



Board of Directors Regular Meeting

November 23rd, 2020, at 6:00 pm

via Zoom

Board of Directors in Attendance: Greg Drew (GD), Curt Taylor (CT), Bob Shea (BShea), Ken Rocheleau (KR), Dick Pecor (DP), Greg Drew (GD), Dirk Reith (DR)

Staff in Attendance: Kevin Christopher (KC), (MW) Michael Wright

1. Call to Order by DP at 6:06 PM.

2. Approve Agenda

DP proposed an additional agenda item: a discussion of the new model contract between the Access Management Organizations (AMO) and ComCast.

Motion to approve agenda with additional item by KR, 2nd by DR, passed unanimously.

3. Public / Board Member / Staff Comment

DP remarked that he has received a draft copy of the COVID-19 Response Telecommunications Recovery Plan draft response prepared by CTC Technology & Energy and Rural Innovations Strategies Inc. The document is comprehensive and discusses what AMOs have been doing differently during the pandemic. KC added that the voluminous document is available on the Public Service Department's website. Public comments are being accepted and several public hearings will be held before the final document is presented. The document can be found at the following website:

<https://publicservice.vermont.gov/content/covid-response-telecommunications-recovery-plan>

Vermont Access Network (VAN) contributed to the report.

4. Approve Minutes of 10/26/2020 Meeting

Motion to approve by DR, 2nd by CT, passed unanimously

5. Executive Director's Report

KC remarked that LCATV is mostly closed: no studio usage. All field production has stopped, and all civic meetings are on-line. He added that he would like to close LCATV down completely during the last two weeks of the year so that he could have something close to a vacation. Rebecca Padula will be running a series of holiday programs during that time. KC will be available in an emergency. The Board approved.

KC also has had time to look at the viewership data for LCATV covered sporting events: most games had at least 100 live views, football had about 250 views each game. A soccer playoff in Milton had over 550 people viewing. There is some question as to whether there will be school sporting events in the new year.

There was discussion of how LCATV might enhance sports coverage with robotic cameras, but KC felt it limited trouble shooting and would not be technologically responsive enough to properly track the play in sporting

events. BShea remarked that security of the equipment would also be an issue. The Board concluded that this is presently not an option.

6. Treasurer's Report

Treasurer Jeff Hathaway was not present. KC went over the numbers. The pandemic has not impacted our revenues from ComCast. BShea asked about any federal audits of how LCATV's use the federal funds. KC expressed confidence that LCATV's accounting firm can respond to any questions from auditors.

There were no issues of note in the treasurer's report.

7. Old Business

a. FCC and Legislative Status Update

No news regarding the FCC changes. KC remarked that the new administration in Washington should result in an FCC makeup that is more friendly to Political Education and Government (PEG) access.

On the state level a consulting firm is working on the PEG study required by legislation passed in the last session. KC and his colleagues have been providing input to that report, which is due January 15th.

b. Cable Line Extension Funding Proposal

DP reported that the potential project in Colchester received a boost as ComCast contacted him. ComCast has done a detailed analysis and map of the project. Poll attachment requests will be submitted to Green Mountain Power (GMP) after which GMP has 45 days to respond with a *Make Ready* bill. The cost of the project will then be better understood.

An investigation of 8.313 by the Public Utilities Commission (PUC) continues.

c. Policy # 2 Use of Field Production Equipment - Second reading

KC went over the small changes that have been made to the policy.

Motion by DR to approve Policy # 2 as presented, 2nd by GD, passed unanimously

8. New Business

a. Policy # 4 LCATV Program Priorities – First reading

KC went over the small changes he suggested. The policy will come back to the Board for further action.

b. Policy # 5 LCATV Disclaimer – First reading

KC explained that the last time there was a policy review the intent was to fold this policy into policy #10. At that time he neglected to remove Policy # 5. He suggested we do that now. After some discussion, the motion to remove the policy was:

Motion by DR to remove Policy # 5, renumber subsequent policies and clean up policy number references in other policies, 2nd by GD, passed unanimously

c. Policy # 10 LCATV Program Content – First reading

There was much discussion about LCATV's ability to censor content. KC made it clear that LCATV advises producers to apply the three-part Millar test to their production. If the producer thinks their content is acceptable under that test, LCATV will air it. If there are objections from the community, the issue will be resolved by the courts. LCATV does not decide what is appropriate content. KR remarked on the

difference between being a “platform” as opposed to being a “publisher.” LCATV is a platform, not a publisher.

There was also considerable discussion about LCATV’s ability to edit content. KC will take the discussion into account and propose new language for that portion of Policy #10. KC will also rewrite the portions of the policy that refer to federal law.

d. Fiscal Year 2021 Budgeting

KC went over the proposed budget highlighting several items. Previous budgets have included funds for contract negotiations which may not be necessary this time around because of the contract template discussed in a later agenda item. The complimentary base charge for internet and data is no longer complimentary. LCATV is also changing from YouTube to Vimeo, a paid account, for live streaming. KC explained the data streaming cost increase.

DP asked about the projected loss of revenue used in both the last and current budget. KC retained that projected loss because of the continued revenue and expense uncertainty.

For the capital budget KC explained that the company Van will be replaced so there will be some cost to rebranding the vehicle. There are also line items for new field production equipment to replace older models. The proposed budget will be back for approval at the next meeting.

e. ComCast contract

DP presented the PEG Access agreement contract template. KC went over the history of this topic. The bottom line is that VAN and ComCast have agreed on a contract template to be used by the AMOs. Individual AMOs may want to negotiate items outside the template but this is a good starting or ending point for AMOs. DP and KC both supported the template as a means of significantly reducing the cost and stress of contract negotiations.

DP asked what important items there are in the template. KC responded:

- 1) LCATV will be given High Density (HD) subscriber density numbers annually. The numbers determine at what point ComCast is obliged to provide HD level service.
- 2) There is more promotional support. ComCast will be promoting PEG access on commercial channels with Public Service Announcements describing the services and programming offered.
- 3) There is also funding in case channel reassignment occurs.
- 4) The term of the contract is for the life of the Certificate of Public Good (CPG) which in this case is 2028.

Motion to approve the contract template by DW, 2nd by KR, passed unanimously

9. Executive Session

Not needed

Before adjournment CT asked about the project to digitize older recordings. KC reported that the project continues and might be finished early in 2021.

10. Adjournment

Motion to adjourn at 8:01 PM by DR, 2nd by GD, passed unanimously

Respectfully submitted on December 7th, 2020 (DRAFT) by Curt Taylor – Secretary

Approved December 14th, 2020