

NORTH METRO TELECOMMUNICATIONS COMMISSION MEETING

September 15, 2021

6:00 p.m.

1301 81st Ave NE

Spring Lake Park, Minnesota

AGENDA

1. Call to Order/Roll Call
2. Public Comments
3. Changes to the Agenda
4. Consent Agenda [pp. 1-14](#)
 - a. Minutes of regular meeting of June 16, 2021
 - b. Minutes of Operations Committee meeting of September 7, 2021
 - c. Minutes of Executive Committee meeting of September 1, 2021
 - d. June, July, and August 2021 financial reports and bill lists
5. Executive Director Report
 - a. Monthly Report [pp. 15-22](#)
6. Legal Counsel Report [pp. 23-28](#)
 - a. Monthly Report
7. Old Business
8. New Business
9. Recommended Reading [pp. 29-41](#)
10. Community Calendar
 - A. Next Meeting Dates:
 - a. Operations Committee – October 5, 2021
 - b. Executive Committee – October 6, 2021
 - c. Cable Commission – October 20, 2021
11. Adjournment

NORTH METRO TELECOMMUNICATIONS COMMISSION

UNAPPROVED MINUTES

Commission Meeting – June 16, 2021

CALL TO ORDER

Chair B. Nelson called the regular meeting of the North Metro Telecommunications Commission to order at 6:02 p.m.

ROLL CALL

Directors Present: Julie Jeppson; Blaine, D. Love; Centerville, Dale Stoesz; Lino Lakes, Bob Nelson; Spring Lake Park

Directors Absent: Steve McChesney; Circle Pines, Jesse Wilken; Ham Lake, Brandon Winge; Lexington

Others Present: Heidi Arnson; Executive Director

PUBLIC COMMENT

There was no public comment.

CHANGES TO THE AGENDA

There were no changes to the agenda.

CONSENT AGENDA

- **Minutes, Bill Lists, Financial Reports**

The May 19, 2021 NMTC meeting minutes, June 1, 2021 Operations Committee meeting minutes, June 2, 2021 Executive Committee Minutes and the May bill list and financial reports were approved as presented. **Motion for approval made by D. Stoesz. Second, J. Jeppson. Motion passed unanimously.**

REPORT OF EXECUTIVE DIRECTOR

H. Arnson reported on the following items:

- North Metro TV's production schedule has returned to normal. Summer events such as graduations, parades, city festivals, USA Cup Soccer, and safety

camp are back in production. The first in-person video production class series in over a year has been scheduled for mid-July.

- NMTV has two new employees through a partnership with the Anoka County Job Training Center. Two young men with interests in media will be learning all about video production and helping in the public access department.
- A freelancer has been hired to cover Centerville meetings.
- The proposed 2022 North Metro Telecommunications budget was discussed. The difficulty of estimating income, considering possible variables, was noted. The budget, and areas for possible reduction, was reviewed. The introduction of closed captioning, purchasing fewer channel servers, and eliminating the COLA increase were talked about as areas that could be revisited if income levels do not meet expectations. Other variables included the use of reserves and PEG fees returned to Member Cities. The Operations Committee had recommended approving the budget as presented, with the understanding that it could be reviewed at a later date should income levels not match estimates.

MOTION: To approve the 2022 North Metro Telecommunications budget, as presented. **Motion for approval made by J. Jeppson. Second, D. Love. Motion passed unanimously.**

- The Sixth Circuit Court of Appeals reached a decision regarding the appeal of the FCC's Third Report and Order regarding franchise fees. The Court upheld the Order, meaning that some services, which were previously provided at no cost to the Commission, will now have a cost. Originally the Order stated that cable companies could charge market rates for certain services, but the Court ruled that only the "marginal cost" could be recovered. What those costs will be is unknown at this time.

REPORT OF LEGAL COUNSEL

- A report was included in the packet.

OLD BUSINESS

There was no old business.

NEW BUSINESS

- It was recommended that the July and August Executive Committee and full Commission meetings be canceled. A meeting can be rescheduled if necessary.

MOTION: To approve canceling the July and August Executive Committee and Cable Commission meetings. **Motion for approval made by D. Love. Second, D. Stoesz. Motion passed unanimously.**

COMMUNITY CALENDAR

1. Meetings have been canceled for the summer.

ADJOURN

The meeting was adjourned at 6:31 p.m. **Motion for approval made by J. Jeppson. Second, D. Stoesz. Motion passed unanimously.**

Julie Jeppson; Secretary, NMTC

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

Tuesday, September 7, 2021

CALL TO ORDER

The meeting began at 11:07 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

D. Buchholtz, B. Petracek

OTHERS PRESENT

H. Arnson

APPROVAL OF MEETING NOTES

The meeting notes of June 1, 2021 were approved by consensus.

EXECUTIVE DIRECTOR REPORT

- Comcast 2nd Quarter franchise and PEG fee reports were reviewed.
- A list of COVID related expenses incurred by North Metro TV, after expenses previously reimbursed via the Cities, through a CARES Act grant, was presented. The Committee had previously recommended that such a list be compiled. H. Arnson requested that, if appropriate, the expenses be reimbursed through any applicable funding available for such purposes. The Committee will consider the request.
- Possible changes to city Carousel page designs were introduced. For Cities currently utilizing a split screen design, the changes could result in a larger video block and the addition of social media feeds. Discussions will ensue with applicable city staff regarding the available design changes. Discussion was also had regarding the timing of updates to information on Carousel pages and how best to facilitate that.
- Updates were given regarding the franchise renewal process and the 6th Circuit Court decision regarding franchise fees.

OLD BUSINESS

- Inquiries were made regarding the 2022 budgeted amounts for staff COLA increases and benefits packages. The process for determining the amounts was reviewed, and concerns whether the amounts were keeping up with market rates were addressed.

NEW BUSINESS

- It was noted that the Operations Committee is charged with the Executive Director's annual review. M. Wolfe will provide a format for that review at the October meeting.

ADJOURNMENT

The meeting was adjourned at 12:09 p.m.

EXECUTIVE COMMITTEE MINUTES

Meeting of September 1, 2021

Executive Cmte. Present: Dale Stoesz; Lino Lakes, Julie Jeppson; Blaine, Bob Nelson; Spring Lake Park

Absent: Brandon Winge; Lexington

Others Present: Heidi Arnson; Executive Director

CALL TO ORDER

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

APPROVAL OF MINUTES

A motion to approve the June 2, 2021 Executive Committee meeting minutes was made by D. Stoesz. Second, J. Jeppson. Motion passed unanimously.

EXECUTIVE DIRECTOR / OPERATIONS COMMITTEE REPORT

- The Committee reviewed Comcast's 2nd Quarter franchise and PEG fee reports.
- H. Arnson provided a list of COVID related expenses, incurred by North Metro TV, after expenses previously reimbursed via the Cities, through a CARES Act grant. The additional expenses include costs related to building upgrades, PPE and cleaning supplies, video equipment related to changes in how programming is produced, and staff time directly related to COVID influenced equipment changes at city halls. Staff noted that consideration of reimbursement of the expenses would be appreciated, if funds are available for that purpose.
- Possible changes to city carousel page designs were introduced. For those cities utilizing a split screen design, the changes could result in a larger video block and the addition of social media feeds. It was noted that cities could elect to remain with their current design, if they do not wish to change the formatting.
- Updates were given regarding the franchise renewal process and the 6th Circuit Court decision regarding franchise fees.

OLD BUSINESS

- There was no old business.

NEW BUSINESS

- There was no new business.

ADJOURN

Motion to adjourn made by J. Jeppson. Second, D. Stoesz. Motion passed unanimously. The meeting was adjourned at 6:32 p.m.

**NORTH METRO TELECOMMUNICATION
BILL LIST**

JUNE 2021

Date	Check #	Payee	Amount	
JUNE	COMBINED	PAYROLL	41,854.66	WAGES
JUNE	COMBINED	IRS/US PAYABLE	13,651.44	WAGES
JUNE	COMBINED	MN REVENUE PAYABLE	2,310.71	WAGES
JUNE	COMBINED	PERA PAYABLE	7,625.35	WAGES
JUNE	COMBINED	PEACHTREE	44.40	MONTHLY SERVICE
JUNE	COMBINED	DISCOVERY BENEFITS	1,755.57	HEALTH SAVINGS EMPLOYEE
13872	6/1/21	Richard D. Larson	353.50	JANITORIAL
13873	6/3/21	Rusty S. Ray	58.91	EXPENSES
13874	6/4/21	Bradley Law, LLC	5,491.00	LEGAL-GENERAL
13875	6/6/21	Harrington Langer & Associates	2,000.00	ANNUAL AUDIT-FINAL
13876	6/6/21	Heidi Arnson	170.55	EXPENSES
13877	6/7/21	Commercial Steam Team	478.98	SEMI-ANNUAL CARPET CLEANING
13878	6/7/21	Coastal Wintergreen LLC	1,370.00	MONTHLY SERVICE
13879	6/9/21	FirstCom Music	1,922.00	ANNUAL BROADCAST SYNCHRONIZATION
13880	6/10/21	Z Systems	2,998.80	ANNUAL HARDWARE CONTRACTS
13881	6/13/21	Sam Ekstrom	75.00	STIPEND
13882	6/15/21	INTERSTATE COMPANIES, INC	782.00	ANNUAL INSPECT GENERATOR/BUILDING
13883	6/21/21	Jeremy Millington	72.99	EXPENSES
13884	6/25/21	League of MN Cities	51.00	WORK COMP AUDIT
13885	6/28/21	Corporate Mechanical	804.00	SPRING PREVENTIVE MAINTENANCE
EFILE	6/1/21	Virtual Merchant Credit Card	10.00	MONTHLY SERVICE
EFILE	6/1/21	Authorize.Net	33.99	MONTHLY SERVICE
EFILE	6/15/21	Chase Visa Card Services	1,107.64	OS/MEDIA/STUDIO/SFTWR/STAMPS
EPAY-01	6/1/21	Principal Financial Group	485.79	STD/LTD/LIFE/ADD
EPAY-02	6/2/21	POPP TELECOM	219.52	MONTHLY SERVICE
EPAY-03	6/3/21	Comcast	539.67	MONTHLY SERVICE
EPAY-04	6/3/21	T-Mobile	102.16	MONTHLY SERVICE
EPAY-05	6/4/21	Speedway	65.10	GAS/OIL
EPAY-06	6/7/21	Circle K Station Stores	116.54	GAS/OIL
EPAY-07	6/12/21	AT&T Wireless	459.61	MONTHLY SERVICE
EPAY-08	6/14/21	Republic Services	256.33	MONTHLY SERVICE
EPAY-09	6/15/21	CenterPoint Energy	41.16	MONTHLY SERVICE
EPAY-10	6/15/21	Comcast Business 1000M/1000M	1,237.44	MONTHLY SERVICE
EPAY-11	6/16/21	U.S. Bank Card Service	249.68	FEES/ZOOM/AD/MRKT/SPMTG
EPAY-12	6/22/21	HealthPartners	12,385.17	HEALTH/DENTAL
EPAY-13	6/26/21	City of Blaine-utilities	265.39	MONTHLY SERVICE
EPAY-14	6/26/21	Connexus Energy	2,610.84	MONTHLY SERVICE
MAY SALES TAX	6/15/21	MN Dept. of Revenue	103.00	SALES TAX

104,159.89

**NORTH METRO TELECOMMUNICATION
BILL LIST**

JULY 2021

Date	Check #	Payee	Amount	
JULY	COMBINED	PAYROLL	60,953.41	WAGES
JULY	COMBINED	IRS/US PAYABLE	20,337.36	WAGES
JULY	COMBINED	MN REVENUE PAYABLE	3,480.36	WAGES
JULY	COMBINED	PERA PAYABLE	11,368.05	WAGES
JULY	COMBINED	PEACHTREE	66.60	MONTHLY SERVICE
JULY	COMBINED	DISCOVERY BENEFITS	1,177.88	HEALTH SAVINGS EMPLOYEE
13886	7/1/21	Stanley Access Tech LLC	9,400.00	INSTALL/MATERIALS HAND FREE ACCESS
13887	7/1/21	B Harris, Inc.	675.00	MONTHLY SERVICE
13888	7/2/21	Patrick Stonecipher	600.00	STIPEND
13889	7/2/21	Plunketts Pest Control	473.63	MONTHLY SERVICE
13890	7/8/21	INTERSTATE COMPANIES, INC	1,521.71	ANNUAL SERVICE PARTS/LABOR
13891	7/8/21	Richard D. Larson	262.00	JANITORIAL
13892	7/13/21	BIOCLEAN Mobile Wash, Inc.	100.00	TIME/MATERIAL TRUCK WASH
13893	7/13/21	Metro Sales, Inc.	810.00	QUARTERLY CONTRACT
13894	7/15/21	Commercial Plumbing & Heating	6,790.00	AUTO DOOR OPENERS-MULTIPLE
13895	7/18/21	Jeremy Millington	70.68	EXPENSES
13896	7/21/21	Andrea Mayeux	125.00	USA CUP ANNOUNCER
13897	7/29/21	Michael S. Johnson	75.04	MILAGE
13898	7/29/21	Corporate Mechanical	1,613.37	SUMMER PREV MAINT/LEAK CHECK REPAIR
13899	7/29/21	Coastal Wintergreen LLC	1,090.00	MONTHLY SERVICE
EFILE	7/6/21	Dept of Empl and Eco Development	272.74	UNEMPLOYMENT INSC
EFILE	7/1/21	Authorize.Net	43.43	MONTHLY SERVICE
EFILE	7/1/21	Virtual Merchant Credit Card	10.00	MONTHLY SERVICE
EFILE	7/15/21	Chase Visa Card Services	3,637.68	OS/MEDIA/STUDIO/SFTWR/STAMPS
EPAY-01	7/1/21	Principal Financial Group	485.79	STD/LTD/LIFE/ADD
EPAY-02	7/2/21	POPP TELECOM	219.52	MONTHLY SERVICE
EPAY-03	7/3/21	Comcast	539.67	MONTHLY SERVICE
EPAY-04	7/3/21	T-Mobile	102.16	MONTHLY SERVICE
EPAY-05	7/13/21	Speedway	66.59	GAS/OIL
EPAY-06	7/7/21	Circle K Station Stores	258.76	GAS/OIL
EPAY-07	7/12/21	AT&T Wireless	459.61	MONTHLY SERVICE
EPAY-08	7/14/21	Republic Services	257.75	MONTHLY SERVICE
EPAY-09	7/15/21	Comcast Business 1000M/1000M	1,237.44	MONTHLY SERVICE
EPAY-10	7/16/21	U.S. Bank Card Service	42.92	ZOOM/AD/MRKT
EPAY-11	7/22/21	HealthPartners	12,385.17	HEALTH/DENTAL
EPAY-12	7/26/21	City of Blaine-utilities	425.88	MONTHLY SERVICE
EPAY-13	7/26/21	Connexus Energy	2,309.44	MONTHLY SERVICE
JUNE SALES TAX	7/15/21	MN Dept. of Revenue	144.00	SALES TAX
			<u>143,888.64</u>	

**NORTH METRO TELECOMMUNICATION
BILL LIST**

AUGUST 2021

Date	Check #	Payee	Amount	
AUGUST	COMBINED	PAYROLL	40,586.92	WAGES
AUGUST	COMBINED	IRS/US PAYABLE	13,417.41	WAGES
AUGUST	COMBINED	MN REVENUE PAYABLE	2,291.80	WAGES
AUGUST	COMBINED	PERA PAYABLE	7,510.15	WAGES
AUGUST	COMBINED	PEACHTREE	44.40	MONTHLY SERVICE
AUGUST	COMBINED	DISCOVERY BENEFITS	1,177.88	HEALTH SAVINGS EMPLOYEE
13900	8/4/21	Bradley Law, LLC	3,478.25	LEGAL-GENERAL
13901	8/4/21	Z Systems	1,077.00	STUDIO UPGRADES
13902	8/4/21	Richard D. Larson	438.75	JANITORIAL
13903	8/13/21	Z Systems	1,510.89	STUDIO UPGRADES
13904	8/16/21	Coastal Wintergreen LLC	1,075.00	MONTHLY SERVICE
13905	8/18/21	Cooper G. Anderson	320.00	STIPEND
13906	8/30/21	Aid Electric Corporation	175.46	BALAST/BULB REPAIR
EFILE	8/1/21	Authorize.Net	36.69	MONTHLY SERVICE
EFILE	8/15/21	Chase Visa Card Services	8,359.38	OS/MEDIA/STUDIO/SFTWR/STAMPS
EFILE	8/1/21	Virtual Merchant Credit Card	10.00	MONTHLY SERVICE
EPAY-01	8/1/21	Principal Financial Group	520.21	STD/LTD/LIFE/ADD
EPAY-02	8/2/21	POPP TELECOM	218.64	MONTHLY SERVICE
EPAY-03	8/3/21	Comcast	539.67	MONTHLY SERVICE
EPAY-04	8/3/21	T-Mobile	102.16	MONTHLY SERVICE
EPAY-05	8/4/21	Speedway	30.60	GAS/OIL
EPAY-06	8/7/21	Circle K Station Stores	37.94	GAS/OIL
EPAY-06	8/18/21	Circle K Station Stores - Sept	60.27	GAS/OIL
EPAY-07	8/12/21	AT&T Wireless	507.47	MONTHLY SERVICE
EPAY-08	8/14/21	Republic Services	258.46	MONTHLY SERVICE
EPAY-09	8/15/21	CenterPoint Energy	9.92	MONTHLY SERVICE
EPAY-10	8/15/21	Comcast Business 1000M/1000M	1,237.44	MONTHLY SERVICE
EPAY-11	8/16/21	U.S. Bank Card Service	42.92	ZOOM/AD/MRKT
EPAY-12	8/22/21	HealthPartners	12,385.17	HEALTH/DENTAL
EPAY-13	8/26/21	City of Blaine-utilities	514.18	MONTHLY SERVICE
EPAY-14	8/26/21	Connexus Energy	2,213.92	MONTHLY SERVICE
JULY SALES TAX	8/3/21	MN Dept. of Revenue	149.00	SALES TAX

100,337.95

North Metro Telecommunications Commission

Balance Sheet

August 31, 2021

ASSETS

Current Assets

Cash - Checking Account	\$ 2,575,896.24
Petty Cash	150.00
A/R - NMTC	186,065.07
Prepaid Insurance - NMTC	11,527.00

Total Current Assets 2,773,638.31

Property and Equipment

Office Equipment - NMTC	1,467,850.06
Accum Deprec - NMTC	(3,132,658.47)
Bond Equipment 2016	1,985,000.00
Building-Polk/125	1,572,799.17
Land-Polk/125	225,700.00

Total Property and Equipment 2,118,690.76

Other Assets

Deferred Out Related/Pension	41,394.00
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Total Other Assets 41,394.00

Total Assets \$ 4,933,723.07

LIABILITIES AND CAPITAL

Current Liabilities

A/P - NMTC	\$ 7,713.67
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	108,767.65
Accrued Wages	18,979.52
Franchise Fee App	895,288.37
Due to City of Blaine	447,038.00
Due to City of Centerville	27,722.00
Due to City of Circle Pines	39,756.50
Due to City of Ham Lake	115,868.00
Due to City of Lexington	14,767.00
Due to City of Lino Lakes	136,950.00
Due to City of Spring Lake Par	47,808.00
Deferred In Related/Pension	36,251.00

Total Current Liabilities 1,894,297.92

Long-Term Liabilities

Net Pension Liability	569,568.00
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Total Long-Term Liabilities 569,568.00

Total Liabilities 2,463,865.92

Capital

Net Equity	368,870.87
Net Equity - Media Ctr	(206,243.34)
Net Equity - NMTC	2,517,656.37
Net Income	(210,426.75)

Total Capital 2,469,857.15

Total Liabilities & Capital \$ 4,933,723.07

North Metro Telecommunications Comm

Cash Receipts Journal

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

Date	Transaction Ref	Line Description	Debit Amnt	Credit Amnt
8/2/21	JULY PAYPAL	JULY PAYPAL		40.00
		JULY PAYPAL-FEES	1.76	
		JULY PUBLIC ACCESS PAYPAL		824.00
		JULY PUBLIC ACCESS PAYPAL-FEES	24.20	
		PAYPAL	838.04	
8/3/21	TAPE DUBS-CASH	TAPE DUBS-CASH		454.23
		Miscellaneous receipts	454.23	
8/3/21	REIMBURSEMENT	CENTERVILLE MONITOR		69.99
		INTEREST - COMMISSION	69.99	
8/9/21	TAPE DUBS-CASH	TAPE DUBS-CASH		67.49
		Miscellaneous receipts	67.49	
8/9/21	TRUCK PRODUCTION	TRUCK PRODUCTION		2,628.00
		Miscellaneous receipts	2,628.00	
8/9/21	LIVE LECTURE	LIVE LECTURE		80.34
		Miscellaneous receipts	80.34	
8/16/21	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS		95.34
		Miscellaneous receipts	95.34	
8/16/21	REPAY	DUPLICATE PAYMENT REFUND		309.38
		Miscellaneous receipts	309.38	
8/23/21	TAPE DUBS-CASH	TAPE DUBS-CASH		198.18
		Miscellaneous receipts	198.18	
8/25/21	AUG CC SALES-SQUARE	AUGUST CREDIT CARD		1,316.60
		SALES-SQUARE		
		AUGUST CREDIT CARD	36.33	
		SALES-SQUARE-FEES		
		Miscellaneous receipts	1,280.27	
8/27/21	AUGUST CC SALES-AMEX	AUGUST CREDIT CARD SALES-AMEX		20.00
		AUGUST CREDIT CARD	0.78	
		SALES-AMEX-FEES		
		Credit Card Sales	19.22	
8/30/21	INTEREST	INTEREST COMMISSION CHECKING		22.36
		INTEREST - COMMISSION	22.36	
8/31/21	TAPE DUBS-CHECKS	TAPE DUBS-CHECKS		374.94
		Miscellaneous receipts	374.94	
8/31/21	TRUCK PRODUCTION	TRUCK PRODUCTION		8,000.00
		Miscellaneous receipts	8,000.00	
			14,500.85	14,500.85

North Metro Telecommunications Comm

Check Register

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

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

Check #	Date	Payee	Amount
EFILE	8/1/21	Discovery Benefits	22.50
EFILE	8/1/21	Authorize.Net	36.69
EFILE	8/1/21	Virtual Merchant Credit Card	10.00
EPAY-01	8/1/21	Principal Financial Group	520.21
EPAY-02	8/2/21	POPP TELECOM	218.64
EPAY-04	8/3/21	T-Mobile	102.16
EPAY-03	8/3/21	Comcast	539.67
JULY SALES TAX	8/3/21	MN Dept. of Revenue	149.00
13902	8/4/21	Richard D. Larson	438.75
EPAY-05	8/4/21	Speedway	30.60
13900	8/4/21	Bradley Law, LLC	3,478.25
13901	8/4/21	Z Systems	1,077.00
EPAY-06	8/7/21	Circle K Station Stores	37.94
EFILE	8/11/21	Discovery Benefits	577.69
EPAY-07	8/12/21	AT&T Wireless	507.47
EFILE	8/13/21	MN Dept. of Revenue	1,144.06
EFILE	8/13/21	Public Employees Retirement	3,705.86
EFILE	8/13/21	IRS/US BANK	6,421.06
PEACH	8/13/21	Peachtree/Sage Software	22.20
13903	8/13/21	Z Systems	1,510.89
EPAY-08	8/14/21	Republic Services	258.46
EPAY-09	8/15/21	CenterPoint Energy	9.92
EFILE	8/15/21	Chase Visa Card Services	8,359.38
EPAY-10	8/15/21	Comcast Business 1000M/1000M	1,237.44
EPAY-11	8/16/21	U.S. Bank Card Service	42.92
13904	8/16/21	Coastal Wintergreen LLC	1,075.00
13905	8/18/21	Cooper G. Anderson	320.00
EPAY-06 SEPT	8/18/21	Circle K Station Stores	60.27
EPAY-12	8/22/21	HealthPartners	12,385.17

North Metro Telecommunications Comm

Check Register

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

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

Check #	Date	Payee	Amount
EFILE	8/25/21	Discovery Benefits	577.69
EPAY-13	8/26/21	City of Blaine-utilities	514.18
EPAY-14	8/26/21	Connexus Energy	2,213.92
EFILE	8/27/21	MN Dept. of Revenue	1,138.50
EFILE	8/27/21	Public Employees Retirement	3,705.86
EFILE	8/27/21	IRS/US BANK	6,394.74
PEACH	8/27/21	Peachtree/Sage Software	22.20
13906	8/30/21	Aid Electric Corporation	175.46
EFILE	8/31/21	Public Employees Retirement	98.43
EFILE	8/31/21	MN Dept. of Revenue	9.24
EFILE	8/31/21	IRS/US BANK	601.61
Total			<u>59,751.03</u>

North Metro Telecommunications Comm

General Journal

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

Date	Reference	Trans Description	Debit Amt	Credit Amt
8/1/21	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	112,120.21	112,120.21
8/1/21	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	13,556.80	13,556.80
8/31/21	ACCRUED DEPRECIATION	ACCRUED DEPRECIATION ACCRUED DEPRECIATION	12,900.00	12,900.00
8/31/21	ACCRUED VAC/COM/SICK	ACCRUED VAC/COMP/SICK ACCRUED VAC/COMP/SICK	108,767.65	108,767.65
8/31/21	ACCRUED WAGES	ACCRUED WAGES ACCRUED WAGES	18,979.52	18,979.52
Total			266,324.18	266,324.18

North Metro TV

August 2021 Update

Program Production

In August, a total of 65 **new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **52:15:00 hours of new programming**.

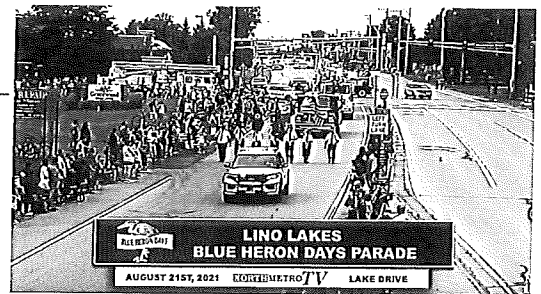
- 23 programs were produced by the public
- 38 programs were produced by NMTV staff
- 4 programs were produced by City staff



Van Shoots

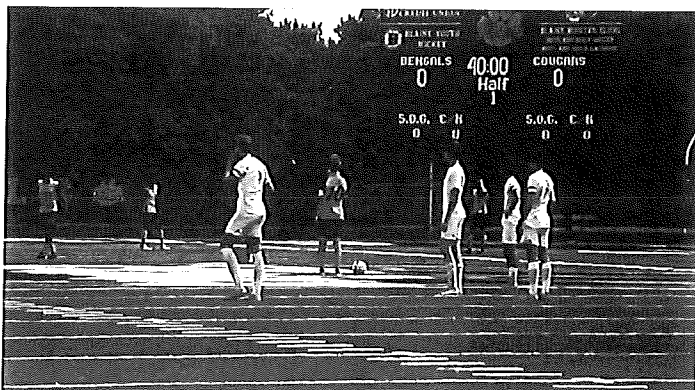
The HD production truck was utilized for 20:45:00 hours of production in August. The following events were produced live and recorded for additional playback:

- Lino Lakes Blue Heron Days Parade
- Girls Tennis: Centennial vs. Blaine
- Boys Soccer: Centennial vs. Blaine
- Girls Soccer: Centennial vs. Blaine
- Volleyball: Roseville vs. Spring Lake Park



vMix Live Streaming Shoots

The vMix streaming production system was not utilized in August.



Most Viewed YouTube Sporting Event

Boys and Girls Soccer: Centennial vs.
Blaine
783 Views

Live Workshops

Workshop	Instructor	Organization	Students
How to Make a TV Show: Week 3: Editing	Eric Houston	General Public	6
How to Make a TV Show: Week 4: Studio Shooting	Eric Houston	General Public	7
How to Make a TV Show: Week 5: Final Project Review	Eric Houston	General Public	6
3 Live Workshops			19 Students

VOD Workshop Views

Workshop	Type	# of Views	Hours Viewed
Great British Game Shows *NEW*	Mini	31	2.5 hrs
We Love Lucy: The Lucille Ball Story	Full	23	2.5 hrs
The Immortal Ingrid Pitt	Mini	53	2.5 hrs
The Oscars: 90 Years of the Academy Awards	Full	29	7.25 hrs
Tim Curry Horror Picture Show	Mini	10	.75 hrs
Back to the Eighties: The Decade's Biggest...	Full	3	2.25 hrs
James Bond: 50 Years of 007	Full	N/A	N/A
Eurovision: A Celebration	Mini	N/A	N/A
Yabba-Dabba-Do! The Fantastic World of Hanna...	Full	624	73 hrs
Superman: The Man of Steel on the Silver Screen	Full	3	.75 hrs
The Fantastic Four on the Silver Screen	Mini	3	.5 hrs
Christmas in Hollywood	Full	2	.25 hrs
TV's Greatest Christmas Specials	Full	6	.75 hrs
Chicago Christmas Classics	Mini	142	6 hrs
Let's Go Ghostbusters: Filmmation's Haunted Heroes	Mini	17	.75 hrs
Monster Movies of the 40s and 50s	Full	172	12.25 hrs
Monster Movies of the 20s and 30s	Full	18	1.25 hrs
The Presidency on Film JQA to JFK	Full	N/A	N/A
Monstervision: The Legend of Joe Bob Briggs	Mini	16	1.5 hrs
The Cult of Caroline Munro	Mini	1403	58.5 hrs
The Marilyn Monroe Story	Full	635	100.5 hrs
Nick at Nite: A TV Viewer's Dream	Mini	37	1.75 hrs
The Birth of Animation: Mickey, Bugs, and Betty...	Full	5	1.5 hrs
Hollywood Goes to War: World War II	Full	16	2.5 hrs
Come on Down: Game Shows of the 70s and 80s	Full	49	6.5 hrs
The Quiz Show Scandals and Other Game Shows...	Full	162	41 hrs
The Three Stooges: Comedy's Heavy Hitters	Full	8	4.75 hrs
The Marx Brothers: Groucho, Harpo, Chico...	Full	78	11 hrs
Mary Pickford: The World's First Movie Star	Full	3	1.75 hrs
Hollywood Goes to the Dogs: Lassie, Benji...	Full	4	.25 hrs
30 VOD Workshops		3,552 Total Views	344.75 Hours Viewed



Most Viewed YouTube Workshop

The Cult of Caroline Munro
1,403 Views

YouTube Stats

Month	Viewers	Videos Viewed	Hours Watched	New Subscribers	Total Impressions
January	23,800	38,487	3,620.2	132	532,400
February	21,198	34,307	3,201	103	507,655
March	26,738	46,359	5,147	145	668,404
April	20,378	28,623	1,653	84	462,844
May	26,205	39,801	4,364	141	559,725
June	78,020	98,880	16,114	335	2,187,848
July	19,290	25,592	1,848.5	61	401,947
August	19,875	28,566	1,653	55	441,487
TOTAL:	235,504	340,615	37,600.7	1,056	5,762,310

NMTV Website Stats

Month	Number of Users	Number of Views	Live Stream Views
January	6,103	20,923	1,324
February	5,860	16,285	1,692
March	5,347	14,476	2,182
April	4,313	9,558	599
May	3,534	8,928	845
June	4,072	10,641	1,360
July	4,563	12,497	2,205
August	3,810	8,021	694
TOTAL:	37,602	101,329	10,901

Home Movie Transfers

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

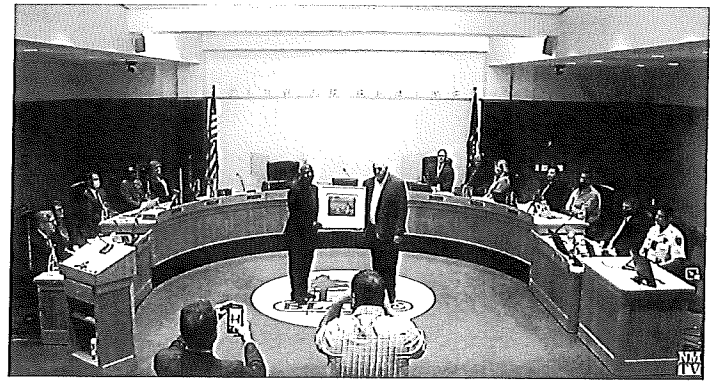
Month	Hours Transferred	Tapes	Film Reels	DVDs	Photos/ Slides	Fees Paid
January	387	74	136	3	516	\$1,927.20
February	358	77	101	15	1,097	\$688.06
March	587.50	153	76	73	850	\$3,007.08
April	429	134	52	92	860	\$1,550.12
May	302.5	92	83	0	300	\$1,916.48
June	230.5	37	57	0	363	\$582.78
July	345.25	69	79	0	166	\$1,761.16
August	412.75	97	88	45	89	\$2,165.03
TOTAL:	3,052.75	733	672	228	4,241	\$13,597.91

Production Highlights

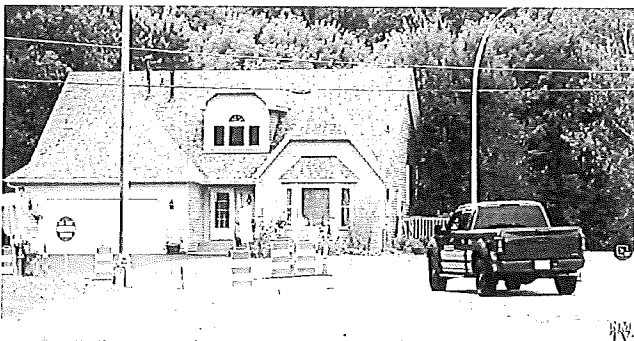
NMTV News Highlights

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 August highlights include:

- Anoka County Master Gardener: Fall Planting & Moving Flower Beds
- Farmers Markets Continue Providing Fresh Produce to North Metro Despite Challenges
- Blaine Receives State Funding to Begin Designs for Highway 65 Improvements
- Bikes for Kids Celebrates Ten Years, Says Goodbye to Leader
- Anoka Hennepin Struggling to Find Child Care Providers for Upcoming School Year
- North Metro Colleges Consider Mask Mandates as School Year Nears
- Local Gyms See Surging Interest Amid Olympic Gymnasts' Successes
- Anoka County Parks to Unveil Augmented Reality Enhanced Programs for Trails in 2022
- Lino Lakes Family Eager to Get Back to State Fair Food Stand Business
- Blaine Works Out Lucrative Land Deal with the State
- Lino Lakes to Offer Paid Fire Fighters More Money
- Ladies Golf Tournament Benefits Blaine Based Food Shelf Program
- Invictus Brewing Going All Solar Soon
- Former Mayor Tom Ryan Honored by League of Minnesota Cities at Blaine Council Meeting
- Efforts of Census Man Pay Dividends for City of Circle Pines
- Blain Census Results Show Larger Than Expected Growth
- Anoka County Master Gardener: Time to Harvest
- Anoka County Health Leaders Seeking Unvaccinated Groups With Clinics
- School Districts Make Masking Decisions Based on Evolving Numbers
- Lino Lakes Will Pay Consultant to Help Start Possible Hybrid Management of Fitness Center
- Long time Northtown Librarian Retires After Reaching Generations with Storytimes
- SBM/Centennial Fire Join Forces Under Unique Leadership Plan
- Family Keeps House Amid Major Lino Lakes Road Construction Process



In addition to daily playbacks of North Metro TV News on the cable systems, there are 927 local stories archived for viewers on the NMTV YouTube channel. The channel can be accessed through the northmetrotv.com website.



Most Viewed YouTube News Story

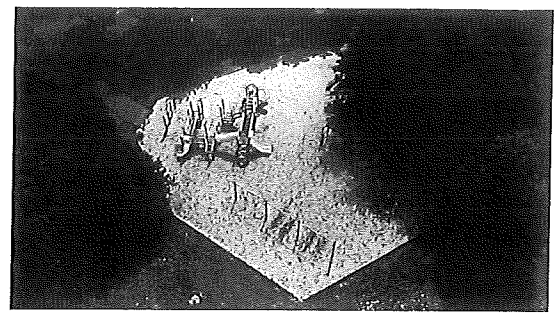
Family Keeps House Amid Major Lino Lakes Road Construction Process
788 Views

Commercial Projects

NMTV staff has been quite busy with commercial projects over the last couple of months. Over the summer we provided streaming services to the National Sports Center for several of their big events and recorded a parade for the City of Columbia Heights. A construction company in St. Paul is contracting with us to provide drone footage of various sites and Carleton College has hired us to provide drone footage of "move-in" day. Staff is also working on promos for the Anoka County Community Action Program and for the Minnesota Softball Military Appreciation Foundation. Finally, as always, the home movie film transfer service remains very popular.

Ham Lake Website Project

Special Events Coordinator and UAS Remote Pilot, T.J. Tronson has been working with the City of Ham Lake to provide updated park and city photos for their website. T.J. has been utilizing both drone and standard field photography to provide the images. He has been taking photographs of every park in the city. Only nine parks left until the project is completed!



Of Special Note...

Two things...first, the news team of Danika Peterson, Rusty Ray and Mike Johnson received an Award of Honor for the pandemic related promo "Stay a Rusty Ray Away." The award was presented by the National Association of Telecommunications Officers and Advisers (NATOA), a national advocacy group representing municipalities and cable commissions communications interests. The promo was submitted to NATOA's annual award competition. Second, Danika Peterson got a shout-out in an article in the Metro North Chamber of Commerce newsletter. In the Testimonial Time article written by Pam Powell, the Executive Director of Mom's Haven of Hope, Pam noted that the interview she did with Danika brought her together with a builder for her project.

In Person Classes

Instructor, Eric Houston, wrapped up his five-week production series for public access users in August. The series focused on the basics of video production and included workshops covering cameras, tripods, microphones, editing, and studio shooting. The students got to utilize their newly acquired production skills by recording their own NMTV promo and by crewing an original in-studio talk show. All of the completed projects are currently playing on the public channel. Pictured to the left are five of the six graduates of our first live class series in over a year. Eric will be offering the classes again beginning in October.



City Productions

In August, Municipal Producer, Trevor Scholl, completed three productions and took a two week vacation. The shows include two projects he's been working on for a while with the City of Blaine and a piece on the MN Craft Brewers Guild at the State Fair. Programs completed include:

- Blaine Police Department Awards 2021
- POR Level 3: Sex Offender Video
- MN Craft Brewers Guild at the State Fair



New and ongoing projects include:

- Fall Mayor's minutes
- Blaine Economics promotion
- Oak Park community church disc golf
- Anoka County community action program promo
- Spring Lake Park street projects
- Centerville business profiles
- Circle Pines virtual tour

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
NMTV New Talent Showcase: Class Project	Eric Houston	00:18:14
Bad Movie Bros	Eric Houston	00:28:40
Rice Creek Watershed District Meeting (3 episodes)	Theresa Stasica	03:47:54
Christ Lutheran Church (5 episodes)	Chance Amundson	04:33:26
Lovepower (4 episodes)	Rick Larson	04:00:00
The Power of Love (4 episodes)	Rick Larson	02:00:00
Oak Park Community Church (5 episodes)	David Turnidge	03:17:00
23 New Programs		18:25:14 New Hours

NMTV Staff Programs

Title	Producer	Runtime
Anoka County Board Meeting (8/10/21)	T.J. Tronson	00:29:29
Anoka County Board Meeting (8/24/21)	T.J. Tronson	00:51:52
NMTV News (3 episodes)	Danika Peterson/Rusty Ray	01:14:17
Blaine Police Department Awards 2021	Trevor Scholl	00:10:43
POR Level 3: Sex Offender Relocation Video: City of Blaine	Trevor Scholl	00:53:14
MN State Fair Craft Brewers Guild	Trevor Scholl	00:02:54
Lino Lakes Blue Heron Days Parade	Kenton Kipp/J. Millington	00:29:30
Girls Tennis: First Doubles: Centennial/Blaine	Kenton Kipp/J. Millington	01:13:02
Boys Soccer: Centennial/Blaine	Kenton Kipp/J. Millington	01:34:58
Girls Soccer: Centennial/Blaine	Kenton Kipp/J. Millington	01:03:30
Volleyball: Roseville/Spring Lake Park	Kenton Kipp/J. Millington	01:19:34
Sports Den: Fall Sports Episode 1	Kenton Kipp/J. Millington	00:14:06
14 New Programs		09:37:09 New Hours

City Meetings

Title	Producer	Runtime
Blaine City Council Meeting (8/2/21)	Trevor Scholl	01:07:45
Blaine Special EDA Meeting (8/9/21)	T.J. Tronson	00:21:19
Blaine Planning Commission Meeting (8/10/21)	T.J. Tronson	00:06:18
Blaine City Council Meeting (8/16/21)	T.J. Tronson	02:05:57
Blaine Natural Resources Conservation Board Meeting (8/17/21)	Trevor Scholl	00:22:47
Blaine Park Board Meeting (8/24/21)	Trevor Scholl	00:46:46
Centerville Park & Rec Meeting (8/4/21)	Dylan Salber	01:39:47
Centerville Planning & Zoning Meeting (8/10/21)	Dylan Salber	02:19:34
Centerville City Council Meeting (8/11/21)	Teresa Bender	01:37:34
Centerville EDA Meeting (8/18/21)	Dylan Salber	01:18:37
Centerville City Council Meeting (8/25/21)	Teresa Bender	00:41:41
Circle Pines City Council Meeting (8/10/21)	Patrick Willson	01:19:52
Circle Pines Utility Commission Meeting (8/18/21)	Patrick Willson	00:37:33
Circle Pines City Council Meeting	Patrick Willson	01:19:03

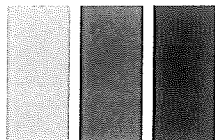
(8/24/21)		
Ham Lake City Council Meeting (8/2/21)	Patrick Willson	00:40:56
Ham Lake Planning Commission Meeting (8/9/21)	Patrick Willson	00:54:48
Ham Lake City Council Meeting (8/16/21)	Patrick Willson	00:46:07
Ham Lake Planning Commission Meeting (8/23/21)	Patrick Willson	01:08:11
Lexington City Council Meeting (8/5/21)	Lexington Staff	01:52:35
Lexington City Council Meeting (8/19/21)	Lexington Staff	00:16:25
Lino Lakes Park Board Meeting (8/4/21)	Anne Serwe	00:47:55
Lino Lakes City Council Meeting (8/9/21)	Anne Serwe	01:30:52
Lino Lakes Planning & Zoning Meeting (8/11/21)	Anne Serwe	01:19:23
Lino Lakes City Council Meeting (8/23/21)	Anne Serwe	00:19:39
Lino Lakes Environmental Board Meeting (8/25/21)	Anne Serwe	01:06:09
Spring Lake Park City Council Meeting (8/2/21)	Isaac Quick	00:20:02
Spring Lake Park City Council Meeting (8/16/21)	Isaac Quick	00:25:38
Spring Lake Park Planning Commission Meeting (8/23/21)	Isaac Quick	00:59:43
28 New Programs		28:12:56 New Hours

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

NORTH METRO TV

Production Statistics 2021

Programming Statistics	J	F	M	A	M	J	JU	A	S	O	N	D	21 Total	21 Average
Cablecast Programs	2478.00	2262.00	2542.00	2186.00	2335.00	2179.00	2471.00	2483.00					18916.00	1576.33
Cablecast Hours	1985.50	1945.50	2090.75	2085.50	2275.50	1880.00	2181.00	2121.00					16544.75	1378.73
Programs Produced - Public	18.00	12.00	15.00	15.00	15.00	15.00	13.00	15.00					122.00	10.17
Program Hours Produced - Public	14.00	10.00	15.00	11.00	12.00	11.75	10.00	11.25					95.00	7.92
Prog. Produced - Affiliated Public	6.00	6.00	6.00	5.00	4.00	6.00	6.00	8.00					49.00	4.08
Prog. Hours Produced - Affil. Public	6.00	5.00	6.50	6.50	3.00	6.50	5.25	3.25					42.00	3.50
Programs Produced - City Staff	10.00	6.00	6.00	7.00	9.00	4.50	4.00	4.00					50.50	4.21
Program Hours Produced - City Staff	14.50	12.00	6.25	20.50	18.00	4.00	3.75	4.50					83.50	6.96
Programs Produced - NMTV Staff	49.00	46.00	99.00	37.00	50.00	48.50	91.00	38.00					458.50	38.21
Program Hours Produced - NMTV Staff	39.50	39.25	53.00	34.00	51.00	45.00	84.00	33.25					379.00	31.58
Total Public Programs Produced	24.00	18.00	27.00	20.00	19.00	21.00	19.00	23.00					171.00	14.25
Total Internal Programs Produced	59.00	52.00	105.00	44.00	59.00	53.00	95.00	42.00					509.00	42.42
% Staff Produced Programs	83.00	70.00	132.00	64.00	78.00	74.00	114.00	65.00					680.00	56.67
% Public Produced Programs	71.08%	74.29%	79.55%	68.75%	75.64%	71.62%	83.33%	64.62%					74.85%	74.85%
External Programs Submitted	28.92%	25.71%	20.45%	31.25%	24.36%	28.38%	16.67%	35.38%					25.15%	25.15%
External Program Hours	15.00	27.00	24.00	23.00	18.00	23.00	19.00	24.00					173.00	14.42
External Program Hours	11.50	19.50	21.25	20.25	15.00	21.00	18.00	21.50					148.00	12.33
Total New Programs	98.00	97.00	156.00	87.00	96.00	97.00	133.00	89.00					853.00	71.08
Public Equipment Usage Statistics														
Facility Hours Available	105.00	105.00	140.00	119.00	112.00	131.00	133.00	128.00					971.00	80.92
Camera Check Outs	5.00	4.00	7.00	6.00	3.00	4.00	4.00	4.00					37.00	3.08
Studio A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					0.00	0.00
% of Available Time	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%					0.00%	0.00%
Studio B	0.00	0.00	0.00	0.00	6.50	0.00	14.00	10.25					30.75	2.56
% of Available Time	0.00%	0.00%	0.00%	0.00%	5.80%	0.00%	10.53%	8.13%					3.17%	3.17%
Editing	16.00	17.00	19.50	18.00	15.50	12.50	15.75	35.25					149.50	12.46
% of Available Time	15.24%	16.19%	13.93%	15.13%	13.84%	9.54%	11.84%	27.98%					15.40%	15.40%
Number of Public Facility Users	5.00	2.00	4.00	6.00	9.00%	4.00	11.00	10.00					42.09	3.51
Total Hours of Public Use	49.00	26.00	49.00	84.00	29.50	25.50	29.75	45.50					338.25	28.19
Production Van/Mix Statistics														
Number of Van Shoots	0.00	0.00	12.00	3.00	8.00	7.00	2.00	4.00					36.00	3.00
Total Van Usage Hours	0.00	0.00	67.50	18.00	46.00	44.25	14.25	20.75					210.75	17.56
Number of vMix Shoots	13.00	14.00	11.00	3.00	4.00	2.00	41.00	0.00					0.17	0.25
Intern Hours	27.50	10.00	17.00	10.00	20.25	44.25	12.00	28.50					189.50	14.13
Volunteer Hours	0.00	0.00	4.00	8.00	4.00	27.00	49.50	0.00					92.50	7.71
Workshop Statistics														
Number of Live Workshops	2.00	3.00	2.00	4.00	2.00	0.00	3.00	3.00					19.00	1.58
Number of Students at Live Workshops	23.00	27.00	29.00	30.00	12.00	0.00	12.00	19.00					152.00	12.67
VOD Students All Workshops	3677.00	2640.00	3908.00	5394.00	5422.00	6650.00	3650.00	3552.00					34893.00	2807.75
Media Transfer Statistics														
Total Transfer Equip. Usage Hours	387.00	358.00	567.50	423.00	302.50	230.50	345.25	412.75					3052.50	254.38
Tapes Transferred	74.00	77.00	153.00	134.00	92.00	37.00	69.00	97.00					733.00	61.08
Film Reels Transferred	136.00	101.00	76.00	52.00	83.00	57.00	79.00	88.00					4.16	21.20
Slides/Photos Transferred	516.00	1097.00	850.00	860.00	300.00	363.00	166.00	89.00					4241.00	353.42
DVDs Copied	3.00	15.00	73.00	92.00	0.00	0.00	0.00	45.00					228.00	19.00
Transfer Hours By Public	10.50	32.00	74.00	40.50	35.00	23.50	4.25	13.25					233.00	19.42
Transfer Hours By Staff	376.50	326.00	513.50	388.50	267.50	207.00	341.00	399.50					2819.50	234.96
NMTV YouTube Statistics														
Number of Viewers	23800.00	21198.00	26738.00	20378.00	26205.00	78020.00	19290.00	19875.00					235504.00	19625.33
Total Videos Viewed	38487.00	34307.00	46359.00	28623.00	39801.00	98880.00	25592.00	28566.00					340615.00	28384.58
Total Hours Watched	3620.20	3201.00	5147.00	16653.00	4364.00	16114.00	1848.50	1853.00					37600.70	3133.39
Number of New Subscribers	132.00	103.00	145.00	84.00	141.00	335.00	61.00	55.00					1056.00	88.00
Total Impressions	532400.00	507855.00	688404.00	462844.00	559725.00	2187848.00	401947.00	441487.00					5762310.00	480192.50
NMTV Website Statistics														
Number of Users	6103.00	5860.00	5347.00	4313.00	3534.00	4072.00	4563.00	3810.00					37602.00	3133.50
Number of Views	20923.00	16285.00	14476.00	9558.00	8928.00	10641.00	12497.00	8021.00					101329.00	8444.08
Live Stream Views	1324.00	1692.00	2182.00	599.00	845.00	1360.00	2205.00	694.00					10901.00	908.42



Bradley Law
Attorneys at Law

MEMORANDUM

To: North Metro Telecommunications Commission
From: Mike Bradley, Michael Athay, and Tou Xiong
Re: September 2021 Legal Report
Date: September 1, 2021

LEGAL UPDATE
September 2021

D.C. Circuit Finds FCC Order on RF Radiation “Arbitrary and Capricious,” Remands

On August 13, 2021, the D.C. Circuit Court of Appeals released its Decision in *Environmental Health Trust v. FCC*, which challenged the FCC’s 2019 Order that left its 25-year-old guidelines for exposure to radiofrequency radiation largely unchanged. The FCC’s Order has been controversial on account of growing concern over the impact of radio frequency (RF) radiation resulting from dense, often street- or near street-level, deployments of small cell transmitters. The D.C. Circuit, over a partial dissent by one judge, granted the petitions in part and remanded to the Commission to provide a reasoned explanation for its determination that its guidelines adequately protect against harmful effects of exposure to radiofrequency radiation unrelated to cancer.

The Court found the Commission’s order is “arbitrary and capricious in its failure to respond to record evidence that exposure to RF radiation at levels below the Commission’s current limits may cause negative health effects unrelated to cancer” (while also finding that “the Commission offered an adequate explanation for its determination that exposure to RF radiation at levels below the Commission’s current limits does not cause cancer.”) That failure, the Court concluded, “undermines the Commission’s conclusions regarding the adequacy of its testing procedures, particularly as they relate to children, and its conclusions regarding the implications of long-term exposure to RF radiation, exposure to RF pulsation or modulation, and the implications of technological developments that have occurred since 1996, all of which depend on the premise that exposure to RF radiation at levels below its current limits causes no negative health effects.” The Court found those conclusions arbitrary and capricious as well, and further found the order “arbitrary and capricious in its complete failure to respond to comments concerning environmental harm caused by RF radiation.”

In its remand, the Court directed the Commission “to provide a reasoned explanation for its determination that its guidelines adequately protect against harmful effects of exposure to radiofrequency radiation unrelated to cancer, and “... in particular, [to] (i) provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines, (ii) address the impacts of RF

radiation on children, the health implications of long-term exposure to RF radiation, the ubiquity of wireless devices, and other technological developments that have occurred since the Commission last updated its guidelines, and (iii) address the impacts of RF radiation on the environment.” “To be clear, we take no position in the scientific debate regarding the health and environmental effects of RF radiation—we merely conclude that the Commission’s cursory analysis of material record evidence was insufficient as a matter of law.”

We believe the Court’s remand will likely result in a further FCC comment proceeding on the adequacy of its RF guidelines and will keep you apprised of further developments. We recommend that local governments evaluate the level of concern about RF radiation among their citizens, in light of the increasing deployment of small cell facilities in the rights-of-way, and consider participating in any such proceeding.

First Circuit Decision Is A Victory for PEG and Consumers

The First Circuit Court of Appeals, in a decision issued August 3, 2021 in *NCTA v. Frey*, rejected cable industry arguments trying to overturn an earlier District of Maine ruling affirming the State of Maine’s law protecting consumers and PEG channels from discrimination. The statute requires, *inter alia*, that PEG channels be placed in the basic tier adjacent to local broadcast channels; that PEG providers be allowed to provide program information on Electronic Program Guides; and that HD content be actually transmitted on HD channels and not downgraded to SD.

Maine Attorney General Aaron Frey said his office was pleased that all of the cable industry arguments were completely rejected and the law was upheld in its entirety. He said “Community run television stations are a priceless public resource, and the court’s ruling will go far in ensuring their continuing vitality by protecting against marginalization by cable television operators.”

Petitions for Declaratory Ruling on Section 253

The FCC’s Wireline Competition Bureau issued a Public Notice seeking comment on two petitions for declaratory ruling filed pursuant to section 253(d) of the Communications Act and alleging violations of Section 253(a). The petition of Bluebird Network (Bluebird Petition) asks the Commission to preempt a per linear foot fee charged by the City of Columbia, Missouri for use of its rights of way. The petition of Mediacom Communications Corporation (Mediacom Petition) alleges a violation of Section 253(a) by the City of West Des Moines, Iowa because the City allegedly has conferred rights and privileges on one ISP related to a planned City-owned conduit network that allegedly effectively prohibit Mediacom from providing telecommunications services, as well as imposing regulatory and other burdens on other ISPs. Comments or oppositions to the Petitions are due on or before September 22, 2021, and reply comments on or before October 12, 2021.

League of California Cities, et al v. FCC

Appeal filed in response to the FCC's June 9, 2021, Declaratory Ruling in Docket No. 19-250 regarding the 6409(a) rules for mandatory approvals of certain modifications to existing wireless towers and base stations. NATOA has intervened in the case and joined the intervenor brief filed by Spiegel & McDiarmid on behalf of its clients, City and County of San Francisco and Marin County, California. The case is currently on hold for a second 120-day period, as requested by the FCC, to give the "newly constituted Commission an opportunity to determine how it plans to proceed with respect to this case."

Infrastructure Bill Passed By Senate Provides Extensive Funding for Broadband and Digital Equity

The Infrastructure Investment and Jobs Act (a/k/a "infrastructure bill") was passed by the Senate on August 10, 2021 by a vote of 69-30 and is now before the House, with House passage expected by October 1. The bill includes many provisions relating to broadband communications. Its broadband grants program and digital equity grants programs are summarized below.

Broadband Grants Program

The bill establishes a \$42,450,000,000 NTIA-administered grant program to provide grants to States (the "eligible entities" under the program), which are intended to award subgrants for broadband projects to local governments and others. Ten percent of the total (\$4,245,000,000) is set aside for "high-cost areas", with awards based on the proportion of "unserved locations" in "high cost areas" in the state compared to those in all states. At least \$100,000,000 is to go to each state and \$100,000,000 is to be divided equally among certain U.S. territories. The remainder of the ten percent is allocated to states based on the proportion of "unserved areas" in the state relative to the "unserved areas" in all states. States must apply for funding, but if a State fails to submit a covered application by the applicable deadline, a political subdivision or consortium of political subdivisions may submit the application in place of the state.

An "unserved location" means a broadband-serviceable location, as determined in accordance with the FCC's broadband DATA maps, that (i) has no access to broadband service; or (ii) lacks access to reliable broadband service offered with a speed of at least 25 megabits per second for downloads and 3 mbps for uploads, with latency that supports real-time, interactive applications. An "underserved location" means a location (i) that is not an unserved location, (ii) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with a speed of at least 100 megabits per second for downloads 20mbps for uploads, with latency that supports real-time, interactive applications. "High cost area" means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost in unserved areas in the United States, as determined by the NTIA in consultation with the FCC and incorporating factors that include the remote location of the area, the lack of population density of the area, the unique topography of the area or a high rate of poverty in the area, or any other factor contributing to high deployment cost as

determined by the NTIA in consultation with the Commission. (“Unserved area” in this definition means an area in which at least 80 percent of broadband-serviceable locations are unserved locations.)

States may use grant funds to competitively award subgrants for the following, in addition to purposes determined by NCTA:

- (1) unserved service projects and underserved service projects;
- (2) connecting eligible community anchor institutions;
- (3) data collection, broadband mapping, and planning;
- (4) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building, with priority given to a residential building that has a substantial share of unserved households or a percentage of individuals at or below 150% of the poverty line that is higher than the national percentage; and
- (5) broadband adoption, including programs to provide affordable internet-capable devices.

States must award funding in a manner that prioritizes unserved service projects; will ensure coverage of broadband service to all unserved locations within the eligible entity; prioritizes underserved service projects; and after prioritizing underserved service projects, provides funding to connect eligible community anchor institutions. States are also to prioritize funding for deployment of broadband infrastructure for priority broadband projects.

States may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for grant funds.

States must give priority to projects based on: deployment of a broadband network to persistent poverty counties or high-poverty areas; the speeds of the proposed broadband service; the expediency with which a project can be completed; and a demonstrated record of and plans to be in compliance with Federal labor and employment laws.

Except in high-cost areas or as otherwise provided by this Act, the state shall provide, or require a subgrantee to provide, a match from non-federal funds of not less than 25 percent of project costs. The NTIA may reduce or waive the match requirement. Matches may be in-kind and may be from funds allocated through the Families First Coronavirus Response Act, CARES Act, or ARPA or any amendments to those laws.

An entity that receives a subgrant for deployment of a broadband network must provide broadband service with a speed of not less than 100 megabits per second for downloads and 20 mbps for uploads; with latency sufficiently low to allow reasonably foreseeable, real-time, interactive applications; and with network outages that do not exceed, on average, 48 hours over any 365-day period; and must provide access to broadband service to each customer served by the project that desires broadband service. The subgrantee must also offer at least 1 low-cost

broadband service option for eligible subscribers. States are to propose definitions of “low-cost broadband service option” for NTIA.

Digital Equity Programs

The bill creates two new grant programs: The State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program. Both programs will be run by NTIA.

The purpose of the Capacity Grant Program, which has funding of \$240 million for fiscal year 2022 and \$300 million for each of fiscal years 2023 through 2026, is to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by states relating to the adoption of broadband by residents of those states. States must apply for funds, which may be administered by the state, by political subdivisions or by non-profits or other organizations. The administering entity will award subgrants for (i) the State Digital Equity Plan; and (ii) digital inclusion activities in the state generally.

To be eligible, the state must develop a State Digital Equity Plan. The bill includes \$60 million in funding for Planning Grants to support this effort. Capacity Grants are allocated as follows: (I) 50 percent of the total grant amount shall be based on the population of the eligible state in proportion to the total population of all eligible states; (II) 25 percent based on the number of individuals in the eligible state who are members of covered populations in proportion to the total number of individuals in all eligible states who are members of covered populations; (III) 25 percent based on the comparative lack of availability and adoption of broadband in the eligible state in proportion to the lack of availability and adoption of broadband of all eligible States (more detail in the bill on how this is to be determined). States have 5 years to use the grant funds.

The Digital Equity Competitive Grant Program is intended to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations. The bill allocates \$250 million per year for five years.

Eligible entities include political subdivisions as well as state agencies and a range of non-profits and other organizations, but to be eligible the entity cannot be serving, and cannot have served, as the administering entity for a state for the Capacity Grant Program. Eligible entities must apply to NTIA for grant funding. The funds must be used for at least one of the following: (i) To develop and implement digital inclusion activities that benefit covered populations; (ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations; (iii) To implement training programs for covered populations that cover basic, advanced, and applied skills or other workforce development programs.; (iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost; (v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions; (vi) To undertake any other project and activity that NTIA considers consistent with the purposes of the Program.

Entities will have four years to expend the grant funds. The Federal share of any project may not exceed 90 percent unless NTIA grants a waiver of this limit.

For purposes of both Programs, “covered population” means: (A) individuals who live in a covered household (i.e. a household, the income of which for the most recently completed year is not more than 150 percent of a poverty level determined by using Census Bureau criteria of poverty; (B) aging individuals; (C) incarcerated individuals not in a Federal correctional facility; (D) veterans; (E) individuals with disabilities; (F) individuals with a language barrier, including English learners and individuals with low literacy; (G) individuals who are members of a racial or ethnic minority group; and (H) individuals who primarily reside in a rural area.

FCC probes broadband competition in multi-tenant buildings

by [Diana Goovaerts](#) |
Sep 7, 2021 12:17pm

The agency called for comments on three specific issues related to broadband in multiple dwelling units.

The U.S. Federal Communications Commission (FCC) sought to update its understanding of how broadband is deployed in multiple tenant buildings, probing whether certain types of deals between landlords and internet service providers (ISPs) hinder competition.

In a public [notice](#), the agency called for comments on three specific issues related to broadband in multiple dwelling units, including revenue sharing arrangements, exclusive wiring deals and exclusive marketing pacts between landlords and ISPs. The goal, it said, is to determine whether these effectively block out competing providers, impact the price or quality of service, or otherwise confuse or reduce choice for tenants.

The FCC has had rules on the books since 2000 prohibiting landlords from giving service providers exclusive access to a building to offer service, but left room for other types of deals. For instance, the commission in 2007 determined exclusive wiring deals don't necessarily block competing providers from accessing buildings.

Acting FCC Chairwoman Jessica Rosenworcel said in a [statement](#) "with more than one-third of the U.S. population living in condos and apartment buildings, it's time to take a fresh look at how exclusive agreements between carriers and building owners could lock out broadband competition and consumer choice."

In addition to the aforementioned issues, the FCC said it is also seeking comment on "other types of contractual provisions and non-contractual practices what affect competition, limit tenant choice, or lead to increased prices or decreased service quality." Initial comments are due within 30 days.

The move comes after President Joe Biden [signed an executive order](#) targeting broadband competition in July. The document specifically called on the FCC to address deals between landlords and service providers which "leave tenants with only one option."

At the time, however, analysts at New Street Research noted any effort by the FCC to take action on the issue in the near term would likely be hindered by political deadlock.

The five-member agency is currently down a commissioner and evenly divided along political lines. It could soon be down another member since Rosenworcel's five-year term expired in June. While she is permitted to remain at the agency through the end of the current session of

Congress unless the Senate replaces her, she will be forced to leave in January 2022 absent action by Biden to reappoint her.

Infrastructure Bill Passed by Senate Includes Historic, Bipartisan Broadband Provisions

To boost internet access, measure would provide \$65 billion, establish new federal standards, and empower states to lead

Article August 30, 2021

By: Kathryn de Wit Topics: U.S. Policy & Infrastructure Projects: Broadband Access Read time:

A sweeping \$1.2 trillion infrastructure bill passed by the Senate on Aug. 10 would invest \$65 billion in fast and reliable broadband infrastructure, affordability, and adoption. The Infrastructure Investment and Jobs Act also would provide hundreds of billions of dollars for roads, high-speed rail, and other projects.

The Senate measure, awaiting action by the House, represents a historic moment in national broadband policy; the size and scope of the proposed investment acknowledge the challenges at hand and how critical high-speed internet access is to ensure America's economic future. The COVID-19 pandemic, which forced millions to work, attend school, and conduct much of their lives online, has driven home that fast, reliable, and affordable broadband is a key component of the nation's infrastructure.

Still, the legislation reflects more than a decade of research on the digital divide with an approach that focuses on broadband deployment, affordability, and adoption in a single bill. In addition, it acknowledges research by The Pew Charitable Trusts and others that has identified states as critical entities in achieving universal availability of affordable internet services. In fact, the bulk of the broadband funds in the bill —\$42.5 billion—would be used to establish the Broadband Equity, Access, and Deployment Program (BEADP) to be administered by the Department of Commerce. The program would provide states with funds for broadband deployment and digital equity, as well as with support to help them meet congressional funding requirements.

Establishing the BEADP would continue a noteworthy shift in federal broadband policy that started last year with the Coronavirus Aid, Relief, and Economic Security Act and the American Rescue Plan Act. Both programs administer funds through states and make clear that the federal stimulus money can be used for broadband and related connectivity needs.

State policymakers have steadily increased their broadband efforts since 2017. Many, for example, have pursued policy changes, allocated more funds for broadband deployment, and established offices to oversee programs. But the responses vary by state—such as how each defines broadband, the size of a state broadband office, which entities may provide connectivity within a state, and how much funding lawmakers appropriate for deployment.

The Senate bill accounts for these variabilities and provides a minimum of \$100 million to each state for broadband deployment and equity. The measure also outlines requirements on spending to ensure effective efforts, such as stipulating that deployment grants must fund networks that offer minimum speeds of 100 megabits per second (Mbps) for downloads and 20 Mbps for uploads, and that are scalable to faster speeds.

The legislation spells out who may apply for state grants, including private sector entities, cooperatives, local governments, and nonprofit organizations. Finally, the Senate bill would enhance states' capacity to manage these funds, making up to 5% of their funding allotments available for activities such as data collection, staff support, and local outreach and training.

The bill's drafters also sought to address frustrations from state and local governments regarding their level of participation in federal funding decisions. The measure would set a new process at the Federal Communications Commission (FCC) that would allow state and local governments to challenge the data in the broadband availability maps that inform funding decisions and make clear that they can submit their own data.

Additionally, to receive funding, states must complete a five-year action plan that outlines spending priorities; how those priorities advance efforts in economic development, telemedicine, and related initiatives; and how each state will help local governments bridge the digital divide. State programs would have to include local and regional governments in the planning process and allow them to comment on funding proposals submitted to federal reviewers.

Planning and coordination with local leaders will be critical in helping state policymakers assess challenges and set priorities for spending federal funds. Under the BEADP, states would be able to award grants for a range of efforts spelled out in the bill. Those include initiatives to connect unserved and underserved households and community anchor institutions such as schools, libraries, and health care facilities to broadband; collect and map broadband data; lead broadband planning efforts; install low-cost broadband in low-income neighborhoods; and establish broadband adoption programs that can provide affordable devices. Finally, the assistant commerce secretary in charge of the National Telecommunications and Information Administration may add additional allowable expenditures if they "facilitate the goals of the program."

This pragmatic approach establishes federal standards, offers support to fill gaps in state capacity, and empowers states to determine their specific needs—all of which Pew's research has indicated are crucial to making broadband access a reality.

As the House takes up the infrastructure bill, Pew can provide research and resources to help lawmakers and the administration, as well as other national stakeholders, craft policies that will work.

Pew recently established our Broadband Education and Training Initiative to provide no-cost support to 17 states and American Samoa as they launch or expand broadband programs. Alabama, Alaska, Connecticut, Idaho, Iowa, Louisiana, Nebraska, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Vermont, Washington, Wisconsin, and Wyoming are all participating.

Over the next 12 months, participants will receive training, facilitated expert and peer-to-peer engagement, and assistance on a wide range of broadband issues. From program design to data strategies, these resources will help states develop evidence-based strategies and expand operational capacity to administer incoming federal funds.

In the years ahead, Pew intends to continue collaborating with leaders and stakeholders at every level of government to ensure that all Americans—no matter where they live—have access to affordable, reliable broadband.

Kathryn de Wit directs The Pew Charitable Trusts' broadband access initiative.

How Pay TV Ends

By Alan Wolk 5 days ago

We're looking at a pretty long and slow death spiral for the current linear TV ecosystem. The end will come in one of two ways

At some point over the next 10 years, cord cutting will have grown to a point where it's no longer profitable for the people running the current linear pay TV system to keep it going the way they have for the past 40 odd years.

That doesn't mean linear "cable TV" will implode or that the current players will disappear. It just means that things will be different.

Cord cutting has been happening in dribs and drabs. Bigger dribs and drabs as of late, but still around only 3% each quarter in 2021.

TV habits die hard. People in the real world are not nearly as tech savvy as people who write for tech publications (at their peak, only slightly more than 50% of US households had a DVR), and inertia is a powerful force.

So we're looking at a pretty long and slow death spiral for the current linear TV ecosystem, which is why the hottest thing in ad tech right now is coming up with ways for brands to track and plan their ad spend across linear and streaming, knowing that some chunks of their audience lean heavily towards one, some lean heavily towards the other and an even bigger chunk flits back and forth.

All that said, there will come a time when one of two things happens. Or maybe both simultaneously.

The first is that the big TV networks that have a presence in both streaming and linear—Comcast, DiscoveryWarner, Disney and ViacomCBS—will begin to realize that there's no profit to be made from creating separate programming slates for both streaming and linear and will gradually start to integrate them. Some may do it gradually, some may do it suddenly, it really depends on how much the numbers and the moves their competitors make will take them by surprise.

The second possible outcome is that the various MVPDs and vMVPDs that keep cable distribution going will come to a similar conclusion. They'll slowly begin to realize that the amount of money they spend on carriage and retrans fees and maintaining their set top boxes and apps isn't being offset by subscription fees and ad revenue and that it no longer makes sense to view the whole thing as a loss leader to get people to sign up for broadband.

Here again, slowly is likely to be the operative word—the system will change, but it won't become completely unrecognizable.

Bundles will get smaller. Various Flixes (SVOD streamers) and FASTs will be bundled into the bundles. Set-top boxes will become streaming boxes.

If the various parties are smart, die-hard linear TV consumers won't really notice the change, which will be presented as a series of "upgrades" that still give viewers access to hundreds of linear channels. Those channels will, of course, be part of the various FASTs, not separate networks, but a well-designed UX will make that largely unnoticeable.

Reality shows and other staples of the last days of linear won't disappear either, but rather, will find new homes on the Flixes.

It's quite possible, too, that several of the Flixes will introduce some sort of limited "prime time" lineup, shows that become available for streaming every week on a specific day and time, and they can use this device to keep viewers coming back on the regular and to keep advertisers happy about the amount of reach they can still get from a single television commercial.

The new Flix-and-FAST bundles will take the edge off the confusion of á la carte, which will still be available as an option, but an increasingly unattractive one, devoid of the price come-ons the various services will have on offer for viewers who sign up for yearlong bundles.

Over the air broadcast is the last piece here, and while it's easy to predict that it will just fade away, that's an unlikely outcome for both legal and economic reasons.

Local stations will get picked up by the various streaming TV bundles—that part is easy enough—but what programming they're actually able to offer will be a bigger question—e.g., will the networks be forced to supply them with several hours of programming each day, will that programming need to be linear, and will anyone watch it via the local stations are all questions there is no easy answer for.

Local broadcasters have been making a to do about ATSC 3.0 for a while now, but it remains to be seen if there's much of a market for over the air TV at all once pay TV delivery goes to full time streaming. And that's before we get into the legal and regulatory ramifications.

The bottom line is that traditional pay TV won't disappear. It will merely be reincarnated in a brand new form, one that is no more or less dramatically different than the one that arose when the industry shifted from broadcast to cable back in the 1980s.

Evolution, not revolution.

Biden Has Wasted A Year Failing To Fill Top Telecom Oversight Spots

Wed, Sep 8th 2021 6:32am — [Karl Bode](#)

Consumer groups have grown increasingly annoyed at the Biden administration's failure to pick a third Democratic Commissioner and permanent FCC boss nearly eight months into his term. After the rushed Trump appointment of unqualified Trump BFF Nathan Simington to the agency (as part of that dumb and now deceased plan to have the FCC regulate social media), the agency now sits gridlocked at 2-2 commissioners under interim FCC head Jessica Rosenworcel.

While the FCC can still putter along tackling its usual work on spectrum and device management, the gridlock means it can't do much of anything controversial, like reversing Trump-era attacks on basic telecom consumer protections, media consolidation rules, or the FCC's authority to hold telecom giants accountable for much of, well, anything. If you're a telecom giant like AT&T or Comcast, that's the gift that just keeps on giving.

As the [Washington Post](#) notes, the Biden camp hasn't appointed anybody to lead the **other** top telecom regulatory agency, the NTIA. The inaction on both the NTIA and FCC appointments are *setting records*:

"Nearly eight months into his presidency, Biden has yet to pick permanent leaders for the Federal Communications Commission and the Commerce Department's National Telecommunications and Information Administration, which together oversee and set policy for the broadcast and Internet service industries. For the FCC, that's slower than any president since Jimmy Carter in 1977 — just by a few days — and for NTIA, it's the longest ever since the agency's founding in 1978.

Adding some complexity to this mess is the fact that interim FCC boss Jessica Rosenworcel's term is up at the end of the year. So if this trend of telecom policy apathy continues, there's the possibility that the GOP could enjoy a 2-1 Commissioner majority at the Biden FCC. Which, you know, isn't great if you care about doing absolutely anything to hold regional telecom monopolies accountable. During a pandemic. In which broadband has been shown to be essential infrastructure. And during a climate crisis. When companies are showing their networks still aren't resilient enough. It's bad, is what I'm saying. Even if your primary goal isn't restoring net neutrality and FCC authority.

While the Biden administration certainly inherited a lot to deal with, there's really no excuse for the delay. It's not as if the administration is being asked to build a nuclear reactor out of string cheese and lint -- it's just some regulatory appointments and hearings. At this rate, by the time the FCC appoints somebody, it will take most of the rest of the year to get them seated. So whereas the Trump GOP set about dismantling telecom consumer protection with a brutal efficiency, the Biden team will have wasted an entire year. Consumer groups are being polite about it, but it's a big screw up:

"We've had a lost year in policymaking because of the slowness of the Biden administration to name a full FCC," said Christopher Lewis, president and CEO of consumer group Public Knowledge, which backs reinstating the Obama-era net neutrality rules. "It's probably the biggest missed opportunity we have had in communications policy this year."

The Ajit Pai Donald Trump GOP assault on the FCC's consumer protection authority was relentless, ruthless, and incredibly efficient. Nathan Simington, generally viewed as unqualified for the role given his lack of telecom experience, got his FCC spot with a 31 day rushed appointment. The Democrats had an opportunity to be equally efficient and ruthless in appointing *their* picks and restoring FCC authority, and instead they've chosen to trip over their own asses. Nobody I've spoken to anywhere in DC can provide a functional reason why telecom oversight has simply been forgotten.

Though it is worth reminding folks that the myopic DC internet policy focus on "big tech" is something telecom and media giants (from AT&T to Rupert Murdoch) have actively and repeatedly encouraged. They want the focus exclusively on the large tech giants whose ad empires they covet and not on their own monopolization, privacy, or other problems. It's also worth reminding folks that there was no such delay, controversy, or consternation when it came time to give Comcast lobbyist David Cohen (a top Biden fundraiser) a kushy job as Canadian Ambassador.

At some point you have to assume that whoever has Biden's ear *likes* having an FCC whose consumer protection authority has been largely lobotomized courtesy of one of the most scandal prone and unpopular policy proceedings in internet policy history.

Biden faces looming deadline for FCC pick as acting chair's term winds down

It may be the telecom industry's biggest job opening of the year.

Since January, the U.S. Federal Communications Commission has been deadlocked in a 2-2 partisan split, and the White House has yet to nominate a new commissioner to complete the agency's typical five-person lineup. With Congress about to emerge from its August recess, President Joe Biden has four months before the end of the calendar year to make a pick. Policy experts indicated that September is a reasonable time to expect an announcement, notably when the U.S. House of Representatives votes on the \$1 trillion bipartisan infrastructure package.

The commission has a mounting to-do list ahead of it, with items stemming both from executive orders from the White House and a long-term broadband subsidy making its way through the House. Biden must soon announce a nominee if the commission is to have any hope of tackling more ambitious — and contentious — policy items like restoring net neutrality protections or spurring competition in the broadband market, policy experts said.

Historic vacancy

"I have no doubt the White House has plans to have the administration side of the government fully up and operational [by September]," said Ernesto Falcon, senior legislative counsel at the Electronic Frontier Foundation. "This really is a make-or-break moment."

The selection process is, in fact, the longest in 44 years for an FCC nomination, prior to former President Jimmy Carter nominating Charles Ferris as FCC Chair in October 1977. Falcon said a delay of some kind was inevitable due to the administration inheriting a pandemic, while other experts noted that everything from delta variant fears to the ongoing crisis in Afghanistan could explain why Biden has yet to name his choice.

"We're relatively deep into the administration compared to past presidents," said Doug Brake, director of broadband and spectrum policy at public policy think tank Information Technology and Innovation Foundation, who added that he is hoping the commission will soon have a full slate.

But the current vacancy is not the only pending empty seat. FCC Acting Chairwoman Jessica Rosenworcel's term is already running on overtime. Rosenworcel, who served as a commissioner under former Chairman Ajit Pai in the Trump administration, saw her term expire June 30, 2020. Since that time, she has been serving under a grace period known as a "holdover" that ends either when a replacement is confirmed or at the end of the congressional session the following year. Unless she is reconfirmed, she will have to leave the commission in January 2022.

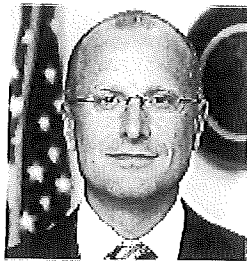
The White House did not respond to requests for comment.

Who will fill the open seat at Federal Communications Commission?

Current FCC commissioners



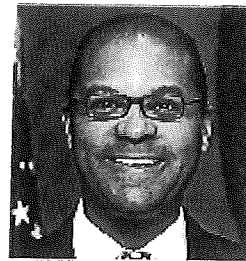
Democratic
Acting Chairwoman
Jessica Rosenworcel
can stay on until
January 2022.



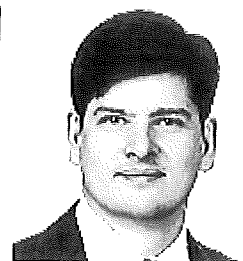
Republican
Commissioner
Brendan Carr
can stay on until
January 2025.



**Potential
nominees**



Democratic
Commissioner
Geoffrey Starks
can stay on until
January 2024.



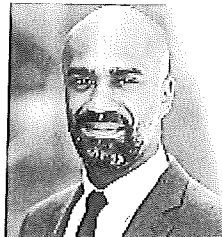
Republican
Commissioner
Nathan Simington
can stay on until
January 2026.



Gigi Sohn
Georgetown
Law Institute for
Technology Law &
Policy and Benton
Institute



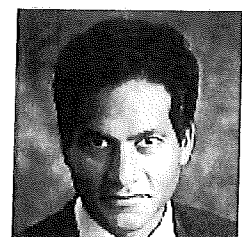
**Edward "Smitty"
Smith**
DLA Piper



Olivier Sylvain
Fordham University



**Barbara van
Schewick**
Stanford Law School



Jameel Jaffer
Columbia Law School

As of Aug. 25, 2021.

Image sources: FCC for current commissioners; Benton Institute for Broadband & Society for Gigi Sohn; DLA Piper for Edward Smith; Fordham University for Olivier Sylvain; Stanford University for Barbara van Schewick; Columbia University for Jameel Jaffer

Credit: Cat Weeks

Source: S&P Global Market Intelligence

The cost of the holdup

"The delay is very problematic," said Andrew Schwartzman, senior counselor at the Benton Institute for Broadband & Society, adding that the slow selection process may keep the agency from performing normal business such as spectrum auctions or broadcast license renewals. For Schwartzman, many folks in the telecom space are "freaked out" about the selection delay, adding that the appointment gap seems "out of character" for the administration.

Others argue the commission as it stands can still carry out its duties, especially on bipartisan issues.

"I was there for seven years and for large chunks of time we had less than a full complement of commissioners," said Robert McDowell, a former Republican FCC commissioner and partner at Cooley LLP. He noted the current commission has made progress in areas like addressing excessive robocalls.

Rosenworcel's dilemma

The bigger hurdle, McDowell said, is the uncertainty around Rosenworcel's future. If Biden nominates her for another term or selects her as permanent chair, she will have to go through the Senate confirmation process. If he does not, she may not want to initiate a process that she will not be around to see through.

"There's a disincentive for her to initiate longer-term projects unless she has to," he said. "She may not put forth something bold on the table until she knows her fate."

Those long-term projects do not necessarily have to be asks from Biden, such as reinstating net neutrality, said McDowell, and can instead be projects that help advance America's position in the global telecom space, including the deployment of 6G networks.

Former Republican FCC Commissioner Michael O'Rielly said the incomplete commission has had very little impact on regular tasks, but partisan issues will require a 3-2 majority to pass when the time comes to vote. He added that every additional month of delay also puts the commission at risk of facing a Republican majority in the House, assuming it flips in next year's midterm elections.

"This should have been wrapped up many months ago, no matter how low a priority you put the FCC," said O'Rielly, now a visiting fellow at the Hudson Institute's Center for the Economics of the Internet.

Who can it be now?

The Biden administration has a progressive checklist for its FCC pick, with experts saying Biden will likely nominate a woman, a person of color, a person who has never been affiliated with the telecom industry, a person who worked for the Obama administration, or some combination of these criteria.

Rosenworcel is a major contender for permanent chair, but some sources were mixed about her likelihood of selection because of timing concerns. O'Rielly said the delay has indicated the White House will go in a different direction than the acting chairwoman, while Schwartzman said her chance at candidacy is strong because the confirmation process would be easier than most given her time spent with the agency.

Gigi Sohn, former president and co-founder of interest group Public Knowledge, was also named frequently by sources. Sohn previously served as counselor to former FCC Chairman Tom Wheeler. Edward Smith, managing partner at Washington, D.C.-based law firm DLA Piper and a former adviser in the FCC, was also mentioned.

Well-known broadband academics are also on the table. One source who works on telecom policy suggested Fordham University law professor Olivier Sylvain, Stanford University law professor Barbara van Schewick and Columbia University law professor Jameel Jaffer as possible contenders.

Biden's choice will ultimately be shaped by what he thinks is best for the telecom industry, ITIF's Brake said. He pointed to the pick of outspoken Big Tech critic Lina Khan to lead the Federal Trade Commission.

Biden has called on federal agencies to crack down on Big Tech and tackle both competition and price transparency among broadband providers. He also encouraged the FCC to reinstate net neutrality protections alongside other measures to make broadband pricing more transparent and affordable.