

# NORTH METRO TELECOMMUNICATIONS COMMISSION MEETING

February 25, 2021

6:00 p.m.

Meeting will be held via Zoom video conference call. A link to the video conference will be provided via email.

## AGENDA

1. Call to Order/Roll Call
2. Public Comments
3. Approval of the Agenda
4. Consent Agenda [pp. 1-18](#)
  - a. Minutes of regular meeting of November 18, 2020
  - b. Minutes of Operations Committee meeting of February 2, 2021
  - c. Minutes of Executive Committee meeting of February 3, 2021
  - d. December 2020 and January 2021 financial reports and bill lists
5. Executive Director Report
  - a. Monthly Report [pp. 19-26](#)
  - b. Fee Payments to Cities [pp. 27-29](#)
6. Legal Counsel Report [pp. 30-34](#)
  - a. Franchise Renewal
  - b. Miscellaneous Items
7. Old Business
8. New Business
  - a. Executive Committee Recommendations
  - b. Insurance Liability Waiver [p. 35](#)
9. Recommended Reading [pp. 36-58](#)
10. Community Calendar
  - A. Next Meeting Dates:
    - a. Operations Committee – March 2, 2021
    - b. Executive Committee – March 3, 2021
    - c. Cable Commission – March 17, 2021
11. Adjournment

# **NORTH METRO TELECOMMUNICATIONS COMMISSION**

## **UNAPPROVED MINUTES**

**Commission Meeting – November 18, 2020**

### **CALL TO ORDER**

Chair D. Stoesz called the regular meeting of the North Metro Telecommunications Commission to order at 6:00 p.m.

### **ROLL CALL**

**Directors Present:** Dick Swanson; Blaine, Matt Montain; Centerville, Brandon Winge; Lexington, Dale Stoesz; Lino Lakes, Bob Nelson; Spring Lake Park

**Directors Absent:** Steve McChesney; Circle Pines; Brian Kirkham; Ham Lake;

**Others Present:** Heidi Arnson; Executive Director, Mike Bradley; Legal Counsel

### **PUBLIC COMMENT**

There was no public comment.

### **APPROVAL OF THE AGENDA**

The November 18, 2020 North Metro Telecommunications Committee meeting agenda was approved as presented. **Motion for approval made by D. Swanson. Second, M. Montain. D. Swanson, aye. M. Montain, aye. B. Winge, aye. D. Stoesz, aye. B. Nelson, aye. Motion passed unanimously.**

### **CONSENT AGENDA**

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

The October 21, 2020 NMTC meeting minutes and the October bill list and financial reports were approved as presented. **Motion for approval made by B. Nelson. Second, B. Winge. D. Swanson, aye. M. Montain, aye. B. Winge, aye. D. Stoesz, aye. B. Nelson, aye. Motion passed unanimously.**

### **REPORT OF EXECUTIVE DIRECTOR**

H. Arnson reported on the following items:

- The North Metro News team wrapped up 2020 election coverage with live updates and informational crawls, on election night, on the local channels. All social media outlets were also utilized to give updates. In total, NMTV candidate interviews had 18,725 views on Youtube. The Blaine Mayoral race and Centennial School Board candidates received the most views.
- North Metro TV is gearing up to assume responsibility for providing staff to tape city meetings. The interview process for freelancers has begun, and current full-time staff are being scheduled for meetings.
- The third quarter franchise and PEG fee payments arrived at the end of October. Franchise fees were almost identical to the second quarter payment, but PEG fees were down about \$2,300. So far franchise and PEG fee income continues to fall within estimated levels for funding the 2021 budget.

### **REPORT OF LEGAL COUNSEL**

M. Bradley reported on the following items:

- A settlement agreement between the Cable Commission and Comcast, regarding franchise and PEG fees, was approved. Comcast agreed to pay the Commission \$58,354.00 in underpaid franchise and PEG fees. They also agreed to pay the Commission \$7,500 towards costs associated with the franchise fee review. As part of the agreement, new gross revenue definitions and auditing provisions were agreed to. This is often a difficult negotiating point during franchise renewal. The gross revenue definition and auditing provisions will carry over to the new franchise agreement, simplifying the process going forward.

**MOTION:** To approve the Settlement Agreement Between the North Metro Telecommunications Commission and Comcast of Minnesota, Inc. Regarding Franchise Fee and PEG Fees, and Authorizing the Executive Director to Execute That Agreement. **Motion for approval made by D. Swanson. Second, M. Montain. D. Swanson, aye. M. Montain, aye. B. Winge, aye. D. Stoesz, aye. B. Nelson, aye. Motion passed unanimously.**

- All briefs have been filed in the Appeal of the FCC's 621 Order. Oral arguments aren't expected to take place until the 1<sup>st</sup> or 2<sup>nd</sup> quarter of 2021. A decision is expected toward the end of 2021.

- Comcast has not yet responded to the Commission's draft franchise renewal document.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

There was no new business.

### **COMMUNITY CALENDAR**

Upcoming meetings include:

1. The Operations Committee on December 1, 2020
2. The December Executive Committee Meeting is canceled
3. The December Cable Commission Meeting is canceled

### **ADJOURN**

The meeting was adjourned at 6:16 p.m. **Motion for approval made by M. Montain. Second, B. Winge. D. Swanson, aye. M. Montain, aye. B. Winge, aye. D. Stoesz, aye. B. Nelson, aye. Motion passed unanimously.**

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Matt Montain; Secretary, NMTC

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

Tuesday, February 2, 2020

**CALL TO ORDER**

The meeting began at 10:35 a.m.

**MEMBERS PRESENT**

M. Wolfe, P. Antonen, S. Cotton, M. Statz, D. Buchholtz

**MEMBERS ABSENT**

B. Petracek, D. Webster

**OTHERS PRESENT**

H. Arnson

**APPROVAL OF MEETING NOTES**

The meeting notes of December 1, 2020 were approved unanimously.

**EXECUTIVE DIRECTOR REPORT**

- D. Buchholtz was named Chair for 2021.
- Fourth quarter franchise and PEG fee reports were reviewed. Distribution of 2020 fees to the cities was approved as presented.
- Staff reported that Comcast had responded to the Commission's draft franchise document. The draft proposal from Comcast arrived just prior to the start of the meeting so has not yet been reviewed. A review of the document will be provided at the March meeting.
- City meetings are now being recorded by NMTV staff. So far, there have been no issues with the change. Centerville announced that they will want to have NMTV staff record all meetings beginning in June. It was reiterated that cities would not be billed for this service.
- It was requested that the meeting time be changed to 11:00 a.m. Staff is to notify members not at the meeting.
- It was requested that an article be written for city media explaining how residents can access the local channels via streaming services.

**OLD BUSINESS**

- There was no old business.

**NEW BUSINESS**

- There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 11:44 a.m.

## **EXECUTIVE COMMITTEE MINUTES**

Meeting of February 3, 2021

Executive Cmte. Present: Dale Stoesz; Lino Lakes, Brandon Winge; Lexington, Bob Nelson; Spring Lake Park

Absent: Julie Jeppson; Blaine

Others Present: Heidi Arnson; Executive Director

### **CALL TO ORDER**

The Chair called the meeting to order at 6:05 p.m.

### **APPROVAL OF MINUTES**

**A motion to approve the October 7, 2020 Executive Committee meeting minutes was made by B. Nelson. Second, B. Winge. Ayes: B. Nelson, B. Winge, D. Stoesz. Nays: None. Motion passed unanimously.**

### **EXECUTIVE DIRECTOR / OPERATIONS COMMITTEE REPORT**

- Fourth quarter franchise and PEG fee reports were reviewed. Distribution of 2020 fees to the cities was approved as presented.

**MOTION:** To approve disbursement of 2020 fees, retained by the Member Cities, as presented in the disbursement materials. **Motion made by B. Winge. Second, B. Nelson. Ayes: B. Nelson, B. Winge, D. Stoesz. Nays: None. Motion passed unanimously.**

- Staff reported that Comcast has responded to the Commission's draft franchise document. The proposal, from Comcast, is currently under review. An update on the renewal process will be provided at the March meetings.
- City meetings are now being recorded by NMTV staff. The service has been very well received by City staff. So far, there have been no issues with the change.

### **OLD BUSINESS**

- There was no old business.

### **NEW BUSINESS**

- Recommendations were made for members of the 2021 Executive Committee. At the meeting, Dale Stoesz, Brandon Winge and Bob Nelson indicated a willingness to serve. Julie Jeppson had also indicated that she would also serve on the Executive Committee. If no other candidates express interest in the Committee, at the full Commission meeting, it is recommended that Bob Nelson

serve as Chair, Dale Stoesz serve as Vice Chair, Brandon Winge serve as Treasurer, and Julie Jeppson serve as Secretary. It was reiterated that this is only a recommendation and that the positions are open and available to anyone who would like to run for them.

**MOTION:** To approve Bob Nelson as the Chair, Dale Stoesz as the Vice Chair, Brandon Winge as the Treasurer, and Julie Jeppson as the Secretary of the 2021 Cable Commission. **Motion made by B. Winge. Second, D. Stoesz. Ayes: B. Nelson, B. Winge, D. Stoesz. Nays: None. Motion passed unanimously.**

- Every year, as an administrative matter, the Commission has to decide whether or not to waive the statutory tort liability limits for insurance purposes. This decision determines the amount an individual would be able to recover on any claim to which the statutory tort limits apply. In the past, the Commission has opted to NOT WAIVE the monetary limits on municipal tort liability. The Executive Committee recommends that the Commission NOT Waive the monetary limits.

**MOTION:** To NOT WAIVE the monetary limits on municipal tort liability. **Motion made by D. Stoesz. Second, B. Winge. Ayes: B. Nelson, B. Winge, D. Stoesz. Nays: None. Motion passed unanimously.**

#### **ADJOURN**

**Motion to adjourn made by B. Nelson. Second, B. Winge. Ayes: B. Nelson, B. Winge, D. Stoesz. Nays: None. Motion passed unanimously. The meeting was adjourned at 6:28 p.m.**

**NORTH METRO TELECOMMUNICATION  
BILL LIST**

DECEMBER 2020

<b>Date</b>	<b>Check #</b>	<b>Payee</b>	<b>Amount</b>	
DECEMBER	COMBINED	PAYROLL	55,703.06	WAGES
DECEMBER	COMBINED	IRS/US PAYABLE	18,856.15	WAGES
DECEMBER	COMBINED	MN REVENUE PAYABLE	3,291.82	WAGES
DECEMBER	COMBINED	PERA PAYABLE	10,911.45	WAGES
DECEMBER	COMBINED	PEACHTREE	62.90	MONTHLY SERVICE
DECEMBER	COMBINED	DISCOVERY BENEFITS	1,582.50	HEALTH SAVINGS EMPLOYEE
13774	12/1/20	Richard D. Larson	316.00	JANITORIAL
13775	12/1/20	Michael S. Johnson	56.93	EXPENSES
13776	12/1/20	Comcast	55.12	ANNUAL SERVICE
13777	12/2/20	Bradley Law, LLC	2,650.00	LEGAL/GENERAL
13778	12/2/20	Blaine Lock & Safe Inc	513.00	BUILDING MAINTENANCE
13779	12/3/20	Viking Trophies	104.95	OFFICE SUPPLIES
13780	12/7/20	DVS RENEWAL	212.25	LICENSE
13781	12/7/20	DVS RENEWAL	279.25	LICENSE
13782	12/7/20	Matt Montain	135.00	PER DIEM
13783	12/7/20	Steve McChesney	135.00	PER DIEM
13784	12/7/20	Brian Kirkham	135.00	PER DIEM
13785	12/7/20	Brandon Winge	135.00	PER DIEM
13786	12/7/20	Dale K. Stoesz	135.00	PER DIEM
13787	12/7/20	Robert Nelson	135.00	PER DIEM
13788	12/7/20	Coastal Wintergreen LLC	1,375.00	BUILDING MAINTENANCE
13789	12/16/20	Rusty S. Ray	61.18	EXPENSES
13790	12/20/20	Aid Electric Corporation	859.50	BUILDING MAINTENANCE
13791	12/20/20	Comcast	55.16	MONTHLY SERVICE
13792	12/22/20	Corporate Mechanical	1,031.75	BUILDING MAINTENANCE
13793	12/31/20	Danika Peterson	177.91	EXPENSES
EFILE	12/1/20	Authorize.Net	34.89	MONTHLY SERVICE
EFILE	12/15/20	Chase Visa Card Services	4,288.06	SFTWR/EQUIP/MEDIA/BATT/STUDIO/OS
EFILE	12/1/20	Virtual Merchant Credit Card	10.00	MONTHLY SERVICE
EPAY-01	12/1/20	Principal Financial Group	485.79	STD/LTD/LIFE/ADD
EPAY-02	12/2/20	POPP TELECOM	216.33	MONTHLY SERVICE
EPAY-03	12/3/20	Comcast	289.67	MONTHLY SERVICE
EPAY-04	12/3/20	T-Mobile	102.16	MONTHLY SERVICE
EPAY-05	12/4/20	Speedway	24.74	GAS/OIL
EPAY-06	12/7/20	Circle K Station Stores	14.00	GAS/OIL
EPAY-07	12/12/20	AT&T Wireless	427.47	MONTHLY SERVICE
EPAY-08	12/14/20	Republic Services	206.91	MONTHLY SERVICE
EPAY-09	12/15/20	CenterPoint Energy	220.68	MONTHLY SERVICE
EPAY-10	12/15/20	Comcast Business 1000M/1000M	1,074.66	MONTHLY SERVICE
EPAY-11	12/22/20	HealthPartners	12,136.76	HEALTH/DENTAL
EPAY-12	12/26/20	Connexus Energy	1,718.00	MONTHLY SERVICE
EPAY-P01	12/7/20	Richard R. Swanson	135.00	PER DIEM
NOV SALES TAX	12/15/20	MN Dept. of Revenue	37.00	SALES TAX
			<b>120,388.00</b>	



# North Metro Telecommunications Commission

Balance Sheet  
December 31, 2020

## ASSETS

Current Assets		
Cash - Checking Account	\$ 2,656,729.92	
Petty Cash	150.00	
A/R - NMTC	194,954.36	
Prepaid Insurance - NMTC	11,182.00	
Total Current Assets		2,863,016.28
Property and Equipment		
Office Equipment - NMTC	1,433,026.18	
Accum Deprec - NMTC	(2,781,612.72)	
Bond Equipment 2016	1,985,000.00	
Building-Polk/125	1,572,799.17	
Land-Polk/125	225,700.00	
Total Property and Equipment		2,434,912.63
Other Assets		
Deferred Out Related/Pension	40,333.00	
Total Other Assets		40,333.00
Total Assets	\$	5,338,261.91

## LIABILITIES AND CAPITAL

Current Liabilities		
A/P - NMTC	\$ 7,243.70	
Accrued Payroll Taxes & W/H's	449.54	
PERA - CORRECTIONS	310.09	
Garnished Wages	86.40	
Garnished Wages	(86.40)	
PERA PAYABLE - PRIOR	(3,371.42)	
Accrued Vacation	108,647.23	
Accrued Wages	12,761.19	
Franchise Fee App	942,358.52	
Due to City of Blaine	554,758.00	
Due to City of Centerville	34,402.00	
Due to City of Circle Pines	49,336.50	
Due to City of Ham Lake	143,788.00	
Due to City of Lexington	18,347.00	
Due to City of Lino Lakes	169,950.00	
Due to City of Spring Lake Par	59,328.00	
Deferred In Related/Pension	110,477.00	
Total Current Liabilities		2,208,785.35
Long-Term Liabilities		
Net Pension Liability	536,291.00	
Total Long-Term Liabilities		536,291.00
Total Liabilities		2,745,076.35
Capital		
Net Equity	359,252.88	
Net Equity - Media Ctr	(206,243.34)	
Net Equity - NMTC	2,517,656.37	
Net Income	(77,480.35)	
Total Capital		2,593,185.56
Total Liabilities & Capital	\$	5,338,261.91

# North Metro Telecommunications Comm

## Cash Receipts Journal

For the Period From Dec 1, 2020 to Dec 31, 2020

Date	Transaction Ref	Line Description	Debit Amnt	Credit Amnt
12/3/20	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS Miscellaneous receipts	162.83	162.83
12/3/20	TAPE DUBS-CASH	TAPE DUBS-CASH Miscellaneous receipts	283.90	283.90
12/3/20	CITY RECORDING SERV	CITY RECORDING SERVICES-LINO LAKES Miscellaneous receipts	103.34	103.34
12/3/20	NOVEMBER PAYPAL	NOVEMBER PAYPAL NOVEMBER PAYPAL-FEES PAYPAL	0.88 19.12	20.00
12/3/20	NOV CC SALES-AUTH	NOVEMBER CC SALES-AUTH NOVEMBER CC SALES-AUTH-FEES Credit Card Sales	1.16 38.84	40.00
12/9/20	ADDITIONAL	ADDITIONAL PAYMENT Comcast-Franchise	65,854.00	65,854.00
12/15/20	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS Miscellaneous receipts	26.78	26.78
12/15/20	REFUND	PROPERTY CASUALTY REFUND League of MN Cities	1,460.00	1,460.00
12/15/20	DRONE PRODUCTION-TJ	DRONE PRODUCTION-TJ Miscellaneous receipts	535.63	535.63
12/21/20	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS Miscellaneous receipts	64.28	64.28
12/29/20	DEC CC SALES-AUTH	DECEMBER CC SALES-AUTHORIZE.NET DECEMBER CC SALES-AUTHORIZE.NET-FEES Credit Card Sales	0.58 19.42	20.00
12/30/20	INTEREST	INTEREST COMMISSION CHECKING INTEREST - COMMISSION	46.36	46.36
12/30/20	DEC CC SALES-SQUARE	DECEMBER CC SALES-SQUARE DECEMBER CC SALES-SQUARE-FEES Credit Card Sales	46.35 1,564.77	1,611.12
			<b>70,228.24</b>	<b>70,228.24</b>

# North Metro Telecommunications Comm

## Check Register

For the Period From Dec 1, 2020 to Dec 31, 2020

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

Check #	Date	Payee	Amount
EFILE	12/1/20	Discovery Benefits	22.50
EFILE	12/1/20	Authorize.Net	34.89
EFILE	12/1/20	Virtual Merchant Credit Card	10.00
13774	12/1/20	Richard D. Larson	316.00
EPAY-01	12/1/20	Principal Financial Group	485.79
13775	12/1/20	Michael S. Johnson	56.93
13776	12/1/20	Comcast	55.12
EFILE	12/2/20	Discovery Benefits	520.00
EPAY-02	12/2/20	POPP TELECOM	216.33
13777	12/2/20	Bradley Law, LLC	2,650.00
13778	12/2/20	Blaine Lock & Safe Inc	513.00
EPAY-04	12/3/20	T-Mobile	102.16
EPAY-03	12/3/20	Comcast	289.67
13779	12/3/20	Viking Trophies	104.95
PEACH	12/4/20	Peachtree/Sage Software	22.10
EFILE	12/4/20	MN Dept. of Revenue	1,081.82
EFILE	12/4/20	Public Employees Retirement	3,572.36
EFILE	12/4/20	IRS/US BANK	6,111.39
EPAY-05	12/4/20	Speedway	24.74
13788	12/7/20	Coastal Wintergreen LLC	1,375.00
EPAY-06	12/7/20	Circle K Station Stores	14.00
13780	12/7/20	DVS RENEWAL	212.25
13781	12/7/20	DVS RENEWAL	279.25
13782	12/7/20	Matt Montain	135.00
13783	12/7/20	Steve McChesney	135.00
13784	12/7/20	Brian Kirkham	135.00
13785	12/7/20	Brandon Winge	135.00
13786	12/7/20	Dale K. Stoesz	135.00
13787	12/7/20	Robert Nelson	135.00

# North Metro Telecommunications Comm

## Check Register

For the Period From Dec 1, 2020 to Dec 31, 2020

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

Check #	Date	Payee	Amount
EPAY-P01	12/7/20	Richard R. Swanson	135.00
EPAY-07	12/12/20	AT&T Wireless	427.47
EPAY-08	12/14/20	Republic Services	206.91
EPAY-09	12/15/20	CenterPoint Energy	220.68
NOV SALES TAX	12/15/20	MN Dept. of Revenue	37.00
EPAY-10	12/15/20	Comcast Business 1000M/1000M	1,074.66
EFILE	12/15/20	Chase Visa Card Services	4,288.06
EFILE	12/16/20	Discovery Benefits	520.00
13789	12/16/20	Rusty S. Ray	61.18
PEACH	12/18/20	Peachtree/Sage Software	20.40
EFILE	12/18/20	MN Dept. of Revenue	1,130.75
EFILE	12/18/20	Public Employees Retirement	3,572.36
EFILE	12/18/20	IRS/US BANK	6,353.64
13790	12/20/20	Aid Electric Corporation	859.50
13791	12/20/20	Comcast	55.16
EPAY-11	12/22/20	HealthPartners	12,136.76
13792	12/22/20	Corporate Mechanical	1,031.75
EPAY-12	12/26/20	Connexus Energy	1,718.00
EFILE	12/30/20	Discovery Benefits	520.00
EFILE	12/31/20	MN Dept. of Revenue	1,079.25
EFILE	12/31/20	Public Employees Retirement	3,572.36
EFILE	12/31/20	IRS/US BANK	6,099.27
EFILE	12/31/20	Public Employees Retirement	194.37
EFILE	12/31/20	IRS/US BANK	291.85
13793	12/31/20	Danika Peterson	177.91
PEACH	12/31/20	Peachtree/Sage Software	20.40
<b>Total</b>			<b>64,684.94</b>

# North Metro Telecommunications Comm

## General Journal

For the Period From Dec 1, 2020 to Dec 31, 2020

Date	Reference	Trans Description	Debit Amt	Credit Amt
12/1/20	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	114,357.52	114,357.52
12/1/20	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	2,615.52	2,615.52
12/31/20	ACCRUED DEPRECIATION	ACCRUED DEPRECIATION ACCRUED DEPRECIATION	12,900.00	12,900.00
12/31/20	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	108,647.23	108,647.23
12/31/20	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	10,462.08	10,462.08
<b>Total</b>			<b>248,982.35</b>	<b>248,982.35</b>

**NORTH METRO TELECOMMUNICATION  
BILL LIST**

JANUARY 2021

Date	Check #	Payee	Amount	
JANUARY	COMBINED	PAYROLL	40,754.93	WAGES
JANUARY	COMBINED	IRS/US PAYABLE	13,081.58	WAGES
JANUARY	COMBINED	MN REVENUE PAYABLE	2,182.67	WAGES
JANUARY	COMBINED	PERA PAYABLE	7,732.60	WAGES
JANUARY	COMBINED	PEACHTREE	42.60	MONTHLY SERVICE
JANUARY	COMBINED	DISCOVERY BENEFITS	22,177.88	HEALTH SAVINGS EMPLOYEE
13794	1/4/21	Richard D. Larson	8.29	EXPENSES
13795	1/4/21	Richard D. Larson	316.00	JANITORIAL
13796	1/5/21	B Harris, Inc.	675.00	QUARTERLY CONTRACT
13797	1/5/21	Michael S. Johnson	31.63	MILEAGE
13798	1/6/21	Bradley Law, LLC	62.50	LEGAL/GENERAL
13799	1/6/21	Matthew Waldron	1,285.50	vMix Pro REIMBURSEMENT
13800	1/8/21	Metro North Chamber of Comm.	465.50	2021 MEMBERSHIP
13801	1/8/21	INTERSTATE COMPANIES, INC	663.00	BUILDING MAINTENANCE
13802	1/11/21	Metro Sales, Inc.	810.00	QUARTERLY CONTRACT
13803	1/11/21	Corporate Mechanical	6,418.00	REPLACE FURNACE
13804	1/11/21	Coastal Wintergreen LLC	3,000.00	BUILDING MAINTENANCE
13805	1/13/21	Blaine Tire & Auto	243.98	FLEET VEHICLE MAINTENANCE
13806	1/15/21	Blaine Lock & Safe Inc	302.00	PASSAGE LEVER
13807	1/19/21	Stanley Access Tech LLC	7,713.67	TOUCHLESS ENTRY/LAV'S/EXITS
13808	1/23/21	Z Systems	16,928.36	ROSS SUPPORT RENEWAL
13809	1/29/21	Z Systems	23,238.62	TIGHTROPE ASSURANCE RENEWAL
13810	1/31/21	Michael S. Johnson	25.20	MILEAGE
EFILE	1/1/21	Authorize.Net	34.29	MONTHLY SERVICE
EFILE	1/15/21	Chase Visa Card Services	1,940.26	SFTWR/EQUIP/MEDIA/BATT/STUDIO/OS
EFILE	1/21/21	Chase Visa Card Services	249.99	vMix Pro CONTROLLER
EFILE	1/1/21	Virtual Merchant Credit Card	10.00	MONTHLY SERVICE
EPAY-01	1/1/21	Principal Financial Group	485.79	STD/LTD/LIFE/ADD
EPAY-02	1/2/21	POPP TELECOM	216.33	MONTHLY SERVICE
EPAY-03	1/3/21	Comcast	826.49	MONTHLY SERVICE
EPAY-04	1/3/21	T-Mobile	102.16	MONTHLY SERVICE
EPAY-05	1/4/21	Speedway	95.19	GAS/OIL
EPAY-06	1/7/21	Circle K Station Stores	14.00	GAS/OIL
EPAY-07	1/12/21	AT&T Wireless	427.47	MONTHLY SERVICE
EPAY-08	1/14/21	Republic Services	247.89	MONTHLY SERVICE
EPAY-09	1/15/21	CenterPoint Energy	283.34	MONTHLY SERVICE
EPAY-10	1/15/21	Comcast Business 1000M/1000M	1,074.66	MONTHLY SERVICE
EPAY-11	1/22/21	HealthPartners	12,136.76	HEALTH/DENTAL
EPAY-12	1/26/21	Connexus Energy	1,715.78	MONTHLY SERVICE
DEC SALES TAX	1/15/21	MN Dept. of Revenue	182.00	SALES TAX

**168,201.91**

# North Metro Telecommunications Commission

Balance Sheet  
January 31, 2021

## ASSETS

Current Assets		
Cash - Checking Account	\$ 2,989,496.76	
Petty Cash	150.00	
A/R - NMTC	194,954.36	
Prepaid Insurance - NMTC	11,182.00	
Total Current Assets		3,195,783.12
Property and Equipment		
Office Equipment - NMTC	1,433,026.18	
Accum Deprec - NMTC	(2,781,612.72)	
Bond Equipment 2016	1,985,000.00	
Building-Polk/125	1,572,799.17	
Land-Polk/125	225,700.00	
Total Property and Equipment		2,434,912.63
Other Assets		
Deferred Out Related/Pension	40,333.00	
Total Other Assets		40,333.00
Total Assets	\$	<u>5,671,028.75</u>

## LIABILITIES AND CAPITAL

Current Liabilities		
A/P - NMTC	\$ 7,243.70	
Accrued Payroll Taxes & W/H's	449.54	
PERA - CORRECTIONS	310.09	
Garnished Wages	86.40	
Garnished Wages	(86.40)	
PERA PAYABLE - PRIOR	(3,371.42)	
Accrued Vacation	112,429.97	
Accrued Wages	15,759.91	
Franchise Fee App	942,358.52	
Due to City of Blaine	554,758.00	
Due to City of Centerville	34,402.00	
Due to City of Circle Pines	49,336.50	
Due to City of Ham Lake	143,788.00	
Due to City of Lexington	18,347.00	
Due to City of Lino Lakes	169,950.00	
Due to City of Spring Lake Par	59,328.00	
Deferred In Related/Pension	110,477.00	
Total Current Liabilities		2,215,566.81
Long-Term Liabilities		
Net Pension Liability	536,291.00	
Total Long-Term Liabilities		536,291.00
Total Liabilities		2,751,857.81
Capital		
Net Equity	294,672.53	
Net Equity - Media Ctr	(206,243.34)	
Net Equity - NMTC	2,517,656.37	
Net Income	313,085.38	
Total Capital		2,919,170.94
Total Liabilities & Capital	\$	<u>5,671,028.75</u>

# North Metro Telecommunications Comm

## Cash Receipts Journal

For the Period From Jan 1, 2021 to Jan 31, 2021

Date	Transaction Ref	Line Description	Debit Amnt	Credit Amnt
1/12/21	DECEMBER PAYPAL	DECEMBER PAYPAL DECEMBER PAYPAL-FEES PAYPAL	2.06 37.94	40.00
1/24/21	CITY RECORDING SERV	CITY RECORDING SERVICES Miscellaneous receipts	51.68	51.68
1/24/21	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS Miscellaneous receipts	42.85	42.85
1/25/21	INTEREST	INTEREST COMMISSION CHECKING INTEREST - COMMISSION	46.35	46.35
1/26/21	JAN CC SALES-AUTH	JANUARY CREDIT CARD SALES-AUTH JANUARY CREDIT CARD SALES-FEES  Credit Card Sales	2.90  97.10	100.00
1/27/21	JAN CC SALES-AUTH	JANUARY CREDIT CARD SALES-AUTH  JANUARY CREDIT CARD SALES-FEES Credit Card Sales	0.58 19.42	20.00
1/28/21	4TH QTR FRAN FEES	4TH QTR FRAN FEES CenturyLink-Franchise	1,337.13	1,337.13
1/28/21	4TH QTR PEG FEES	4TH QTR PEG FEES CenturyLink-Peg	699.60	699.60
1/29/21	JAN CC SALES-SQUARE	JANUARY CREDIT CARD SALES-SQUARE JANUARY CREDIT CARD SALES-SQUARE-FEES Credit Card Sales	52.76 1,831.59	1,884.35
1/31/21	4TH QTR FRAN FEES	4TH QTR FRANCHISE FEES Comcast-Franchise	311,439.62	311,439.62
1/31/21	4TH QTR PEG FEES	4TH QTR PEG FEES Comcast-PEG Fees	185,365.47	185,365.47
			<u>501,027.05</u>	<u>501,027.05</u>



# North Metro Telecommunications Comm

## Check Register

For the Period From Jan 1, 2021 to Jan 31, 2021

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

Check #	Date	Payee	Amount
EFILE	1/1/21	Discovery Benefits	22.50
EFILE	1/1/21	Authorize.Net	34.29
EFILE	1/1/21	Virtual Merchant Credit Card	10.00
EPAY-01	1/1/21	Principal Financial Group	485.79
EPAY-02	1/2/21	POPP TELECOM	216.33
EFILE	1/2/21	Discovery Benefits	21,000.00
EPAY-04	1/3/21	T-Mobile	102.16
EPAY-03	1/3/21	Comcast	826.49
EPAY-05	1/4/21	Speedway	95.19
13794	1/4/21	Richard D. Larson	8.29
13795	1/4/21	Richard D. Larson	316.00
13796	1/5/21	B Harris, Inc.	675.00
13797	1/5/21	Michael S. Johnson	31.63
13798	1/6/21	Bradley Law, LLC	62.50
13799	1/6/21	Matthew Waldron	1,285.50
EPAY-06	1/7/21	Circle K Station Stores	14.00
13800	1/8/21	Metro North Chamber of Comm.	465.50
13801	1/8/21	INTERSTATE COMPANIES, INC	663.00
13802	1/11/21	Metro Sales, Inc.	810.00
13803	1/11/21	Corporate Mechanical	6,418.00
13804	1/11/21	Coastal Wintergreen LLC	3,000.00
EPAY-07	1/12/21	AT&T Wireless	427.47
EFILE	1/13/21	Discovery Benefits	577.69
13805	1/13/21	Blaine Tire & Auto	243.98
EPAY-08	1/14/21	Republic Services	247.89
EFILE	1/15/21	MN Dept. of Revenue	1,070.93
EFILE	1/15/21	Public Employees Retirement	3,679.42
EFILE	1/15/21	IRS/US BANK	6,048.31
EPAY-09	1/15/21	CenterPoint Energy	283.34

# North Metro Telecommunications Comm

## Check Register

For the Period From Jan 1, 2021 to Jan 31, 2021

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

Check #	Date	Payee	Amount
DEC SALES TAX	1/15/21	MN Dept. of Revenue	182.00
EFILE	1/15/21	Chase Visa Card Services	1,940.26
EPAY-10	1/15/21	Comcast Business 1000M/1000M	1,074.66
PEACH	1/15/21	Peachtree/Sage Software	20.40
13806	1/15/21	Blaine Lock & Safe Inc	302.00
13807	1/19/21	Stanley Access Tech LLC	7,713.67
EFILE	1/21/21	Chase Visa Card Services	249.99
EPAY-11	1/22/21	HealthPartners	12,136.76
13808	1/23/21	Z Systems	16,928.36
EPAY-12	1/26/21	Connexus Energy	1,715.78
EFILE	1/27/21	Discovery Benefits	577.69
EFILE	1/29/21	MN Dept. of Revenue	1,076.07
EFILE	1/29/21	Public Employees Retirement	3,679.42
EFILE	1/29/21	IRS/US BANK	6,072.32
PEACH	1/29/21	Peachtree/Sage Software	22.20
13809	1/29/21	Z Systems	23,238.62
EFILE	1/31/21	Public Employees Retirement	373.76
EFILE	1/31/21	MN Dept. of Revenue	35.67
EFILE	1/31/21	IRS/US BANK	960.95
13810	1/31/21	Michael S. Johnson	25.20
<b>Total</b>			<b><u>127,446.98</u></b>

# North Metro Telecommunications Comm

## General Journal

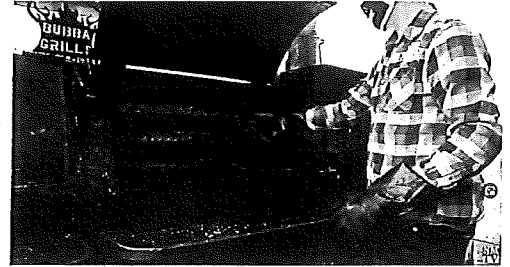
For the Period From Jan 1, 2021 to Jan 31, 2021

Date	Reference	Trans Description	Debit Amt	Credit Amt
1/1/21	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	108,647.23	108,647.23
1/1/21	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	10,462.08	10,462.08
1/31/21	ACCRUED DEPRECIATION	ACCRUED DEPRECIATION ACCRUED DEPRECIATION	12,900.00	12,900.00
1/31/21	ACCRUED VAC/SIC/COMP	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	112,429.97	112,429.97
1/31/21	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	13,460.80	13,460.80
	<b>Total</b>		<b>257,900.08</b>	<b>257,900.08</b>

### Program Production

In January, a total of 83 **new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **74:00:00 hours of new programming**.

- 24 programs were produced by the public
- 49 programs were produced by NMTV staff
- 10 programs were produced by City staff



### Van Shoots

The HD production truck was not utilized in January, as a safety precaution. High school sporting events resumed on January 14<sup>th</sup>.

### vMix Live Single Cam Shoots

The vMix single camera production system was utilized to record/transmit live thirteen high school sporting events. The vMix system is safer to utilize as it requires significantly fewer staff members who are spread out over multiple locations, connected via the internet.

- Girls Basketball: Spring Lake Park vs. Centennial
- Boys Basketball: Centennial vs. Spring Lake Park
- Boys Swim & Dive: Champlin Park vs. Centennial
- Boys Swim & Dive: Centennial vs. Spring Lake Park
- Boys Swim & Dive: Park Center vs. Centennial
- Boys Basketball: Blaine vs. Centennial
- Girls Basketball: Centennial vs. Blaine
- Girls Basketball: Armstrong vs. Blaine
- Girls Hockey: Anoka/Spring Lake Park vs. Blaine
- Girls Basketball: Elk River vs. Spring Lake Park
- Boys Hockey: Rogers vs. Spring Lake Park
- Boys Swim & Dive: Maple Grove vs. Centennial
- Girls Hockey: Centennial vs. Anoka/Spring Lake Park



### Most Viewed YouTube VOD Sporting Event

Boys Basketball:  
Centennial vs. Spring Lake Park  
1,400 Views

## Live Workshops

Workshop	Instructor	Organization	Students
<b>Live Lecture</b> - The Quiz Show Scandals and Other Game Shows of the 50s and 60s	Eric Houston	Robbinsdale Community Education via Zoom (Fee Paid)	8
<b>Live Lecture</b> - Superman: The Man of Steel on the Silver Screen	Eric Houston	General Public via Youtube	15
<b>2 Live Workshops</b>			<b>23 Students</b>

## VOD Workshop Views

Workshop	Type	# of Views	Hours Viewed
The Cult of Caroline Munro	Mini	1704	71hrs
The Marx Brothers: Groucho, Chico, Harpo...	Full	651	70.5hrs
Chicago Christmas Classics: Frosty, Suzy...	Mini	502	25hrs
The Marilyn Monroe Story	Full	352	52hrs
The Quiz Show Scandals	Full	81	13.5hrs
TV's Greatest Christmas Specials	Full	80	9hrs
Nick at Nite: A TV Viewer's Dream	Mini	64	2.5hrs
Superman: The Man of Steel on the Silver Screen	Full	27	8.5hrs
Come on Down: Game Shows of the 70s and 80s	Full	32	3hrs
Hollywood Goes to War – World War II	Full	31	3hrs
Let's Go Ghostbusters: Filmations Haunted...	Mini	24	.75hrs
Monster Movies of the 40s and 50s	Full	24	2.5hrs
The Fantastic Four on the Silver Screen	Mini	24	2hrs
Monster Movies of the 20s and 30s	Full	22	1hr
The Presidency on Film JQA to JFK	Full	13	1.75hrs
Monstervision: The Legend of Joe Bob Briggs	Mini	12	1hr
The Three Stooges: Comedy's Heavy Hitters	Full	12	1.75hrs
The Birth of Animation: Mickey, Bugs & Betty Boop	Full	12	1hr
Christmas in Hollywood	Full	10	2hrs
<b>19 VOD Workshops</b>		<b>3,677 Total Views</b>	<b>271.75 Hours Viewed</b>



### Most Viewed YouTube VOD Workshop

The Cult of Caroline Munro  
1,704 Views

## YouTube Stats

Month	Viewers	Videos Viewed	Hours Watched	New Subscribers	Total Impressions
January	23,800	38,487	3,620.2	132	532,400
<b>TOTAL:</b>	<b>23,800</b>	<b>38,487</b>	<b>3,620.2</b>	<b>132</b>	<b>532,400</b>

## NMTV Website Stats

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Month	Number of Users	Number of Views	Live Stream Views
January	6,103	20,923	1,324
<b>TOTAL:</b>	<b>6,103</b>	<b>20,923</b>	<b>1,324</b>

## Home Movie Transfers

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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	387	74	136	3	516	\$1,927.20
<b>TOTAL:</b>	<b>387</b>	<b>74</b>	<b>136</b>	<b>3</b>	<b>516</b>	<b>\$1,927.20</b>

## Production Highlights

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### NMTV News Highlights

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

- Dance Studios Grateful to Reopen
- Fogarty Arena Looks for Support to Survive
- High School Sports Return to Action
- Mothers of Victims Try to Help With Teen Suicide Prevention
- Transit Link Connects Food Resources With Those in Need
- Restaurant Owners Grateful to be Reopened
- Centennial Lakes Police Chief Describes Damage One Man's Bullet Did to Station
- Metro Transit Explores Possible Rapid Bus Route Connecting Blaine and Minneapolis.
- Liquor Sales Up During Pandemic
- Elementary Students Return to School
- Northtown Mall Sues Metro Transit Over Bus Station
- Statehouse Bill Would Cap Fees That Food Delivery Services Can Charge
- Charitable Gambling Dollars Way Down Amid Pandemic
- COVID19 Vaccination Site Opens in Blaine at the National Sports Center
- New Check-Out Option at Anoka County Library
- Grants and Loans for Centerville Businesses



In addition to daily playbacks of North Metro TV News on the cable systems, there are 787 local stories archived for viewers on the NMTV Youtube channel. The channel can be accessed through the [northmetrotv.com](http://northmetrotv.com) website.



## Most Viewed YouTube VOD News Story

Restaurant Owners Grateful to Re-Open  
462 Views

### New Workshops

Instructor, Eric Houston, has been busy creating new lectures to add to his ever growing series on-line. This month, he completed two new lectures, including one long-form class called Superman: The Man of Steel on the Silver Screen, and a mini-workshop entitled The Fantastic Four on the Silver Screen. Each class requires scriptwriting, research, clip downloads, recording new content, and editing.

### City Meetings

The transfer of responsibility for recording city meetings has been completed. NMTV staff now record Blaine, Spring Lake Park, Ham Lake, Circle Pines, and Lino Lakes meetings. (City meetings that take place entirely on Zoom are still facilitated by city staff.) The plan is to begin recording Centerville meetings in June, when it is thought that meetings will move from the Zoom format to live in chambers. Lexington currently does not require staff to record meetings.



### Mayor's Minutes

Municipal Producer, Trevor Scholl, produced two episodes of Mayor's Minutes in January. The program gives Mayors an opportunity to update residents on all the important issues and events taking place in the city. All Member City mayors are invited to participate. This month, Mayor Love of Centerville and Mayor Nelson of Spring Lake Park were able to schedule shoots. Mayor Sanders is currently lined up for a February episode.

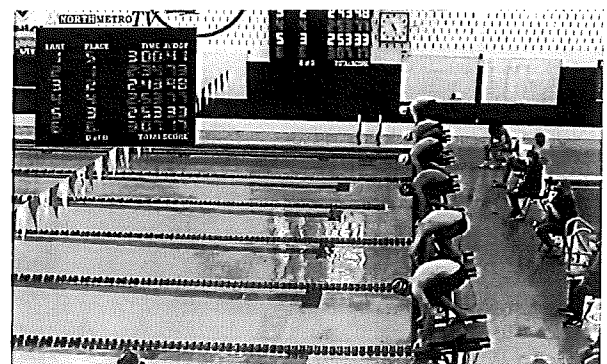


### Drone

NMTV drone pilot, T.J. Tronson, has been taking steps to make sure that our drone maintenance and use continue to be compliant with equipment guidelines and FAA regulations. He has completed a software upgrade that will enable the drone to remotely send out the drone's serial number, latitude/longitude, altitude and velocity among other updates. This software upgrade will keep NMTV compliant with the FAA's "Remote Identification of Unmanned Aircraft – Part 89" rules. T.J. will also be taking the Part 107 Commercial Drone Pilot Bi-Annual test again, to maintain his current drone pilot license.

### Centennial Boys Swim Streaming Services

The Centennial boys swim team is working with Sports Director Kenton Kipp to make sure all of their meets are streamed live and recorded. While NMTV was planning to cover two of their meets, the team requested that all meets be streamed live. The sports crew has a real challenge trying to cover girls and boys sports from three school districts fairly. The abundance of high school sporting events results in the inability to cover 100% of all sports. NMTV agreed to stream the additional meets for a fee.



### Untitled Socially Distanced Game Show

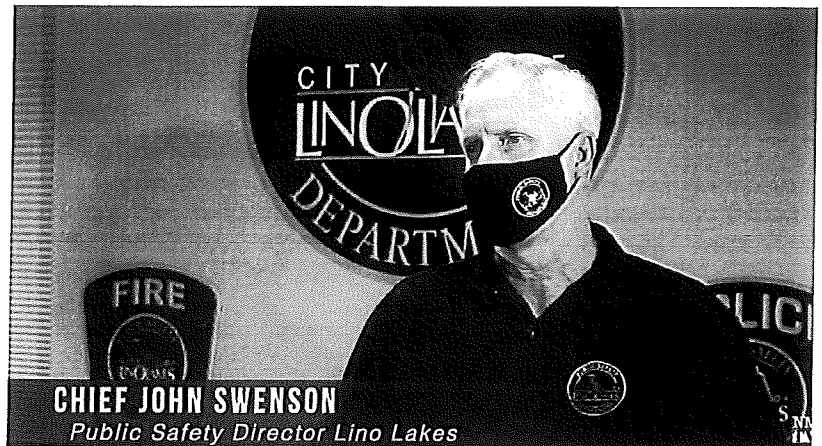
Studio Manager, Eric Houston, has created a new game show for NMTV. The Untitled, Socially Distant Game Show offers a fun opportunity for producers and groups to do something different. Three test episodes, featuring NMTV staff members, have been recorded. Eric reached out to the Metro North Chamber of Commerce and offered to host episodes of the show for local businesses as a team building exercise. We are currently planning an episode with Lori Higgins and the Chamber Board. Lori offered to forward the offer to local non-profits as well.



### City Productions

In January, Municipal Producer, Trevor Scholl, completed five productions. The shows included two episodes of Mayor's Minutes, a Centerstage Centerville business profile, the completion of the SBM Virtual Car Seat Clinic and highlights of the Lino Lakes fire station upgrades. Programs completed include:

- Centerville Winter Mayors Minutes
- Spring Lake Park Winter Mayors Minutes
- SBM Virtual Car Seat Clinic
- Lino Lakes Fire Station Upgrades
- Centerstage Centerville: Remillard Insurance



New and ongoing projects include:

- Winter Mayor's Minutes
- Blaine PD awards
- Blaine PD hearing impaired relations
- Lino Lakes fire recruitment updates
- Animal Humane Society
- More Centerstage Centerville business profiles
- Circle Pines virtual tour
- Blaine Veterans Memorial grand ceremony

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.

## Public Access Programs

Title	Producer	Runtime
Denny and the DC Drifters	David Schoumaker	01:25:06
NMTV's Untitled Socially Distanced Game Show (3 episodes)	Eric Houston	01:21:51
Bad Movie Bros (2 episodes)	Eric Houston	01:21:16
Rice Creek Watershed District Meeting (2 episodes)	Theresa Stasica	03:13:03
Christ Lutheran Church (4 episodes)	Chance Amundson	03:51:24
Lovepower (4 episodes)	Rick Larson	04:00:00
The Power of Love (4 episodes)	Rick Larson	02:00:00
Oak Park Community Church (4 episodes)	David Turnidge	02:43:52



## NMTV Staff Programs

Title	Producer	Runtime
Anoka County Board Meeting (1/5/21)	T.J. Tronson	00:47:21
Anoka County Board Meeting (1/26/21)	T.J. Tronson	01:33:51
2020 Blaine Football Awards and Highlights	T.J. Tronson	02:28:18
NMTV News (4 episodes)	Danika Peterson/Rusty Ray	01:16:03
Business is Up at Lexington Liquors	Danika Peterson/Rusty Ray	00:01:15
SLP Public Works Get State of the Art Snowplow	Danika Peterson/Rusty Ray	00:01:07
Monuments Unveiled at Veterans Memorial Park	Danika Peterson/Rusty Ray	00:02:23
Centerville Mayor's Minutes: Winter	Trevor Scholl	00:04:04
Spring Lake Park Mayor's Minutes: Winter	Trevor Scholl	00:05:49
Lino Lakes Fire Station 1 Gets Needed Upgrades	Trevor Scholl	00:02:50
Virtual Car Seat Clinic	Trevor Scholl	00:19:00
Centerstage Centerville Highlight: Remillard Insurance	Trevor Scholl	00:01:30
Girls Basketball: Spring Lake Park/Centennial	Kenton Kipp/J. Millington	01:27:33
Boys Basketball: Centennial/Spring Lake Park	Kenton Kipp/J. Millington	01:08:45
Boys Swim & Dive: Champlin Park/Centennial	Kenton Kipp/J. Millington	01:52:51
Boys Swim & Dive: Centennial/Spring Lake Park	Kenton Kipp/J. Millington	01:39:37
Boys Swim & Dive: Park Center/Centennial	Kenton Kipp/J. Millington	01:34:06
Boys Basketball: Blaine/Centennial	Kenton Kipp/J. Millington	01:20:06
Girls Basketball: Centennial/Blaine	Kenton Kipp/J. Millington	01:18:25
Girls Basketball: Armstrong/Blaine	Kenton Kipp/J. Millington	01:23:50
Girls Hockey: Anoka Spring Lake Park/Blaine	Kenton Kipp/J. Millington	01:16:45
Girls Basketball: Elk River/Spring Lake Park	Kenton Kipp/J. Millington	01:16:00
Boys Hockey: Rogers/Spring Lake Park	Kenton Kipp/J. Millington	01:20:05
Boys Swim & Dive: Maple Grove/Centennial	Kenton Kipp/J. Millington	01:39:26
Girls Hockey: Centennial/Anoka Spring Lake Park	Kenton Kipp/J. Millington	01:10:10
NMTV Freelancer Training Video: Remote Announcer Set-Up	Kenton Kipp/J. Millington	00:11:48
Sports Den Fall Wrap-Up: 2020 Football	Kenton Kipp/J. Millington	00:31:35
Sports Den Fall Wrap-Up: 2020 Volleyball	Kenton Kipp/J. Millington	00:36:46
Sports Den (2 episodes)	Kenton Kipp/J. Millington	00:41:48
<b>33 New Programs</b>		<b>27:13:07 New Hours</b>

## City Meetings

Title	Producer	Runtime
Blaine City Council Meeting (1/4/21)	T.J. Tronson	00:54:58
Blaine Planning Commission Meeting	T.J. Tronson	00:52:53

(1/12/21)		
Blaine Natural Resources Conservation Board Meeting (1/19/21)	Trevor Scholl	00:41:55
Blaine City Council Meeting (1/20/21)	Trevor Scholl	00:54:58
Blaine Park Board Meeting (1/26/21)	T.J. Tronson	01:26:14
Centerville Park & Rec Meeting (12/2/21)	Centerville Staff	01:29:42
Centerville City Council Meeting (1/13/21)	Centerville Staff	03:04:56
Centerville EDA Meeting (1/20/21)	Centerville Staff	02:39:46
Centerville Planning & Zoning Meeting (1/26/21)	Centerville Staff	01:26:32
Centerville City Council Meeting (1/27/21)	Centerville Staff	01:12:18
Circle Pines City Council Meeting (1/12/21)	Patrick Willson	00:51:36
Circle Pines Utility Commission Meeting (1/20/21)	Patrick Willson	00:49:54
Circle Pines City Council Meeting (1/26/21)	Patrick Willson	01:13:31
Circle Pines Special Utility Commission Meeting (1/27/21)	Patrick Willson	01:12:18
Ham Lake City Council Meeting (1/4/21)	Rusty Ray/Patrick Willson	00:18:16
Ham Lake City Council Meeting (1/19/21)	Patrick Willson	00:22:13
Lexington City Council Meeting (1/7/21)	Lexington Staff	00:34:31
Lexington City Council Meeting (1/21/21)	Lexington Staff	00:42:09
Lino Lakes Park Board Meeting (1/6/21)	Lino Lakes Staff	01:29:38
Lino Lakes City Council Meeting (1/11/21)	Anne Serwe	00:48:45
Lino Lakes Planning & Zoning Meeting (1/13/21)	Lino Lakes Staff	00:32:41
Lino Lakes City Council Meeting (1/25/21)	Anne Serwe	00:42:41
Lino Lakes Environmental Board Meeting (1/27/21)	Lino Lakes Staff	00:59:30
Spring Lake Park City Council Meeting (1/4/21)	Danika Peterson/Isaac Quick	00:35:54
Spring Lake Park City Council Meeting (1/19/21)	Danika Peterson/Isaac Quick	00:49:55
Spring Lake Park Planning Commission Meeting (1/25/21)	Danika Peterson/Isaac Quick	00:39:06
<b>26 New Programs</b>		<b>26:50:01 New Hours</b>

If you have any questions or comments regarding this monthly report please contact Heidi Arnson at 763.231.2801 or [harnson@northmetrotv.com](mailto:harnson@northmetrotv.com).

# NORTH METRO TV

## Production Statistics 2021

Programming Statistics	J	F	M	A	M	J	JU	A	S	O	N	D	21 Total	21 Average
<b>Cablecast Programs</b>	2478.00												2478.00	206.50
Cablecast Hours	1985.50												1985.50	165.46
<b>Programs Produced - Public</b>	18.00												18.00	1.50
Program Hours Produced - Public	14.00												14.00	1.17
Prog. Produced - Affiliated Public	6.00												6.00	0.50
Programs Produced - Affil. Public	6.00												6.00	0.50
Programs Produced - City Staff	10.00												10.00	0.83
Prog. Hours Produced - City Staff	14.50												14.50	1.21
Programs Produced - NMTV Staff	49.00												49.00	4.08
Prog. Hours Produced - NMTV Staff	39.50												39.50	3.29
Total Public Programs Produced	24.00												24.00	2.00
Total Staff Programs Produced	59.00												59.00	4.92
Total Internal Programs Produced	83.00												83.00	6.92
% Staff Produced Programs	71.08%												71.08%	71.08%
% Public Produced Programs	28.92%												28.92%	28.92%
<b>External Programs Submitted</b>	15.00												15.00	1.25
External Program Hours	11.50												11.50	0.96
Total New Programs	98.00												98.00	8.17
<b>Public Equipment Usage Statistics</b>														
Facility Hours Available	105.00												105.00	8.75
Camera Check Outs	5.00												5.00	0.42
Studio A	0.00												0.00	0.00
% of Available Time	0.00%												0.00%	0.00%
Studio B	0.00												0.00	0.00
% of Available Time	0.00%												0.00%	0.00%
Editing	16.00												16.00	1.33
% of Available Time	15.24%												15.24%	0.60%
Number of Public Facility Users	5.00												5.00	0.42
Total Hours of Public Use	49.00												49.00	4.08
<b>Production Van/Mix Statistics</b>														
Number of Van Shoots	0.00												0.00	0.00
Number of vMix Shoots	13.00												13.00	1.08
Total Van Usage Hours	0.00												0.00	0.00
Intern Hours	27.50												27.50	2.29
Volunteer Hours	0.00												0.00	0.00
<b>Workshop Statistics</b>														
Number of Live Workshops	2.00												2.00	0.17
Number of Students at Live Workshops	23.00												23.00	1.92
VOD Students All Workshops	3677.00												3677.00	306.42
<b>Media Transfer Statistics</b>														
Total Transfer Equip. Usage Hours	387.00												387.00	32.25
Tapes Transferred	74.00												74.00	6.17
Film Reels Transferred	136.00												136.00	11.33
Slides/Photos Transferred	516.00												516.00	43.00
DVDS Copied	3.00												3.00	0.25
Transfer Hours By Public	10.50												10.50	0.88
Transfer Hours By Staff	376.50												376.50	31.38
<b>NMTV YouTube Statistics</b>														
Number of Viewers	23800.00												23800.00	1983.33
Total Videos Viewed	38487.00												38487.00	3207.25
Total Hours Watched	3620.20												3620.20	301.68
Number of New Subscribers	132.00												132.00	11.00
Total Impressions	532400.00												532400.00	44366.67
<b>NMTV Website Statistics</b>														
Number of Users	6103.00												6103.00	508.58
Number of Views	20923.00												20923.00	1743.58
Live Stream Views	1324.00												1324.00	110.33

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**NORTH METRO TV**

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**TO:** OPERATIONS COMMITTEE/CABLE COMMISSION  
**FROM:** HEIDI ARNSON  
**SUBJECT:** 2021 DISBURSEMENT OF FRANCHISE FEES TO CITIES  
**DATE:** 1/25/2021

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Each year, after receipt of the 4<sup>th</sup> quarter franchise and PEG fees from Comcast, calculations are made to determine the amount of fees to be returned to each City.

Because there are several new members of the Cable Commission and Operations Committee I thought it would be helpful to provide a brief background explaining the process for determining the amount of fees returned to each City.

First, the Joint Powers Agreement (JPA) establishes the flow of funds from the cable company to the Commission. Both the JPA and the Franchise document offer further guidance regarding the payment and distribution of those funds.

The process is as follows:

- Franchise and PEG fees are paid by the cable company quarterly.
- Franchise and PEG fees are paid to the Commission.
- Fees must be received by the Commission within 30 days of the end of the quarter.
- Franchise fees collected in 2020 are utilized for the 2021 budget year. PEG fees are utilized in the year they are received.
- The Commission/NMTV budget is funded by franchise and PEG fees.
- The amount of fees returned to cities is determined during the NMTV budgeting process. (May-June each year)
- That amount is divided between the Member Cities based on the percentage of each city's cable revenue compared to total system cable revenue.
- The Operations Committee and Commission consider this distribution at the February meetings, and typically recommend disbursement of the funds as presented.
- City use of fees is restricted by the JPA to any "citizen communications-related" expense.

- A second payment is made to cities, from the Commission, to be utilized for payment of the HD equipment bond. Those funds are usually dispersed in the spring.

**DISBURSEMENT OF CABLE FEES RECEIVED  
BY CITIES IN 2021**

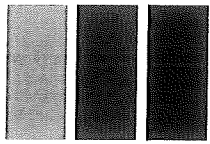
**TABLE I**

<b>CITY</b>	<b>2020 CABLE COMPANY REVENUE BY CITY *</b>		<b>TOTAL SYSTEM REVENUE *</b>		<b>CITY REVENUE AS % OF SYSTEM REVENUE</b>
Blaine	\$13,398,145	÷	\$24,161,260	=	55.45301%
Centerville	\$822,715	÷	\$24,161,260	=	3.40510%
Circle Pines	\$1,048,792	÷	\$24,161,260	=	4.34080%
Ham Lake	\$3,300,882	÷	\$24,161,260	=	13.66188%
Lexington	\$415,384	÷	\$24,161,260	=	1.71921%
Lino Lakes	\$3,842,195	÷	\$24,161,260	=	15.90230%
Spring Lake Park	\$1,333,147	÷	\$24,161,260	=	5.51770%
<b>TOTAL:</b>	<b>\$24,161,260</b>	<b>÷</b>	<b>\$24,161,260</b>	<b>=</b>	<b>100.00000%</b>

**TABLE II**

<b>CITY</b>	<b>TOTAL FEES RETAINED BY CITIES</b>		<b>CITY REVENUE AS % OF SYSTEM REVENUE</b>		<b>TOTAL FEES RETAINED BY EACH CITY</b>
Blaine	\$400,000	x	55.45301%	=	\$221,812.04
Centerville	\$400,000	x	3.40510%	=	\$13,620.40
Circle Pines	\$400,000	x	4.34080%	=	\$17,363.20
Ham Lake	\$400,000	x	13.66188%	=	\$54,647.52
Lexington	\$400,000	x	1.71921%	=	\$6,876.84
Lino Lakes	\$400,000	x	15.90230%	=	\$63,609.20
Spring Lake Park	\$400,000	x	5.51770%	=	\$22,070.79
<b>TOTAL:</b>	<b>\$400,000</b>	<b>x</b>	<b>100.00000%</b>	<b>=</b>	<b>\$399,999.99</b>

\* All amounts are rounded to nearest dollar.



# Bradley

## MEMORANDUM

**To: North Metro Telecommunications Commission**  
**From: Mike Bradley and Vince Rotty**  
**Re: February 2021 Legal Update**  
**Date: February 17, 2021**

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### **FCC Cable Franchising Appeal**

As previously reported, all briefs have been filed in our appeal of the FCC's cable franchising order. We are still waiting for oral argument to be scheduled but anticipate that this will occur sometime in 2021Q2 with a decision in 2021Q3 or 2021Q4.

### **Comcast Franchise Fee Review**

The Commission approved a settlement agreement with Comcast at its last meeting related to the franchise fee review. Comcast executed the settlement agreement soon after the meeting and paid the Commission \$58,354 to address the Commission's underpayment findings and \$7,500 to address the Commission's legal and financial consultant costs in this matter. In addition, the settlement agreement amends the franchise agreement to include a new definition of "gross revenues" and new auditing provisions that will remain in effect throughout the remainder of the current franchise and the following franchise as well. The Commission is currently negotiating a renewed franchise with Comcast.

### **Minnesota Website Accessibility Grant Bill (HF35)**

A bill has been introduced in the Minnesota House that would make grants available for cities and counties to improve website accessibility. The bill, as it has been drafted, would make \$1,000,000 available in 2022 to cities and counties to make their websites more accessible for people with disabilities. The League of Minnesota Cities and Association of Minnesota Counties have filed a joint letter in support of the bill (<https://bit.ly/3jDMCzW>).

### **Jessica Rosenworcel Named Acting Chairwoman of FCC**

President Biden has named Jessica Rosenworcel as the FCC's Acting Chairwoman. After ex-Chairman Ajit Pai's exit from the FCC, the Commission is left with a 2-2 split between Democrats and Republicans until such time as another Democratic commissioner can be appointed by President Biden and confirmed by the Senate. It is unclear at this time whether President Biden will name Ms. Rosenworcel as the FCC's permanent chair.

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Bradley Law, LLC

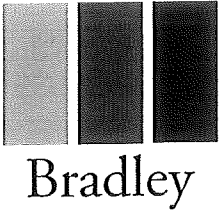
2145 Woodlane Drive | Suite 106 | Woodbury, MN 55125 | (651) 379-0900 | [BradleyLawMN.com](http://BradleyLawMN.com)

## **DOJ Ends Review of ASCAP and BMI Consent Decrees**

In 2019, the United States Department of Justice (the “DOJ”) solicited public comment on consent decrees with ASCAP and BMI. These two entities manage and license rights to musical works and together represent roughly 90 percent of the public performance licensing market. The purpose of the consent decrees is to address antitrust concerns arising from each entity’s respective market power. Upon completing its review in 2021, the DOJ has determined that no action needed to be taken at this time.

A number of municipal entities, including the North Metro Telecommunications Commission, submitted public comments in this proceeding. These public comments argued that termination of the consent decrees would be contrary to the public’s interest and that the decrees instead needed to be modernized to curb abusive copyright litigation and protect charitable and other non-commercial uses of copyrighted works. A link to this Commission’s public comments can be found [here](#).





## MEMORANDUM

**To: FCC Over-the-Air Reception Device (OTARD) Proceeding Participants**  
**From: Mike Bradley and Vince Rotty**  
**Re: OTARD Report and Order**  
**Date: February 16, 2021**

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The FCC previously proposed to adopt new regulations that would expand the scope of its current over-the-air reception device (“OTARD”) rule to include hub and relay antennas. The effect of these regulations would be to make nearly any public or private structure easily available to wireless service providers, cable operators, broadband Internet service providers, and others. Proliferation of antennas on residences and commercial buildings would be the likely result, with no zoning or other authority of cities to regulate their numbers or locations.

We filed Reply Comments on behalf of a large consortium of municipal governments, opposing the FCC’s proposed actions. Thank you again for your participation in this proceeding. On January 7, 2021, the FCC adopted a Report and Order adopting its proposed regulations, albeit in a more limited manner than was initially proposed. As a reminder, our Reply Comments set forth the following primary arguments:

**1. The FCC does not have statutory authority to enact the rules it has proposed.**

The FCC ultimately agreed with the argument and chose to only include those hub and relay antennas only used to provide broadband Internet services within the new OTARD rule’s scope. In discussing its findings, the FCC seems to admit the strained nature of its reading of the Communications Act in the proposed rulemaking. Although the present OTARD rule is largely limited to video programming, the FCC reasoned that broadband-only antennas could nevertheless be used for video streaming services, rendering these broadband-only antennas within the scope of the OTARD rule. Hub and relay antennas used to provide both broadband and telephone services are not within the scope of the new OTARD rule.

**2. The FCC’s proposed rules would be damaging to communities by effectively preempting any zoning authority a local government might have over wireless facilities on private property.**

While the FCC did preempt local zoning laws and regulations, it was much more limited than initially proposed and relates only to OTARD’s providing broadband services. The new rule confirms that OTARD’s cannot constitute a wireless tower or base station.

### **3. The FCC's proposed rules fail to protect residents and customers.**

In our Reply Comments, we urged the FCC to adopt rules that would protect residents and customers from communications companies demanding to place OTARD's on homes and businesses. The FCC cited to our Reply Comments but found that "it is implausible that our changes today will spur such a large increase in exploitative contracts between service providers and homeowners and renters that new consumer protections are necessary" (without citing to any factual or legal support).

The new OTARD rule will become effective 30 days after it is published in the Federal Register, which we expect to occur later in February 2021.

## **Summary of OTARD Reply Comments to the FCC**

Earlier today, we filed Reply Comments with the FCC in opposition to its proposed rules changing how over-the-air reception devices (OTARDs) are regulated (WT Docket No. 19-71). The Reply Comments were filed on behalf of municipalities and franchising authorities from Minnesota, Oklahoma, and South Dakota, with a collective population of approximately 1.4 million people.

The FCC's OTARD regulations preempt restrictions on the placement of these devices, by state and local governments, homeowners associations, multifamily building owners and anyone else. Historically, the FCC regulations governing OTARDs were intended to make it easier for consumers to receive wireless video services, such as satellite television service. However, the FCC is now proposing to expand these regulations to all fixed wireless facilities placed on private property. Local governments will be preempted from regulating such wireless facilities as they are now preempted from regulating the placement of satellite television antennas. The effect will be to make nearly any public or private structure easily available to wireless service providers, cable operators, broadband Internet service providers, and others. Proliferation of antennas on residences and commercial buildings is the likely result, with no zoning or other authority of cities to regulate their numbers or locations. The negative impact on neighborhoods will be substantial. In focusing primarily on the needs and interests of wireless providers, the FCC has failed to consider this impact. It has also failed to consider measures that protect residents and consumers, who will be negotiating with sophisticated providers for the installation of wireless facilities on their property.

Our Reply Comments support Comments previously filed by the National Association of Telecommunications Officers and Advisors (NATOA), the United States Conference of Mayors, and others opposing the FCC's proposed actions. Our principal arguments are summarized below.

### **1. The FCC does not have the statutory authority to enact the rules it has proposed.**

Both the plain language and legislative history of the statutes cited by the FCC as providing its authority to modify the OTARD rules, 47 U.S.C. § 303 and 47 U.S.C. § 332(c)(7), in fact fail to provide any such authority.

### **2. The FCC's proposed rules would be damaging to communities by effectively preempting any zoning authority a local government might have over wireless facilities on private property.**

For example, under the FCC's proposed rules, a local government may not have authority to regulate the placement of a 30-foot pole in a consumer's backyard, or even to prevent interference with other utilities. In densely populated neighborhoods, this can be especially damaging.

### **3. The FCC's proposed rules fail to protect residents and consumers.**

Under the FCC's expanded OTARD rules, homeowners and renters may now be approached to place wireless facilities on their property. There are no proposed rules to protect these residents and consumers. It's not difficult to envision scenarios in which a consumer mistakenly or unknowingly agrees to harmful provisions such as an indefinite term or little or no compensation. Our Reply Comments addressed several different ways to protect these residents and consumers. It is one of the only filings addressing consumer protection.



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## LIABILITY COVERAGE – WAIVER FORM

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [pstech@lmc.org](mailto:pstech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: \_\_\_\_\_

*Check one:*

- ☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.
- ☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_

# Biden picks Jessica Rosenworcel as acting FCC chief

April Glaser 31 mins ago

President Joe Biden has picked Jessica Rosenworcel to run the Federal Communications Commission in an interim position. That makes Rosenworcel, the 49-year old lawyer, current FCC commissioner and podcast host from West Hartford, Connecticut, the second woman to be appointed for as interim chair in the FCC's 96-year history — a job that involves such daunting tasks as helping millions of American get reliable access to the internet.

Rosenworcel is not only the second woman to lead the FCC as a full-term chair (former Commissioner Mignon Clyburn served as the first interim chairwoman of the FCC for nearly 6 months in 2013), she is also the first mother assigned to do the job. She has two school-aged children, and when she's not crafting the nation's tech and media laws, she's trying to ensure that her kids are doing their school work remotely during the pandemic.

"I find myself — like a lot of people — playing a lot of different roles. One moment, I'm running an office call, another, I'm speaking via video at an online conference, and in yet another, I'm Wi-Fi fixer and snackmaker. My days are full!," she told the tech news site Protocol in December.

While Rosenworcel declined to be interviewed for this article, colleagues say and her public comments reflect how much that role has influenced her policy priorities. During her tenure at the agency, she coined the term "the homework gap" in 2014 to describe the overlap between families that lack broadband access at home and students who need the internet to do their homework. She has championed better access to broadband in rural areas with high maternal mortality rates and poor internet access, to help women who live far from an obstetric center to receive care. And Rosenworcel used her platform as a commissioner at the FCC to elevate women in technology, launching the first podcast from any regulatory agency in the U.S., Broadband Conversations, where she only interviews women. Recently, that's included a panel of school superintendents from across the country discussing the challenges of moving school online during the pandemic.

"Our lives are increasingly spent online, on phones, on video chats, and how all of that works for people in our country is something that she understands," said U.S. Rep. Anna Eshoo, a Democrat representing Silicon Valley in California. "You don't have to have an extended policy conversation to try to bring her over the line on that — she's already there."

## FCC Veteran

Rosenworcel first came to the FCC over 20 years ago in 1999, before leaving the agency to be a congressional aide in 2007, as senior communications counsel for the Senate Committee on Commerce, Science and Transportation. In 2012, she returned to the FCC, where she was appointed to be a commissioner under President Barack Obama. She was renominated in 2017 by President Donald Trump while the FCC was led by Chairman Ajit Pai during his historic undoing of the country's network neutrality protections.

Now, as the president's choice to lead the agency, she's likely to pick up the network neutrality baton again - which prohibited internet service providers from charging websites to reach users at faster speeds. When Chairman Tom Wheeler ran the agency under Obama, Rosenworcel boldly pushed the chairman to create more aggressive network neutrality rules, a stance he eventually adopted and led to the network neutrality protections that were passed in 2015. And when Pai came to lead the agency with the intention to take a "weed wacker" to net neutrality in 2017, she didn't sit quietly either.

"Let's roar. Let's make a ruckus. Let's stop this plan in its tracks," she tweeted in 2017, when Pai released his plan to rescind the net neutrality rules. Over 22 million comments were submitted to the agency in response to the removal of the internet traffic rules.

## Homework Gap

When it comes to remote schooling, Rosenworcel knows she's one of the fortunate parents with access to the internet at home. Roughly one-third of American households lack reliable access to broadband, according to FCC data, which for millions of American families has meant their kids have difficulty continuing their education while schools stay closed. But long before the pandemic, Rosenworcel hit the road, speaking to students, parents and teachers across the country to learn more about the difficulties students face getting online, for years urging the commission to reform its policies to better serve families struggling to get access to the internet.

As the school year was winding down for the summer of 2016, Rosenworcel accompanied former Sen. Tom Udall, a Democrat from New Mexico, on a trip to the small rural community of Hatch, New Mexico, to visit a high school to talk to students and teachers about how they get online.

In Hatch, she met Jonah Madrid, a student on the football team who told her that after the final school bell rings, he and his teammates would pile on a bus, sometimes traveling as far as an hour and a half to a neighboring town to play a game, after which he sat in the school's parking lot at night with his laptop open to do his homework in the dark because his family didn't have internet at home. It's a story she often recalls in speeches as a commissioner. Research from the Senate Joint Economic Committee in 2017 on the homework gap showed that Madrid was far from alone. About 12 million school age children live in homes without a broadband connection, the research found.

So in March, when thousands of schools quickly shuttered to prevent the spread of the coronavirus, Rosenworcel sprung into action and began supporting proposals to help students who lacked internet access at home get online and continue their education.

“[T]he FCC should use its power in this emergency to provide schools with Wi-Fi hot spots to loan out to students who lack reliable internet access at home,” she wrote in an op-ed on the technology news site, The Verge. The FCC has the authority to help students get online in times of need, like the pandemic, through updating the E-rate program, she said, which is the largest largest education technology program in the country.

## Maternal mortality

Historically, tech policy initiatives don’t tend to incorporate the health care needs of pregnant women into their planning. But Rosenworcel has travelled to meet doctors who serve rural areas to discuss how improved access to telehealth services could help pregnant women in parts of the country that lack nearby hospitals.

In 2019, Rosenworcel travelled to Little Rock, Arkansas, where she met with health e providers that often treat women who live hours away because there’s no closer option for obstetric care, a task that becomes especially hard when pregnant women need to be under special observation or have any complications with their pregnancy that require multiple visits to the doctor per week for monitoring before and after giving birth.

Rosenworcel recalled one such story she heard in testimony provided to the House Energy and Commerce Committee in 2019, when nurses and doctors in Little Rock had a patient with serious complications after her pregnancy that could lead to maternal mortality. She required daily monitoring at a special obstetrics center, but the patient lived hours away.

“So this team at the medical center got creative,” Rosenworcel said in her testimony. “They sent her home with a blood pressure cuff, a scale to monitor her weight, and a pulse oximeter to measure the levels of oxygen in her blood. She was told to connect all of these devices to a wireless gateway and to transmit daily readings to the medical center.” But the patient didn’t have internet or cell service at home—she lived in a deadzone. So when she got back after giving birth, she had to drive her truck to the top of a hill every day to send her vitals back to the hospital, Rosenworcel said.

Stories of people she’s met on the road appear to drive Rosenworcel. She’s proposed ideas that would help hospitals in rural areas get connected to the broadband to receive care from specialists and experts even at a great distance. Since she’s taken up the issue, lawmakers have introduced bipartisan bills in the House and the Senate, which Rosenworcel endorsed, aimed at improving access to telehealth in rural communities and areas with high levels of maternal mortality.

## Self-starter

While Rosenworcel speaks little about her private life, glimpses trickle out here and there. She mentioned on her podcast that she once considered becoming a ski instructor before she ended up tackling tech policy. Her brother, Brian, is a drummer for the rock band Guster. And recently

during the pandemic, her family adopted a rescue dog, Bo, she revealed in her interview with Protocol.

But lawmakers like Sen. Ben Luján, a Democrat from New Mexico, have been struck by the compassion she has shown when meeting with the public at schools and libraries for the stories people shared with her. “People felt comfortable talking to Commissioner Rosenworcel because she listened to them. And she took everything she learned from listening to them and translated it into troubleshooting and problem-solving and she got to work,” he said. “That’s the reputation Commissioner Rosenworcel has. She rolls up her sleeves, she gets to work and she gets things done.”

But she also appears to be ready to introduce change. On the first anniversary of her podcast in 2019, one of her staffers who interviewed her asked what advice she has for young people considering entering into public service.

She answered: “I think my primary advice is to ask for permission less. There are so many things I’ve managed to be able to do because I looked to my left and right and thought I need to get something done here. We need to move. We need to move fast. If I asked the permission of everyone around me, it’s not going to happen.”



# Pressure Builds to Name Permanent FCC Chair

By John Eggerton 3 days ago

Net neutrality petition signals big things could be teed up

President Joe Biden is under pressure from advocacy groups to name a permanent Federal Communications Commission chairman, and a third commissioner who will give that chair the Democratic majority needed to do big, regulatory-minded things.

The FCC is currently locked in a 2-2 political tie. Past chairs have pointed out that the vast majority of the agency's decisions are unanimous, but that doesn't change the fact that many of the highest-profile rulings, like on media ownership deregulation, broadband subsidy programs and net neutrality regulations, are not.

The FCC has just been officially asked to restore the net neutrality rules, so that proceeding has already been teed up.

As acting chairwoman, Jessica Rosenworcel has the inside track for permanent chair. According to one lobbyist source, some political consultants are already making hires based on the assumption Rosenworcel will get the nod. But she is not a lock.

Some folks, including the Congressional Black Caucus, supported commissioner Geoffrey Starks for the chairmanship (or acting chairmanship) between the election and Inauguration Day. But after Rosenworcel, the commission's senior Democrat, got the acting nod, it would be unusual for Starks to now leapfrog her for the top spot, Washington lobbyists and former FCC officials said, speaking on background.

Starks declined comment on his chairmanship aspirations, but multiple people said he has clearly been seeking the post.

Rosenworcel has fans on Capitol Hill, where she was a top Senate staffer, and in Silicon Valley. So does Edward "Smitty" Smith, a partner at law firm DLA Piper who has experience with overseeing multibillion-dollar broadband subsidies at the National Telecommunications & Information Administration and at the FCC, as an adviser to the Broadcast Incentive Auction Task Force.

Smith also was on the four-person Biden FCC transition review team and raised money for the candidate. One D.C. vet said that if any profile fit a presidential FCC pick, it is Smith's.

Whether the new chair is Rosenworcel (most likely, says one former top FCC official of the other party) or Smith (in the running, says another) or even Starks (unlikely, but with backers and good people skills), the key will be locking in the third Democratic vote.

Smith could be a candidate for that third seat on the FCC, along with Anna Gomez of D.C. powerhouse law firm Wiley, whose namesake is former FCC chairman Dick Wiley and whose alumni include numerous former FCC commissioners including another former chairman, Republican Kevin Martin.

Gomez is also a former top official at the NTIA, the White House's chief communications policy advisory arm.

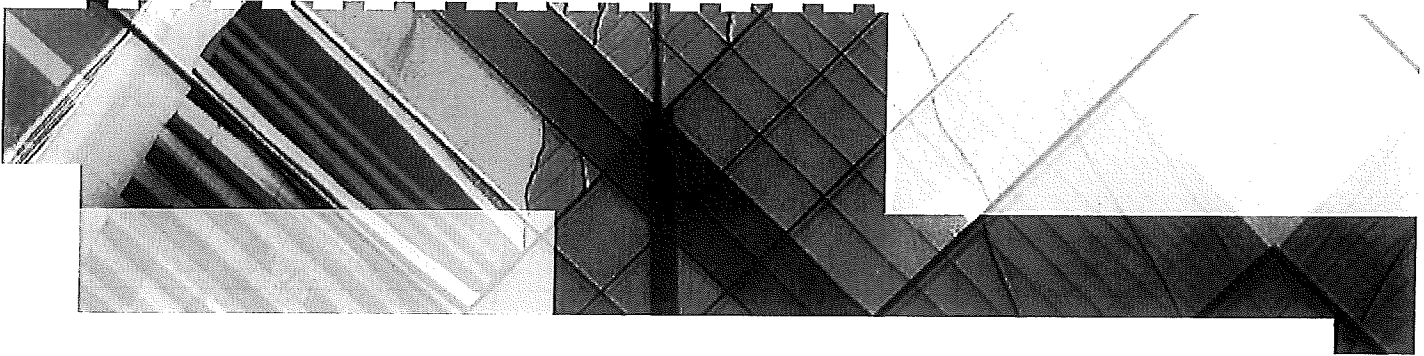
Another name mentioned for the third seat is Travis LeBlanc, a partner at D.C. law firm Cooley LLP. He is former FCC Enforcement Bureau chief under the last Democratic chairman, Tom Wheeler. More germane to the current discussion, he is former senior adviser to then-California attorney general, and now-Vice President, Kamala Harris.

SE

# POTs and PANs

Broadband for All

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February 18, 2021

## How Good is Low-Income Broadband?

3 Comments

The two biggest cable companies, Comcast and Charter, have taken lots of public bows this year talking about how they are making sure that homes with students have affordable broadband during the pandemic.

Comcast is serving low-income students with its Internet Essentials product. This product is available to homes that are eligible for the National School Lunch Program, Housing Assistance, Medicaid, SNAP, and SSI. The low-income program got its genesis in 2011 as a requirement for the Comcast acquisition of NBC Universal. The company reluctantly offered the product at first, but after growing to 2.6 million households by 2013, the company decided to keep this as a product.



At the start of the pandemic, Internet Essentials offered speeds of 15 Mbps download and 2 Mbps upload. In March 2020 Comcast increased the speeds to 25/3 Mbps. The company worked out deals with some school systems to provide a few months of the product for free.

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Comcast recently announced that it will increase the speed of the product to 50/5 Mbps on March 1. Comcast recently reported that it has over 8 million households using the product.

Charter has a similar product called Spectrum Internet Assist that delivers 30/3 Mbps for \$14.99 with a WiFi router for \$5 per month. During the pandemic, Charter has offered qualifying new subscribers two months of free service for any internet product up to 100 Mbps.

A recent article in *BuzzFeed* documents how students have been pushing back against Comcast, which may have been part of the impetus to increase speeds for Internet Essentials. The article tells of a family with only two students that were unable to both work on the Comcast connection at the same time. The Internet Essentials product is good enough for one student, but not two.

Comcast has been pushing back on criticism of Internet Essentials all year saying that the 25/3 Mbps product is adequate because it meets the FCC's definition of broadband. But the fact that the company will be increasing the speed to 50/5 Mbps shows that the company recognizes that 25/3 Mbps is not adequate broadband for many households.

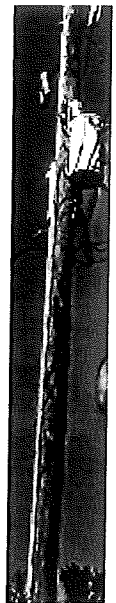
This raises the bigger question of how best to provide broadband to low-income homes. While the two programs from the cable companies are inexpensive, they also provide inferior broadband. It feels like the companies are punishing households for not having enough money for a full subscription.

For example, consider the low-income broadband product at EPB in Chattanooga, the municipal broadband provider that delivers over fiber. EPB offers a low-income product of 100/100 Mbps for \$26.99, less than half of normal broadband priced at \$57.99. This is the identical product delivered to customers paying the full price. The City would like to offer the product for a lower price, but Tennessee law prohibits municipal broadband systems from offering a subsidized product.

The real problem that families are having with the cable company broadband products is the slow upload speeds. Limiting upload speeds to 3, 4, or 5 Mbps is inadequate for students trying to function from home or adults trying to work from home.

During this last year of the pandemic, we have done surveys in a number of cities where households are struggling with the normal cable upload products that have upload speeds between 10 Mbps and 20 Mbps. In the four cities we've most recently surveyed, about one-third of households say that their cable broadband product is not adequate for working or schooling from home.

The cable companies face a huge dilemma. They know the upload speeds on their network are inadequate. They also know that fixing the problem is going to be incredibly expensive. At a minimum, a cable company would have to undertake what is known as a mid-split to bring the faster upload speeds to something faster like 50 Mbps. The mid-split option has been available under the DOCSIS 3.1 standard, but few cable companies upgraded the upload portions of networks. The even more expensive upgrade to DOCSIS 4.0 will be available in a few years to



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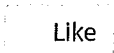
bring symmetrical bandwidth.

Since cable networks are already overloaded, it's clear that the cable companies don't want to provide full bandwidth to customers that aren't paying full price, so they are treating low-income subscribers as second-class citizens. Perhaps they should look at the EPB example and charge more. Why not also offer a \$30 product that has better upload speeds?

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Posted by CCGConsulting in Current News

← **Let's Bring Telecom Manufacturing Back to the US**

# 3 thoughts on “How Good is Low-Income Broadband?”



Bobby Vassallo  
February 18, 2021 at 8:11 am

In Dallas, AT&T red-lined areas of our city, leaving our income-challenged without useable internet. I've tested 3x1 and lower. Then, City of Dallas leaders reward them with a 4 million a year subsidy to improve services in the areas They red-lined. Lobbying continues. The Dallas City Council should be fining them, or better, take it's business elsewhere.

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CCGConsulting  
February 18, 2021 at 8:23 am

Completely agree!

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# Comcast CEO: Cable results nothing short of exceptional as broadband reaches new heights

by Mike Robuck |  
Jan 28, 2021 11:11am

Comcast shatters several broadband subscriber records for the full year and fourth quarter of 2020. (Comcast)

While the pandemic helped propel Comcast's record year for broadband in 2020, Comcast CEO Brian Roberts said during Thursday morning's earnings call that his company's years of investments was on full display.

Comcast shattered several broadband records for the full year and fourth quarter of 2020 including the addition of 538,000 broadband subscribers in the fourth quarter and 2 million net broadband adds for the year, both of which were records.

"High speed internet drove our highest ever full year net customer relationship additions of 1.6 million, bringing us to 33 million total customer relationships," Roberts said on the earnings call. "Yet with just only 50% penetration of our footprint, there remains plenty of opportunity for future growth."

For the fourth quarter, Comcast had customer relationship net adds of 455,000 which was a record for the fourth quarter. The 1.6 million customer net adds for the year also set a new record.

"This year's cable results with nothing short of exceptional hitting a number of company records," Roberts said. "By proactively managing our network, increasing broadband speeds, expanding our Internet Essentials program for low income households, providing payment plans for customers struggling the most, and offering Peacock and Flex for free, this pandemic has forced us to rethink the way we operate and service our customers."

Once the pandemic started to take-off last year, Comcast sent its customer care reps home to work. Roberts said that work-from-home has gone so well for those reps that Comcast is "leaning towards embracing this model permanently."

Roberts said Comcast also expanded its self-installation eligibility. Currently, over two thirds of Comcast's customers are connecting to its services by self-install kits.

Comcast also saw increased adoption of its digital customer service tools during the pandemic including the use of its Xfinity Assistant. Xfinity Assistant is Comcast's cross-channel, virtual

customer service tool. Xfinity Assistant answers customers' questions around the clock without them needing to stop what they're doing to call customer service reps.

While Comcast's digital service tools made installs safer for customers and technicians, they also reduced agent handled calls by over 16 million and truck rolls by 1.6 million, all while adding new customer relationships, according to Roberts.

"Broadband is the cornerstone of what we do," Roberts said. "Powered by our robust, flexible and reliable network, and the many years of investments we've made have been on full display. We've continued to enhance our market leading competitive position, while keeping people connected, protected, informed and entertained."

While 2020 was a banner year for Comcast's broadband results, executives on the earnings call noted that it was somewhat of an anomaly due to the pandemic. Comcast had been building broadband momentum in prior years, and for that reason 2019 is a better measuring stick going forward into 2021, according to Comcast execs.

David Watson, president and CEO of Comcast Cable, said during the Q&A that Comcast's increase in broadband subscribers last year were the result of taking market share from telco's DSL, wired and wireless services as well as an expanded market.

While Comcast's addition of 538,000 broadband subscribers in Q4 was notable, it will be interesting to see how many new broadband subscribers Charter Communications has when it reports its earnings on Friday. In Q3, Charter added 537,000 broadband subscribers.

### **Comcast by the numbers**

Comcast posted fourth-quarter net profit of \$3.38 billion, or 73 cents a share, beating FactSet analyst estimates. Revenue was down 2.4% to \$27.71 billion. Overall, Comcast's cable communications division accounted for \$15.7 billion in revenue, up 6.3%.

Comcast's shares were up by about 4% in early morning trading following its earnings report.

# Almost Half of All Pay-TV Customers Are Likely to Cut the Cord This Year

Published 3 days ago on Jan 29, 2021

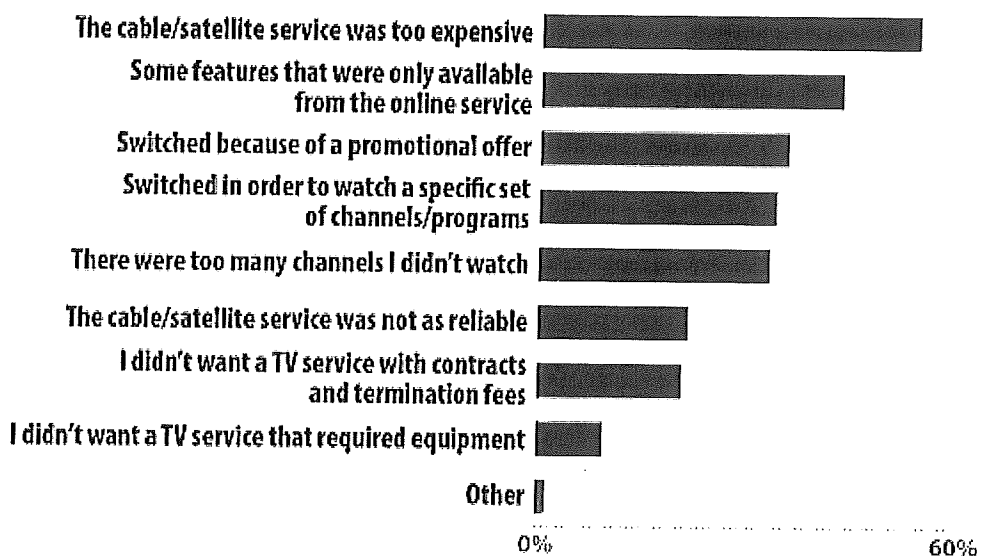
Tmera Hepburn

A new report by Parks Associates reveals that it's likely 43% of all broadband households in the U.S. paying for traditional TV will switch to streaming options within the next 12 months. The main reason? Cable is too expensive. There's big incentive for TV subscribers to cut the cord in favor of Virtual Multichannel Video Programming Distributors like Hulu + Live, YouTube TV, Sling, and more, with cost being just one of the reasons.

The Parks research shows that 17% of vMVPD subscribers are relative newcomers who jumped the traditional Pay TV ship within the last 12 months. Some of their main reasons for making the switch in addition to price include the appeal of the flexibility vMVPDs offer by providing targeted package options on a variety of platforms.

## Reasons for Switching from Traditional to Online Pay-TV Service

US Broadband Households that Switched from Traditional to Online Pay TV in the Prior 12 Months



© Parks Associates



Recent cord cutters also cite switching in order to watch specific channels or programs they couldn't get with their traditional pay TV package. With dozens of new streaming-only shows and movies being released all the time, it's obvious people want to be in on the popular originals that come with streaming services and packages.

Plus, people who made the switch in the last 12 months also say there were too many channels they didn't watch on regular TV to justify paying for it.

"Subscriber losses in traditional pay TV continue, while the vMVPD category continues to grow, thanks to consumer price sensitivity and preferences for platform flexibility," said Paul Erickson, Senior Analyst, Parks Associates. "Traditional pay-TV operators have online delivery in their roadmaps, if not already deployed. We expect vMVPDs will continue to grow dramatically and will gradually become the dominant offering in the pay-TV landscape."

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# The fight to make Netflix and Hulu pay cable fees

A Georgia lawsuit is pushing to expand TV franchising rules

By [Adi Robertson@thedextriarchy](mailto:Adi.Robertson@thedextriarchy) Jan 20, 2021, 12:11pm EST  
*Illustration by Alex Castro / The Verge*

Streaming services are slowly turning into cable TV — complete with bundles, an ever-growing list of channels, and a reinvented TV guide. And a series of lawsuits could portend the return of something even worse: the hidden cable fee.

Three municipalities in Georgia are suing Netflix, Hulu, and other streaming video providers for as much as 5 percent of their gross revenue in the district — joining a nationwide group of towns and counties that want these services regulated more like cable TV. It's a small but growing front in the war over cord-cutting, challenging regulators to decide which matters more: the increasing role streaming services play in American media diets or their significant practical differences from traditional TV.

Missouri paved the way for pushing streaming franchise fees

The federal lawsuit, reported earlier this month by Atlanta Business Chronicle, was originally filed in state court last year. It argues that Netflix and Hulu — along with satellite providers Dish Network and DirecTV, as well as Disney's entertainment distribution division — violated a 2007 law called the Georgia Consumer Choice for Television Act. That rule specifies that “video services” must pay a quarterly franchise fee to local governments, unless they're part of a larger internet service package or operate wirelessly.

Georgia isn't the only place where local towns are pushing for streaming fees. As The Hollywood Reporter reported last year, two law firms recently filed similar suits on behalf of towns in Texas, Indiana, Ohio, and Nevada. And in 2018, the city of Creve Coeur, Missouri paved the way by suing Netflix and Hulu under that state's franchise laws. With municipal budgets cratered by the pandemic, slapping a franchise fee on cash-heavy tech companies has never been more appealing.

A single successful lawsuit could cost these companies millions. Gwinnett County, one of three municipalities named in the suit, charges 5 percent of a company's local gross revenue in franchising fees. A filing calculates that Netflix made \$103 million from Gwinnett County subscribers over the past five years — which would translate to \$5.15 million in retroactive fees for that area alone. (Netflix declined to comment on the numbers cited in the story.) The plaintiffs in these cases are seeking class action status, which would make companies liable for any “similarly situated” state locales as well.

TV providers have opted to directly bill subscribers for franchise fees, and companies like Netflix and Hulu could follow their lead, passing the costs to users. Those fees aren't why cable costs so much, and they help fund important services — but they're also something many consumers find irritating or bewildering.

If the cases succeed and aren't preempted by any federal laws, they could draw streaming services — a category that's exploded in popularity — under a new regulatory umbrella. Even traditional TV providers have moved to online streaming: the suit notes that Dish and DirecTV chose to “fundamentally change” their satellite-only options by adding services like the Dish-owned Sling TV, which routes live TV over broadband networks.

The Georgia suit in particular could have broader, potentially unpredictable effects. Its definition seems to potentially encompass many smaller and less profitable streaming video companies, although there's far less incentive to sue them. Meanwhile, the exemption for internet service packages could give telecom-run streaming offerings — like Comcast-owned NBCUniversal's Peacock service — a built-in advantage over competitors like Netflix.

The Consumer Choice for Television Act wasn't passed with streaming video in mind. Passed in 2007, the law amended existing rules meant for cable TV providers, which pay franchise fees for the right of way to lay wires along public infrastructure like roads. “It's a remnant of how we did cable franchising,” says John Bergmayer, legal director of the internet-focused nonprofit Public Knowledge. And it specifically exempts some services that don't require that physical access, like programming from mobile services.

Despite this, the municipalities contend that streaming companies tick the same legal boxes as cable TV. The complaint says people are getting a similar service; in the complaint's words, they “view professionally produced and copyrighted television shows, movies, documentaries, and other programming.” More technically, it argues that this programming counts as a “video service” because it's carried over public internet lines that require the right of way.

But conversely, the suit also notes that streaming giants like Netflix aren't *just* running over a global internet backbone. They're building local content delivery networks (or CDNs), like Netflix's Open Connect, which route user traffic to a nearby server. Internet service providers in many states — including Georgia — already pay for broadband rights of way, and the servers are located in data centers, not underground pipes or utility poles on public land.

An early January ruling favored fee-seeking cities

The companies have objected to the string of franchise fee lawsuits. “These cases falsely seek to treat streaming services as if they were cable and internet access providers, which they aren't,” a Netflix spokesperson told *The Verge*. “They also threaten to place a tax on consumers that the legislature never intended, and we are confident that the courts will conclude that these cases are meritless.”

Franchise fee claims — all based on different local laws — remain mostly untested in court. But earlier this month, a Missouri state judge rejected an early bid to toss that state's lawsuit,

agreeing with the claim that these companies were “video service providers.” The judge specifically noted the presence of CDNs like Open Connect, a system that “bypasses the ‘public internet’” and distinguishes streaming giants from smaller services. She also rejected claims that the federal Internet Tax Freedom Act provided blanket protection from the fees.

With little precedent, it may take years to understand the implications of these cases. Companies will likely appeal any decision, and unless the Supreme Court takes up one of the cases, states will be covered under a patchwork of lower court rulings. But an increasing number of local governments see these fees as an opportunity to recover money from the services that are slowly replacing cable TV. “They need money now, and they’ve got this law on the books,” says Bergmayer. With the status of streaming services in flux, they’ve settled on an optimistic approach: “let’s go for it and see what happens.”

# Comcast data cap blasted by lawmakers as it expands into 12 more states

## Data cap harms poor people and isn't needed to manage network, Mass. reps say.

Jon Brodtkin - 1/5/2021, 1:10 PM

Dozens of state lawmakers from Massachusetts urged Comcast to halt enforcement of its 1.2TB monthly data cap, saying the cap hurts low-income people during the pandemic and is unnecessary because of Comcast's healthy network capacity.

"Network capacity is not an issue for Comcast or a valid excuse to charge customers more," 71 state lawmakers wrote in the letter last week, one day before Comcast brought its data cap to Massachusetts and other states where it wasn't already enforced. "Comcast itself claims it has plenty of capacity across its network, including areas where no caps are currently imposed... It is inconceivable that Comcast would choose to impose this 'cap and fee' plan during a pandemic, when many Massachusetts residents are forced to work and attend school from home via the Internet."

The letter said the lawmakers "strongly urge Comcast to discontinue this plan, and to reconsider any future attempts at imposing a data cap or any perversion of the principles of net neutrality in Massachusetts." The lawmakers also pointed out a statement by Comcast executive Tony Werner, who said the increased broadband traffic caused by the pandemic "has all been within the capability of the network."

Comcast expanded its 1.2TB monthly data cap to its entire 39-state territory this month after four years of enforcing the cap in 27 of those states. Besides Massachusetts, newly capped areas include Connecticut, Delaware, Maryland, Maine, New Hampshire, New Jersey, North Carolina, New York, Pennsylvania, Vermont, West Virginia, and the District of Columbia.

## More users exceeding 1.2TB per month

The letter to Comcast Senior VP Mark Reilly, spearheaded by Democratic state Reps. Andy Vargas and Dave Rogers, disputed Comcast's claim that a 1.2TB cap only affects a very small subset of customers it calls "super users." The lawmakers wrote:

Comcast claims that its planned data cap will only affect a handful of customers that are extreme data users, however, Internet consumers are using greater amounts of Internet data every year. In 2016, Comcast itself estimated that just 1 percent of customers used 1 terabyte of data or more a month. However, recent statements by Comcast indicate that five times as many customers are now exceeding its planned 1.2 terabyte threshold. Ongoing studies also show a growing number

of consumers are exceeding these arbitrary caps, forcing them to pay unjustified overlimit fees or subscribe to a costly unlimited plan for as much as \$30 more a month.

Comcast charges an extra \$30 per month for unlimited data, or \$25 for the "xFi Complete" add-on package that includes the Comcast gateway device and unlimited data. Customers who don't upgrade to unlimited data and exceed the 1.2TB cap must pay \$10 for each additional block of 50GB, up to a maximum of \$100 each month. Comcast is phasing in the charges gradually, so customers in newly capped areas could start getting overage charges for their April 2021 usage.

Advertisement

## Overage fees expand digital divide

Broadband affordability was a problem for low-income households even before the pandemic, and imposing data caps and overage fees will make it worse, the lawmakers told Comcast.

"Internet affordability is a growing concern that puts much-needed Internet service out of reach of low-income citizens, many who are also from communities of color," they wrote. "Entering the COVID-19 pandemic, nearly one-quarter of Massachusetts' Gateway City households did not have a subscription Internet service at home. Additional fees and caps will only embolden the digital divide that exists for low-income households and communities of color in the Commonwealth."

The lawmakers also wrote that "Massachusetts has experienced the largest relative increase of food-insecure individuals in the nation due to COVID-19, and has suffered some of [the] highest unemployment rates in the nation. The last thing our constituents need is to worry about paying more for the same quality of Internet service."

Comcast does offer a \$10 monthly Internet plan to qualifying low-income households, and the company has been praised by consumer advocates for improving and expanding the program during the pandemic. Comcast also temporarily waived its data cap due to the pandemic starting in March 2020 but reinstated the cap in July.

## "A very small percentage"

We contacted Comcast about the letter today and will update this article if we get a response. Comcast provided a statement to WCVB, a local news station, reiterating its stance that the cap affects only "a very small percentage" of customers "because 1.2TB is a massive amount of data."

"Our data plan is structured in a way that the very small percentage of our customers who use more than 1.2TB of monthly data and generate the greatest demand for network development and capacity pay more for their increased usage. For those super users, we have unlimited data options available," Comcast said. Comcast also pointed out that it is giving 60 days of free service to new customers who qualify for the low-income program, that it is "waiving the

requirement of not having back debt due so more families can apply," and making Wi-Fi hotspots available to the public for free.

# The 1996 Law That Ruined the Internet

Why I changed my mind about Section 230.

January 3, 2021

*Steve Randy Waldman*

*Software developer and economics commentator*

In the United States, you are free to speak, but you are not free of responsibility for what you say. If your speech is defamatory, you can be sued. If you are a publisher, you can be sued for the speech you pass along. But online services such as Facebook and Twitter can pass along almost anything, with almost no legal accountability, thanks to a law known as Section 230.

President Donald Trump has been pressuring Congress to repeal the law, which he blames for allowing Twitter to put warning labels on his tweets. But the real problem with Section 230, which I used to strongly support, is the kind of internet it has enabled. The law lets large sites benefit from network effects (*I'm on Facebook because my friends are on Facebook*) while shifting the costs of scale, like shoddy moderation and homogenized communities, to users and society at large. That's a bad deal. Congress should revise Section 230—just not for the reasons the president and his supporters have identified.

When the law was enacted in 1996, the possibility that monopolies could emerge on the internet seemed ludicrous. But the facts have changed, and now so must our minds.

In the early 1990s, emerging digital technologies created a quandary. Online public forums, on which users are able to post whatever they'd like, were one of the earliest and most exciting applications of digital networks. But hosting such a forum was arguably akin to a newspaper publishing a Letters to the Editor page without bothering to read the letters, which would be a prescription for legal catastrophe.

In two landmark cases, courts began to grapple with the issue. In 1991, a federal court ruled that the online service CompuServe was a mere distributor, rather than a publisher, of the material that it hosted, and so was not liable for its content. Its competitor Prodigy, however, was deemed to be liable in a New York state court ruling four years later, because Prodigy moderated user forums. By acting as an editor and not a mere conduit, the court reasoned, Prodigy made itself a publisher rather than a distributor.

In 1996, Congress passed the Communications Decency Act, a law meant to crack down on digital smut. From a decency perspective, the legal standard that had emerged from the CompuServe and Prodigy lawsuits seemed, well, perverse. Prodigy was liable because it had tried to do the right thing; CompuServe was immune because it had not. So Section 230 of the act stipulated that providers of internet forums would not be liable for user-posted speech, even if they selectively censored some material.



Much of the Communications Decency Act was quickly struck down by the Supreme Court, but Section 230 survived. It quietly reshaped our world. Courts interpreted the law as giving internet services a so-called safe harbor from liability for almost anything involving user-generated material. The Electronic Frontier Foundation describes Section 230 as “one of the most valuable tools for protecting freedom of expression and innovation on the Internet.” The internet predated the law. Yet the legal scholar Jeff Kosseff describes the core of Section 230 as “the twenty-six words that created the internet,” because without it, the firms that dominate the internet as we have come to know it could not exist. Maybe that would be a good thing.

Services such as Facebook, Twitter, and YouTube are not mere distributors. They make choices that shape what we see. Some posts are circulated widely. Others are suppressed. We are surveilled, and ads are targeted into our feeds. Without Section 230 protections, these firms would be publishers, liable for all the obscenity, defamation, threats, and abuse that the worst of their users might post. They would face a bitter, perhaps existential, dilemma. They are advertising businesses, reliant on reader clicks. A moderation algorithm that erred on the side of a lawyer’s caution would catch too much in its net, leaving posters angrily muzzled and readers with nothing more provocative than cat pics to scroll through. An algorithm that erred the other way would open a floodgate of lawsuits.

But the internet is not Facebook or Twitter, and it shouldn’t be. Fifteen years ago the major social-media platforms barely existed. Was the internet better or worse? The online public square, now dominated by Twitter, was then constituted of independent blogs aggregated by user-curated feeds. Bloggers are publishers, legally responsible for their posts, but the blogosphere was not noted for its blandness. White-hot critique was common, but defamation and abuse were not—except in unmoderated user comments, for which bloggers could disclaim responsibility, thanks to Section 230.

In a democracy, public conversation is a kind of collective cognition. Before the internet, Americans thought together in pamphlets and newspapers. On the early internet, we thought together in blogs and journals. Today we think together on Twitter and Facebook and within the shrinking circle of journalism’s survivors. Which internet did a better job of keeping Americans informed? Which internet was more open, in the sense of permitting unknown voices with valuable insights to gain a hearing?

Forums where people can chat and post would continue to exist without Section 230. We know this because few countries offer internet platforms such sweeping protections but small user forums are everywhere. What distinguishes the United States is that it is home to gigantic, ad-driven sites like Facebook, Twitter, Google, and YouTube.

In practice, the effect of Section 230 has not been to enable experimentation or free expression but to allow leading websites to operate on a massive scale. When you are legally responsible for what happens on your site, you have to moderate the content that appears there. But moderating well is hard. You hope to encourage thoughtful participation of parties who might be hurt by incautious speech but also parties who might feel stifled by overcaution. Moderation becomes harder as the scale and scope of a community grow. Speech that would be great fun in a mixed-martial-arts forum might be disruptive or even harmful in a forum for trauma survivors.

Managing a community of both would be challenging. A pluralistic society embraces a wide variety of communities, porous but meaningfully distinct, each with its own culture. In law, the phrase “community standards” signifies a deference to the heterogeneity of norms regarding appropriate expression. In an ironic, even Orwellian, turn, social-media titans have repurposed the phrase to describe their own one-size-fits-all rules, to which every community must now defer or be excluded from the arteries of contemporary civil society.

Without Section 230, the costs and legal jeopardy associated with operating user forums would grow with the size of the forum. Courts apply speech laws with careful sensitivity to context. Most of the time, “I’m gonna kill you!” is not a criminal threat. Occasionally it is. In smaller forums with well-defined norms, it’s easy for both users and moderators to tell the difference. In a nowhere land of everybody, it’s just hard to know. With less context but deep pockets, large forums would have to err on the side of dull caution. Small forums would not.

A more plural internet would be a freer internet, as different communities could have wildly divergent standards about permissible expression. By creating the conditions under which we are all herded into the same virtual space, Section 230 helped turn the internet into a conformity machine. We regulate one another’s speech through shame or abuse, but we have nowhere to go where our own expression might be more tolerable. And while Section 230 immunizes providers from legal liability, it turns those providers into agents of such concentrated influence that they are objects of constant political concern. When the Facebook founder Mark Zuckerberg and the Twitter founder Jack Dorsey are routinely (and justifiably!) browbeaten before Congress, it’s hard to claim that Section 230 has insulated the public sphere from government interference.

Before the internet, we had a communications ecosystem that included network television, metropolitan daily newspapers, niche journals and magazines, and theater and film that audiences chose with their feet to attend. A film might be breathtaking and provocative but not appropriate for prime-time TV. Contemporary social media have swallowed this diversity of forums. Revising Section 230 would be a blow to platforms like Facebook and Twitter. It would force them into the niche that network television once occupied: ubiquitous but consequently bland. A new legal standard should encourage websites to moderate content posted by users (as Section 230 was intended to do), and it should recognize that forums for mixed-martial-arts fans and trauma survivors might apply different norms. But a new standard should not immunize hosts from risk of liability (as Section 230 does) even after notice that material they are hosting is defamatory, threatening, or otherwise unlawful.

In many cases, providers will be correct—and courageous—*not* to take down material to which some party objects, even under threat of lawsuit. Making affirmative choices about what a broader public ought to see, in spite of controversy, is the very essence of what it means to be a publisher. Online publishers should enjoy the same legal protections as the countless pamphleteers and newspaper editors who came before them, but they should also bear the same responsibility to justify their choices.

Courage requires human judgment, the shirking of which forms the basis of the social-media business model. If made liable for posts flagged as defamatory or unlawful, mass-market platforms including Facebook and Twitter would likely switch to a policy of taking down those

posts automatically. Incentives would shift: Mass platforms would have to find a balance among maximizing viewership, encouraging responsible posting, and discouraging users who frivolously flag other people's posts. They would no longer get a free pass when publishing ads that are false or defamatory. Even these platforms' highest-profile users could not assume that everything they posted would be amplified to millions of other people.

Vigorous argument and provocative content would migrate to sites where people take responsibility for their own speech, or to forums whose operators devote attention and judgment to the conversations they host. The result would be a higher-quality, less consolidated, and ultimately freer public square.

*Steve Randy Waldman, a software developer and economics commentator, writes at [interfluidity.com](http://interfluidity.com).*