

MINUTES

Sanbornton Franchise Agreement Advisory Committee (FAAC)

Meeting Date and Time: Tuesday, October 2, 2018 at 6:00 PM

Meeting Place: Meeting Room, Sanbornton Town Offices

The meeting was called to order by Chairman Dick at 6:00 PM

Roll Call

Regular Members present: Selectman Katy North (ex officio), Andy Sanborn, Karen Bordeau, Ken Carleton, Jim Dick

Regular Members absent: None

Alternate Members present: None (1 Vacancy)

Others present at the meeting: None

Old Business

- a. The draft minutes from the previous meeting were reviewed. Selectman North made a motion to accept the minutes. The motion was seconded by Andy Sanborn. The vote was unanimous to accept the minutes.
- b. Draft FAAC Preliminary Report: Feedback from DTC/Addition feedback from FAAC members. Chairman Dick reported that Attorney Miller was pleased with the draft report that was forwarded to DTC by the Town Administrator. Katie Ambrose is still waiting on word from Attorney Miller when she would be available to meet with the FAAC to discuss the report and the way ahead. Chair North expressed concern over the lack of feedback/response from Attorney Miller. She pointed out that the data was collected because there was a sense of urgency, otherwise the collection period would have been longer. There are a number of questions that the FAAC would like answered. Andy Sanborn made a motion, seconded by Ken Carleton, to send a letter to DTC, via the Town Administrator to address the following questions/issues:
 - What additional information does Attorney Miller need from the FAAC?
 - What additional questions is she drafting based on the Atlantic Broadband responses?
 - What is the timeline for the negotiation?

Chair North noted that the franchise extension includes language that makes it clear that a new agreement can be reached prior to September 2019. Since the FAAC charter expires in March, it would be preferable to conclude negotiations before then.

The motion to send the letter passed unanimously.

Chairman Dick asked if any of the Committee members had any other feedback, or if they felt the report was ready to forward to the Board of Selectmen. No additional changes were recommended. It was agreed that the report would be forwarded to the Board of Selectmen.

New Business

- a. **Signing of 1-yr Franchise Agreement Extension** — Chairman Dick informed the Committee that the Town had signed a 1-yr extension of the current Franchise Agreement with Atlantic Broadband. This was done at the recommendation of Attorney Miller, who felt it would give the Town sufficient time for a successful negotiation.
- b. **Response to Audit Questions by Atlantic Broadband Communications (ABC).** --- The Committee received the ABC response to Attorney Miller's audit questions. The response consisted of answers to six specific questions, and 43 additional pages that included an updated strand map, liability insurance information, and the annual reports for 2010-2017 (The 2012 report was not in the package).
- c. **Review of data from MetroCast annual reports.** Chairman Dick provided some graphs to display information taken from the annual reports. The data showed that while the total number of cable TV subscribers is relatively unchanged between 2010 and 2017, the price of expanded basic cable service has gone up by 46.8%. It was noted that the naming of the tiers and the

specific channels offered in each year have varied, but that the comparison is to essentially the same level of service from year to year. In that same amount of time, the records show that MetroCast (now ABC) added only 2.39 miles of new cable in Town, with more than a third of that coming in the first year of the agreement (2010), when they agreed to some infrastructure upgrades before being granted a full 5-yr franchise. Andy Sanborn noted that the cable plant build out showed a lack of effort/interest in the welfare of the Town. It was agreed to include the charts in the preliminary report to the Board of Selectmen.

d. Attorney Miller request for Town Audit Question Answers: Analysis and

Recommendation. The Town received an email from Attorney Miller requesting they provide answers to the same 6 audit questions as ABC, so that she could compare the answers. On 19 September, the Board of Selectmen agreed to forward the request to the FAAC for action. Of the 6 questions, only one of them (List of Town buildings receiving free basic cable TV service) could be answered with independent information. All of the rest would have to be answered with the information ABC provided in the annual reports. The Committee reviewed the responses for Question #5 and found many inconsistencies. The list Atlantic Broadband provided includes several facilities that are not owned by the Town, as well as one that no longer exists. It was agreed to ask Atlantic Broadband to clarify the information in the list. That request will be included in the letter from the FAAC to DTC.

To answer Question #5, the Committee will request a copy of the latest Town bill from Atlantic Broadband to see what cable services are being charged. They will also ask the Town Department Heads to confirm whether they have cable TV access at their facilities.

Other questions were raised about the data in the list of service extension requests. The Committee would like to know what correspondence exists to support the information provided in the table on service requests. It was agreed to include a request for information on the data behind the table will be included in the letter from the FAAC to DTC, to be asked to Atlantic Broadband. A specific example is the reported request in October 2017 for 444 Knox Mtn Rd.

A question was also raised about the definition of “Future Build Out” as reflected in the table. Some examples were noted where a service extension request was annotated as “Future Build Out” over 5 years ago, but there is no indication the service was ever provided. A definition of “Future Build Out” from Atlantic Broadband will be requested in the letter to DTC.

It was agreed that it made no sense for the Town to answer the other 5 questions, and it was agreed to recommend to the Board of Selectmen that the Town only reply to question #5 on free basic cable TV service. Chairman Dick will forward to recommendation to the Board of Selectmen via the Town Administrator.

A motion was made by Selectman North to adjourn the meeting, seconded by Ken Carleton. Motion passed unanimously.

Meeting adjourned at 6:50 pm. The next meeting will be scheduled after Attorney Miller has reviewed the material and indicated when she is available to meet with the Committee.

Respectfully submitted,
Jim Dick