet.com. And activists are planning hundreds of demonstrations at Verizon stores — Pai was associate general counsel at the telecom giant from 2001 to 2003 — and congressional offices across the country next week in protest of the planned vote.

Evan Greer, the campaign director for the pro-net neutrality group Fight for the Future, said she was surprised by the outpouring of support for net neutrality in the days following Pai's announcement just before Thanksgiving.

Pai's rollback is expected to pass when the FCC votes on it this month. Still, Greer says it's important to pressure Congress to intervene.

"The reality is that Congress provides a critical role in overseeing the FCC," she said. "If they sit back and do nothing and allow the FCC to move forward with this vote, then the blood of the internet is on their hands as well, and they will be to blame for getting rid of these basic consumer protections."

Pai, whose spokesman didn't respond to a request for comment, argues that the Obama-era rules have stifled broadband companies' investments and are too heavy-handed.

In addition to removing the FCC's restrictions on how broadband companies can handle web traffic, his plan would put the Federal Trade Commission, a consumer protection agency, in charge of policing internet providers.

Pai responded to the backlash by calling out celebrities who have criticized his plan and social media companies that he claims are a greater threat to internet speech than broadband providers.

“Many critics don’t seem to understand that we are moving from heavy-handed regulation to light-touch regulation, not a completely hands-off approach,” he said in a speech on Tuesday. “We aren’t giving anybody a free pass. We are simply shifting from one-size-fits-all pre-emptive regulation to targeted enforcement based on actual market failure or anticompetitive conduct.”

Pai’s arguments aren’t swaying net neutrality supporters, who see the rules as essential to maintaining the free flow of information online.

Matt Wood, the policy director at pro-net neutrality group Free Press, accused Pai of trying to deflect attention away from his policies and toward internet giants.

“We could have that conversation, but what these guys want to do is rip away the current protections and pretend they’ll come back with something stronger and that’s just never proven to be the case for them,” Wood said.

For their part, broadband industry advocates are trying to tamp down on what they see as overinflated concerns about the repeal, promising not to abuse their power as internet gatekeepers.

“AT&T intends to operate its network the same way AT&T operates its network today: in an open and transparent manner. We will not block websites, we will not throttle or degrade internet traffic based on content, and we will not unfairly discriminate in our treatment of internet traffic,” Bob Quinn, AT&T’s head of regulatory affairs, wrote in a [blog post](#) this week.

Pai and his backers have also seized on some extreme cases of the net neutrality backlash. The FCC chair has been the subject of racist attacks on social media, and an image recently circulated on Twitter that purported to show a sign near Pai’s home that mentions his children by name.

And on Thursday, the Justice Department announced that a New York man had been [arrested and charged](#) with threatening to kill Rep. [John Katko](#) (R-N.Y.) and his family if he doesn’t try to protect net neutrality. Activists have largely denounced the threats.

A recent [Morning Consult–Politico poll](#) showed that a slight majority, 52 percent, supports the current net neutrality rules, while just 18 percent oppose them and 29 percent didn’t know or had no opinion. The survey also found that the rules are supported by 55 percent of Democrats and 53 percent of Republicans.

But that support has yet to move the needle in Congress. Sen. [Susan Collins](#) (Maine) is the only Republican lawmaker to [come out in opposition](#) of the net neutrality repeal.

Still, congressional Democrats are mounting a last-ditch effort to persuade the FCC to cancel the vote.

Rep. Mike Doyle (Pa.), the ranking Democrat on a subcommittee that oversees the agency, is circulating a letter among his colleagues asking for signatures urging Pai not to hold the vote. An aide told The Hill that dozens of lawmakers have signed on and that they are in talks with a few Republicans.

More public interest groups are expected to ask the FCC to delay the vote ahead of its Dec. 14 meeting.

If Pai's plan is passed as expected, Free Press and other groups have hinted at trying to overturn it with a lawsuit, but until then the pressure will likely increase for the FCC and Congress.

"People from across the political spectrum are coming out of the woodwork to engage in this issue, and the real question now is if Congress is listening," Greer said.

The Washington Post

Opinions

No, the FCC is not killing the Internet

By Brendan Carr November 30 at 9:54 AM

Brendan Carr is a commissioner on the Federal Communications Commission.

Americans cherish a free and open Internet — and rightly so. It has revolutionized nearly every aspect of our lives. So, it's no surprise that the recent announcement that the Federal Communications Commission will vote Dec. 14 to restore Internet freedom has been met with strong (and colorful) reactions.

But, unfortunately, far too many are intentionally fanning the false flames of fear. The apocalyptic rhetoric is quite something — even by Washington standards. If the FCC were ending the Internet as we know it, I would be pretty fired up, too. But it is not.

If the phony claims are to be believed, the FCC is about to unleash a Mad Max version of the Internet in which Internet service providers are free to operate without any legal restraint. One common meme suggests that by reversing the Obama-era FCC's 2015 decision to apply Title II regulations to the Internet, the FCC will remove the one bulwark stopping ISPs from balkanizing the Internet — from blocking websites, creating fast lanes or discriminating against content.

It's hard to decide where to begin in debunking these myths. But this is an important issue that millions of Americans care passionately about. So, let me make a few points.

Next month's FCC vote will simply return the Internet to the same regulatory framework that governed in 2015 and for the 20 years that preceded it. The Internet flourished under this approach, while consumers and innovators alike benefited from a free and open Internet.

In other words, the FCC is not experimenting with a radical new or anarchic approach to the Internet. Instead, we're returning to the tried-and-true framework that protected consumers without the negative results we've seen during the FCC's two-year detour into heavy-handed, utility-style regulation: a diversion that, as the proposed order explains, has seen investment decline, broadband deployments put on hold and innovative new offerings shelved, all to the detriment

of consumers.

Here's another point the memes don't convey: The FCC's plan ensures that robust open-Internet protections are in place. Here are just four of them:

First, the FCC's decision will bring additional consumer protections to bear — ones we do not enjoy under the current regulatory regime. When the FCC took the unprecedented step of applying Title II regulations to the Internet in 2015, it completely stripped the nation's premier consumer protection agency — the Federal Trade Commission — of its authority to protect consumers from ISPs. Reversing the FCC's Title II decision will return the FTC to its role as a steady cop on the beat and empower it to take enforcement action against any ISP that engages in unfair or deceptive practices — an important protection for Internet openness.

Second, strong consumer privacy and data security protections will apply. Since the FCC's Title II decision, the FTC — which is also the nation's most experienced privacy enforcement agency — has been prohibited from taking any action regarding the privacy or data security practices of ISPs. Consumers will benefit greatly from a return to these protections. Indeed, before the FCC stripped it of jurisdiction in 2015, the FTC brought more than 500 privacy enforcement actions, including against ISPs.

Third, federal antitrust laws will apply. Section 1 of the Sherman Act renders anticompetitive agreements illegal. So, if ISPs reached agreements to act in a non-neutral manner by unfairly blocking, throttling or discriminating against traffic, those agreements would be per se unlawful. Moreover, Section 2 of the Sherman Act makes it illegal for a vertically integrated ISP to anti-competitively favor its content or services over that of an unaffiliated business.

Fourth, state consumer-protection laws will continue to apply and state attorneys general can bring actions against ISPs. These authorities will provide another strong set of legal protections against unfair business practices by ISPs.

In short, Mad Max fans, this is no Thunderdome. The FCC is not killing the Internet.

The FCC's Dec. 14 vote will correct the agency's two-year detour — and its subsequent harms to innovation and investment — while restoring the authority of the nation's premier consumer-protection agency over ISPs and ensuring that Americans continue to benefit from a free and open Internet. I look forward to casting my vote in favor of this plan.

Read more about this topic:

David Von Drehle: From net neutrality to digital privacy, Congress does diddly

Christopher Ruddy: The FCC's recent actions may lead to a homogenization of news

Ron Wyden, Al Franken and Tom Wheeler: Trump's FCC chairman wants to hand the Internet over to big corporations

FCC Net Neutrality Repeal Faces One Hell of a Court Fight

by Karl Bode

Thursday Nov 30 2017 14:00 EST

With the FCC slated to ignore the public and vote anyway to repeal net neutrality on December 14, many may wonder what happens next. After the expected 3-2 vote to kill the popular rules, the repeal will likely be posted in the federal register sometime in January. That will be the green light for numerous lawsuits against the FCC that will be filed by both consumer groups, and the smaller companies and competitors who'll likely be harmed by eliminating meaningful oversight of some of the least competitive, and least liked, companies in America.

And the FCC has its work cut out for it in court.

The FCC will need to prove that the broadband market changed substantially in the two years since the rules were created to justify such a stark reversal of what, by any measure, was a very popular policy. Consumer advocate lawyers will be looking to prove that the FCC acted in an "arbitrary and capricious" manner in violation of the Administrative Procedure Act.

And they will have ample evidence to support that claim.

For starters, the FCC is ignoring the record 22 million consumers opposed to the FCC's plan to gut the rules, and the fact that survey after survey show net neutrality has broad, bipartisan support. The FCC's net neutrality rule repeal isn't just *unpopular* -- it may just be the least popular government tech policy decision in the history of broadband -- dwarfing even the backlash activists saw during the fight over SOPA.

There's also the fact that most of the FCC's data supporting its repeal of net neutrality is based on outright lies that have been disproven by analysts and journalists time and time again. Like the FCC's claim (parroted by large ISPs) that net neutrality destroyed sector investment -- when SEC filings and more than half a dozen public ISP CEO statements have disproven this canard repeatedly.

But the FCC has another, more serious problem that goes well beyond its obvious disdain for the will of the public and the facts. The agency has repeatedly turned a blind eye to the wholesale fraud that occurred during the FCC's public comment period. We've noted how numerous studies have shown that some group or organization used a hacked database to fill the FCC proceeding with bogus support for the agency's plan, a tactic that went so far as to include the names of dead people.

Early indications are that a notable chunk of this bogus support originated with policy organizations that do business with various ISP lobbying organizations. If the

looming lawsuits can illustrate a direct tie between this fraudulent behavior and the broadband industry, and that the FCC was aware of this but did nothing to try and downplay public opposition, things could get very interesting for the FCC, very quickly.

There will be several other tangential efforts that could spell trouble for the FCC. That includes the General Accounting Office's investigation into an apparently bogus claim by the FCC that it faced a DDoS attack during the comment period, a claim utterly unsupported by any real evidence. Indications are somebody at the FCC either conflated an influx of angry John Oliver viewers as a DDoS attack, or intentionally created the DDoS attack in a bizarre attempt to downplay legitimate public opposition to the FCC's plan ("people aren't really angry at our policy, we were unfairly *attacked!*").

The FCC's also facing several lawsuits from reporters who say the agency failed to disclose its meeting with ISPs, failed to do anything about website comment fraud, and ignored Freedom of Information Act requests for additional detail on said phantom DDoS attack. New York Attorney General Eric Schneiderman is also conducting an investigation into identity theft to fuel bogus FCC support. The law isn't going to much care about Ajit Pai's political narrative if it can be proven that the FCC ignored proper agency procedure or worse, broke the law.

Should the FCC successfully run this legal gauntlet, it still has to find a way to prevent future FCC's in the post Trump era from simply re-establishing the rules via another 3-2 party line vote. That's why you'll likely see a push for a new net neutrality law in the new year backed by ISPs like Comcast, Verizon and AT&T. Said law will profess to "fix" the problem ISP lobbyists created by imposing a new net neutrality law that looks good on the surface, but will be so loophole-filled as to be largely useless (this was a tactic they already tried with the help of Senator John Thune).

Such a flimsy law would, however, prevent the FCC from revisiting the subject down the road. Expect ISP-loyal politicians, academics, think tankers, consultants, lobbyists and other policy parrots to begin making a hard push for this new law in the new year -- just as the multiple lawsuits against the FCC begin to truly heat up.

Comcast is Exempting its New Streaming Service From Usage Caps

by Karl Bode

Thursday Nov 19 2015 12:14 EST

Comcast last week launched its creatively named streaming video service "Stream" in Boston. This week, the company has announced it's now offering the service in Chicago. For \$15 a month, the service provides Comcast's Internet-only customers access to live channels from all the major broadcast networks and HBO as well as "thousands of on demand choices."

It's the latest cable industry attempt to keep cord cutters in house in the face of slow but steady subscriber losses.

"We recognize that there's another audience that we might not be catering to, and that audience is an Internet-only customer whose primary consumption pattern tends to fall on mobile devices," Comcast said of the slowly-expanding launch.

Here's the interesting bit. The service doesn't count against Comcast usage caps. When asked, the company declared that the service "is an IP cable service delivered over our managed network to the home."

That's the same response Comcast gave when it was criticized for exempting its own streaming services delivered via the Xbox 360 (which it just discontinued). Net neutrality critics (and Netflix) complained in 2012 that the practice gave Comcast's own services an unfair advantage against competing services that **do** count against usage caps.

Those charges are certainly going to be levied again here once the general media realizes this is happening (in about a month).

It should be interesting to see what the FCC thinks about Comcast's latest dance with net neutrality, as the company slowly but surely expands caps into dozens of new markets. It's also worth noting that this decision would appear to violate Comcast's NBC merger conditions.

Interested users can give the service a spin (free for one month) by using the Xfinity TV app or the online portal. Comcast plans to make Stream TV available across its entire service area by early 2016. Those interested can find more detail over at the Comcast Stream website.

Comcast Eyes Paid Prioritization After Neutrality Rules Killed

by Karl Bode

Tuesday Nov 28 2017 10:00 EST

Comcast and other large ISPs have spent countless millions of dollars trying to kill both broadband privacy rules and net neutrality protections. Now, after spending years lobbying to gut all meaningful oversight of one of the least-liked and least competitive business sectors in America, they're busy trying to convince everyone who'll listen that they won't take full, brutal advantage of the one/two punch of limited competition and no real oversight.



As we noted yesterday, anybody that has followed history (especially in telecom) should know better.

And while Comcast is busy insisting it won't "block" or "throttle" websites in the wake of the rules' repeal, we've noted how that's because they're well aware the debate has long-since moved on to other net neutrality issues like zero rating and interconnection.

You can be damn sure you won't see Comcast promising to avoid any of these tactics anytime soon. And Ars Technica has also noticed that Comcast's previous pledges to not engage in "paid prioritization" (letting one service or website pay for an advantage while competing with another) have magically disappeared over the last year or so as well.

More specifically, Ars points to a 2014 blog post by top Comcast lobbyist David Cohen proudly insisting that the company wouldn't be engaging in paid prioritization then or in the future.

"To be clear, Comcast has never offered paid prioritization, we are not offering it today, and we're not considering entering into any paid prioritization creating fast lane deals with content owners," said Cohen.

With Comcast on the brink of successfully buying a full repeal of the rules, Ars notes how the promise to avoid paid prioritization has disappeared entirely from Comcast statements and government filings. Incumbent ISPs have long dreamed of abusing a lack of competition to force websites and services to pony up more money if they want to reach ISP customers more quickly. It doesn't take much mental creativity to imagine how this could give an unfair advantage to deeper-pocketed content companies (or, in this age of vertical integration, an ISP's content subsidiaries).

Of course Comcast, Verizon and AT&T's plan to gut all FCC oversight of industry and shovel it to an FTC incapable of actually protecting consumers opens the door to this and much more. And FCC boss Ajit Pai's repeal of the rules doesn't ban throttling and blocking of websites either, meaning absolutely everything will be on the table after the repeal takes effect early next year (assuming it survives the looming court battle(s)).

After repeal ISPs will likely spend a year at least pretending to be on their best behavior to help minimize the PR backlash. But with neither competition nor competent regulators in place to keep them in check, the sky will be the limit in terms of using a lack of broadband competition to unfair advantage in a myriad of new, creative and obnoxious ways. Anybody that doubts this hasn't paid attention to history in general, the history of the telecom sector in general, or Comcast's history in particular.

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With FCC Approval of the CenturyLink Level 3 Merger in Hand, Deal is Set to Close Wednesday

telecompetitor.com/with-fcc-approval-of-the-centurylink-level-3-merger-in-hand-deal-is-set-to-close-wednesday/

Joan Engebretson

With FCC approval of the CenturyLink Level 3 merger announced today, the stage is set for the deal to close Wednesday, CenturyLink said today.

The deal already has received all other necessary approvals, a press release states. Earlier this month, the Department of Justice approved the deal with relatively few conditions. Also this month, California approved the deal, marking the final state approval that CenturyLink needed, according to a press release.

FCC Approval of the CenturyLink Level 3 Merger

The combination of CenturyLink and Level 3 is expected to bring big changes to the enterprise and wholesale telecom markets.

The combined company is expected to get up to three quarters of its revenue or more from the enterprise and wholesale market, making it by far the most enterprise and wholesale-focused of the top five companies serving that market. The next most enterprise-focused of the five is AT&T, which as of when the CenturyLink Level 3 deal was announced a year ago, was getting only 17% of its revenue from the enterprise and wholesale market.

The announced acquisition price was \$34 billion, including assumption of Level 3 debt.

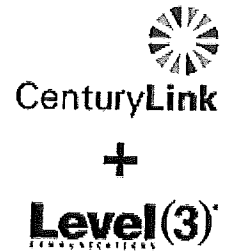
At that time, a merged CenturyLink Level 3 also was expected to rank second among U.S. providers measured by enterprise and wholesale revenues, with an estimated \$18.8 billion in annual revenues, compared to AT&T's \$32.5 billion. The combined company would have network facilities in more than 350 metro areas in 60 countries, CenturyLink said.

Executives of the two companies at that time said the merged company planned to continue Level 3's traditional strategy of being the lowest-cost provider of services.

Emphasizing the enterprise and wholesale strategy would seem to be a smart move for CenturyLink which, unlike the larger former Bell companies AT&T and Verizon, lacks a wireless business.

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T-Mobile Inks Deal to Acquire Layer3 TV

Mobile service provider enters MVPD arena 12/13/2017 10:13 AM Eastern

By: Jeff Baumgartner

T-Mobile has signed a deal to acquire Layer3 TV, the Denver-based multichannel video programming distributor (MVPD) that has launched pay TV services to a handful of markets.

Financial terms were not announced, but the agreement will enable T-Mobile to enter the pay TV arena and take on incumbent cable, satellite and telco TV providers as well as a slew of new “virtual” MVPDs such as DirecTV Now, YouTube TV, Sling TV, fuboTV, Philo, and PlayStation Vue. T-Mobile said the deal, expected to close in the “coming weeks,” is not expected to impact company financial guidance or expectations.

With Layer3 TV in-hand, T-Mobile said it intends to “launch a disruptive new TV service in 2018,” adding that its LTE network will be at the “heart” of T-Mobile’s mobile video strategy. More specific details on pricing and packaging were not announced, though T-Mobile said the coming TV service will take advantage of its national retail presence, brand, and its sales and customer care organizations.

For its part, Layer3 TV has centered on an IP-delivered, full-freight home pay TV service that has integrated a batch of OTT offerings and enabled 4K video capability on every set-top it deploys. Among other strategies, Layer3 TV has offering a pay TV/broadband bundle in Washington, D.C., under a resale agreement with Verizon Communications

Layer3 TV has not announced subscriber numbers, but the service is currently available in Los Angeles; Chicago; Washington D.C.; Dallas/Ft. Worth; and Longmont, Colo., and has announced plans to extend service to New York. In Longmont, Layer3 TV is teamed up with NextLight, a Colorado-based municipal provider, via a marketing/technology relationship.

Founded in 2013, Layer3 TV has raised about \$100 million. Investors include Altice (which just struck an MVNO deal with Sprint), Evolution Media, Paulson and Company, and North Bridge Venture Partners.

T-Mobile will be introducing its twist on pay TV amid a small but growing cord-cutting trend that has been eroding the subscriber bases of incumbent pay TV providers.

And, in making that announcement, T-Mobile CEO John Legere served up some sharp-tongued criticism of those providers.

“People love their TV, but they hate their TV providers,” Legere said in a statement. “And worse, they have no real choice but to simply take it – the crappy customer service,

clunky technology and outrageous bills loaded with fees! That's where we come in. We're gonna fix the pain points and bring real choice to consumers across the country," said John Legere, president and CEO of T-Mobile. "It only makes sense for the Un-carrier to do to TV what we're doing to wireless: change it for good! Personally, I can't wait to start fighting for consumers here!"

"No market needs Un-carrier-ing more than pay TV, so we're completely stoked to join T-Mobile in disrupting the status quo!" added Jeff Binder, CEO of Layer3 TV. "Together with T-Mobile, we're going to ditch everything you hate about cable and make everything you love about TV better."


The sale represents another M&A exit for a company started up by Binder. A VOD technology pioneer he founded, Broadbus Technologies, was sold to Motorola in 2006 for about \$186 million.

Let's Talk About 5G Efficiency, Not Wacky Services



Morris Lore
[Iain Morris](#),
[News Editor](#)

11/21/2017

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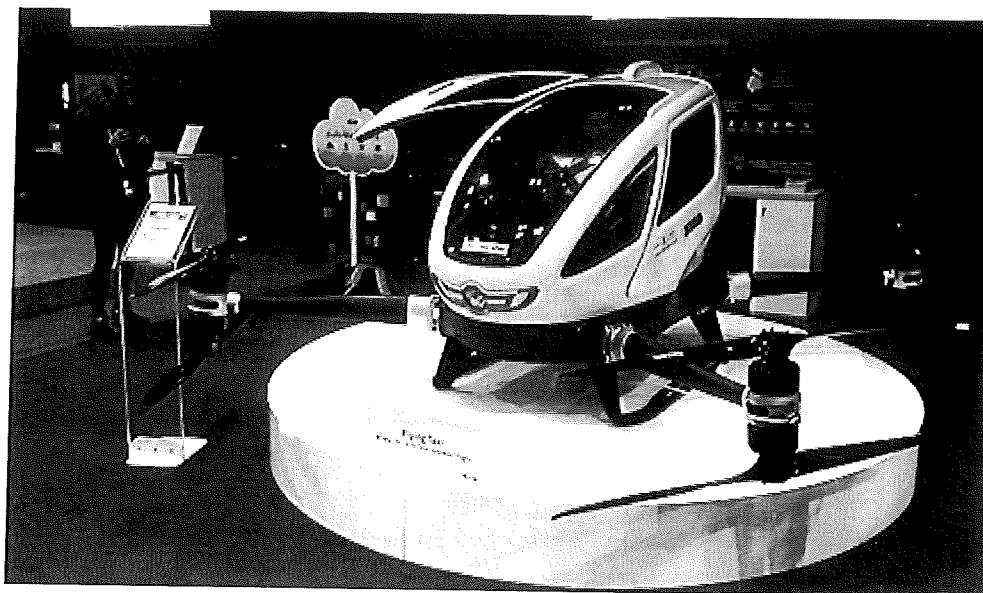
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Rarely has the division between a pushy supplier and a down-at-heel telco been laid so bare.

Connecting farmyard animals and other dumb stuff to 5G networks will generate billions of dollars in new service revenues, was the message from Ken Hu, one of Huawei's chief executives, during a conference hosted by the Chinese equipment giant in London last week. Just minutes later, Johan Wibergh, Vodafone's chief technology officer, was on the same stage telling the audience that 5G is "overhyped." It was like watching a door being slammed shut in the face of a traveling salesman.

And there were more 5G doubts cast during the two days of Huawei's Mobile Broadband Forum event. Gavin Patterson, CEO of UK telecom incumbent [BT Group plc](#) (NYSE: BT; London: BTA), told attendees that he and other CEOs are "struggling" to pin down the business case for the next-generation mobile technology. In an afternoon breakout session, executives from [Vodafone Group plc](#) (NYSE: VOD) and [Deutsche Telekom AG](#) (NYSE: DT) gave short shrift to the technology's most ardent promoters. "We should stop talking 5G bullshit," said Santiago Tenorio, Vodafone's head of network strategy and architecture, echoing his boss's remarks, while Antje Williams, Deutsche Telekom's 5G executive program manager, insisted that 5G new radio, the most heavily publicized feature of the standard, is not particularly revolutionary. (See [DT Is Not Going Radio Gaga About 5G](#).)

Wacky Races



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One of several technologies that Huawei showed off at last week's Global Mobile Broadband Forum, the flying taxi will account for a quarter of citizens' journeys by 2030, according to Dubai's transportation authority. Whether 5G will by then have given way to 6G is another matter...

Operators are not about to pull back on 5G, but their realistic priorities are not about near-term revenue growth. As vendors like [Huawei Technologies Co. Ltd.](#) and Sweden's [Ericsson AB](#) (Nasdaq: ERIC) continue to bang on about the 5G sales opportunity from connected cows, connected cars and connected everything, service providers are starting to regard 5G mainly as an opportunity to fatten profit margins through cost savings -- at least in the short term.

This 5G efficiency story is actually compelling. The 5G new radio alone is about ten times more cost efficient than 4G, Wibergh told conference attendees last week. As the volume of data traffic on networks continues to skyrocket, and revenues per bit are squeezed down, operators need every means possible to reduce costs. "The regulator requires operators to reduce charges for customers but also increase data rates, and operators are starting to promote unlimited data for customers," said Guangyi Liu, the wireless chief technology officer for the research unit of Chinese telco [China Mobile Ltd.](#) (NYSE: CHL), in explaining the pressure his company is under during last week's event. (See [Nolle: In 2017, Cost Per Bit Exceeds Revenues](#) and [China Mobile to Deploy 10,000 5G Basestations by 2020.](#))

But a new and more efficient radio would be just one way of reducing expenses. For most chief technology officers, 5G has become synonymous with a network and operational transformation whose purpose is to make telcos look more like the cloud companies they admire and fear in equal measure. For all the fascination with a new radio, the real 5G revolution will come in the shape of more software-based and highly automated networks. And while these might unlock new business opportunities in time, the

efficiency case is a much easier one to make now.

Take Germany's Deutsche Telekom, for instance, which has jettisoned its "growth areas" strategy from several years ago but still expects to realize at least €1.2 billion (\$1.4 billion) in annual cost savings from network transformation. While executives rarely discuss 5G in the same breath as the "pan-net" project that is responsible for much of this overhaul, there is clearly an overlap on objectives. "Cloudification," pan-net's central tenet, is also a 5G goal, said Williams during last week's event. A technique called "network slicing," which builds on this cloudification, is another priority, allowing operators to operate multiple independent network services over the same infrastructure. Both will boost efficiency, if they work out as planned. (See [DT's Pan-Net Still at Start of the Marathon](#).)

Next page: The wow factor

The wow factor

Yet an investment case based on cost savings lacks an obvious "wow factor." Berit Svendsson, the CEO of Telenor Norway, seemed to hint at this in June, when she said that operators would struggle to defend 5G investments without the possibility of "monetization." But despite the Huawei pitch, and some fanciful forecasts about revenues from the "Internet of Things," operators sound increasingly skeptical that 5G will spur sales growth in the years following its launch. (See [How Much Will 5G Cost? No One Has a Clue](#).)

The divide between operators and their vendors is perhaps no surprise. If suppliers can persuade the market that 5G will buoy telco revenues, networks will be rolled out more quickly, to the benefit of those same suppliers. The comments from Wibergh and Patterson reinforce the view this will not happen. "Operators will upgrade 12% to 15% of their networks every year," predicts Bengt Nordström, CEO of the [Northstream](#) consulting group, which has long harbored doubts about 5G as a revenue opportunity for operators. "To reach 90% of the population with 5G may take seven to ten years."

Unless 5G does lead to sales growth, a more aggressive rollout schedule would have an impact on capital intensity (capital expenditure as a percentage of revenues), which usually tracks at between 15% and 20%. Any substantial increase in this metric seems improbable if operators are unconvinced that 5G is anything but an efficiency tool.

Want to know more about 5G? Check out our [dedicated 5G content channel](#) here on


Light Reading.

Even so, Wibergh is evidently worried the prevailing vendor rhetoric is obscuring the real short-term benefits of 5G. If those benefits are nearly all about cost savings, operators might not want customers to know too much. But neither might they want to inflate customer expectations about what 5G can do. In that regard, Huawei's hype looks unhelpful.

It could also complicate dealings with investors and analysts already dubious about 5G technology. An obvious risk is that investors overlook the cost savings while dismissing the marketing messages about self-driving cars and quadrupeds whose digestive habits are supposedly a bountiful source of data and revenues. Most agree that 5G will be useful and even economically important in various walks of life: They simply doubt that operators will get rich from it.

Showing investors how 5G -- and not just 5G radio -- can make telcos more streamlined, if not quite as dynamic as the web-scale Internet companies, is therefore critical. In conversations with Light Reading, executives from Ericsson and Finland's [Nokia Corp.](#) (NYSE: NOK) have acknowledged that 5G will co-exist with 4G for many years, and downplayed the possibility of a 5G-fueled surge in infrastructure spending. Yet their marketing tells a different tale. A presentation by Ken Hu about the efficient 5G telco might not have been as exciting as the one he gave, but, in hindsight, it may have been a lot more valuable from the perspective of his customers. (See [Ericsson: 5G Unlikely to Kickstart Telco Spending](#).)

— Iain Morris, News Editor, [Light Reading](#)

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