

NORTH METRO TELECOMMUNICATIONS COMMISSION MEETING

March 16, 2016

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. 1-3**
 - 2.1. Approval of the minutes of the regular meeting, February 17, 2016
 - 2.2. Approval of the February financial reports and bill lists **(Financials will be distributed at the meeting. Statements did not arrive in time.)**
3. CITIZENS TO BE HEARD
4. NORTH METRO TV REPORT **pp. 4-9**
 - 4.1. Monthly update
5. REPORT OF EXECUTIVE COMMITTEE **pp. 10-21**
 - 5.1. Changes to the Joint Powers Agreement
 - 5.2. Electronic Bill Pay
6. REPORT OF OPERATIONS COMMITTEE **pp. 22**
7. REPORT OF LEGAL COUNSEL
 - 7.1. Monthly Report
8. REPORT OF COMCAST
9. REPORT OF CENTURYLINK
10. NEW BUSINESS
11. OLD BUSINESS
12. REPORT OF DIRECTORS
13. COMMUNICATIONS **pp. 23-27**
14. ADJOURN

NORTH METRO TELECOMMUNICATIONS COMMISSION

UNAPPROVED MINUTES

Commission Meeting – February 17, 2016

CALL TO ORDER

Chair D. Swanson called the regular meeting of the North Metro Telecommunications Commission to order at 6:00 p.m. at the Spring Lake Park city offices.

ROLL CALL

Directors Present: Dick Swanson; Blaine, Carin Payment; Lexington, Al Parranto; Ham Lake, Melissa Maher; Lino Lakes, Matt Percy; Circle Pines, M. Schweigert; Circle Pines Alternate

Directors Absent: Steve King; Centerville, Jeanne Mason; Spring Lake Park,

Others Present: Heidi Arnson; Executive Director

Comcast Rep:

CenturyLink Rep:

CONSENT AGENDA

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

The January 20, 2016 minutes, and the January bill list and financial reports were approved as presented. **Motion for approval made by M. Percy. Second, C. Payment. Motion passed.**

REPORT OF NORTH METRO TV

H. Arnson reviewed the North Metro TV report as presented in the packet. A summary was also given of activities for the months of January and February. Topics included:

- A large number of classes were taught in January. In addition to the regularly scheduled workshops for the general public, Eric Houston worked with a group of students from Blaine High School on their video submission for the Business Professionals of America national competition. He also taught an after-school workshop at the DaVinci Academy, twice a week. The students there learned how to use field equipment and to edit by re-enacting movie scenes. The school has scheduled Eric to teach another series of classes in the spring.

- Work was completed on the Blaine's 50th Anniversary videos. Thirteen short videos were created, featuring Blaine residents telling stories of the City's history. The shorts were combined into one show for the channel, and the individual shorts have been posted on YouTube and the NMTV website.
- T.J. Tronson worked with two of our local elementary schools to help them out with projects. First he assisted Johnsville Elementary pull photos from a Powerpoint about diversity, and then edit them with music into a short video for alive school presentation and for their website. He also worked with Centennial Elementary School to record and produce DVDs of their annual talent show.
- Two new categories have been added to the monthly report. The first shares our home movie transfer statistics for the month, and the other documents how much the general public is utilizing the facility.

REPORT OF EXECUTIVE COMMITTEE/OPERATIONS COMMITTEE

M. Percy reported on the following items:

- A chart outlining franchise fees to be returned to Cities was distributed. Franchise fees collected in 2015 were slightly higher than fees collected in 2014.

MOTION: To approve payment of franchise fees to the Member Cities, as presented in the 2015 franchise fee payment worksheet. **Motion for approval made by: M. Percy. Second: A. Parranto. Motion approved.**

- The 2016 Executive Committee was considered. It was recommended that M. Percy serve as Chair, D. Swanson serve as Vice Chair, C. Payment serve as Treasurer, and J. Mason serve as Secretary.

MOTION: To elect the Executive Committee as recommended. **Motion for approval made by: M. Percy. Second: M. Maher. Motion approved.**

- Staff is in the process of setting up the first quarterly meeting with CenturyLink, regarding service area and customer penetration.

REPORT OF LEGAL COUNSEL

No report was presented.

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 reports were presented.

ADJOURN

The meeting was adjourned at 6:10 p.m. **The motion to adjourn was made by M. Percy. Second, A. Parranto. Motion approved.**

The next meeting of the NMTC will be held on **Wednesday, March 16, 2016 at 6:00 p.m.** at the city offices of Spring Lake Park.

Jeanne Mason; Secretary, NMTC

North Metro TV

February 2016 Update

Program Production

In February, a total of **74 new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **63:30:00 hours of new programming**.

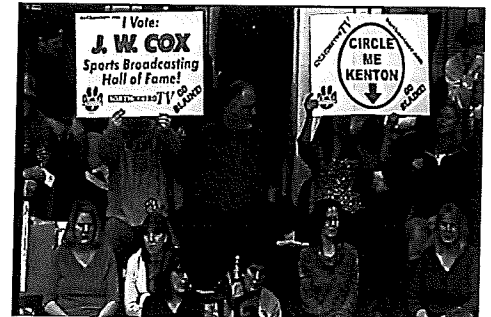
- 28 programs were produced by the public
- 24 programs were produced by NMTV staff
- 22 programs were produced by City staff



Van Shoots

The van was used for **52:45:00 hours of production**. The following events were videotaped:

- Boys Basketball: Park Center vs. Blaine
- Girls Basketball: Armstrong vs. Spring Lake Park
- Girls Hockey: 5AA SF: Centennial vs. Blaine
- Girls Hockey: 5AA SF: Maple Grove vs. Spring Lake Park-Coon Rapids
- Boys Hockey: Spring Lake Park vs. Centennial
- Boys Hockey: 5AA QF: Centennial vs. Osseo
- Boys Hockey: 5AA QF: Anoka vs. Champlin Park
- Boys Hockey: 5AA SF: Anoka vs. Centennial
- Boys Hockey: 5AA SF: Blaine vs. Maple Grove
- Adapted Floor Hockey: Anoka-Hennepin vs. North Suburban
- Girls Basketball: Spring Lake Park vs. Blaine



Workshops

Workshop	Instructor	Organization	Students
After School Workshop	Eric Houston	DaVinci Academy	7
After School Workshop	Eric Houston	DaVinci Academy	10
2 Workshops			17 Students

Home Movie Transfers

Home movie transfers have become one of our most popular services. Residents can transfer their family videos at North Metro TV themselves for free, or pay NMTV to do it. Most participants

want to do it themselves. Even though Studio Manager, Eric Houston, was on vacation for over two weeks in February, the numbers are good.

Month	Hours Transferred	Tapes	Film	Fees Paid
January	262.25	137	54	\$950
February	124	37	43	\$110

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. Eric's vacation played into the lower numbers.

Month	Unique Individuals	Total Usage Hours
January	100	746.75
February	52	314.25

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 February highlights include stories regarding new senior apartment living options in Blaine, a socks for the homeless program coordinated by the owner of Centerville Floral, Project Prom finding free dresses for girls in need, Lino Lakes seeking to help military families, the importance of shoveling snow away from fire hydrants, and the Ham Lake Snow Bowl celebration.

In addition to daily playbacks of North Metro TV News on the cable system, there are over 250 local stories archived for viewers on the NMTV YouTube page. The page can be accessed through the northmetrotv.com website.

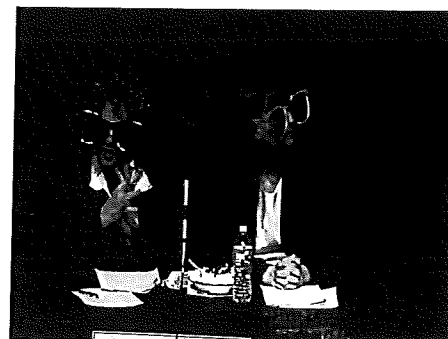


Arrive Alive 2016

T.J. Tronson has begun work on the 2016 version of Arrive Alive. This year the project is being coordinated through Blaine High School and the Blaine Police Department. T.J. has met with Detective Mark Boerboom and Patrolman Steve Nanney to outline the events and select production dates. Several scenes were shot in February, including the "death notification" at a home in Blaine, and the "body bag" scene at a funeral home in Circle Pines. Additional shoots are scheduled for March, with the final "mock crash" scene being shot in April in front of the Blaine student body. The final presentation of the video will take place on April 15th at Blaine High School.

Centennial's Got Talent

T.J. Tronson continues to work with Kelly Boulder, of Centennial Elementary School, on the production of the school's annual talent show. The taping was done in January, and the editing was completed in February. T.J. is waiting for a final approval on the finished product before he creates DVD copies for the school.



Centerville Historical Project Update

T.J. Tronson is working with the City of Centerville on a historical project. They are in the discussion and planning stages and about to move into scheduling. Centerville City Administrator, Mike Ericson, provided T.J. with a list of fifteen individuals to schedule for interviews regarding the history of Centerville. The project should result in fifteen two to three minute short videos. The shorts will be edited as stand-alone segments and will be combined into one longer program.



Blaine High School Play

North Metro TV recorded Blaine High School's Bengal Drive production of the special education play "Inside Out - Emotional Roller Coaster." All of the performers have mental or physical disabilities and use iPads along with other devices to speak for them.

PR bits and pieces

- Re-edited Ham Lake Snow Bowl promo.
- Met with Mike Ericson to discuss goals for future Centerville videos. The conversation is ongoing and we are developing a plan of action.
- Continued shooting for Make.
- Attended Chamber meeting.
- Was invited to speak with High School kids about careers in the film industry.
- Spoke with a local businessman who would like to purchase a spot for his business website.
- Approached new gyro restaurant regarding sponsorship opportunities.

Production equipment consulting for cities and schools

Circle Pines (3 hrs)

- Installed and adjusted new scan converter.
- Camera 2 monitor black upon initial power-up. Was unable to duplicate symptom.

Blaine (2 hrs)

- Coordinated meeting with Roark Haver and vendor to work on quote for HD upgrade.

Centerville (4 hrs)

- DVD won't finalize. Brought deck back to shop for testing.
- Could not retrieve data from DVD. Attempted several short recordings on original disc and was able to record and finalize. Tested recording on other discs and all operated as it should.

Computer/Networking consulting for cities and schools

Circle Pines

- Ordered new scan converter.

City Channel 16 Playback Stats

City	Number of Times Programs Played	Hours Programmed on Channel
Blaine	179	226:26:07
Centerville	9	12:35:57
Circle Pines	143	104:11:57
Ham Lake	45	35:15:42
Lexington	85	85:15:33
Lino Lakes	22	24:06:34
Spring Lake Park	97	83:52:41
Totals:	580 Program Playbacks	571:54:31 Hours of Video Programming on Channels

Programs Produced by the Public

Title	Producer	Runtime
A Soldier in Vietnam: 1970 John Krantz	Joachim Scholz	00:34:15
Carving Woods	Joachim Scholz	00:50:08
Off Constantly (2 episodes)	McLean Dolphy	00:49:20
BHS BPA News Entry 1	Benjamin Voissem	00:03:17
BHS BPA News Entry 2	Jonathan Bidon	00:05:32
Imprisoned Show	Bukola Oriola	00:53:58
Chit Chat 10	Sharon Carlson	00:18:26
Cornerstone Church (3 episodes)	Rick Bostrom	01:12:23
Lovepower (4 episodes)	Ann Sandell	04:00:00
The Power of Love (4 episodes)	Rick Larson	02:00:00
Rice Creek Watershed District Meeting (2 episodes)	Theresa Stasica	02:23:50
Hope Church (3 episodes)	Cindy Hardy	02:10:40
Sunday Senior Moments (4 episodes)	David Turnidge	03:07:39
28 New Programs		18:29:28 New Hours

Programs Produced by NMTV Staff

Title	Producer	Runtime
Anoka County Board Meeting (2/16/16)	T.J. Tronson	00:55:33
North Metro Cable Commission Meeting	T.J. Tronson	00:09:44
Johnsville Elementary CRT Presentation	T.J. Tronson	00:03:12
Just Kidding Just Fine Trailer 2	T.J. Tronson	00:02:06
North Metro TV News (3 episodes)	Danika Peterson/Ben Hayle	01:05:48
NMTV News Special Report: Marco Rubio Rally	Danika Peterson/Ben Hayle	00:01:43
On Tap	Danika Peterson/Ben Hayle	00:22:50
Boys Basketball: Park Center/Blaine	Kenton Kipp/Matt Waldron	01:44:33
Girls Basketball: Armstrong/Spring Lake Park	Kenton Kipp/Matt Waldron	01:27:26
Girls Hockey: 5AA SF: Centennial/Blaine	Kenton Kipp/Matt Waldron	02:13:23
Girls Hockey: 5AA SF: Maple Grove/Spring Lake Park-Coon Rapids	Kenton Kipp/Matt Waldron	01:32:26
Boys Hockey: Spring Lake Park/Centennial	Kenton Kipp/Matt Waldron	02:08:15
Boys Hockey: 5AA QF: Centennial/Osseo	Kenton Kipp/Matt Waldron	01:45:23
Boys Hockey: 5AA QF: Anoka/Champlin Park	Kenton Kipp/Matt Waldron	01:42:06
Boys Hockey: 5AA SF: Anoka/Centennial	Kenton Kipp/Matt Waldron	01:56:24
Boys Hockey: 5AA SF: Blaine/Maple Grove	Kenton Kipp/Matt Waldron	02:04:11
Adapted Floor Hockey: Anoka-Hennepin/North Suburban	Kenton Kipp/Matt Waldron	01:13:54
Girls Basketball: Spring Lake Park/Blaine	Kenton Kipp/Matt Waldron	01:37:56
Sports Den (4 episodes)	Kenton Kipp/Matt Waldron	01:57:46
24 New Programs		24:04:39 New Hours

Programs Produced by City Staff

Title	Producer	Runtime
Blaine City Council Meeting (2/4/16)	Blaine Staff	02:36:35
Blaine Planning Commission Meeting (2/9/16)	Blaine Staff	00:20:17
Blaine Special City Council Meeting (2/11/16)	Blaine Staff	00:05:24
Blaine City Council Meeting (2/18/16)	Blaine Staff	01:48:10
Blaine Park Board Meeting (2/23/16)	Blaine Staff	01:07:05
Centerville City Council Meeting (2/10/16)	Centerville Staff	01:44:28
Circle Pines Park Board Meeting (2/2/16)	Circle Pines Staff	00:03:56
Circle Pines City Council Meeting (2/9/16)	Circle Pines Staff	01:00:48
Circle Pines Utility Commission Meeting (2/17/16)	Circle Pines Staff	00:10:44
Circle Pines City Council Meeting (2/23/16)	Circle Pines Staff	00:50:10
Ham Lake City Council Meeting (2/1/16)	Ham Lake Staff	01:39:29
Ham Lake Planning Commission Meeting (2/8/16)	Ham Lake Staff	00:15:08
Ham Lake City Council Meeting (2/16/16)	Ham Lake Staff	00:26:53
Ham Lake Planning Commission Meeting (2/22/16)	Ham Lake Staff	00:40:33
Ham Lake Planning Commission Meeting (1/25/16)	Ham Lake Staff	00:19:35
Lexington City Council Meeting (2/4/16)	Lexington Staff	01:11:19
Lexington City Council Meeting (2/18/16)	Lexington Staff	00:59:21
Lino Lakes City Council Meeting (2/8/16)	Lino Lakes Staff	00:48:18
Lino Lakes Planning & Zoning Meeting (2/10/16)	Lino Lakes Staff	00:56:54
Lino Lakes City Council Meeting (2/22/16)	Lino Lakes Staff	01:24:07
Spring Lake Park City Council Meeting (2/1/16)	Spring Lake Park Staff	00:32:25
Spring Lake Park City Council Meeting (2/16/16)	Spring Lake Park Staff	00:10:49
Spring Lake Park Planning Commission Meeting (2/22/16)	Spring Lake Park Staff	00:59:45
22 New Programs		20:52:38 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 2016

Programming Statistics														15 Total		15 Average	
	J	F	M	A	M	JU	A	S	O	N	D						
Cablecast Programs	2675.00	2467.00												5142.00		428.50	
Cablecast Hours	1820.00	1845.00												3665.00		305.42	
Programs Produced - Public	42.00	19.00												61.00		5.08	
Program Hours Produced - Public	29.50	10.75												40.25		3.35	
Prog. Produced - Affiliated Public	6.00	9.00												15.00		1.25	
Prog. Hours Produced - Affil. Public	5.50	7.75												13.25		1.10	
Programs Produced - City Staff	23.00	22.00												45.00		3.75	
Prog. Hours Produced - City Staff	18.00	21.00												39.00		3.25	
Programs Produced - NMTV Staff	20.00	24.00												44.00		3.67	
Prog. Hours Produced - NMTV Staff	20.25	24.00												44.25		3.69	
Total Public Programs Produced	48.00	28.00												76.00		6.33	
Total Staff Programs Produced	43.00	46.00												89.00		7.42	
Total Internal Programs Produced	91.00	74.00												165.00		13.75	
% Staff Produced Programs	47.25%	62.16%												53.94%		53.94%	
% Public Produced Programs	52.75%	37.84%												46.06%		46.06%	
External Programs Submitted	34.00	37.00												71.00		5.92	
External Program Hours	22.50	22.75												45.25		3.77	
Total New Programs	125.00	111.00												236.00		19.67	
Equipment Usage Statistics																	
Facility Hours Available	219.00	185.00												404.00		33.67	
Public Field Equipment Uses	9.00	9.00												18.00		1.50	
Studio A	115.25	90.00												205.25		17.10	
% of Available Time	52.63%	48.65%												50.80%		50.80%	
Studio B	15.25	0.00												15.25		1.27	
% of Available Time	6.96%	0.00%												3.77%		3.77%	
Public MAC A Edit Suite	159.75	82.00												241.75		20.15	
% of Available Time	72.95%	44.32%												59.84%		9.05%	
Public MAC B Edit Suite	96.25	25.75												122.00		10.17	
% of Available Time	43.95%	13.92%												30.20%		30.20%	
Public MAC C Edit Suite	187.75	63.50												251.25		20.94	
% of Available Time	85.73%	34.32%												62.19%		62.19%	
Production Van Statistics																	
Production Hours	45.50	52.75												98.25		8.19	
Number of Van Shoots	8.00	8.00												16.00		1.33	
Average Hours Per Shoot	5.69	6.59												6.14		0.68	
Number of New Volunteers	7.00	6.00												13.00		1.08	
Volunteer Hours	58.00	140.00												198.00		16.50	
Public Access Statistics																	
Number of Workshops	21.00	2.00												23.00		1.92	
Number of Students	76.00	17.00												93.00		7.75	
PAP Volunteer Hours	266.50	121.00												387.50		32.29	
Total Public Facility Usage Hours	746.75	314.25												1061.00		88.42	
Tours	0.00	0.00												0.00		0.00	
Tour Attendees	0.00	0.00												0.00		0.00	

EXECUTIVE COMMITTEE MINUTES

Meeting of March 2, 2016

Executive Cmte. Present: Dick Swanson; Blaine, Matt Percy; Circle Pines, Carin Payment; Lexington

Absent: J. Mason, 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 February 3, 2016 Executive Committee meeting minutes was made by D. Swanson. Second, M. Percy. Motion approved.

EXECUTIVE DIRECTOR / OPERATIONS COMMITTEE REPORT

- Staff reported that City staff are compiling lists of public buildings, not currently receiving Comcast's complimentary subscriber service, for possible complimentary service from CenturyLink.
- City staff are also considering which location in each City to designate for CenturyLink's free internet connection. Several Cities indicated they may want to delay a decision.
- The first quarterly meeting with CenturyLink has been scheduled for Wednesday, April 13th, at 11:30 am at the NMTV facility. At the meeting, CenturyLink will report the number of households capable of being served, and those actually being served. Maps and documentation will be available to show exactly where in each City service is available.
- H. Arnson reported that the Lino Lakes City Council did not adopt the Joint Powers Amendment Resolution at their February 22nd meeting. Concerns were expressed by the Council regarding the bonding language. The Operations Committee recommended to the Commission that the language be changed to indicate that bonding could be used for approved facility and equipment improvements only. It was also recommended that current language that requires any City joining the Commission to file the required paperwork with the City of Blaine's Administrator, be changed to the Executive Director of the Commission.

MOTION: To approve the recommended changes to the Joint Powers Agreement. **Motion made by D. Swanson. Second, C. Payment. Motion approved.**

- Commission staff would like to utilize electronic bill-pay, instead of writing checks for most bills. There were no objections.

MOTION: To approve utilizing electronic bill-pay for Commission accounts. **Motion made by C. Payment. Second, D. Swanson. Motion approved.**

OLD BUSINESS

No old business was presented.

NEW BUSINESS

No new business was presented.

ADJOURN

Motion to adjourn made by C. Payment. Second, D. Swanson. Motion approved.
The meeting was adjourned at 6:25 p.m.

FINAL

NORTH METRO TELECOMMUNICATIONS COMMISSION

AMENDED AND RESTATED

JOINT AND COOPERATIVE AGREEMENT

FOR THE ADMINISTRATION OF A CABLE COMMUNICATIONS SYSTEM

I. PARTIES

The parties to this agreement are governmental units of the State of Minnesota. This agreement is made pursuant to Minnesota Statutes Section 471.59, as amended.

II. GENERAL PURPOSE

The general purpose of this agreement is to establish an organization to monitor the operation and activities of cable communications, and in particular, the Cable Communications System (System) of the parties; to provide coordination of administration and enforcement of the franchises of parties for their respective System; to produce, edit and transmit video programming for the parties of this agreement; to make video production, editing and studio facilities and equipment available to the citizens of the parties to this agreement through the operation of a Community Media Center; to promote the development of locally produced cable television programming; to ensure public access to emerging telecommunications technologies; and to conduct such other activities authorized herein as may be necessary to insure equitable and reasonable rates and service levels for the citizens of the Members to this agreement.

III. NAME

The name of the organization is the North Metro Telecommunications Commission (NMTC).

IV. DEFINITION OF TERMS

Section 1. For the purposes of this agreement, the terms defined in this Article shall have the meanings given them.

Section 2. "Commission" means the Board of Directors created pursuant to this agreement.

Section 3. "Community Media Center" means the public access center formerly run by the cable company, and any other public access center and studio facility that may be subsequently constructed by the Commission, along with all related equipment and staff.

Section 4. "Council" means the governing body of a Member.

Section 5. "Executive Director" means a staff person that may be hired by the Commission for the purpose of providing administrative support to the Commission and day to day management of the Community Media Center.

Section 6. "Franchise" means that cable communications franchise granted by all cities listed in Article V, Section 1.

Section 7. "Grantee" means the person or entity to whom a franchise has been granted by Member.

Section 8. "Member" means a municipality which enters into this agreement.

Section 9. "Operations Committee" means a committee, made up of the administrators from each Member City, and the Executive Director as an Ex-Officio member, that meets for the purpose of providing day to day oversight and coordination of the Community Media Center operation, supervision and support of the Executive Director, and advice and counsel to the Commission.

Section 10. "Subscriber" means any individual or location which receives Telecommunications service from which the City collects a franchise fee.

Section 11. "Telecommunications" means traditional television technology and any new, related communications technologies that may be delivered via wire or air.

V. MEMBERSHIP

Section 1. The municipalities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes, and Spring Lake Park are the Members of the Commission. Any municipality geographically contiguous to any of these named municipalities, and served by a cable communications system through the same Grantee, may become a Member pursuant to the terms of this agreement.

Section 2. Any municipality desiring to become a Member shall execute a copy of this agreement and conform to all requirements herein.

Section 3. Municipalities, in addition to those listed in Article V, Section 1 of this agreement, desiring to become Members may be admitted by an affirmative vote of the Members of the Commission as specified in Article VI, Section 8 of this agreement. The Commission may by resolution impose conditions upon the admission of additional Members.

VI. DIRECTORS: VOTING

Section 1. Each Member shall be entitled to on (1) director to represent it on the Commission who shall be a council member from the Member City. Each director is entitled to on (1) vote for each 2,500 subscribers or fraction thereof subscribing in the municipality represented by the director provided, however, that each director shall have at least one vote. The number of subscribers per City shall be determined as of

December 31st of each year. Prior to the first Commission meeting in February of each year, the Secretary of the Commission shall determine the number of votes for each Member in accordance with this section and certify the results to the Chair.

Section 2. A director shall be appointed by official action of each Member. Each Member shall notify the Commission in writing of the appointment. A director shall serve until a successor is appointed. Directors shall serve without compensation from the Commission.

Section 3. Each Member shall appoint at least one alternate who shall be a City staff person of the Member City. A Member may appoint a second alternate or more alternate(s) who need not be a council member or staff. The Commission, in its By-Laws, may prescribe the extent of an alternate's powers and duties.

Section 4. A vacancy in the office of director will exist for any of the reasons set forth in Minnesota Statutes Section 351.02, or upon a revocation of a director's appointment duly filed by a Member with the Commission. Vacancies shall be filled by appointment for the unexpired portion of the term of director by the council of the Member whose position on the Board is vacant.

Section 5. There shall be no voting by proxy, but all votes must be cast by the director or the duly authorized alternate at a Commission meeting.

Section 6. The presence of four directors representing a majority of the total authorized votes of all directors shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 7. A director shall not be eligible to vote on behalf of the director's municipality during the time said municipality is in default on any contribution or payment to the Commission. During the existence of such default, the vote or votes of such Member shall not be counted for the purposes of this agreement.

Section 8. All official actions of the Commission must receive a simple majority (51%) of all authorized votes cast on the issue at a duly constituted meeting of the Commission and the affirmative vote of four (4) directors, or the affirmative vote of six (6) directors.

VII. EFFECTIVE DATE: MEETINGS: ELECTION OF OFFICERS

Section 1. A municipality may enter into this agreement by resolution of its council and the duly authorized execution of a copy of this agreement by its proper officers. Thereupon, the clerk or other appropriate officer of the municipality shall file a duly executed copy of this agreement, together with a certified copy of the authorizing resolution, ~~with the City Manager of the City of Blaine, Minnesota with the Executive Director of the North Metro Telecommunications Commission.~~ The resolution authorizing the execution of the agreement shall also designate the director and the alternate for the municipality on the Commission, along with said director's and alternate's address and phone number.

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Section 2. This agreement is effective on the date when executed agreements and authorizing resolution of five of the municipalities named in Article V, Section 1 have been filed as provided in this Article.

Section 3. At the organizational meeting, or as soon thereafter as it may reasonably be done, the Commission shall select from among the directors a Chair, Vice-Chair, Secretary and Treasurer, adopt By-Laws governing its procedures including the time, place, notice for and frequency of its regular meetings, adopt a procedure for calling special meetings, and such other matters as are required by this agreement.

Section 4. Officers of the Commission shall be elected annually for one year terms. Officers completing on full one year term shall only succeed themselves once in another full one year term in the same office.

VIII. POWERS AND DUTIES OF THE COMMISSION

Section 1. The powers and duties of the Commission shall include the powers set forth in this Article.

Section 2. The Commission may make such contracts, grants, and take such other action as it deems necessary and appropriate to accomplish the general purposes of the organization. The Commission may not contract for the purchase of real estate without the prior authorization of the Member municipalities. Any purchase or contracts made shall conform to the requirements applicable to Minnesota statutory cities.

Section 3. The Commission shall assume all authority and undertake all tasks necessary to coordinate, administer, and enforce the Franchise of each Member except for that authority and those tasks specifically retained by a Member.

Section 4. The Commission shall continually review the operation and performance of the cable communications system of the Members and prepare annual reports as required by the Minnesota Cable Communications Board and the FCC.

Section 5. The Commission shall undertake all procedures necessary to maintain uniform rates and to handle applications for changes in rates for the services provided by the Grantee.

Section 6. The Commission may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose. It may employ such other persons as it deems necessary to accomplish its powers and duties. Such employees may be on a full-time, part-time or consulting basis, as the Commission determines, and the Commission may make any required employer contributions which local governmental units are authorized or required to make by law.

Section 7. The Commission may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of State and Federal regulatory, legislative or administrative bodies, on any matter related to

or affecting cable communication rates, franchises, or levels of service.

Section 8. The Commission may obtain from Grantee and from any other source, such information relating to rates, costs and service levels as any Member is entitled to obtain from Grantee or others.

Section 9. The Commission may accept gifts, apply for and use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.

Section 10. The Commission shall make an annual, independent audit of the books of the Commission and shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for examination by the Members at all reasonable times.

Section 11. The Commission may delegate its authority to its executive committee. Such delegation of authority shall be by resolution of the Commission and may be conditioned in such a manner as the Commission may determine.

Section 12. The Commission shall adopt By-Laws which may be amended from time to time.

Section 13. The Commission is given express authority to issue bonds, obligations and other forms of indebtedness, in a principal amount not to exceed \$2,500,000 (the "Bonds"), for approved facility and equipment upgrades, consistent with the authority granted to the Commission in this Agreement. As provided in Minn. Stat. § 471.59, subd. 11, the Bonds shall be obligations of the Commission which are issued on behalf of the Members, and shall be issued subject to the conditions and limitations set forth in Minn. Stat. § 471.59, subd. 11. The Bonds shall be payable solely from the Member's franchise fees, as hereinafter provided. The Commission may not pledge to the payment of the Bonds the full faith and credit or taxing power of the Members. No Bonds may be issued by the Commission without the prior consent of the Members.

Section 14. The Commission shall provide ongoing oversight of the Operations Committee.

Section 15. The Commission shall recommend and forward to the Member cities the Commission's annual budget, and the Community Media Center's operating budget and work plan.

Section 16. The Commission shall periodically review expenditures related to the Community Media Center.

Section 17. The Commission may exercise any other power necessary and incidental to the implementation of its powers and duties.

IX. POWERS AND DUTIES OF THE OPERATIONS COMMITTEE

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Deleted: , to finance the Commission's purchase of real property and its construction and acquisition on that property of a public access center and an operations/studio facility, to include the Community Media Center and the offices of the Commission (the "Project"). The term "Bonds" shall also include bonds issued to refund and refinance the Bonds, or any portion thereof. Refunding Bonds shall not count against the \$2,500,000 limit except to the extent that the amount of the refunding Bonds exceeds the amount of the Bonds being refunded thereby, but that limit shall not apply to any issue of refunding Bonds which produces an overall savings in debt service cost.

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Section 1. The powers and duties of the Operations Committee shall include the powers set forth in this article.

Section 2. The Operations Committee shall provide input and make recommendations to the Commission.

Section 3. The Operations Committee shall provide for the definition of Member cities' needs and shall coordinate the resources of the Member cities' with the Executive Director and the Community Media Center for production purposes.

Section 4. The Operations Committee shall provide for the day to day supervision of the Executive Director and evaluation of the Community Media Center operation both for the purpose of reporting and recommendation to the Commission, and shall designate a liaison for the purpose of day to day communication with the Executive Director and to serve as liaison to the Commission. The Operations Committee will annually provide input to the Commission and Executive Director on the Executive Director's performance.

Section 5. The Operations Committee shall make recommendations on staffing needs and compensation levels for the Community Media Center.

Section 6. The Operations Committee shall provide input to the development of the Commission's annual budget, and Community Media Center's operating budget and work plan.

Section 7. The Operations Committee shall provide for the ongoing evaluation of the technological needs of the Community Media Center and the telecommunications needs of the Member cities.

X. OFFICERS

Section 1. The officers of the Commission shall consist of a Chair, Vice-Chair, a Secretary, and a Treasurer.

Section 2. A vacancy in the office of Chair, Vice-Chair, Secretary or Treasurer shall occur for any of the reasons for which a vacancy in the office of a director shall occur. Vacancies in these offices shall be filled by the commission for the unexpired portion of the term.

Section 3. The four officers shall all be Members of the executive committee.

Section 4. The Chair shall preside at all meetings of the Commission and executive committee. The Vice-Chair shall act as chair in the absence of the Chair.

Section 5. The Secretary shall be responsible for keeping a record of all of the proceedings of the Commission and executive committee.

Section 6. The Treasurer shall be responsible for custody of all funds, for the keeping of

all financial records of the Commission and for such other matters as shall be delegated by the Commission. The Commission may require that the Treasurer post a fidelity bond or other insurance against loss of Commission funds in an amount approved by the Commission, at the expense of the Commission. Said fidelity bond or other insurance may cover all persons authorized to handle funds of the Commission.

Section 7. The Commission may appoint such other officers as it deems necessary. All such officers shall be appointed from the membership of the Commission.

XI. FINANCIAL MATTERS

Section 1. The fiscal year of the Commission shall be the calendar year.

Section 2. Commission funds may be expended by the Commission in accordance with the procedures established by law for the expenditure of funds by Minnesota Statutory Cities. Orders, checks and drafts must be signed by any two of the officers. Other legal instruments shall be executed with authority of the Commission, by the Chair and treasurer. Contracts shall be let and purchases made in accordance with the procedures established by law for Minnesota Statutory Cities.

Section 3. The financial contributions of the Members in support of the Commission shall be of two types: (1) each Member shall be responsible for its share of the debt service payments on the Commission's Bonds (but only from the Member's franchise fees), which share shall be in the same proportion as the Member's franchise fees for the immediately preceding calendar year were to the total franchise fees receivable by the Commission for that calendar year (the "Debt Service Share"); and (2) each member shall be responsible for its share of the operating and capital costs of the Commission (not including any part of the debt service on the Commission's Bonds), which share shall be in direct proportion to the percent of annual subscriber revenues of each Member to the total annual revenues of the system multiplied by the Commission's annual budget (the "Operating Cost Share"). The annual budget shall establish the contribution of each Member for its Operating Cost Share for the ensuing year. Each Member shall cause its franchise fees to be paid directly to the Commission, and the Commission shall deduct from each Member's quarterly payment of franchise fees, before application to any other purpose, one-fourth of the Member's Debt Service Share for that calendar year. If any Member's quarterly payment of franchise fees is not sufficient to pay its quarterly Debt Service Share, the deficiency will continue to be an obligation of the Member and will be deducted from the next payment or payments of the Member's franchise fees until the deficiency has been restored. After provision is made for payment of the Debt Service Share, the remaining franchise fees shall be applied as a credit against each Member's Operating Cost Share owed the Commission, with any excess being remitted to the Member by the Commission and any shortfall being payable to the Commission by the Member. The remainder of any franchise fee remitted back to the Member by the Commission shall be used for citizen communications-related expenses. Each Member acknowledges that its Debt Service Share of the franchise fee collections will be irrevocably pledged by the Commission as security for the Commission's Bonds.

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Section 4. All PEG (public, educational, and government) programming fees collected by the Grantee and redistributed to the Commission shall be used by the Commission to fund the operation of a Community Media Center.

Section 5. A proposed budget for the operation of the Commission, including the Community Media Center, for each calendar year shall be formulated by the Executive Director under the direction of the Operations Committee and submitted to the Commission on or before July 1 of each year. The Commission shall submit the proposed budget to the Members on or before August 1 of each year. Such budget shall be deemed approved by a Member unless, prior to October 15 preceding the effective date of the proposed budget, the Member gives notice in writing to the Commission that it is withdrawing from the Commission, subject to Article XII, Section 2 of this agreement. Final action adopting a budget for the ensuing calendar year shall be taken by the Commission on or before November 1 of each year.

Section 6. Any Member may inspect and copy the Commission books and records at any and all reasonable times. All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota Statutory Cities.

XII. DURATION

Section 1. The Commission shall continue for an indefinite term unless the number of Members becomes less than five, and the Commission may also be terminated by mutual agreement of all of the Members at any time; provided that the Commission shall continue to exist as long as any Bonds described in Article VIII, Section 13 of this agreement remain outstanding.

Section 2. In order to prevent obligation for its Operating Cost Share for the ensuing calendar year, a Member must withdraw from the Commission by filing a written notice with the Secretary by October 15 of any year giving notice of withdrawal effective at the end of the calendar year; and membership shall continue until the effective date of the withdrawal. A notice of withdrawal may be rescinded by a Member at any time prior to the effective date of withdrawal. If a Member withdraws before the dissolution of the Commission, the Member shall have no claim against the assets of the Commission, including the right to receive an allocation of franchise fees, except as provided herein. A Member withdrawing after October 15 shall be obligated to pay its entire Operating Cost Share (including any shortfalls) for the ensuing year as outlined in the budget of the Commission for the ensuing year. A withdrawn Member will continue to be responsible for its Debt Service Share (payable only from the withdrawn Member's franchise fees) notwithstanding its withdrawal from the Commission, and shall continue to have its franchise fees paid directly to the Commission until all Bonds have been paid. Any excess of the withdrawn Member's franchise fees over the withdrawn Member's Debt Service Share (and any required Operating Cost Share, if the Member gave notice of withdrawal after October 15 of the preceding calendar year) shall be remitted by the Commission to the withdrawn Member. A Member that has withdrawn from the Commission may, if no Bonds are outstanding, upon request, recover an amount of any equity that exists, as of the withdrawal date, in real property and buildings purchased or

constructed with any Bonds, up to (but not exceeding) the Member's individual percentage of total franchise fees paid to all the Members (or their designee) and the withdrawn Member for the calendar year preceding withdrawal. The Commission may, if no Bonds are outstanding, at any time after the withdrawal of a Member as provided for herein, initiate a buy-out of the proportionate equity interest of the withdrawn Member, which interest is to be the withdrawn Member's individual percentage of total franchise fees paid to the Members (or their designee) and the withdrawn Member for the calendar year preceding the buy-out, pursuant to terms and conditions agreed upon by the parties. The amount of any equity distributed to a withdrawn Member will be paid, without interest, on a payment schedule established by the Commission, provided, however, the term of such payment schedule shall not exceed five (5) years. When calculating an equity repayment schedule, the Commission may deduct the withdrawn Member's proportionate share of outstanding indebtedness from the amount of any equity due to the withdrawn Member. Notwithstanding anything to the contrary, a withdrawing Member shall have no claim to the franchise fee the Grantee collected on its behalf for the year in which its withdrawal is effective, except for the reimbursement of cable-related expenses for that year. If no Bonds are outstanding, for the calendar year following withdrawal, and for all subsequent years, the entire franchise fee calculated upon gross revenues attributable to the system within the withdrawn Member shall be paid by Grantee to the withdrawn Member in accordance with the Franchise.

Section 3. In the event of dissolution, the Commission shall determine the measures necessary to affect the dissolution and shall provide for the taking of such measures as promptly as circumstances permit, subject to the provisions of this agreement. Upon dissolution of the Commission all remaining assets of the Commission, after payment of obligations, shall be distributed among the then existing Members in proportion to the most recent Member by Member breakdown of the franchise fee as reported by the Grantee. The Commission shall continue to exist after dissolution for such period, no longer than six months, as is necessary to wind up its affairs but for no other purpose.

IN WITNESS WHEREOF, the undersigned municipality has caused this agreement to be signed on its behalf this _____ day of _____, 2016,

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City of _____, Minnesota

ATTEST:

City Clerk

Mayor

Amended and Restated /2016,

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

Tuesday, March 1, 2016

CALL TO ORDER

The meeting began at 10:30 a.m.

MEMBERS PRESENT

D. Buchholtz, B. Petracek, D. Krueger, M. Ericson, R. Haver, J. Keinath, J. Karlson

MEMBERS ABSENT

OTHERS PRESENT

H. Arnson

APPROVAL OF MEETING NOTES

The meeting notes of February 2, 2016 were approved by consensus.

EXECUTIVE DIRECTOR REPORT

- A list of public buildings currently receiving complimentary Comcast subscriber services was reviewed. Members of the Committee were asked to provide staff with a list of any public buildings not currently receiving Comcast complimentary subscriber services. According to the franchise agreement with CenturyLink, those public buildings qualify for complimentary Prism service.
- The Committee was asked to determine which site within each City will be designated as the location for CenturyLink to provide complimentary internet service. Several Cities indicated that they would like to wait to designated a location.
- The first quarterly meeting with CenturyLink has been scheduled for Wednesday, April 13th, at 11:30 a.m., at the North Metro facility. At the meeting, CenturyLink will report the number of households capable of being served, and those actually being served. Maps and documentation will also be available to show exactly where in each City service is available.
- H. Arnson reported that the Lino Lakes City Council did not adopt the Joint Powers Amendment Resolution at their February 22nd meeting. Concerns were expressed, by the Council, regarding the lack of project specific bonding language. The Committee discussed various options for moving forward. It was agreed that the language could be tweaked to indicated that bonding could be used for approved facility and equipment improvements only. It was also recommended that current language requiring any City joining the Commission to file the required paperwork with the City of Blaine's Administrator, be changed to the Executive Director of the North Metro Telecommunications Commission.

OLD BUSINESS

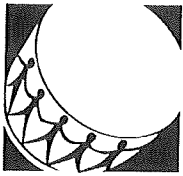
- J. Keinath reviewed the procedures and timing for closing on the bonds.

NEW BUSINESS

- There was no new business.

ADJOURNMENT

The meeting was adjourned at 11:17 a.m.



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Background Briefing Memo FCC Second Report and Order on Closed Captioning (FCC 16-17) March 2016

In February 2016, the FCC released a Report and Order (FCC 16-17) addressing quality and responsibility for closed captioning on video channels. It is part of a series of rulemakings and orders that have sought to ensure full access to information for people with disabilities.

The order assigns reporting responsibility to both distributors (channels) and program producers, primarily in commercial environments, and sets up a system of yearly reporting for all video channels in the United States. This will improve complaint reporting and resolution for captioning across all video channels.

The reporting requirement applies to all channels – including PEG Access channels. Almost all PEG Access channels will fall under at least one statutory exemption from FCC captioning requirements. However, *all* entities operating channels will need to self-certify they are exempt on a yearly basis.

The self-certification will be implemented by a web-form that will be required of all channels by July 1, 2017.

The Alliance for Community Media will work with all PEG channels to help them properly complete this certification process. The reporting requirements will help PEG channels receive complaints from local viewers who want captioning services, and will help the FCC resolve questions from the up to 35 million Americans who want caption assistance.

A further complication of the order as drafted is that it contemplates registering *all* video producers who distribute on all channels. *This would mean hundreds of thousands of public access producers would have to comply with what ACM sees as needless paperwork.* The FCC Disability Rights Office agrees with our understanding of the order and wants to resolve this issue so there is no needless burden placed on public access producers. We believe this aspect of the order will be resolved favorably by Fall 2016.

The Alliance for Community Media wants to keep you and others in your organization updated on significant issues affecting PEG. For further information, please contact Mike Wassenaar, President & CEO at mwassenaar@allcommunitymedia.org.

Moody's: Cable Industry Can Manage Set-Top Ruling

Rating Agency Says Any Losses Made Up Through Enhancements, Pricing 2/19/2016
By: Mike Farrell

Moody's Investors Service put its two cents in regarding the recent Federal Communications Commission ruling that would "unlock" set-top boxes, adding in a report that while the regulation will present some challenges, the industry should be able to manage it.

"We expect the established players to defend their market positions as they have during earlier attempts to open the market," said Moody's vice president and senior analyst Jason Cuomo in a statement. "While the ruling is device agnostic and promotes competitive parity through standards rather than design, it still presents challenges."

Moody's pointed to past attempts to open the market that have failed – first with the Cable Card, and then in 2010 with a universal adapter called AllVid when the Cable Card didn't gain traction. "While this current proposal is device agnostic, promoting competitive parity through standards rather than design, it is no less of a threat to the established players who are sure to challenge new entrants," the report states. "Regardless, if competitors are successful, the actual annual and total losses to MVPDs (once the new open-sourced STB's are rolled out no sooner than several years from now) would be much lower than the total revenues exposed, and realized over a long period of time."

Moody's notes that any loss will likely be offset by litigation, regulatory challenges, a gradual rate of adoption, competitive enhancements to existing set-top boxes, and pricing actions.

According to the report, a decline in demand for set-top box rentals would reduce certain equipment costs and thus free up capital for other uses.

"Nevertheless, we recognize the risk of new entrants building strong relationships with cable customers," added Cuomo. "Gaining access to what is, in effect, the secret sauces puts them on equal footing, allowing them to deliver pay-TV and other content directly to the MVPD customer."

In addition, the report notes that while the rule would create more device choice, content owners would still have to grant permission for content rights, regardless of the set-top box vendor. A change in the box vendor only changes the content owner counterparty, not the rights to distribution.

Cable lobby claimed “voluntary” solution could create cable box competition

But years later, 99% of customers still rent cable boxes from pay-TV companies.

by Jon Brodtkin - Feb 19, 2016 11:37am CST

Just before yesterday's vote to boost competition in the cable set-top box market, Federal Communications Commission Chairman Tom Wheeler showed the audience a letter that cable lobbyists sent to the FCC in March 2010.

At the time, the FCC was preparing its National Broadband Plan, which among many other things recommended new rules "to ensure a competitive and innovation video set-top box market." The National Cable & Telecommunications Association wrote to then-Chairman Julius Genachowski urging him not to enact any such rules. Genachowski never did.

Customers should be able to watch TV on any device without CableCard, FCC said.

But what Wheeler pointed out is that the letter said customers should be able to watch their TV channels on set-top boxes that aren't rented to them by the cable company.

"In 2010, the cable industry supported, and I quote, 'cross-industry approaches to develop a fully competitive and innovative retail video device marketplace,'" Wheeler said. "The people who have said 'this is the end of the world' actually supported a competitive video device."

Specifically, the NCTA's letter said that "Consumers should have the option to purchase video devices at retail that can access their multichannel provider's video services without a set-top box supplied by that provider" and that consumers "should have the option to purchase video devices at retail that can search for video content across multiple content sources, including content from their multichannel provider, the Internet, or other sources."

But there was a crucial difference between what the NCTA wanted in 2010 and what the FCC voted to require yesterday. Cable companies didn't want any new rules that would force them to make their content available to makers of third-party set-top boxes and applications. Cable box competition should be achieved by "private sector solutions, not government technology mandates," the letter said.

This letter advocating voluntary solutions came more than two years after Comcast CEO Brian Roberts claimed in a Consumer Electronics Show keynote in 2008 that "the age of the closed, proprietary set-top box is behind us, and the era of an open, two-way cable platform is here." The Verge re-surfaced Roberts' quote in a story this week.

Yet proprietary boxes are still very much a part of consumers' lives, as about 99 percent of US customers rent set-top boxes directly from their providers. (US Senators claimed that customers pay an average of \$231.82 a year in rental fees, or \$19.5 billion nationwide, though this analysis—and a related one that said set-top box prices have risen far faster than inflation—has been disputed.) CableCard mandates enabled alternative hardware such as TiVo, but the FCC wants a software-based replacement for CableCard that would make it easier for companies to make either third-party hardware or apps that can access cable TV channels.

Yesterday's vote put forth a Notice of Proposed Rulemaking (NPRM) that could lead to final rules before the end of the year. The proposal would require pay-TV companies from the cable, telco, and satellite industries to make programming and channel information available to makers of third-party hardware and software without the need for a CableCard.

The NCTA opposed the proposal and was also annoyed that Wheeler brought up that letter from 2010. An NCTA spokesperson e-mailed reporters after the meeting, arguing that Wheeler "ignored" the part of the letter that advocated for "voluntary efforts, not FCC technology mandates."

The NCTA spokesperson also said that the principles the cable industry supported in its 2010 letter "continue to be embraced by the industry." But cable companies want to embrace those principles by making their own apps for third-party set-top boxes and mobile devices, instead of providing TV content and information to anyone who wants to make a competitive navigation device or app.

There's still a lot to be worked out in the FCC's plan. Instead of coming up with its own standard, the FCC said it will require pay-TV companies to make content available to third parties "using any published, transparent format that conforms to specifications set by an independent, open standards body."

Republican FCC Commissioner Ajit Pai, who voted against the proposal, said that requiring a "theoretical open standards body" composed of "highly disparate actors with highly disparate interests" to agree on an implementation is about as realistic as requiring Jordan, Syria, and Israel to negotiate a Middle East peace.

The FCC proposal would give pay-TV companies two years to comply, and Wheeler is expecting them to figure out a way. The current situation with customers lacking a wide choice of devices on which to watch cable TV channels is unacceptable, he said.

"Innovation is a result of competition, not a result of a forced, 'you must rent this box from me month after month after month,'" Wheeler said.