

# NORTH METRO TELECOMMUNICATIONS COMMISSION MEETING

November 17, 2021

6:00 p.m.

1301 81<sup>st</sup> 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. 1-13](#)
  - a. Minutes of regular meeting of September 15, 2021
  - b. Minutes of Operations Committee meeting of November 2, 2021
  - c. Minutes of Executive Committee meeting of November 3, 2021
  - d. September and October 2021 financial reports and bill lists
5. Executive Director Report
  - a. Monthly Report [pp. 14-22](#)
6. Legal Counsel Report [pp. 23-26](#)
  - a. Monthly Report
7. Old Business
8. New Business
  - a. Updates to Commission By-Laws [pp. 27-33](#)
9. Recommended Reading [pp. 34-52](#)
10. Community Calendar
  - A. Next Meeting Dates:
    - a. Operations Committee – December 7, 2021
    - b. Executive Committee – December 1, 2021
    - c. Cable Commission – December 15, 2021
11. Adjournment

# **NORTH METRO TELECOMMUNICATIONS COMMISSION**

## **UNAPPROVED MINUTES**

**Commission Meeting – September 15, 2021**

### **CALL TO ORDER**

Chair B. Nelson called the regular meeting of the North Metro Telecommunications Commission to order at 6:10 p.m.

### **ROLL CALL**

**Directors Present:** Julie Jeppson; Blaine, D. Love; Centerville, Dale Stoesz; Lino Lakes, Bob Nelson; Spring Lake Park, Steve McChesney; Circle Pines, Brandon Winge; Lexington

**Directors Absent:** Jesse Wilken; Ham Lake

**Others Present:** Mike Bradley; Legal Counsel, 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 June 16, 2021 NMTC meeting minutes, September 7, 2021 Operations Committee meeting minutes, September 1, 2021 Executive Committee Minutes and the June, July, and August bill lists and financial reports were approved as presented. **Motion for approval made by D. Love. Second, D. Stoesz. Motion passed unanimously.**

### **REPORT OF EXECUTIVE DIRECTOR**

H. Arnson reported on the following items:

- North Metro TV is back to a full fall sports coverage schedule. The weekly live, sports highlight show, Sports Den, is also back in production.

- North Metro TV is back to a full fall sports coverage schedule. The weekly live, sports highlight show, Sports Den, is also back in production.
- The first in-person workshop series in over a year wrapped up in August. The students are already scheduling time to produce their own shows. Instructor, Eric Houston, is also back to scheduling his movie and television history classes at outside venues, such as Senior Centers.
- There has been a surge in commercial production requests. Streaming, drone photography, video production, and home movie transfer services have all been in demand.
- Drone pilot, T.J. Tronson, has been working with the City of Ham Lake to provide new photos of city landmarks and parks.
- Election related programming has been organized and scheduled. All candidates for elections in the NMTV coverage area have been asked to provide a bio for the North Metro website and have been asked to schedule a one-on-one in-studio interview. The interviews will be available on YouTube and all cable and streaming channels once all participants in a particular race have been recorded.

#### **REPORT OF LEGAL COUNSEL**

- Legal Counsel is considering whether to appeal the Sixth Circuit Court of Appeals decision regarding the FCC's 621 Order concerning franchise fees, to the Supreme Court of the United States. The Sixth Circuit Court upheld the Order, meaning that some services, which were previously provided at no cost to the Commission, will now have a cost. Any appeal to the Supreme Court must be made by November 1<sup>st</sup>, 2021.
- A First Circuit Court of Appeals decision upholding a Maine law protecting consumers and PEG channels from discrimination was a victory. It upheld the authority of state and local governments to set requirements regarding cable access TV. The decision may be appealed.
- M. Bradley will be speaking at several conferences. Topics include closed captioning and the Sixth Circuit Court decision.

#### **OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business.

**COMMUNITY CALENDAR**

Upcoming meetings include:

1. The Operations Committee on October 5, 2021
2. The Executive Committee Meeting on October 6, 2021
3. The Cable Commission Meeting on October 20, 2021

**ADJOURN**

The meeting was adjourned at 6:26 p.m. **Motion for approval made by J. Jeppson. Second, S. McChesney. Motion passed unanimously.**

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Julie Jeppson; Secretary, NMTC

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

Tuesday, November 2, 2021

**CALL TO ORDER**

The meeting began at 11:11 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 September 7, 2021 were approved by consensus.

**EXECUTIVE DIRECTOR REPORT**

- The Commission By-Laws were reviewed and changes recommended. The updates would match changes that were made to the Joint Powers Agreement last year. Those updates include quorum rules, voting rules, and definitions.
- Comcast 3<sup>rd</sup> Quarter franchise and PEG fee reports were reviewed.
- A party to the Sixth Circuit Court Appeal of the FCC's 621 Order has requested that the United States Supreme Court review a portion of the decision. Commission Legal Counsel will submit a letter in support of the Petition, but there will be no additional cost to the Commission for this letter.
- NMTV staff is working with Ham Lake, Lino Lakes, and Spring Lake Park to update each city's Carousel page design to a new layout that includes a larger video box and social media feeds. Brightsign video sources are also being updated to match new information.
- Additional reimbursement for COVID related expenses was discussed. It will be considered again at a later date.

**OLD BUSINESS**

- There was no old business.

**NEW BUSINESS**

- A format and timeline for reviewing the Executive Director was established. The review will take place in January.

**ADJOURNMENT**

The meeting was adjourned at 11:59 p.m.

## **EXECUTIVE COMMITTEE MINUTES**

Meeting of September 1, 2021

Executive Cmte. Present: Dale Stoesz; Lino Lakes, Julie Jeppson; Blaine, Brandon Winge; Lexington

Absent: Bob Nelson; Spring Lake Park

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 September 1, 2021 Executive Committee meeting minutes was made by J. Jeppson. Second, B. Winge. Motion passed unanimously.**

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

- The Commission By-Laws were reviewed and changes recommended. The updates would match changes that were made to the Joint Powers Agreement last year. Those updates include quorum rules, voting rules, definitions and minor verbiage edits.

**MOTION:** To recommend adoption of changes to the By-Laws as presented. **Motion made by J. Jeppson. Second, B. Winge. Motion passed unanimously.**

- Comcast 3<sup>rd</sup> Quarter franchise and PEG fee reports were reviewed.
- A party to the Sixth Circuit Court Appeal of the FCC's 621 Order has petitioned the United States Supreme Court for review of a portion of the decision. Commission Legal Counsel will submit a letter in support of the Petition, but there will be no additional cost to the Commission for this letter.
- NMTV staff is working with Ham Lake, Lino Lakes, and Spring Lake Park to update each city's Carousel page design to a new layout that includes a larger video box and social media feeds. Brightsign video sources are also being updated to match new information.
- Additional reimbursement for COVID related expenses seems unlikely, but may be considered at a later date.

### **OLD BUSINESS**

- There was no old business.

Executive Committee Meeting  
November 3, 2021  
Page 2

**NEW BUSINESS**

- There was no new business.

**ADJOURN**

**Motion to adjourn made by J. Jeppson. Second, B. Winge. Motion passed unanimously. The meeting was adjourned at 6:14 p.m.**

**NORTH METRO TELECOMMUNICATION  
BILL LIST**

SEPTEMBER 2021

| <b>Date</b>      | <b>Check #</b> | <b>Payee</b>                     | <b>Amount</b>    |                                    |
|------------------|----------------|----------------------------------|------------------|------------------------------------|
| SEPTEMBER        | COMBINED       | PAYROLL                          | 43,904.89        | <b>WAGES</b>                       |
| SEPTEMBER        | COMBINED       | IRS/US PAYABLE                   | 14,065.91        | <b>WAGES</b>                       |
| SEPTEMBER        | COMBINED       | MN REVENUE PAYABLE               | 2,373.76         | <b>WAGES</b>                       |
| SEPTEMBER        | COMBINED       | PERA PAYABLE                     | 7,580.64         | <b>WAGES</b>                       |
| SEPTEMBER        | COMBINED       | PEACHTREE                        | 44.40            | <b>MONTHLY SERVICE</b>             |
| SEPTEMBER        | COMBINED       | DISCOVERY BENEFITS               | 1,177.88         | <b>HEALTH SAVINGS EMPLOYEE</b>     |
| 13907            | 9/3/21         | Richard D. Larson                | 341.00           | <b>JANITORIAL</b>                  |
| 13908            | 9/3/21         | Bradley Law, LLC                 | 1,138.25         | <b>LEGAL-GENERAL</b>               |
| 13909            | 9/10/21        | Danika Peterson                  | 154.00           | <b>MILEAGE/EXPENSES</b>            |
| 13910            | 9/12/21        | Siemens Industry, Inc            | 802.06           | <b>ANNUAL FIRE CONTRACT</b>        |
| 13911            | 9/13/21        | Terry Tronson                    | 289.46           | <b>MILEAGE/EXPENSES</b>            |
| 13912            | 9/15/21        | Timothy Singleton                | 90.00            | <b>STIPEND</b>                     |
| 13913            | 9/20/21        | Coastal Wintergreen LLC          | 995.00           | <b>MONTHLY SERVICE</b>             |
| 13914            | 9/23/21        | Winfield's Windows & Things, Inc | 125.00           | <b>SEMI-ANNUAL CLEANING</b>        |
| 13915            | 9/30/21        | Nancy Yang                       | 118.22           | <b>STIPEND</b>                     |
| 13916            | 9/30/21        | Michael S. Johnson               | 68.32            | <b>MILEAGE</b>                     |
| EFILE            | 9/1/21         | Authorize.Net                    | 34.59            | <b>MONTHLY SERVICE</b>             |
| EFILE            | 9/1/21         | Virtual Merchant Credit Card     | 10.00            | <b>MONTHLY SERVICE</b>             |
| EFILE            | 9/1/21         | Chase Visa Card Services         | 447.00           | <b>MONITORS</b>                    |
| EFILE            | 9/15/21        | Chase Visa Card Services         | 3,678.70         | <b>OS/MEDIA/STUDIO/FLEX/SFTWR</b>  |
| EPAY-01          | 9/1/21         | Principal Financial Group        | 520.21           | <b>STD/LTD/LIFE/ADD</b>            |
| EPAY-02          | 9/2/21         | POPP TELECOM                     | 218.35           | <b>MONTHLY SERVICE</b>             |
| EPAY-03          | 9/3/21         | Comcast                          | 539.67           | <b>MONTHLY SERVICE</b>             |
| EPAY-04          | 9/3/21         | T-Mobile                         | 102.16           | <b>MONTHLY SERVICE</b>             |
| EPAY-05          | 9/4/21         | Speedway                         | 191.66           | <b>GAS/OIL</b>                     |
| EPAY-07          | 9/12/21        | AT&T Wireless                    | 515.97           | <b>MONTHLY SERVICE</b>             |
| EPAY-08          | 9/14/21        | Republic Services                | 255.84           | <b>MONTHLY SERVICE</b>             |
| EPAY-09          | 9/15/21        | CenterPoint Energy               | 25.49            | <b>MONTHLY SERVICE</b>             |
| EPAY-10          | 9/15/21        | Comcast Business 1000M/1000M     | 1,237.44         | <b>MONTHLY SERVICE</b>             |
| EPAY-11          | 9/16/21        | U.S. Bank Card Service           | 299.78           | <b>ZOOM/AD/MRKT/OS/STUDIO/FAIR</b> |
| EPAY-12          | 9/22/21        | HealthPartners                   | 12,385.17        | <b>HEALTH/DENTAL</b>               |
| EPAY-13          | 9/26/21        | City of Blaine-utilities         | 321.10           | <b>MONTHLY SERVICE</b>             |
| EPAY-14          | 9/26/21        | Connexus Energy                  | 2,380.89         | <b>MONTHLY SERVICE</b>             |
| AUGUST SALES TAX | 9/15/21        | MN Dept. of Revenue              | 176.00           | <b>SALES TAX</b>                   |
|                  |                |                                  | <b>96,608.81</b> |                                    |



**NORTH METRO TELECOMMUNICATION  
BILL LIST**

OCTOBER 2021

| <b>Date</b>       | <b>Check #</b> | <b>Payee</b>                 | <b>Amount</b> |                                |
|-------------------|----------------|------------------------------|---------------|--------------------------------|
| OCTOBER           | COMBINED       | PAYROLL                      | 47,028.99     | <b>WAGES</b>                   |
| OCTOBER           | COMBINED       | IRS/US PAYABLE               | 14,516.13     | <b>WAGES</b>                   |
| OCTOBER           | COMBINED       | MN REVENUE PAYABLE           | 2,476.05      | <b>WAGES</b>                   |
| OCTOBER           | COMBINED       | PERA PAYABLE                 | 7,686.84      | <b>WAGES</b>                   |
| OCTOBER           | COMBINED       | PEACHTREE                    | 48.40         | <b>MONTHLY SERVICE</b>         |
| OCTOBER           | COMBINED       | DISCOVERY BENEFITS           | 1,177.88      | <b>HEALTH SAVINGS EMPLOYEE</b> |
| 13917             | 10/1/21        | Richard D. Larson            | 316.00        | <b>JANITORIAL</b>              |
| 13918             | 10/3/21        | B Harris, Inc.               | 675.00        | <b>QUARTERLY SERVICE</b>       |
| 13919             | 10/6/21        | Gabe Anderson                | 300.00        | <b>STIPEND</b>                 |
| 13920             | 10/7/21        | Coastal Wintergreen LLC      | 1,199.00      | <b>MONTHLY SERVICE</b>         |
| 13921             | 10/8/21        | Bradley Law, LLC             | 2,925.00      | <b>LEGAL-GENERAL</b>           |
| 13922             | 10/13/21       | Metro Sales, Inc.            | 810.00        | <b>QUARTERLY SERVICE</b>       |
| 13923             | 10/20/21       | Arman Sarda                  | 150.00        | <b>STIPEND</b>                 |
| 13924             | 10/29/21       | Nancy Yang                   | 500.00        | <b>STIPEND</b>                 |
| 13925             | 10/31/21       | Edwin Yang                   | 500.00        | <b>STIPEND</b>                 |
| EFILE             | 10/1/21        | Authorize.Net                | 34.59         | <b>MONTHLY SERVICE</b>         |
| EFILE             | 10/15/21       | Chase Visa Card Services     | 2,039.32      | <b>OS/MEDIA/STUDIO/SFTWR</b>   |
| EFILE             | 10/1/21        | Virtual Merchant Credit Card | 10.00         | <b>MONTHLY SERVICE</b>         |
| EPAY-01           | 10/1/21        | Principal Financial Group    | 520.21        | <b>STD/LTD/LIFE/ADD</b>        |
| EPAY-02           | 10/2/21        | POPP TELECOM                 | 218.36        | <b>MONTHLY SERVICE</b>         |
| EPAY-03           | 10/3/21        | Comcast                      | 539.67        | <b>MONTHLY SERVICE</b>         |
| EPAY-04           | 10/3/21        | T-Mobile                     | 102.16        | <b>MONTHLY SERVICE</b>         |
| EPAY-05           | 10/4/21        | Speedway                     | 33.10         | <b>GAS/OIL</b>                 |
| EPAY-06           | 10/6/21        | Circle K Station Stores      | 81.88         | <b>GAS/OIL</b>                 |
| EPAY-06           | 10/7/21        | Circle K Station Stores      | 314.46        | <b>GAS/OIL</b>                 |
| EPAY-07           | 10/12/21       | AT&T Wireless                | 512.47        | <b>MONTHLY SERVICE</b>         |
| EPAY-08           | 10/14/21       | Republic Services            | 255.84        | <b>MONTHLY SERVICE</b>         |
| EPAY-09           | 10/15/21       | CenterPoint Energy           | 28.63         | <b>MONTHLY SERVICE</b>         |
| EPAY-10           | 10/15/21       | Comcast Business 1000M/1000M | 1,237.44      | <b>MONTHLY SERVICE</b>         |
| EPAY-11           | 10/16/21       | U.S. Bank Card Service       | 754.60        | <b>ZOOM/AD/MRKT/OS/STUDIO</b>  |
| EPAY-12           | 10/22/21       | HealthPartners               | 12,385.17     | <b>HEALTH/DENTAL</b>           |
| EPAY-13           | 10/26/21       | City of Blaine-utilities     | 73.64         | <b>MONTHLY SERVICE</b>         |
| EPAY-14           | 10/26/21       | Connexus Energy              | 1,900.49      | <b>MONTHLY SERVICE</b>         |
| SEPTEMBER SALES T | 10/6/21        | MN Dept. of Revenue          | 77.00         | <b>SALES TAX</b>               |

**101,428.32**

# North Metro Telecommunications Commission

Balance Sheet  
October 31, 2021

## ASSETS

### Current Assets

|                          |                 |              |
|--------------------------|-----------------|--------------|
| Cash - Checking Account  | \$ 2,871,896.65 |              |
| Petty Cash               | 150.00          |              |
| A/R - NMTC               | 186,065.07      |              |
| Prepaid Insurance - NMTC | 11,527.00       |              |
|                          |                 |              |
| Total Current Assets     |                 | 3,069,638.72 |

### Property and Equipment

|                              |                |              |
|------------------------------|----------------|--------------|
| Office Equipment - NMTC      | 1,467,850.06   |              |
| Accum Deprec - NMTC          | (3,158,458.47) |              |
| Bond Equipment 2016          | 1,985,000.00   |              |
| Building-Polk/125            | 1,572,799.17   |              |
| Land-Polk/125                | 225,700.00     |              |
|                              |                |              |
| Total Property and Equipment |                | 2,092,890.76 |

### Other Assets

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

Total Assets \$ 5,203,923.48

## LIABILITIES AND CAPITAL

### Current Liabilities

|                                |             |              |
|--------------------------------|-------------|--------------|
| A/P - NMTC                     | \$ 7,713.67 |              |
| Accrued Payroll Taxes & W/H's  | 449.54      |              |
| Fed/Fica/Medicare              | 211.03      |              |
| State Withholding              | 4.82        |              |
| PERA - CORRECTIONS             | 310.09      |              |
| Garnished Wages                | 86.40       |              |
| Garnished Wages                | (86.40)     |              |
| PERA PAYABLE - PRIOR           | (3,371.42)  |              |
| Accrued Vacation               | 105,354.07  |              |
| 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      |             | 1,872,120.67 |

### Long-Term Liabilities

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

### Total Liabilities

2,441,688.67

### Capital

|                        |              |              |
|------------------------|--------------|--------------|
| Net Equity             | 368,870.87   |              |
| Net Equity - Media Ctr | (206,243.34) |              |
| Net Equity - NMTC      | 2,517,656.37 |              |
| Net Income             | 81,950.91    |              |
|                        |              |              |
| Total Capital          |              | 2,762,234.81 |

Total Liabilities & Capital \$ 5,203,923.48

# North Metro Telecommunications Comm

## Cash Receipts Journal

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

| Date     | Transaction Ref      | Line Description  | Debit Amnt        | Credit Amnt        |
|----------|----------------------|---|-------------------|--------------------|
| 10/6/21  | CONNEXUS REFUND      | CONNEXUS ENERGY REFUND<br>Miscellaneous receipts                                  | 1,986.99          | 1,986.99           |
| 10/20/21 | TRUCK PRODUCTION     | TRUCK PRODUCTION<br>TRUCK PRODUCTION<br>Miscellaneous receipts                    | 2,660.88          | 1,750.00<br>910.88 |
| 10/23/21 | OCT CC SALES-AMEX    | OCTOBER CC SALES-AMEX<br>OCTOBER CC SALES-AMEX-FEES<br>Miscellaneous receipts     | 0.78<br>19.22     | 20.00              |
| 10/24/21 | OCT CC SALES-SQUARE  | OCTOBER CC SALES-SQUARE<br>OCTOBER CC SALES-SQUARE-FEES<br>Miscellaneous receipts | 5.56<br>212.98    | 218.54             |
| 10/25/21 | INTEREST             | INTEREST COMMISSION CHECKING<br>INTEREST - COMMISSION                             | 21.39             | 21.39              |
| 10/26/21 | 3RD QTR PEG FEE      | 3RD QTR PEG FEE<br>Comcast-PEG Fees   | 177,122.41        | 177,122.41         |
| 10/26/21 | 3RD QTR FRAN FEE     | 3RD QTR FRAN FEE<br>Comcast-Franchise   | 307,525.35        | 307,525.35         |
| 10/27/21 | OCT CC SALES-AUTH??? | OCTOBER CC SALES-AUTH<br>OCTOBER CC SALES-AUTH-FEES<br>Miscellaneous receipts     | 3.24<br>136.76    | 140.00             |
| 10/28/21 | OCT CC SALES-AUTH    | OCTOBER CC SALES-AUTH<br>OCTOBER CC SALES-AUTH-FEES<br>Miscellaneous receipts     | 4.64<br>175.36    | 180.00             |
| 10/29/21 | OCT CC SALES-AMEX    | OCTOBER CC SALES-AMEX<br>OCTOBER CC SALES-AMEX-FEES<br>Miscellaneous receipts     | 2.34<br>57.66     | 60.00              |
| 10/30/21 | OCT CC SALES-SQUARE  | OCTOBER CC SALES-SQUARE<br>OCTOBER CC SALES-SQUARE-FEES<br>Miscellaneous receipts | 20.11<br>768.34   | 788.45             |
| 10/31/21 | OCTOBER PAYPAL       | OCTOBER PAYPAL<br>OCTOBER PAYPAL FEES<br>PAYPAL                                   | 16.87<br>283.13   | 300.00             |
|          |                      |   | <b>491,024.01</b> | <b>491,024.01</b>  |

# North Metro Telecommunications Comm

## Check Register

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

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

| Check #             | Date     | Payee                        | Amount   |
|---------------------|----------|------------------------------|----------|
| EFILE               | 10/1/21  | Discovery Benefits           | 22.50    |
| EFILE               | 10/1/21  | Authorize.Net                | 34.59    |
| EFILE               | 10/1/21  | Virtual Merchant Credit Card | 10.00    |
| 13917               | 10/1/21  | Richard D. Larson            | 316.00   |
| EPAY-01             | 10/1/21  | Principal Financial Group    | 520.21   |
| EPAY-02             | 10/2/21  | POPP TELECOM                 | 218.36   |
| EPAY-04             | 10/3/21  | T-Mobile                     | 102.16   |
| EPAY-03             | 10/3/21  | Comcast                      | 539.67   |
| 13918               | 10/3/21  | B Harris, Inc.               | 675.00   |
| EPAY-05             | 10/4/21  | Speedway                     | 33.10    |
| EFILE               | 10/6/21  | Discovery Benefits           | 577.69   |
| SEPTEMBER SALES TAX | 10/6/21  | MN Dept. of Revenue          | 77.00    |
| 13919               | 10/6/21  | Gabe Anderson                | 300.00   |
| EPAY-06             | 10/6/21  | Circle K Station Stores      | 81.88    |
| 13920               | 10/7/21  | Coastal Wintergreen LLC      | 1,199.00 |
| EPAY-06             | 10/7/21  | Circle K Station Stores      | 314.46   |
| EFILE               | 10/8/21  | MN Dept. of Revenue          | 1,143.83 |
| EFILE               | 10/8/21  | Public Employees Retirement  | 3,718.40 |
| EFILE               | 10/8/21  | IRS/US BANK                  | 6,422.53 |
| PEACH               | 10/8/21  | Peachtree/Sage Software      | 22.20    |
| 13921               | 10/8/21  | Bradley Law, LLC             | 2,925.00 |
| EPAY-07             | 10/12/21 | AT&T Wireless                | 512.47   |
| 13922               | 10/13/21 | Metro Sales, Inc.            | 810.00   |
| EPAY-08             | 10/14/21 | Republic Services            | 255.84   |
| EPAY-09             | 10/15/21 | CenterPoint Energy           | 28.63    |
| EFILE               | 10/15/21 | Chase Visa Card Services     | 2,039.32 |
| EPAY-10             | 10/15/21 | Comcast Business 1000M/1000M | 1,237.44 |
| EPAY-11             | 10/16/21 | U.S. Bank Card Service       | 754.60   |
| EFILE               | 10/20/21 | Discovery Benefits           | 577.69   |

# North Metro Telecommunications Comm

## Check Register

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

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

| Check #      | Date     | Payee                       | Amount           |
|--------------|----------|-----------------------------|------------------|
| 13923        | 10/20/21 | Arman Sarda                 | 150.00           |
| EFILE        | 10/22/21 | MN Dept. of Revenue         | 1,141.26         |
| EFILE        | 10/22/21 | Public Employees Retirement | 3,718.40         |
| EFILE        | 10/22/21 | IRS/US BANK                 | 6,410.41         |
| PEACH        | 10/22/21 | Peachtree/Sage Software     | 22.20            |
| EPAY-12      | 10/22/21 | HealthPartners              | 12,385.17        |
| EPAY-13      | 10/26/21 | City of Blaine-utilities    | 73.64            |
| EPAY-14      | 10/26/21 | Connexus Energy             | 1,900.49         |
| EFILE        | 10/26/21 | Peachtree/Sage Software     | 4.00             |
| 13924        | 10/29/21 | Nancy Yang                  | 500.00           |
| EFILE        | 10/31/21 | Public Employees Retirement | 250.04           |
| EFILE        | 10/31/21 | MN Dept. of Revenue         | 190.96           |
| EFILE        | 10/31/21 | IRS/US BANK                 | 1,683.19         |
| 13925        | 10/31/21 | Edwin Yang                  | 500.00           |
| <b>Total</b> |          |                             | <b>54,399.33</b> |

# North Metro Telecommunications Comm

## General Journal

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

| Date     | Reference            | Trans Description                              | Debit Amt         | Credit Amt        |
|----------|----------------------|--|-------------------|-------------------|
| 10/1/21  | ACCRUED VAC/COM/SICK | ACCRUED VAC/COM/SICK<br>ACCRUED VAC/COM/SICK   | 105,851.60        | 105,851.60        |
| 10/1/21  | ACCRUED WAGES        | ACCRUED WAGES<br>ACCRUED WAGES                 | 24,402.24         | 24,402.24         |
| 10/31/21 | ACCRUED DEPRECIATION | ACCRUED DEPRECIATION<br>ACCRUED DEPRECIATION   | 12,900.00         | 12,900.00         |
| 10/31/21 | ACCRUED VAC/COM/SICK | ACCRUED VAC/COMP/SICK<br>ACCRUED VAC/COMP/SICK | 105,354.07        | 105,354.07        |
|          | <b>Total</b>         |  | <b>248,507.91</b> | <b>248,507.91</b> |

# North Metro TV

October 2021 Update

## Program Production

In October, a total of 90 **new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **92:30:00 hours of new programming**.

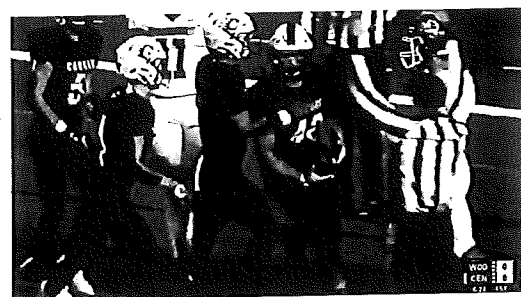
- 25 programs were produced by the public
- 61 programs were produced by NMTV staff
- 4 programs were produced by City staff



## Van Shoots

The HD production truck was utilized for 59:45:00 hours of production in October. The following events were produced live and recorded for additional playback:

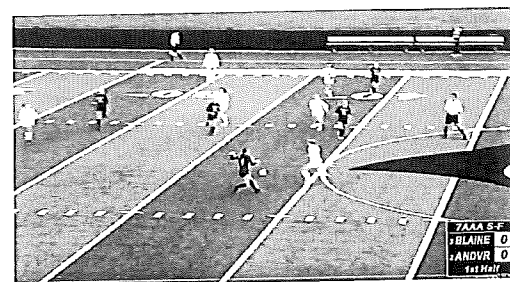
- Football: Totino-Grace vs. Blaine
- Football: Blaine vs. Centennial
- Football: Cooper vs. Spring Lake Park
- Girls Soccer: 7AAA QF: Anoka vs. Blaine
- Boys Soccer: 7AAA QF: Andover vs. Blaine
- Girls Soccer: 7AAA SF: Duluth East vs. Centennial
- Boys Soccer: 7AAA SF: Coon Rapids vs. Centennial
- Football: Wayzata vs. Blaine
- Girls Soccer: 7AAA Championship: Andover vs. Centennial
- Football: Woodbury vs. Centennial

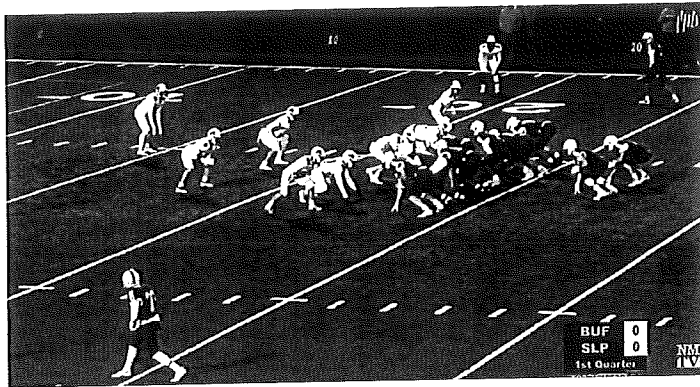


## vMix Live Streaming Shoots

The vMix single camera production system was utilized to record/transmit 10 sporting events. The vMix system requires significantly fewer staff members than the production truck. vMix crews are spread out over multiple locations and connected via the internet.

- Volleyball: Blaine vs. Centennial
- Girls Soccer: 7AAA SF: Blaine vs. Andover
- Youth Football Championships:
  - 2<sup>nd</sup> Grade
  - 3<sup>rd</sup> Grade
  - 4<sup>th</sup> Grade
  - 5<sup>th</sup> Grade
  - 6<sup>th</sup> Grade
- Football: Armstrong vs. Spring Lake Park
- Football: 6AAAA QF: Buffalo vs. Spring Lake Park
- Football: 6A 1<sup>st</sup> Round: Totino-Grace vs. Blaine





## Most Viewed YouTube Sporting Event

Football: 6AAAAA QF: Buffalo vs. Spring Lake Park  
2,359 Views

## Live Workshops

| Workshop                                       | Instructor   | Organization             | Students           |
|--|--------------|--------------------------|--------------------|
| How to Make a TV Show: Week 1: Cameras         | Eric Houston | General Public           | 3                  |
| Lecture Class: The Monsters Come to Television | Eric Houston | Blaine Parks & Rec       | 2                  |
| How to Make a TV Show: Week 2: Microphones     | Eric Houston | General Public           | 3                  |
| Editing Tutorial                               | Eric Houston | General Public           | 1                  |
| Lecture Class: Hollywood Goes to War           | Eric Houston | Crest View Senior Living | 4                  |
| <b>5 Live Workshop</b>                         |              |                          | <b>13 Students</b> |

## VOD Workshop Views

| Workshop   | Type | # of Views | Hours Viewed |
|--|------|------------|--------------|
| Great British Game Shows                           | Mini | 88         | 7 hrs        |
| We Love Lucy: The Lucille Ball Story               | Full | 129        | 12 hrs       |
| The Immortal Ingrid Pitt                           | Mini | 3618       | 241 hrs      |
| The Oscars: 90 Years of the Academy Awards         | Full | 48         | 10.5 hrs     |
| Tim Curry Horror Picture Show                      | Mini | 98         | 7 hrs        |
| Back to the Eighties: The Decade's Biggest...      | Full | 58         | 10 hrs       |
| James Bond: 50 Years of 007                        | Full | 229        | 22 hrs       |
| Eurovision: A Celebration                          | Mini | 32         | 1.75 hrs     |
| Yabba-Dabba-Do! The Fantastic World of Hanna...    | Full | 423        | 38.75 hrs    |
| Superman: The Man of Steel on the Silver Screen    | Full | 50         | 10.5 hrs     |
| The Fantastic Four on the Silver Screen            | Mini | 78         | 5.75 hrs     |
| Christmas in Hollywood                             | Full | 15         | 4.5 hrs      |
| TV's Greatest Christmas Specials                   | Full | 29         | 5.5 hrs      |
| Chicago Christmas Classics                         | Mini | 334        | 61.75 hrs    |
| Let's Go Ghostbusters: Filmation's Haunted Heroes  | Mini | 28         | 1.5 hrs      |
| Monster Movies of the 40s and 50s                  | Full | 356        | 38.5 hrs     |
| Monster Movies of the 20s and 30s                  | Full | 86         | 10.75 hrs    |
| The Presidency on Film JQA to JFK                  | Full | 9          | 1 hr         |
| Monstervision: The Legend of Joe Bob Briggs        | Mini | 48         | 3.75 hrs     |
| The Cult of Caroline Munro                         | Mini | 287,422    | 11,975 hrs   |
| The Marilyn Monroe Story                           | Full | 96         | 16 hrs       |
| Nick at Nite: A TV Viewer's Dream                  | Mini | 53         | 2 hrs        |
| The Birth of Animation: Mickey, Bugs, and Betty... | Full | 10         | 2 hrs        |
| Hollywood Goes to War: World War II                | Full | 51         | 12 hrs       |
| Come on Down: Game Shows of the 70s and 80s        | Full | 44         | 9.25 hrs     |



|  |      |                            |                               |
|--|------|----------------------------|-------------------------------|
| The Quiz Show Scandals and Other Game Shows... | Full | 87                         | 25 hrs                        |
| The Three Stooges: Comedy's Heavy Hitters      | Full | 18                         | 2 hrs                         |
| The Marx Brothers: Groucho, Harpo, Chico...    | Full | 98                         | 7.75 hrs                      |
| Mary Pickford: The World's First Movie Star    | Full | 10                         | .5 hrs                        |
| Hollywood Goes to the Dogs: Lassie, Benji...   | Full | 20                         | 2.25 hrs                      |
| <b>30 VOD Workshops</b>                        |      | <b>293,665 Total Views</b> | <b>12,547.25 Hours Viewed</b> |



## Join the Lamb's

### Most Viewed YouTube Workshop

The Cult of Caroline Munro  
287,422 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           |
| September     | 21,179         | 34,266         | 2,927.25         | 123             | 518,344           |
| October       | 267,700        | 346,691        | 19,079           | 1,474           | 3,720,835         |
| <b>TOTAL:</b> | <b>524,383</b> | <b>721,572</b> | <b>59,606.95</b> | <b>2,653</b>    | <b>10,001,489</b> |

### 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               |
| September     | 5,244           | 13,772          | 2,524             |
| October       | 6,525           | 22,452          | 5,837             |
| <b>TOTAL:</b> | <b>49,371</b>   | <b>137,553</b>  | <b>19,262</b>     |

## 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         |
| September     | 200.5             | 56         | 13         | 3          | 1,457          | \$932.36           |
| October       | 130.5             | 65         | 13         | 0          | 1,168          | \$1,053.32         |
| <b>TOTAL:</b> | <b>3,383.5</b>    | <b>854</b> | <b>698</b> | <b>231</b> | <b>6,866</b>   | <b>\$15,583.59</b> |

## 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 October highlights include:

- League of Women Voters Works to Register Voters in the North Metro
- Anoka County Sheriff's Office Warns of New Scams in the Community
- North Metro Lawmaker Thankful for Support After Serious Injury
- Lino Lakes Intersection Getting Major Upgrade With Senior Living Development
- Blaine Honors Longtime Employee with Naming of Hockey Rinks
- ACCAP Kinship Program Volunteer Opportunity
- Anoka County Master Gardener: Fall Prep for Next Season
- Northtown Bus Station Moving in Blaine
- Blaine Considers New Pet Store Rules
- Pumpkin Growers Overcome Challenging Season
- USA Hockey to Train in Blaine Before Winter Olympics
- North Metro Firefighters Join Others From Across the Country in Response to Gulf Coast Hurricanes
- Eye Clinic Chooses to See the Good
- Lost Dogs are Adopted by Officers Who Found Them
- COVID Outbreak Changes Shelter's Plans
- Rice Creek Watershed District Heads to State Supreme Court
- Anoka County Building New Off Road Bicycle Paths in Rice Creek Chain of Lakes Park
- Anoka Hennepin Superintendent Talks Referendum Questions on Upcoming Ballot
- School Districts, Bus Companies Address On Going Driver Shortages
- Spring Lake Park Leaders are Fed Up With Illegal Dumping at City Hall
- Anoka County Master Gardener: Tulip Planting
- Crisp & Green Opens in Blaine
- Swim Team Compete in Food Packing Challenge
- City Shares Cost of Highway Logo Signs
- Anoka Tech Food Shelf Wins State Award
- City of Blaine Hosts Design Workshop Ahead of Plans for Northtown Redevelopment



In addition to daily playbacks of North Metro TV News on the cable systems, there are 941 local stories archived for viewers on the NMTV YouTube channel. The channel can be accessed through the northmetrotv.com website.

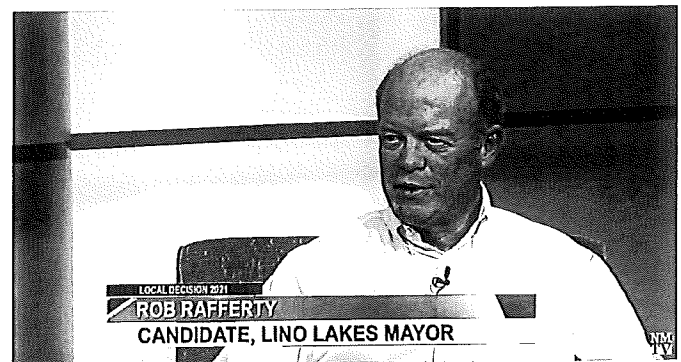


## Most Viewed YouTube News Story

Lost Dogs Adopted by Officers Who Found Them  
812 Views

### Local Decision 2021

The News Team wrapped up election related programming with "Meet the Candidate" forums for School Board, City Council, and Mayoral seats. By election day, Local Decision programming had received almost 4,000 views, with a majority of clicks focused on contested school board races. NMTV is proud to provide our community with valuable information, usually not found any place else, to assist in the decision making process.

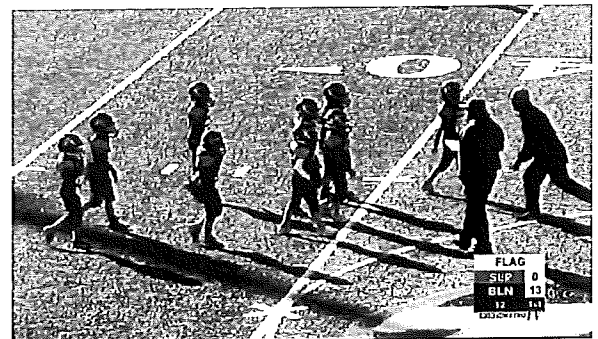


### Popular Youtube Class

One of instructor Eric Houston's very popular movie and television history classes, *The Cult of Caroline Munroe* hit it really big in October. It was already the most popular of his classes, having been viewed 18,775 times over the last year, but October saw those numbers jump to 287,422 views. YouTube chose to promote that video as a "suggested video," perhaps because of the release of the new James Bond Movie (*Caroline Munro* co-starred in the classic Bond film *The Spy Who Loved Me*) or because of Halloween...no matter, the result of the free advertising speaks for itself! When staff noticed the sudden popularity of the video, links were added to the end of it, to two other shows, to drive up viewership of those. As a result *The Immortal Ingrid Pitt* and *James Bond* 50 Years of 007 also saw increased viewership.

### Youth Football

The Sports crew spent Sunday October 17th covering the North Metro Youth Football Championships. The 2nd, 3rd, 4th, 5th, and 6th grade championship games were streamed live and recorded for future playback. This year, the games were produced live via NMTV's new vMix system. While the system typically utilizes single camera set-ups, the video does include professional graphics and announcers. The games were streamed live on channel 15, Roku, AppleTV, Youtube, and Facebook. This event is very popular with our viewing audience and also results in quite a few Blu-ray sales. It is a tradition for us to playback a youth football marathon on Thanksgiving day. The tradition will continue!



### Centennial Choir Concert

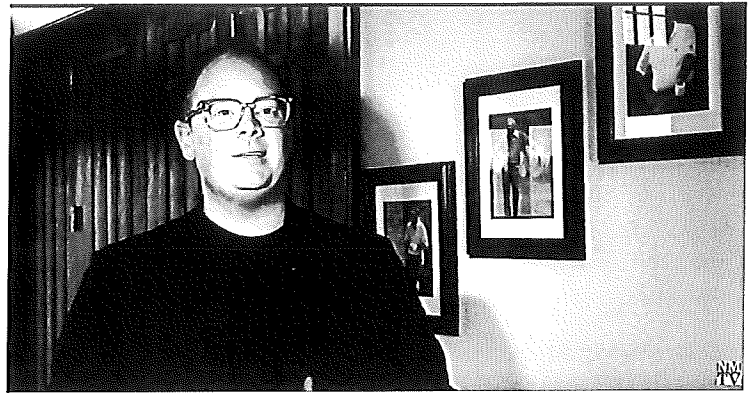
One of the responsibilities of the NMTV Sports Director, is to work with schools to facilitate live streaming and recording of events that we no longer record for our channels due to copyright issues. In October, we worked with Centennial High School to record a fall choir concert. Parents still want to see their kids in plays and concerts and we are happy to provide that visual experience for them via our streaming services.



## City Productions

In October, Municipal Producer, Trevor Scholl, completed three productions. The shows include two episodes of Mayor's Minutes and a business profile. Trevor is also working to update all seven city Brightsign players with current videos and information. Programs completed include:

- Mayor's Minutes: Circle Pines Fall 2021
- Mayor's Minutes: Blaine Fall 2021
- Waldoch Farm Fall Garden Tips



New and ongoing projects include:

- More fall Mayor's minutes
- Blaine Business Council Interviews
- Veterans Day event
- Blaine staff training videos
- NMTV Yule log
- Re-formatting Carousel videos for Spring Lake Park channel
- Centerville business profiles
- Business profiles focused on new businesses

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                   |
|--|-----------------|---------------------------|
| Chit Chat: With Anna Tucker, Attorney              | Sharon Carlson  | 00:21:26                  |
| Bad Movie Bros                                     | Eric Houston    | 00:29:28                  |
| Rice Creek Watershed District Meeting (2 episodes) | Theresa Stasica | 03:25:37                  |
| Christ Lutheran Church (7 episodes)                | Chance Amundson | 06:00:04                  |
| 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  | 03:04:25                  |
| Hope Church  | Parker Payne    | 00:53:26                  |
| <b>25 New Programs</b>                             |                 | <b>20:14:26 New Hours</b> |

## NMTV Staff Programs

| Title   | Producer                  | Runtime  |
|---|---------------------------|----------|
| Anoka County Board Meeting (10/12/21)                       | T.J. Tronson              | 01:40:18 |
| Anoka County Board Meeting (10/26/21)                       | T.J. Tronson              | 00:57:20 |
| NMTV News (5 episodes)                                      | Danika Peterson/Rusty Ray | 01:45:26 |
| Local Decision 2021: Lino Lakes Mayor                       | Danika Peterson/Rusty Ray | 00:19:10 |
| Local Decision 2021: Circle Pines City Council              | Danika Peterson/Rusty Ray | 00:25:25 |
| Local Decision 2021: Circle Pines Mayor                     | Danika Peterson/Rusty Ray | 00:18:30 |
| Local Decision 2021: Lino Lakes City Council                | Danika Peterson/Rusty Ray | 00:47:48 |
| Local Decision 2021: Spring Lake Park School Board          | Danika Peterson/Rusty Ray | 00:52:05 |
| Local Decision 2021: Anoka-Hennepin School Board District 4 | Danika Peterson/Rusty Ray | 00:37:58 |
| Mayor's Minutes: Circle Pines Fall 2021                     | Trevor Scholl             | 00:07:23 |

|   |                           |                           |
|---|---------------------------|---------------------------|
| Waldoch Farm Fall Garden Tips                           | Trevor Scholl             | 00:08:20                  |
| Mayor's Minutes: Blaine Fall 2021                       | Trevor Scholl             | 00:07:28                  |
| Volleyball: Blaine/Centennial                           | Kenton Kipp/J. Millington | 01:29:19                  |
| Girls Soccer: 7AAA SF: Blaine/Andover                   | Kenton Kipp/J. Millington | 01:29:10                  |
| Youth Football Championship: 2 <sup>nd</sup> Grade      | Kenton Kipp/J. Millington | 01:29:46                  |
| Youth Football Championship: 3 <sup>rd</sup> Grade      | Kenton Kipp/J. Millington | 01:23:08                  |
| Youth Football Championship: 4 <sup>th</sup> Grade      | Kenton Kipp/J. Millington | 01:02:09                  |
| Youth Football Championship: 5 <sup>th</sup> Grade      | Kenton Kipp/J. Millington | 01:41:14                  |
| Youth Football Championship: 6 <sup>th</sup> Grade      | Kenton Kipp/J. Millington | 01:15:59                  |
| Football: Armstrong/Spring Lake Park                    | Kenton Kipp/J. Millington | 01:55:53                  |
| Football: 6AAAAA QF: Buffalo/Spring Lake Park           | Kenton Kipp/J. Millington | 01:41:57                  |
| Football: 6A 1 <sup>st</sup> Round: Totino Grace/Blaine | Kenton Kipp/J. Millington | 02:00:15                  |
| Football: Totino Grace/Blaine                           | Kenton Kipp/J. Millington | 02:10:17                  |
| Football: Blaine/Centennial                             | Kenton Kipp/J. Millington | 02:13:23                  |
| Football: Cooper/Spring Lake Park                       | Kenton Kipp/J. Millington | 01:59:05                  |
| Girls Soccer: 7AAA QF: Anoka/Blaine                     | Kenton Kipp/J. Millington | 01:32:55                  |
| Boys Soccer: 7AAA QF: Andover/Blaine                    | Kenton Kipp/J. Millington | 01:45:57                  |
| Girls Soccer: 7AAA SF: Duluth East/Centennial           | Kenton Kipp/J. Millington | 01:35:21                  |
| Boys Soccer: 7AAA SF: CR/Centennial                     | Kenton Kipp/J. Millington | 01:31:57                  |
| Football: Wayzata/Blaine                                | Kenton Kipp/J. Millington | 02:13:58                  |
| Girls Soccer: 7AAA Championship: Andover/Centennial     | Kenton Kipp/J. Millington | 01:54:51                  |
| Football: Woodbury/Centennial                           | Kenton Kipp/J. Millington | 02:00:51                  |
| Sports Den (4 episodes)                                 | Kenton Kipp/J. Millington | 01:23:37                  |
| <b>40 New Programs</b>                                  |                           | <b>44:00:49 New Hours</b> |

## City Meetings

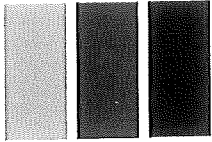
| Title  | Producer                 | Runtime  |
|--|--------------------------|----------|
| Blaine City Council Meeting (10/4/21)                          | T.J. Tronson             | 01:51:10 |
| Blaine Planning Commission Meeting (10/12/21)                  | T.J. Tronson/Isaac Quick | 00:05:11 |
| Blaine City Council Meeting (10/18/21)                         | Trevor Scholl            | 00:49:32 |
| Blaine Natural Resources Conservation Board Meeting (10/19/21) | Isaac Quick              | 01:18:28 |
| Blaine Park Board Meeting (10/26/21)                           | Isaac Quick              | 01:13:39 |
| Centerville Planning & Zoning Meeting (10/5/21)                | Matt Waldron             | 02:34:03 |
| Centerville Park & Rec Meeting (10/6/21)                       | Trevor Scholl            | 01:41:15 |
| Centerville City Council Meeting (10/13/21)                    | Teresa Bender            | 02:31:50 |
| Centerville EDA Meeting (10/20/21)                             | Rusty Ray                | 01:34:58 |
| Centerville City Council Meeting (10/27/21)                    | Teresa Bender            | 01:17:36 |
| Circle Pines City Council Meeting (10/12/21)                   | Patrick Willson          | 01:10:42 |
| Circle Pines Utility Commission Meeting (10/20/21)             | Patrick Willson          | 00:50:35 |
| Circle Pines City Council Meeting (10/26/21)                   | Patrick Willson          | 00:42:59 |
| Ham Lake City Council Meeting (10/4/21)                        | Patrick Willson          | 01:52:42 |
| Ham Lake Planning Commission Meeting (10/11/21)                | Patrick Willson          | 00:31:02 |
| Ham Lake City Council Meeting (10/18/21)                       | Patrick Willson          | 00:31:34 |
| Lexington City Council Meeting (10/7/21)                       | Lexington Staff          | 00:40:37 |
| Lexington City Council Meeting (10/21/21)                      | P. 20<br>Lexington Staff | 00:09:22 |

|  |                 |                           |
|--|-----------------|---------------------------|
| Lino Lakes City Council Meeting<br>(10/11/21)              | Anne Serwe      | 00:35:58                  |
| Lino Lakes Planning & Zoning Meeting<br>(10/13/21)         | Anne Serwe      | 01:58:32                  |
| Lino Lakes City Council Meeting<br>(10/25/21)              | Anne Serwe      | 00:26:30                  |
| Lino Lakes Environmental Board Meeting<br>(10/27/21)       | Anne Serwe      | 01:09:42                  |
| Spring Lake Park City Council Meeting<br>(10/4/21)         | Danika Peterson | 01:01:35                  |
| Spring Lake Park City Council Meeting<br>(10/18/21)        | Eric Houston    | 00:50:28                  |
| Spring Lake Park Planning Commission<br>Meeting (10/25/21) | T.J. Tronson    | 00:32:15                  |
| <b>25 New Programs</b>                                     |                 | <b>28:02:15 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

|  | J         | F         | M         | A         | M         | JU         | A         | S         | O         | N | D | 21 Total    | 21 Average |
|--|-----------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-----------|---|---|-------------|------------|
| <b>Programming Statistics</b>            |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Cablecast Programs                       | 2478.00   | 2262.00   | 2542.00   | 2186.00   | 2335.00   | 2179.00    | 2471.00   | 2463.00   | 2956.00   |   |   | 24362.00    | 2030.17    |
| Cablecast Hours                          | 1985.50   | 1945.50   | 2090.75   | 2085.50   | 2275.50   | 1860.00    | 2181.00   | 2121.00   | 1969.00   |   |   | 20826.75    | 1735.58    |
| Programs Produced - Public               | 18.00     | 12.00     | 19.00     | 15.00     | 13.00     | 15.00      | 13.00     | 12.00     | 17.00     |   |   | 151.00      | 12.58      |
| Program Hours Produced - Public          | 14.00     | 10.00     | 15.00     | 11.00     | 12.00     | 11.75      | 10.00     | 9.75      | 13.00     |   |   | 117.75      | 9.81       |
| Prog. Produced - Affiliated Public       | 6.00      | 6.00      | 6.00      | 5.00      | 3.00      | 6.00       | 6.00      | 5.00      | 8.00      |   |   | 62.00       | 5.17       |
| Prog. Hours Produced - Affil. Public     | 6.00      | 5.00      | 6.50      | 6.50      | 3.00      | 5.25       | 5.25      | 3.25      | 7.50      |   |   | 54.50       | 4.54       |
| Programs Produced - City Staff           | 10.00     | 6.00      | 6.00      | 7.00      | 9.00      | 4.50       | 4.00      | 4.00      | 4.00      |   |   | 58.50       | 4.88       |
| Prog. Hours Produced - City Staff        | 14.50     | 12.00     | 6.25      | 20.50     | 18.00     | 4.00       | 3.75      | 4.50      | 6.00      |   |   | 94.00       | 7.83       |
| Programs Produced - NMTV Staff           | 49.00     | 46.00     | 99.00     | 37.00     | 50.00     | 48.50      | 91.00     | 50.00     | 61.00     |   |   | 569.50      | 47.46      |
| Prog. Hours Produced - NMTV Staff        | 39.50     | 39.25     | 53.00     | 34.00     | 51.00     | 45.00      | 84.00     | 33.25     | 49.75     |   |   | 496.25      | 41.35      |
| Total Public Programs Produced           | 59.00     | 52.00     | 105.00    | 44.00     | 59.00     | 53.00      | 95.00     | 42.00     | 71.00     |   |   | 628.00      | 52.33      |
| Total Staff Programs Produced            | 83.00     | 70.00     | 132.00    | 64.00     | 78.00     | 74.00      | 114.00    | 65.00     | 90.00     |   |   | 841.00      | 70.08      |
| Total Internal Programs Produced         | 71.08%    | 74.29%    | 79.55%    | 68.75%    | 75.64%    | 71.62%     | 83.33%    | 64.62%    | 72.22%    |   |   | 74.67%      | 74.67%     |
| % Public Produced Programs               | 28.92%    | 25.71%    | 20.45%    | 31.25%    | 24.36%    | 28.38%     | 16.67%    | 35.38%    | 27.78%    |   |   | 25.33%      | 25.33%     |
| External Programs Submitted              | 15.00     | 27.00     | 24.00     | 23.00     | 18.00     | 23.00      | 19.00     | 24.00     | 24.00     |   |   | 218.00      | 18.17      |
| External Program Hours                   | 11.50     | 19.50     | 21.25     | 20.25     | 15.00     | 21.00      | 18.00     | 21.50     | 19.00     |   |   | 188.00      | 15.87      |
| Total New Programs                       | 98.00     | 97.00     | 156.00    | 87.00     | 96.00     | 97.00      | 133.00    | 89.00     | 114.00    |   |   | 1059.00     | 88.25      |
| <b>Public Equipment Usage Statistics</b> |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Facility Hours Available                 | 105.00    | 105.00    | 140.00    | 119.00    | 112.00    | 131.00     | 133.00    | 126.00    | 91.00     |   |   | 1180.00     | 96.67      |
| Camera Check Outs                        | 5.00      | 4.00      | 7.00      | 6.00      | 3.00      | 4.00       | 4.00      | 4.00      | 3.00      |   |   | 48.00       | 4.00       |
| Studio A                                 | 0.00      | 0.00      | 0.00      | 0.00      | 0.00      | 0.00       | 0.00      | 0.00      | 0.00      |   |   | 12.00       | 1.00       |
| % of Available Time                      | 0.00%     | 0.00%     | 0.00%     | 0.00%     | 0.00%     | 0.00%      | 0.00%     | 0.00%     | 0.00%     |   |   | 1.03%       | 1.03%      |
| Studio B                                 | 0.00      | 0.00      | 0.00      | 0.00      | 6.50      | 0.00       | 14.00     | 10.25     | 3.00      |   |   | 33.75       | 2.81       |
| % of Available Time                      | 0.00%     | 0.00%     | 0.00%     | 0.00%     | 5.80%     | 0.00%      | 10.53%    | 8.13%     | 3.06%     |   |   | 3.91%       | 2.91%      |
| Editing                                  | 16.00     | 17.00     | 19.50     | 18.00     | 15.50     | 12.50      | 15.75     | 35.25     | 8.50      |   |   | 172.75      | 14.40      |
| % of Available Time                      | 15.24%    | 16.19%    | 13.93%    | 15.13%    | 13.84%    | 9.54%      | 11.84%    | 27.98%    | 9.34%     |   |   | 14.89%      | 6.47%      |
| Number of Public Facility Users          | 5.00      | 2.00      | 4.00      | 6.00      | 9.00%     | 4.00       | 11.00     | 10.00     | 3.00      |   |   | 54.09       | 4.51       |
| Total Hours of Public Use                | 49.00     | 26.00     | 49.00     | 84.00     | 29.50     | 25.50      | 29.75     | 45.50     | 8.50      |   |   | 376.50      | 31.38      |
| <b>Production Van/Vmix Statistics</b>    |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Number of Van Shoots                     | 0.00      | 0.00      | 12.00     | 3.00      | 8.00      | 7.00       | 2.00      | 4.00      | 9.00      |   |   | 54.00       | 4.50       |
| Total Van Usage Hours                    | 0.00      | 0.00      | 67.50     | 18.00     | 46.00     | 44.25      | 14.25     | 20.75     | 59.75     |   |   | 331.25      | 27.60      |
| Number of VMix Shoots                    | 13.00     | 14.00     | 11.00     | 3.00      | 4.00      | 4.00       | 41.00     | 0.00      | 2.00      |   |   | 0.16        | 0.38       |
| Intern Hours                             | 27.50     | 10.00     | 17.00     | 10.00     | 20.25     | 44.25      | 18.75     | 28.50     | 40.25     |   |   | 228.50      | 19.04      |
| Volunteer Hours                          | 0.00      | 0.00      | 4.00      | 8.00      | 4.00      | 27.00      | 49.50     | 0.00      | 27.75     |   |   | 124.25      | 10.35      |
| <b>Workshop Statistics</b>               |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Number of Live Workshops                 | 2.00      | 3.00      | 2.00      | 4.00      | 2.00      | 0.00       | 3.00      | 3.00      | 1.00      |   |   | 25.00       | 2.08       |
| Number of Students at Live Workshops     | 23.00     | 27.00     | 29.00     | 30.00     | 12.00     | 0.00       | 12.00     | 19.00     | 10.00     |   |   | 175.00      | 14.58      |
| VOD Students All Workshops               | 3677.00   | 2640.00   | 3908.00   | 5394.00   | 5422.00   | 6650.00    | 3650.00   | 3552.00   | 4124.00   |   |   | 332682.00   | 27723.50   |
| <b>Media Transfer Statistics</b>         |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Total Transfer Equip. Usage Hours        | 387.00    | 358.00    | 587.50    | 429.00    | 302.50    | 230.50     | 345.25    | 412.75    | 200.50    |   |   | 3383.50     | 281.96     |
| Tapes Transferred                        | 74.00     | 77.00     | 153.00    | 134.00    | 92.00     | 37.00      | 68.00     | 97.00     | 56.00     |   |   | 854.00      | 71.17      |
| Film Reels Transferred                   | 136.00    | 107.00    | 85.00     | 52.00     | 83.00     | 57.00      | 79.00     | 88.00     | 13.00     |   |   | 3.96        | 23.50      |
| Slides/Photos Transferred                | 516.00    | 1097.00   | 850.00    | 860.00    | 300.00    | 363.00     | 166.00    | 89.00     | 1457.00   |   |   | 6866.00     | 572.17     |
| DVDs Copied                              | 3.00      | 15.00     | 73.00     | 92.00     | 0.00      | 0.00       | 45.00     | 0.00      | 0.00      |   |   | 231.00      | 19.25      |
| Transfer Hours By Public                 | 10.50     | 32.00     | 74.00     | 40.50     | 35.00     | 23.50      | 4.25      | 13.25     | 3.50      |   |   | 236.50      | 19.71      |
| Transfer Hours By Staff                  | 376.50    | 326.00    | 513.50    | 388.50    | 267.50    | 207.00     | 341.00    | 399.50    | 127.00    |   |   | 3147.00     | 262.25     |
| <b>NMTV YouTube Statistics</b>           |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Number of Viewers                        | 23600.00  | 21198.00  | 26738.00  | 20378.00  | 26205.00  | 78020.00   | 19290.00  | 19875.00  | 267700.00 |   |   | 524383.00   | 43698.58   |
| Total Videos Viewed                      | 38487.00  | 34307.00  | 46359.00  | 28623.00  | 39801.00  | 98880.00   | 25592.00  | 28566.00  | 34266.00  |   |   | 721572.00   | 60131.00   |
| Total Hours Watched                      | 3620.20   | 3201.00   | 5147.00   | 1653.00   | 4364.00   | 16114.00   | 1848.50   | 1653.00   | 2927.25   |   |   | 59606.95    | 4967.25    |
| Number of New Subscribers                | 132.00    | 103.00    | 145.00    | 84.00     | 141.00    | 335.00     | 61.00     | 55.00     | 123.00    |   |   | 2653.00     | 221.08     |
| Total Impressions                        | 532400.00 | 507655.00 | 668404.00 | 462844.00 | 559725.00 | 2187848.00 | 401947.00 | 441487.00 | 518344.00 |   |   | 10001489.00 | 833457.42  |
| <b>NMTV Website Statistics</b>           |           |           |           |           |           |            |           |           |           |   |   |             |            |
| Number of Users                          | 6103.00   | 5860.00   | 5347.00   | 4313.00   | 3534.00   | 4072.00    | 4563.00   | 3810.00   | 5244.00   |   |   | 49371.00    | 4114.25    |
| Number of Views                          | 20923.00  | 16285.00  | 14476.00  | 9558.00   | 8928.00   | 10841.00   | 12497.00  | 8021.00   | 13772.00  |   |   | 137553.00   | 11462.75   |
| Live Stream Views                        | 1324.00   | 1692.00   | 2182.00   | 599.00    | 845.00    | 1360.00    | 2205.00   | 694.00    | 2524.00   |   |   | 19262.00    | 1605.17    |



**Bradley Law**  
Attorneys at Law

## MEMORANDUM

**To: North Metro Telecommunications Commission**  
**From: Mike Bradley, Michael Athay, and Tou Xiong**  
**Re: November 2021 Legal Report**  
**Date: November 5, 2021**

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### LEGAL UPDATE November 2021

#### **Petitions for United States Supreme Court Review filed in Cable Franchising Litigation**

On Monday, November 1, a group of local governments filed a petition for Supreme Court review of the May 26, 2021, decision of *City of Eugene v. FCC*, 998 F.3d 701 (6<sup>th</sup> Cir. 2021). As parties to the Sixth Circuit appeal, the Commission has the right to file a letter of support for the local government petition to the U.S. Supreme Court as permitted by the Supreme Court Rules. We will consult with our clients in the coming days to determine whether to submit such a letter. If the Supreme Court grants the petition and accepts the case, our consortia will have the right to participate. We will review our options for participation after the Supreme Court rules on the petition.

#### **Biden names Rosenworcel FCC Chair, appoints Sohn to Vacant Seat**

On October 26, President Biden renominated Acting Chair Rosenworcel to the Commission and named her permanent chair. He also nominated Gigi Sohn to be the 5<sup>th</sup> Commissioner, filling the Democratic seat. In addition, he nominated Alan Davidson to be Assistant Secretary of Commerce for Communications and Information. All three nominations were sent to the Senate on October 28<sup>th</sup>.

#### **No Appeal of First Circuit Decision Upholding Maine Customer Service Law**

It appears that no party to *NCTA v. Frey*, \_\_\_ F.3d \_\_\_ (1<sup>st</sup> Cir. 2021) filed a petition for review to the United States Supreme Court. The deadline to file a petition was November 1, 2021. This decision completely upheld a Customer Service law largely related to public, educational, and governmental access channels.

#### **Bradley Presents at National and Regional Events**

Mike Bradley had the opportunity to present at multiple municipal telecommunications events this past October. On October 18, 2021, Mike presented at an eNATOA with NATOA General Counsel, Nancy Werner, and Rick Elrod, Communications Policy and Regulation Division director for Fairfax County, Virginia. The topic was whether the 1996 Telecommunications Act



is still working. The event was covered by national press and reported on by *Communications Daily*. On October 19, 2021, Mike presented with Joe Bagnoli, an attorney and lobbyist with Winthrop & Weinstine, at the MACTA Annual Conference held in Blaine, Minnesota. Mike provided a legal and public policy analysis from a national perspective and discussed concerns over declining franchise fees and PEG funding. Finally, Mike presented twice at the Wisconsin Community Media Annual Conference in Milwaukee, Wisconsin, on October 29, 2021. His first presentation was a legal and policy update with Mike Wassenaar, the Executive Director of the Alliance for Community Media. In the presentation, they covered the *City of Eugene v. FCC* and *NCTA v. Frey* decisions. They also shared how the state of Maine was able to pass bipartisan legislation related to Customer Service and PEG. Finally, Mike presented with Mary Cardona, the Executive Director of Wisconsin Community Media, and Jason Liggett, Director of Urbana Public Television. They presented on the Law and PEG Production, where they covered a number of topics including music licensing, ADA compliance, and PEG channel policies.

### **Infrastructure Investment and Jobs Act (H.R. 3684)**

The bill passed the Senate. A vote in the House is possible this week, but is still tied to agreement on the Build Back Better Act budget reconciliation bill (HR-5376), which includes funding for next-generation 911 and the FCC's Emergency Connectivity Fund (ECF), among other items, and is still being negotiated. The broadband provisions of the Infrastructure Act include \$42,450,000,000 appropriated to be available to states that apply for funds for grant programs; local governments can be subgrantees and can apply for funding if the state opts not to. The Digital Equity Act is also included, as is an extension of the Emergency Broadband Benefit (EBB) program (to be renamed the Affordable Connectivity Program) but with a \$30/mo subsidy rather than \$50. NATOA joined NLC, USCM and NACo in a letter to House and Senate leadership emphasizing our priorities for the broadband portion of the infrastructure package and provided edits to the section limiting local ROW and permit fees. That section has been removed from the draft so far.

### **SAFECOM and CISA Cybersecurity Alerts**

On October 27, 2021, SAFECOM issued the following important cybersecurity alerts that should be brought to the attention of your information technology departments and may require action:

- CISA [the federal Cybersecurity and Infrastructure Security Agency], the Federal Bureau of Investigation (FBI), and the National Security Agency (NSA) released a joint Cybersecurity Advisory (CSA) on BlackMatter Ransomware. Since July 2021, malicious cyber actors have used BlackMatter ransomware to target multiple U.S. critical infrastructure entities. To reduce the risk of BlackMatter ransomware, CISA, FBI, and NSA encourage organizations to implement the recommended mitigations in the joint CSA and visit StopRansomware.gov for more information on protecting against and responding to ransomware attacks.
- Critical Infrastructure owners and operators who obtain Coordinated Universal Time (UTC) from Global Positioning System (GPS) devices, should be aware of a GPS Daemon (GPSD) bug in GPSD versions 3.20 (released December 31, 2019) through 3.22 (released January 8, 2021). On October 24, 2021, Network Time Protocol (NTP) servers

using bugged GPSD versions 3.20-3.22 may roll back the date 1,024 weeks—to March 2002—which may cause systems and services to become unavailable or unresponsive. CISA urges affected critical infrastructure owners and operators to ensure systems that use GPSD to obtain timing information from GPS devices are using GPSD version 3.23 (released August 8, 2021) or newer editions to ensure operational continuity.

- NSA and CISA have released the cybersecurity information sheet Selecting and Hardening Standards-based Remote Access VPN Solutions to address the potential security risks associated with using Virtual Private Networks (VPNs). Remote-access VPN servers allow off-site users to tunnel into protected networks, making these entry points vulnerable to exploitation by malicious cyber actors. The information sheet helps organizations select standards-based (rather than proprietary) VPN solutions and provides hardening guidance to prevent compromise and respond to attacks. Organizations are encouraged to review and adopt recommendations in the information sheet to reduce risk.

SAFECOM was formed by the federal government in 2001, after the terrorist attacks of September 11, 2001, to improve public safety interoperability, allowing emergency responders to communicate. Cybersecurity alerts and updates are available at [us-cert.cisa.gov](https://us-cert.cisa.gov); additional cybersecurity resources are available at [cisa.gov/publication/communications-resiliency](https://cisa.gov/publication/communications-resiliency).

### **FCC Suspends Reply Comment Deadline in Mediacom Petition Proceeding**

On October 25, 2021, the FCC's Wireline Bureau issued an Order temporarily suspending for up to six months the reply comment deadline of October 27 in Mediacom's Petition for a declaratory ruling that the City of West Des Moines, Iowa violated Section 253(a) of the Communications Act. Specifically, the Bureau suspended the deadline "... until one of the following events occurs: (1) Mediacom files a motion to withdraw its Petition because a settlement with the City has been reached; (2) either party files a motion to resume the reply comment deadline because a settlement has not been reached; or (3) neither of those two events occurs within six months of the release of this Order. Should either the second or third event take place, the Bureau will issue a Public Notice setting a new reply comment deadline for the Petition." Mediacom's Petition alleges the City conferred rights and privileges related to a planned City-owned conduit network on one ISP that, together with regulatory and other burdens imposed on other ISPs, effectively prohibit Mediacom from providing telecommunications services, in violation of Section 253(a).

### **No Action on Collocation Petitions (WT Docket 19-250; RM-11849; WC Docket 17-84)**

On November 3 of last year, the FCC released its Report and Order finding that excavation and deployments up to 30 feet outside a tower site will not defeat the application of Section 6409(a). The Order took effect January 4. NATOA, along with several municipalities and municipal organizations, filed a Petition for Reconsideration of the Report and Order. WIA filed the only Opposition to the Petition. NATOA and a coalition of local governments jointly filed a Reply in support of the Petition; CTIA filed a Reply opposing the Petition. The Commission still has not acted on the local government Petition.

### **California Governor Vetoes Bill Giving Telecoms Access to Municipal Infrastructure**

Both houses of California's legislature passed SB 556, which would have given wireless providers near universal access to local government poles, street lights, and traffic signals, and presented it to Governor Gavin Newsom for signature in September. On October 4, 2021, the bill was vetoed by Governor Newsom in an important victory for local governments in maintaining control over their rights of way.

### **FCC Hosts Webinar on Local Strategies to Bridge the Digital Divide**

On October 6, 2021, the FCC hosted a webinar as part of National Digital Inclusion Week. Titled *Connecting the Disconnected*, the webinar featured municipal leaders from around the country discussing local strategies to help bridge the digital divide. A recording of the webinar is available here: <https://www.fcc.gov/news-events/events/2021/10/connecting-disconnected-forum>

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NORTH METRO TV

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TO: OPERATIONS COMMITTEE/CABLE COMMISSION  
FROM: HEIDI ARNISON  
SUBJECT: COMMISSION BY-LAWS UPDATE  
DATE: 10/28/2021

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As you may recall, the Commission Joint Powers Agreement was updated last year. While perusing the Commission By-Laws earlier this month, I noticed that several line items are out of date, primarily due to the JPA updates.

I have made several changes to the By-Laws to match the JPA. Updates include a definition, quorum and voting rules, and adjustments to the Order of Business for Commission meetings.

The recommended updates have been reviewed and approved by Legal Counsel. Updates can be approved by the Commission without additional City Council approval.

**RECOMMENDED MOTION:** To approve updates to the Commission By-Laws, as presented.

**BY-LAWS  
OF THE  
NORTH METRO  
TELECOMMUNICATIONS COMMISSION**

**ARTICLE I.  
MEMBERSHIP**

**Section 1.** The Members of this Commission are the cities listed below:

|              |           |                  |
|--------------|-----------|------------------|
| Blaine       | Ham Lake  | Lino Lakes       |
| Centerville  | Lexington | Spring Lake Park |
| Circle Pines |           |                  |

**Section 2.** Additional Members of the Commission may be added pursuant to the terms of a "Joint and Cooperative Agreement For The Administration of A Cable Communications System," creating this Commission, to which the Members are party.

**ARTICLE II.  
DEFINITIONS**

**Section 1.** For the purpose of these bylaws, the terms defined in this article have the meanings given them.

**Section 2.** "Agreement" means the Joint and Cooperative Agreement For The Administration of A Cable Communications System, creating this Commission.

**Section 3.** "Member" means a municipality which enters into the Agreement

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

**Section 5.** "Commission" means the Board of Directors created pursuant to the Agreement.

**Section 6.** "Executive Director" means a staff person that may be hired by the Commission for the purpose of providing administrative support to the Commission and day to day management of the Community Media Center.

**Section 7.** "Operations Committee" means a committee, made up of the administrators from each Member City , and the Executive Director as an Ex-Officio member, that meets for the purpose of providing day to day

oversight and coordination of the Community Media Center operation, supervision and support of the Executive Director, and advice and counsel to the Commission.

**Section 8.** “Community Media Center” means the ~~public access center formerly run by the cable company~~ North Metro TV studio and any other media center and facilities operated by the Commission along with all related equipment and staff.

**Section 9.** All definitions included in Article IV of the Agreement are incorporated herein.

### **ARTICLE III.** **DIRECTORS: VOTING**

**Section 1.** The governing body of the Commission is its Board. Each Member is entitled to one director. Each director is entitled to at least one vote, as determined in accordance with the provisions of the Agreement.

**Section 2.** As provided in the Agreement, each director, who shall be a council member from the Member City, and at least one alternate director shall be appointed by resolution of the Council of each Member.

**Section 3.** Directors and alternate directors shall serve without compensation from the Commission, ~~provided, however, directors shall be reimbursed \$45.00 per Commission or Committee meeting, which they attend, for the purpose of defraying expenses associated with said meetings.~~

**Section 4.** A vacancy in the office of director shall be filled by appointment for the unexpired portion of the term of director by the Council of the Member whose position on the Commission is vacant.

**Section 5.** An alternate director from a Member may serve in lieu of a director representing such Member at any meeting of the Board ~~if such director is not present at such meeting.~~ If a director is also an officer of the Commission, however, the alternate to such director shall not be entitled to serve as such officer in the absence of the officer.

**Section 6.** There shall be no voting by proxy, but all votes must be cast by the director, or the duly authorized alternate, at a Commission meeting.

**Section 7.** The presence of ~~four directors representing a majority of the total authorized votes of all~~ either (1) a majority of the appointed directors representing a majority of the total authorized votes of all directors, or (2)

three-fourths (3/4) of the appointed directors shall constitute a quorum, but a smaller number may adjourn from time to time.

**Section 8.** A director shall not be eligible to vote on behalf of the director's municipality during the time said municipality is in default on any contribution or payment to the Commission. During the existence of such default, the vote or votes of such Member shall not be counted for the purposes of these bylaws or the Agreement.

**Section 9.** All official actions of the Commission must receive ~~a simple majority (51%) of all authorized votes cast on the issue at a duly constituted meeting of the Commission and the affirmative vote of four directors, or the affirmative vote of six directors. either:~~  
(1) A simple majority (51%) of all authorized votes cast on the issue at a duly constituted meeting of the Commission and the affirmative vote of a majority of the appointed directors; or  
(2) (2) the affirmative vote of three-fourths (3/4) of the appointed directors

**Section 10.** Failure of a Member to be represented at two consecutive meetings shall be reported to the Member's Council.

## **ARTICLE V.** **FINANCIAL MATTERS**

**Section 1.** ~~Commission and Media Center~~ funds shall be expended by the Members in accordance with the procedures established by law for the expending of funds for Minnesota statutory cities. Legal instruments shall be executed with the authority of the Commission, by the Chair and the Treasurer.

**Section 2.** The financial contributions of the Members in support of the Commission shall be proportioned in accordance with the terms of the Agreement.

**Section 3.** Any Member may be permitted to inspect and copy the Commission books and records at any and all reasonable times.

**Section 4.** The fiscal year of the Commission shall be the calendar year.

**Section 5.** All budgets of the Commission and Media Center shall be formulated, submitted, approved and adopted in accordance with the terms of the Agreement.

**Section 6.** All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota Statutory Cities.

## **ARTICLE VI.**

## **OFFICERS**

- Section 1.** The officers of the Commission shall be the Chair, Vice-Chair, Secretary, and Treasurer, each of whom shall serve for a one-year term, or until replaced by action of the Commission. Officers completing one full year term shall only succeed themselves once in another full one year term in the same office. The four officers shall all be members of the Executive Committee.
- Section 2.** The Chair shall be the chief presiding officer of the Commission. The Chair shall preside at all meetings of the Commission and the Executive Committee. The Chair shall have primary responsibility for seeing that all orders and resolutions of the Commission are carried into effect. The Chair shall be an ex-officio member of all standing committees and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation.
- Section 3.** The Vice-Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair and shall perform such duties as the Commission shall prescribe.
- Section 4.** The Secretary shall attend all sessions of the Commission and Executive Committee and shall cause to be recorded all votes and the minutes of all proceedings in a minute book kept for that purpose. Such written record shall routinely be filed with the Members. The Secretary shall cause to be given notice of all meetings of the Board and of Committees, and shall perform such other duties as may be prescribed by the Board.
- Section 5.** The Treasurer shall have responsibility for custody of all funds of the Commission. The Treasurer shall cause to be kept all financial records of the Commission and for such other matters as shall be delegated by the Commission. The Treasurer shall cause to be rendered to the Board, at regular meetings of the Board, or whenever the Board may require it, an account of all the transactions of the Commission and an account of the financial condition of the Commission.
- Section 6.** The officers of the Commission shall give bond if required by the Commission, at Commission expense, with corporate sureties satisfactory to the Commission, for the faithful performance of their duties and for the restoration to the Commission, in case of death, resignation, retirement or removal from office, of all books, papers, vouchers, money and property of whatever kind in their possession or under their control belonging to the Commission.



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

## **ARTICLE VII.** **COMMISSION MEETINGS**

- Section 1.** Regular meetings of the Commission shall be held monthly on the third Wednesday of each month at 6:00 p.m. at a location designated by the Commission.
- Section 2.** Copies of the unapproved minutes of any meeting of the Board shall be distributed to each person to whom notice of the meeting is required to be sent under the provisions of these by-laws.
- Section 3.** Special meetings of the Commission may be called by the Chair, Executive Committee, or any three directors. The purpose of any special meeting shall be stated in the notice of the meeting, and business transacted at any special meeting shall be confined to the purposes stated in such notice.
- Section 4.** Written notice of regular meetings shall be mailed at least ten days prior to each meeting and written notice of special meetings shall be mailed at least three days prior to each such meeting.
- Section 5.** Notices of all meetings shall specify the time and place of such meetings. The time and place of all meetings called by the Chair shall be determined by the Chair. The time and place of special meetings called by others shall be determined by the persons calling the meetings.
- Section 6.** Written notice of all meetings of the Commission shall be sent to all directors, alternate directors and clerks of all Members as the same may appear on the records of the Secretary.
- Section 7.** Unless otherwise specified in the Agreement or in these by-laws, all meetings of the Board and all meetings of other committees of the Commission shall be conducted in accordance with Robert's Rules of Order Revised.
- Section 8.** The Chair may from time to time determine the order of business for Board meetings. The usual order of business at such meetings shall be as follows:
- A. Call to Order/Roll Call
  - ~~B. Consent Agenda~~ Public Comments
  - ~~C. Citizens to be Heard~~ Changes to the Agenda
  - ~~D. Media Center Report~~ Consent Agenda

- E. ~~Report of the Executive Committee~~ Executive Director Report
- F. ~~Report of the Operations Committee~~ Legal Counsel Report
- G. ~~Report of Legal Counsel~~ Old Business
- H. ~~Report of Comeast~~ New Business
- I. ~~New Business~~ Recommended Reading
- J. ~~Report of Directors~~ Community Calendar
- K. ~~Communications~~ Adjournment
- L. ~~Adjournment~~

## **ARTICLE VIII.** **COMMITTEES**

- Section 1.** The Commission may appoint such committees in addition to those required by these by-laws and the Agreement, as the Commission shall, from time to time, deem necessary. Such committees shall be selected in the manner determined by the Commission.

## **ARTICLE IX.** **AMENDMENTS TO BY-LAWS**

- Section 1.** These by-laws may be amended at any regular or special meeting of the Commission provided that a ten day prior notice of the proposed amendment has been furnished to each person to whom notice of Board meetings must be sent pursuant to these by-laws. An amendment may be proposed in writing, filed with the Chair by a Member, by a director, or by the Commission on its own motion.
- Section 2.** A simple majority (51%) of all authorized votes cast at a duly constituted meeting of the Commission and the affirmative vote of ~~four directors, or the affirmative vote of six directors~~ a majority of the appointed directors, or the affirmative vote of three-fourths (3/4) of the appointed directors shall be necessary to adopt any proposed amendment to these by-laws.
- Section 3.** In any instance where these by-laws are in conflict with the Joint and Cooperative Agreement for the Administration of a Cable Communications System, such Agreement shall control.
- Section 4.** These by-laws are effective upon their adoption by the Board.

Amended: 11/25/85, 3/23/87, 7/10/90, 2/5/92, 5/19/93, 12/31/98, 11/17/21

## Biden expected to name 2 FCC picks in race to avert Republican majority

The president could name his choices of Jessica Rosenworcel and Gigi Sohn as early as Tuesday, people familiar with the moves said.

The White House's expected endorsement of acting FCC Chair Jessica Rosenworcel is likely to give more momentum to her efforts to close the digital "homework gap" and expand broadband using new subsidy programs created during the pandemic.

By JOHN HENDEL

President Joe Biden is expected to name acting Federal Communications Commission Chair Jessica Rosenworcel to lead the agency permanently, three people familiar with the decision said late Monday — giving her a key perch to shape Democrats' broadband and net neutrality agenda.

Biden is also expected to nominate progressive net neutrality advocate Gigi Sohn, a former FCC official, to the open Democratic seat on the commission, according to the people, who spoke on condition of anonymity because the decision is not yet public. The people said the White House has begun telling lawmakers about the imminent announcements.

The moves, which could be announced as soon as Tuesday, would give Democrats a majority on the five-person panel for the first time during Biden's presidency, ending a 2-2 partisan stalemate that has stymied much of the progressive agenda for the FCC. That includes a restoration of the agency's Obama-era net neutrality rules, which prohibited internet providers from blocking and throttling consumers' internet traffic.

**But the decisions come relatively late in Biden's term:** Of his predecessors, only Jimmy Carter and Richard Nixon waited as late as September of their first year to tap their FCC chair. And unless the Senate confirms Rosenworcel and Sohn by the end of December, Republicans are poised to gain a 2-1 majority on the commission come January.

Biden is also expected to nominate longtime tech lawyer Alan Davidson to head the Commerce Department's National Telecommunications and Information Administration, a key post for setting the executive branch's policies on issues like wireless spectrum use and 5G, the people said.

**Key context:** The White House's expected endorsement of Rosenworcel is likely to give more momentum to her efforts to close the digital "homework gap" and expand broadband using new subsidy programs created during the pandemic.

**A nod to progressives:** Biden's choice of Sohn for the open Democratic seat would be the latest prominent gesture toward progressives. He had previously placed antitrust advocate Lina Khan in charge of the Federal Trade Commission and hired fellow anti-monopolist Tim Wu for a top economic advising role in the White House.

Sohn staked out a robust defense of net neutrality during the Obama years and was a top adviser to former FCC Chair Tom Wheeler. She previously co-founded and led the left-leaning Washington advocacy group Public Knowledge.

Rosenworcel and Sohn have previously been at odds in some key fights, despite having many policy views in common. One of Sohn's Obama-era causes was a controversial attempt to open the cable set-top box marketplace to more competition. Rosenworcel, who opposed that plan, used her tie-breaking vote on the commission to spike the effort.

Rosenworcel's recent supporters include education and public safety groups as well as union workers, along with lawmakers including Sens. Richard Blumenthal (D-Conn.) and Ben Ray Lujan (D-N.M.) and Reps. Grace Meng (D-N.Y.) and Anna Eshoo (D-Calif.). In September, 25 members of the Senate Democratic caucus told Biden that he should pick Rosenworcel to avoid risking the success of his broadband expansion ambitions.

**Now the clock starts:** Confirming these nominees would mean a mad dash for Senate Democratic leadership over the next two months.

Although Rosenworcel can immediately assume the permanent chair role, her term on the FCC lapsed in 2020, which means she must leave at the end of this year unless the Senate confirms her to a new five-year term.

Republicans would probably use the confirmation process to discourage any revival of net neutrality. They argue that the GOP repeal of the policy in 2017 has not led to any of the horror stories that net neutrality advocates warned about, such as ISPs manipulating or blocking their customers' internet traffic.

**And the telecom lead at the Commerce Department:** For the NTIA role, the people familiar with the decisions said, Biden picked Davidson — a veteran tech lawyer who has worked since 2018 at Mozilla, the company that launched the Firefox browser. There, Davidson helped handle the company's data privacy and open internet portfolio.

He also spent years at other top tech posts — including at Google, whose former CEO Eric Schmidt is a strong Biden supporter and is active on a bevy of tech issues from 5G to artificial intelligence. He was Google's first emissary to Washington, opening its D.C. office in 2005 and holding the title of director of public policy for a half-dozen years, which included lobbying for the search giant.

NTIA is likely to play a central role in shaping Biden's agenda around broadband connectivity and 5G wireless technology, including on questions of security involving the Chinese telecom giant Huawei, as well as tech issues like data privacy. Under the bipartisan infrastructure plan that passed the Senate in August, the Commerce Department would also be in charge of giving out \$42 billion in grants to states to support the build-out of broadband infrastructure.



BRIEF

# As consumers cut the cord, more cities sue Netflix and other streaming giants for lost revenue

Published Sept. 13, 2021

By Jason Plautz  
Contributor

## Dive Brief:

- Cities across the country are suing streaming services like Netflix, Hulu and Disney+, seeking a share of the revenue from those companies to make up for lost revenue from cable franchise fees.
- Many states and cities collect franchise fees and other revenue from traditional cable companies in exchange for letting them use municipal infrastructure to deliver service. However, as consumer preferences have shifted away from traditional cable in favor of streaming services or internet TV, those revenues are declining. It's been estimated that cities could be missing out on tens of millions dollars annually as a result, according to The Hollywood Reporter.
- Cities that have recently filed lawsuits against streaming companies include Fort Scott, Kansas; Kenner, Louisiana; Longport and Irvington, New Jersey; and Dallas, Frisco and Plano, Texas. Several municipalities in Missouri have also filed a suit that resulted in what could be a "first of its kind" ruling by a St. Louis county circuit court judge, rejecting attempts by the

streaming services to toss the case earlier this year.

### **Dive Insight:**

The root of the lawsuits is a conflict between old tax and telecommunication laws and modern entertainment preferences, said Angelina Panettieri, the legislative director of information technology and communications for the National League of Cities (NLC).

Municipalities originally imposed franchise fees on cable companies of up to 5% of local gross receipts in exchange for the use of infrastructure and public right-of-ways. Many municipalities used those funds to support technology improvements or built in requirements that cable companies expand their offerings to underserved neighborhoods or provide monetary and in-kind support for public access programming.

However, Panettieri said, those fees don't work in an era where, according to Deloitte, only 67% of consumers pay for a TV subscription and more than 80% subscribe to video streaming services.

"Most of our telecom law is based on the assumption that people are primarily using cable TV and land line phones and that's just not the world we live in," she said. "We're looking at shifts in the market and trying to retrofit some pretty outdated laws to current consumer patterns. That's why there's so much uncertainty at this point."

Congress in 1998 put a moratorium on any state and local taxes on Internet access or internet products like bandwidth or email. Congress made that permanent in 2016, limiting the ability of local governments to draw any revenue from cord-cutters.

Some governments, however, have found ways to draw revenue

from Internet services. In 2015, Chicago passed a 9% amusement tax on streaming services — including music and online gaming — that was estimated at the time to generate \$12 million a year. Roughly half of states have imposed their own taxes on streaming services, some as sales taxes, CNBC reports. In February, Maryland became the first state to tax digital advertisements. Business groups, Verizon and Comcast have sued the state over the tax, which has been delayed.

Many cities may be limited in what taxes they can impose, both legally and politically, said Richard Auxier, a senior policy associate at the Urban-Brookings Tax Policy Center. That could leave lawsuits as a more effective option.

"Most of these lawsuits are seeking taxes or fees on the gross receipts of the company, which means it's on the company and not the consumer," Auxier said. "Taxes will pass through to the consumer in terms of higher prices, but politically that is on the company and not on the government."

A resolution from the Frisco, Texas, city council, for example, says that the streaming services "deliver video programming to their customers via broadband internet through wireline facilities located at least partially in the public right of way." The suit, the resolution says, seeks "damages owed to the city for failure to pay franchise fees" and an order requiring payment going forward.


The video companies have argued that the lawsuits are singling them out and taxing them in violation of federal law. With lawsuits proceeding in multiple state courts, experts say there could be a patchwork of outcomes and rules around franchise fees.

"A national change here would require reforms to the Cable Act or Communications Act," said NLC's Panettieri, referring to two foundational early 20th Century laws. "Those are things that have

been talked about for a while, but hasn't been a can of worms that lawmakers are up to open yet."

### **Recommended Reading:**

 SMART CITIES DIVE

3x more US residents lack broadband access than FCC estimates:  
report 



Daily Tax Report: State

# Netflix, Hulu in Growing Fight With Cities Over Streaming Money

By Michael J. Bologna

Oct. 12, 2021, 3:46 AM

- 
- Municipalities battle to keep lawsuits in state court
  - Netflix wins dismissal of cases in Nevada, California
- 

A legal clash over whether cash-strapped towns can charge Netflix and Hulu local franchise fees, treating them much as they have cable TV companies for decades, is coming to a head as Americans cut the cord in favor of streaming video entertainment.

"Every small town knows they have deep pockets," David Brunori, a professor of public policy at George Washington University, said of the video streaming services. "And these companies are saying: 'Bring it on.'"

Class-action suits filed this summer on behalf of towns and counties in Kansas and New Jersey pushed to 13 the number of states where localities are seeking compensation. And locales in Georgia, Indiana, and Missouri won important victories likely to keep their cases in state rather than federal court.

But the streaming video giants had reasons to celebrate, as well. In September, judges dismissed complaints in Arkansas, California, Nevada, and Texas, raising questions about the viability of the legal principles behind litigation nationwide against Netflix Inc., Hulu LLC, and other streaming services.

Towns argue streaming video services rely on locally regulated broadband internet connections to deliver services to subscribers and should be required to pay the same operational fees cable TV companies have paid for decades. But Netflix and Hulu say they don't function within the communications infrastructure used by cable companies and shouldn't be forced to pay the associated fees.

**SIGN UP for The Exchange, our free weekly tax newsletter.**

Determining winners and losers could take years, but the sides are primed for battle because of the dollars at stake.

Estimates of the purported past liabilities remain murky, but the number could surpass \$1 billion if additional states join and capture support from sympathetic judges. And the revenue going forward is equally important as millions of households adopt streaming services and cancel cable television subscriptions—a stable source of local revenue for decades.

“This will be a fight that will go on forever,” said Brunori, who is also a senior director at the accounting firm RSM US. “There is a ton of money at stake and it’s worth fighting over, especially because streaming is the future of this segment of the economy.”

## Municipalities Are Suing Streaming Services in 13 States

|            | Case   | Status   |
|------------|--|--|
| Arkansas   | Ashdown v. Netflix, USDC ED Arkansas                           | Motion to dismiss granted Sept. 30.                            |
| California | Lancaster v. Netflix, Superior Court Los Angeles               | Judge ruled Sept. 20 cities have no valid claim.               |
| Georgia    | Gwinnette County v. Netflix, USDC ND Georgia                   | Remanded to state court, but on appeal to the 11th Circuit.    |
| Illinois   | Shiloh v. Netflix, East St. Louis v. Netflix, USDC SD Illinois | Municipalities seeking remand to state court.                  |
| Indiana    | Fishers v. DirectTV, USDC SD Indiana                           | 7th Circuit remands to state court.                            |
| Kansas     | Fort Scott v. Netflix, Bourbon County Kansas                   | Filed in state court July 6.                                   |
| Louisiana  | Kenner City, LA v. Netflix, USDC ED Louisiana                  | Municipalities seek remand to state court.                     |
| Missouri   | Creve Couer v. Netflix, DirectTV USDC ED Missouri              | Remanded to Circuit Court of St. Louis                         |
| Nevada     | Reno v. Netflix, USDC Nevada                                   | Motion to dismiss granted Sept. 3.                             |
| New Jersey | Longport v. Netflix, USDC New Jersey                           | Complaint filed Aug. 13.                                       |
| Ohio       | Maple Heights Ohio v. Netflix, USDC ND Ohio                    | Ohio Supreme Court asked to rule on a certified question.      |
| Tennessee  | Knoxville v. Netflix, USDC ED Tennessee                        | Tennessee Supreme Court asked to rule on a certified question. |
| Texas      | New Boston v. Netflix, USDC ED Texas                           | Motion to dismiss granted Sept. 30.                            |

Source: Bloomberg Law

Bloomberg Tax

‘Municipalities Are Struggling’

The litigation first emerged in 2018 with Creve Coeur, Missouri, filing suit against Netflix and Hulu in state court on behalf of Missouri municipalities. Similar cases have since been filed on behalf of towns and counties in Arkansas, California, Georgia, Illinois, Indiana, Kansas, Louisiana, Nevada, New Jersey, Ohio, Tennessee, and Texas, said Steve Berezney, a partner in the St. Louis office of at Korein Tillery, and lead counsel in the Georgia, Indiana, and Missouri cases.

Some of the cases feature additional defendants including DIRECTV LLC, Disney DTC LLC, and DISH Network Corp.

The municipalities are motivated in part by recent losses in local revenue and pressures to preserve local taxing authorities to meet demands for services, said Ashley Ringle, director of communications for the Ohio Municipal League.

"It is important for our municipalities to protect the interests of their citizens and collect these franchise fees because the funding of services is so critical," she said. "Our municipalities are struggling to provide these local services at a time when a lot of general revenue funds have been impacted by the Covid-19 pandemic."

The plaintiffs generally argue the companies rely on broadband internet connections located in regulated public rights-of-way to deliver streaming entertainment to subscribers. The Texas case notes businesses using this infrastructure are required to obtain a state-issued certificate of franchise authority from the Public Utility Commission and then pay a franchise fee of 5% of gross revenues in each municipality where services are offered.

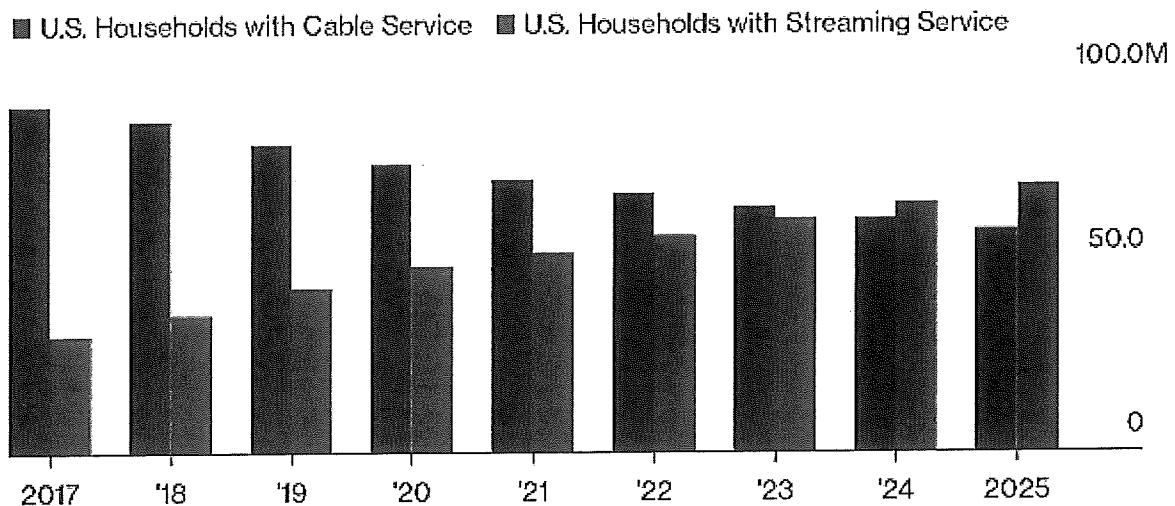
The defendants, the suits allege, have declined to apply for franchise certificates and failed to remit franchise fees to the municipalities—something cable television operators such as Comcast Corp. and Charter Communications Inc. have been doing for decades.

The stakes are high and getting higher, given surging growth in streaming entertainment and slumping interest in cable subscriptions as consumers "cut the cord." A recent report by market research company eMarketer predicted the number of U.S. households with streaming accounts would more than double from 2017 levels to 72.2 million by 2025. Meanwhile, households using cable and satellite services are expected to drop from 94.3 million to 60.3 million for the same period.

"I am anticipating that the cases in average-size states like Missouri and Georgia will be worth in the hundreds of millions—not chump change," Berezney said. "There is a reason why they are fighting this. There is a lot of money at stake, not only in the past but also moving forward."

## Streaming Entertainment Services Surging

34 million households expected to cut the cord on cable services



Source: eMarketer, March 2021

Bloomberg Tax

### 'Meritless' Litigation

In a statement, Netflix called the suits "meritless," adding: "These cases falsely seek to treat streaming services as if they were cable and internet access providers, which they aren't."

Briefs filed by Netflix and Hulu point to features in each state's public utility or communications infrastructure laws specifying that franchise duties don't extend to internet-based streaming services. The briefs further argue that most state statutes were crafted to specifically exempt services provided over the public internet.

"Netflix does not own, operate, use, or occupy assets in the public rights-of-way and does not deliver or provide its video content to its customers," unlike internet service providers and cable companies, the company argued in a July 8 brief responding to the California lawsuit. "Instead, Netflix members, using their own personal devices, connect to the Internet through their ISPs to request content, and an ISP (not Netflix) delivers that content to the user over the ISP's facilities."

Several important themes have emerged in the litigation.

Much of the pretrial sparring has involved efforts by Netflix and Hulu to remove cases from state to federal court under the Class Action Fairness Act. The municipalities have prevailed in three cases, causing the streaming companies to push the Georgia, Indiana, and Missouri disputes to federal appeals courts. It remains unclear whether appeals will be accepted in the Georgia and Missouri cases, but the U.S. Court of Appeals for the 7th Circuit in July handed a major win to the city of Fishers, Indiana.

The 7th Circuit agreed the case should be heard in state court, pointing to protections under the federal Tax Injunction Act, which limits federal courts from interfering with the collection of state taxes when an efficient remedy is available in a state court. The unanimous three-judge panel noted it would be inappropriate for the streaming platforms to seek to “inject a federal court into matters affecting local revenue over which the State of Indiana and its municipalities enjoy wide regulatory latitude.”

Meanwhile, two federal judges have certified questions for the supreme courts of Ohio and Tennessee to answer regarding state law.

In a case brought by Maple Heights, Ohio, U.S. District Judge James Gwin July 2 asked the Ohio Supreme Court whether Netflix and Hulu are video service providers under Ohio law, and whether Maple Heights can sue Netflix and Hulu to enforce Ohio’s video service provider provisions. In a suit filed by Knoxville, Tennessee, U.S. District Court Judge Clifton Corker Sept. 8 asked the state’s high court whether Netflix and Hulu are “video service providers” under the Tennessee Competitive Cable and Video Services Act.

### ‘Wishful Thinking’

But a spokeswoman for Netflix emphasized that the company won on the merits in four courtrooms just in the last month.

On Sept. 3, Miranda M. Du, chief judge of the U.S. District Court for the District of Nevada, found the streaming entertainment companies don’t provide “video service” as defined under the 2007 Video Service Law, and are covered by an exclusion for any video content offered via the public internet, and dismissed a suit by Reno on behalf of Nevada cities and counties. That case is being appealed to the U.S. Court of Appeals for the 9th Circuit.

On Sept. 20, Judge Yvette Palazuelos of the Superior Court of Los Angeles found Netflix and Hulu have no franchise fee duties under California’s Digital Infrastructure and Video Competition Act because the companies don’t own or operate infrastructure in any public rights-of-way, and they can’t be characterized as “video service providers.” Palazuelos ruled the California cities and counties had failed to establish a valid cause of action, but left the door open for them to file an amended complaint.

And municipalities in Arkansas and Texas left the courthouse disappointed Sept. 30 after federal judges dismissed their complaints. The judge in the Texas suit found Netflix and Hulu held no certificate of franchise authority under the Video Services Providers Act, a prerequisite for the relief sought by the municipalities. The Arkansas judge said there was no evidence the state Legislature intended for municipalities to have authority to enforce the state’s Video Service Act.

The rulings validate much of the business community’s criticism of local “tax policy overreach” that has emerged since the first case was filed in Missouri.

“It does seem, in a lot these situations, these are localities going after wishful thinking,” said Fred Nicely, senior tax counsel for the business-focused Council On State Taxation. “They assert their laws apply, but they don’t have clear provisions to be able to impose their franchise fees.”

# The Infrastructure Bill is About More than Money



Furniss

OK, I admit it, that headline is a bit deceiving: tens of billions for broadband deployment and adoption is nothing to sneeze at. But there is additional language in the Infrastructure Investment and Jobs Act that we should recognize and celebrate.

President Joe Biden will sign the bill into law soon. In the broadband infrastructure, adoption, and affordability sections, Congress has included some critical language that lays the foundation for the broadband future we are about to embark upon. Congress lays out a critical set of challenges, principles and goals that every state and local policymaker, every community leader, and every broadband provider should embrace and evangelize.

At this critical moment in time, Congress has given us a call to action—and we should do our part to maximize the success of these new programs. Congress, for all of its foibles, has passed a broadband bill that isn't just about connecting computers to the internet, connecting investment with community need, or connecting people with broadband, this historic law is focused squarely on connecting every American to a whole new generation of opportunity.

So as we begin to implement this bill, let's keep these words in mind... let's make sure we make good use of this investment, rise up to this challenge, meet this moment, and make sure that we wisely tackle the critical challenges that Congress identifies.

In the legislation, Congress officially finds that:

1. *Access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.*
2. *The persistent "digital divide" in the United States is a barrier to the economic competitiveness of the United States and equitable distribution of essential public services, including health care and education.*
3. *The digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all.*
4. *In many communities across the country, increased competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service.*

5. *The 2019 novel coronavirus pandemic has underscored the critical importance of affordable, high-speed broadband for individuals, families, and communities to be able to work, learn, and connect remotely while supporting social distancing.*

Moreover, it is the sense of Congress that:

1. *A broadband connection and digital literacy are increasingly critical to how individuals—(A) participate in the society, economy, and civic institutions of the United States; and (B) access health care and essential services, obtain education, and build careers;*
2. *Digital exclusion—(A) carries a high societal and economic cost; (B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and (C) exacerbates existing wealth and income gaps, especially those experienced by covered populations;*
3. *Achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;*
4. *The Federal Government, as well as State, tribal, territorial, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and*
5. *Achieving digital equity is a matter of social and economic justice and is worth pursuing.*

Finally, it is now the policy of the United States that:

1. *Subscribers should benefit from equal access to broadband internet access service within the service area of a provider of such service;*
2. *"Equal access" means the equal opportunity to subscribe to a service that provides comparable speeds, capacities, latency, and other quality of service metrics in a given area, for comparable terms and conditions; and*
3. *The FCC should take steps to ensure that all people of the United States benefit from equal access to broadband internet access service.*

For the Benton Institute for Broadband & Society and our allies working to bring open, affordable, high-performance broadband to all people in the U.S., this renewed and updated Congressional commitment to universal service is astounding. This really is our broadband moment—and Congress has stood up, recognizing broadband's essential role in modern life and providing the foundation to ensure everyone has affordable access.

The pandemic revealed in all-too-stark terms what is at stake if we don't close the digital divide. Our choice is to allow the divide to persist, holding back individuals, families, communities, and our nation—or we can ensure everyone can use broadband fit for the changing world. In the Infrastructure Investment and Jobs Act, America chooses the latter and we will all be better for it.

As important as this moment is, there is still so much work to do. The Infrastructure Investment and Jobs Act provides support for efforts that will mainly be carried out at the state and local

levels. Communities around the country need to engage local policymakers, advocates, community anchor institutions, and representatives from vulnerable populations for long-term planning. This once-in-a-generation investment must meet tomorrow's bandwidth needs, not just today's. Solutions should support the values of access, equity and diversity and guarantee the benefits of broadband reach every neighborhood in every corner of the country.

The Benton Institute for Broadband & Society will be here to offer help every step of the way.

The Infrastructure Investment and Jobs Act, after all, is about more than money. It is about commitment. It is about the value of connection. Let's seize this opportunity to make the U.S. more equitable and more just.



# What experts say \$100 million in broadband funding will do for Minnesota

Rich Reeve

*Updated: November 06, 2021 10:58 PM*

*Created: November 06, 2021 10:44 PM*

The new \$1 trillion dollar infrastructure package — passed by Congress Friday night — invests billions in spending.

For Minnesota, there will be more than \$5-billion for road, bridge, and public transit improvements.

There will also be tens of millions for broadband, which is expected to have a major impact on the state's rural communities.

"It opens up a whole new world, really," says Gary Wertish, the president of the Minnesota Farmers Union. "We have an aging population in rural communities, a shrinking population. This is one way we can bring that back."

President Joe Biden speaks about the bipartisan infrastructure bill in the State Dining Room of the White House, Saturday, Nov. 6, 2021, in Washington.

Alex Brandon/Associated Press

The package is expected to mean more broadband, with a broad reach.

"This is like the WPA, the Works Progress Administration, way back in 1935," says Christopher Gibbs, the president of 'Rural Voices,' a non-profit that networks farmers and community members. "We could even equate it with rural electrification. It's that big a deal."

Under the plan, Minnesota will receive a minimum of \$100 million to help set up broadband coverage across the state. The bill would provide access to at least 83,000 Minnesotans who don't have it.

Wertish, from Renville, says he works on his son's 500-acre farm, raising corn and soybeans.

He hopes the plan will help the 14,000 members of the farmers union — while bolstering connectivity in rural areas like never before.

"You know the pandemic really showed us why we need this here," Wertish says. "It's not only the farmers, it's the rural communities, it's health care, it's the rural schools. It's a way for people to come back more into rural communities if they want to provide and open a business."

A White House report found nearly 12% of Minnesotans live in areas with no broadband infrastructure capable of providing acceptable speeds.

The report also says a like number of Minnesota households have no internet connection at all — and that nearly 63% of Minnesotans live in areas with only one internet provider.

“We did something that’s long overdue, that long has been talked about in Washington,” President Joe Biden told reporters Saturday. “No parent should have to sit in the parking lot of a fast-food restaurant so their child can do their homework, because they have no internet connection.”

Wertish says the broadband will help growers to use GPS to monitor their crops, and more easily order supplies on the internet.

“We can use it for planting our crops, can adjust your spray or planting and keep track of your acres,” he says. “You collect a lot of data that’s very important to you, but you’re also providing a lot of efficiencies.”

Experts say the high-speed broadband will connect large, spread-out rural school districts.

Even health care in small communities could benefit from telemedicine, Gibbs says.

“They have to depend on video medicine and getting those specialists to them, not everybody can have a specialist,” he explains. “The way you’d get that is the rural broadband.”

The plan will also include an ‘affordability connectivity benefit,’ to help low-income families pay for internet access.

It’s unclear how soon the infrastructure funds will be rolled out. The president says he hopes to sign the bill into law ‘soon.’

Wertish hopes more broadband access could mean a new start for many.

“Whether they can work from home in rural communities or start their own business, be an entrepreneur — the doors open to a lot of these types of possibilities,” he says.

# PCMag's Fastest ISPs in America List Once Again Proves the Value of Cities Investing in Internet Infrastructure

Wed, June 30, 2021 | Posted by [Ry Marcattilio-McCracken](#)

After three years in a row with similar results, PCMag's "[Fastest ISPs in America](#)" for 2021 analysis shows a clear trend: community owned and/or operated broadband infrastructure supports networks which, today, handily beat the huge monopoly Internet Service Providers (ISPs) - cable and telephone alike – for sheer speed.

The latest list proves it. Of the ten-fastest ISPs in the country, all of them feature operators that either are cities themselves or use city-owned fiber or conduit to deliver service across whole or parts of their footprint.

City-run networks making the list again this year include Longmont, Colorado (third); Chattanooga, Tennessee (sixth); and Cedar Falls, Iowa (seventh). Cedar Falls topped the list last year, but all three networks are regulars over the last three analyses done by the outlet. Broken down regionally, they are also joined by other municipal networks around the country, including FairlawnGig in Ohio and LUS Fiber in Louisiana.

But equally telling is that the private ISPs which make up the remainder of the list lean heavily on publicly built and/or operated broadband infrastructure in parts of their service territory. Overall winner Empire Access has used fiber routes from an [open access middle mile network](#) via Empire Xcess in New York state. Likewise, second-place Google Fiber and fourth-place Ting lease city-owned fiber to operate in places like [Huntsville, Alabama](#) and [Westminster, Maryland](#), respectively. Fifth-place Hotwire uses public fiber [in Salisbury, North Carolina](#). Eighth-place ALLO Communications is [a public-private partnership veteran](#). Ninth-place Monkeybrains uses city-owned dark fiber [in San Francisco, California](#). Finally, tenth-place Sonic [uses publicly owned conduit in Brentwood, California](#).

Monopoly providers have often trotted out the claim that modern network infrastructure is too complicated and costly for local communities to build and operate successfully. It's an argument that doesn't stand up to scrutiny, and even less so given that not only do modestly sized cities beat out the national ISPs for pure speed, they do it twice as fast, lapping the competition.

PCMag has long split its final analysis into two primary categories: the fastest major ISPs (those with at least a million subscribers) and the fastest among all ISPs, regardless of size.

In the third, sixth, and seventh spots among all ISPs are: Longmont, Colorado's Nextlight (289 Mbps), Chattanooga, Tennessee's EPB Fiber (233 Mbps) and Cedar Falls, Iowa's CFU (213 Mbps). Their counterparts in the matching spots on the Major ISPs list are Sparklight (124 Mbps), AT&T Fiber (115 Mbps) and Wave Broadband (107.2 Mbps). Not one of the "major

ISPs” – not even 1st place Verizon FiOS - cracked 175 Mbps on the download side, while every single municipal network on the list comes in at 210 Mbps or higher.

The report offers a welcome piece of analysis which underlines the above and emphasizes the importance of public dollars invested in broadband infrastructure:

[T]he bigger the company (and the fewer competitors it has), the less likely it is to keep speed increases coming. (Yet it'll probably keep those price increases coming!) That's why we always recommend that you consider smaller ISPs, if you have the option - in particular, those doing fiber-optic installs.

The advice above and the results this year drive home the reality that municipal networks bring long-lived value to their communities. Cedar Falls has been operating its network for 20 years, EPB for ten years, and Longmont for the past five years. Far from being flashes in the pan, these self-sustaining endeavors (along with their fellow networks around the country) will continue to do so for decades to come. Even when they decide not to operate networks themselves, the PCMag analysis shows that the fiber and conduit cities install supports small and medium private ISPs that similarly beat out the monopoly providers, helping the investment by those communities bring dividends years down the road.

### **Other Findings**

Regional comparisons also show municipal networks performing well. Cedar Falls took the second-place spot and Fairlawn, Ohio the sixth-place spot for fastest ISPs in the North Central region; Longmont took the second-place spot for the Northwest region; Lafayette, Louisiana's LUS Fiber took the tenth-place spot for the South Central region; and EPB Fiber placed fourth in the Southeast.

PCMag's state-by-state comparison offers aggregate scores which show not only the power of municipal networks, but electric cooperatives too. North Dakota – which is blanketed by cooperatives which have been building and operating fiber networks for decades, is among the fastest in the nation despite its comparatively small and rural population.

The 2021 list includes a few notable additions over years past. Fixed wireless provider MonkeyBrains (out of San Francisco) earns an impressive eighth place, and is the first to do so. Listen to Presto Rhea and Mason Caroll from the ISP talk with Chris in 2017 about their efforts in the city on Episode 264 of the Community Broadband Bits podcast, then read our 2019 report on how the ISP forged a partnership to bring gigabit service to public housing residents.

Satellite providers also earn a section, largely based on the arrival of the Starlink beta.

Finally, this year the outlet ranks the US in 17th in speed compared to the rest of the world.

### **Methodology and Additional Lessons**

The 2021 analysis is based on more than 620,000 tests uploaded from April 1 to June 7 of this year, narrowed to a little over 400,000 results once exclusions were made.

As in previous years, there are two components to the outlet's testing methodology which, if changed, would likely see even more community owned networks dominating the results

The first is that the PCMag list still privileges download speed at 80 percent of the raw score and upload speeds at just 20 percent, despite the increasing importance of upload speeds made obvious by the buffering Zoom calls we have all experienced over the last year and a half. It's a sure bet that if they were weighted equally, even more municipally run networks would place on the list and the distance between their scores and the national ISPs would be greater, as most municipal networks offer symmetrical speeds.

The second is that the minimum threshold to be considered for PCMag's rankings is set at 100 tests. Given the small size of most municipal networks, and absent a subscriber outreach campaign, this guideline serves as a de facto barrier for entry.

### **Internet Service Is About More Than Just Speed**

There are two final and interrelated points to make. This is the first year that PCMag explicitly notes that monopoly service remains a dominant characteristic of the broadband landscape in the United States:

BroadbandNow claims there are, as of this writing, 2,775 [ISPs] offering broadband. That's still a lot. Yet there's so little competition to be had. Chances are if you have an ISP that's a major player—with, say, millions of customers and a multi-state reach—it has already squeezed out the rest, or at least tried. If you've got decent broadband from a small ISP, they're probably filling a much-needed niche in your area. If you get to pick and choose between multiple ISPs, you're one of the few lucky ones.

Though PCMag does not go so far as to connect the dots, we're happy to. As the outlet admits, this test is solely about speed, and in naming national and regional winners, it doesn't take into account other factors. There are a host of other considerations in judging the quality, usefulness, and value of the networks around us (most of which flow from who owns and operates it). This includes, but is not limited to, affordability, transparency, reliability, underlying technology, oversubscription rates and congestion, customer service, reinvestment, and digital inclusion.

While stringing fiber optic cables and pushing data is a prerequisite of broadband service, as with any basic infrastructure (electricity, water, sewer, roads, schools) there's a whole lot more to the picture - despite what the monopoly ISPs would have us believe. City-owned networks like EPB in Chattanooga and Greenlight in Wilson, North Carolina have demonstrated a commitment to all the people in the communities they serve, meeting users where they are and making sure that the networks they've built will lead to more resilient communities for decades to come.