

CATV Special Committee Meeting Minutes

Date: July 30, 2024
Time: 4:28PM – 6:22PM
Location: Howard Office Building
ITS Enterprise Conference Room
700 President Ronald Reagan Way
Nashville, TN 37210

Committee Members Present: Jackie Shrago (Chair), Tim Garrett (Vice Chair), Joan Fleming, Allen Williams, Darryl Wilson

Others in Attendance: John Griffey (Interim ITS Director), Dawn Clark (Assistant Director of IT Services), Chris Singleton (Metro ITS), John Ferguson (Metro ITS), Theresa Costonis (Metro Legal), Erica Haber (Metro Legal), Phylinda Ramsey (Metro Legal), Terri Luke (Interim Nashville Public Library), Larry Jirik (NPL IT Director), Cameron McCasland (PEG Studio Manager, Nashville Public Library), Eric Lowy (PEG Studio Staff, Nashville Public Library), Kim Sasser-Hayden (Comcast), Jon Cooper (Comcast)

Committee Members Absent: Cassandra Easley, Vacant Board seat.

Welcome: Ms. Jackie Shrago called the meeting to order.

Public Comment: Ms. Diana Alarcon, NDOT Director, spoke to the committee about an ADA compliance issue that NDOT is experiencing with Comcast and other entities not removing their equipment from old utility poles when NES installs a new pole. The ordinance calls for 90 days to make the transfer of equipment and there are some that have taken more than 9 months. Comcast responded that there have been some issues that are being cleared up, but they agreed that they would look into the matter further.

Minutes review & approval: Motion from Mr. Tim Garrett to approve 08/17/23 meeting minutes. Mr. Allen Williams seconded the motion and it passed unanimously.

Election of Officers: Ms. Shrago opened the floor for annual election of Committee Chairman and Vice Chairman. Mr. Tim Garrett formally nominated Ms. Jackie Shrago to the position of Chairman. With no other nominations, the Committee voted unanimously in favor. Ms. Shrago nominated Mr. Garrett to the position of Vice Chairman. With no other nominations Mr. Garrett was elected unanimously.

Open Business:

Cable Franchise Agreement:

- i. Committee responsibilities: Ms. Theresa Costonis, Metro Legal, briefly reviewed that the Committee is charged to assist with the negotiation of a local cable franchise agreement. The Committee would issue a recommendation for approval to Metro Council. Mr. Singleton provided the Committee with a progression timeline that began in October 2020 with Comcast provided notice of intent to renew an agreement. Mr. Singleton took the Committee through the hiring of an outside firm to perform an audit and the community needs assessment. He informed the Committee that the final report should be obtained within the next few weeks and a copy of the report should be submitted to them once available. Mr. Singleton also reported to the Committee that several obstacles have been identified

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at both the state and federal levels. The State Legislature passed bills that changed the definitions of “cable service” and “video services” to exclude streaming services. Those bills signed into law weeks later by Governor Bill Lee. Mr. Singleton added that on Friday, July 26th, 2024, Comcast notified Metro that they would be seeking a State Franchise agreement opposed to the local franchise agreement, which is their right.

- ii. Presentation of the Audit, Needs Analysis, and Compliance Report: Sue Buske, The Buske Group, presented a high-level review of the Compliance Report and Needs Analysis Reports that were conducted by her firm.

The Compliance report noted that there were 3 main areas of non-compliance. First, the failure to remove equipment and transfer it to a newly installed pole that Dir. Alarcon spoke to earlier in the meeting. The second, failure to build system out to the legal boundaries of Metro as of 2013, specifically the Joelton area of Davidson County. Residents have reported that Comcast has refused to service or charge exorbitant fees. The third compliance issue regards to PEG channels. Comcast is obligated under the franchise agreement to provide at least one public access channel in high definition. Metro tried to get the Government channel to high definition, but it was unsuccessful.

The Financial Audit presentation was delivered by Garth Ashpaugh of Ashpaugh & Sculco, CPAs, PLC. Mr. Ashpaugh audited a three-year period ending 03/31/22, and identified issues that come up in a number of audits they have previously performed for client with Comcast franchise agreements. They calculated that Comcast owes Metro in fees – \$1.493M (this includes interest) – so, if we negotiate, you should add an additional two years plus interest. He noted that the errors that they found would have continued for an additional two years, so the amount would be a lot higher. They have calculated interest through the end of February – if we updated to August, it’s another \$50K in interest owed by Comcast to Metro.

Following these presentations, a discussion evolves around with Comcast now seeking a state franchise rather than a local franchise, what are their obligations under the CVCSA and how do the two franchise agreements differ or remain the same.

Comcast Presentation:

Mrs. Kim Sasser-Hayden delivered a brief overview about Comcast’s advancement into digital equity. Mrs. Sasser-Hayden reported that Lift Zones powered by Comcast have been set up in 7 high-capacity zones in community centers such as the Boys & Girls Clubs Andrew Jackson & Cleveland Park Units, Casa Azafrán, Legacy Mission Village and Urban Housing Solution. Mrs. Sasser-Hayden explained that Comcast has partnered with Metros Digital Inclusion and Tech Goes Home Tennessee program, donating \$65,000 to the Community Foundation of Middle Tennessee for a Digital Navigators program. They donated additional \$25,000 to the Nashville Public Library Foundation, Conexion Americas, and the Urban League of Middle Tennessee. An additional \$20,000 for Legacy Mission Village for a digital literacy training through their Journey Program.

Franchise Funds: Mr. Chris Singleton, IS Division Manager for Metro Nashville Network (MNN), began with a review of the 2023 PEG Capital Fund balance projected versus actual following the allocation of funds. Projected yearend balance was \$1,334,107 as approved at the August 17, 2023, meeting. The actual Capital Fund, after purchases netted \$1,240,100. The PEG Capital Support Fund for this year was

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supported by Comcast's local franchise agreement of \$200,000 and included a pro rata allotment from DIRECTV Uverse at a contribution of \$8,005 and \$389 for United Communications to begin this year's balance at \$1,448,494.

Mr. Singleton presented a proposal of \$119,569 for Metro Nashville Network (MNN), be allocated for the purchase of six new cameras replace the end-of-life current cameras located in the Howard Office Building's Sonny West Conference Center as well as a mobile production unit to assist covering meetings held in other Metro spaces.

As for the PEG Studio, Mr. Singleton requested the sum of \$42,060 to purchase equipment that members and NECAT staff have specifically requested for the 5 projects at the PEG Studio. Additionally, Mr. Singleton request on behalf of the Nashville Public Library and NECAT, the sum of \$30,000 be available for any emergency maintenance and/or repair work. Should the money not be needed, it would roll back into the fund. The final request was the sum of \$15,000 to use to relocate the NECAT channels head-end to the Howard Office Building with the lease on the PEG studio set to run out in January 2025. Ms. Terri Luke (NPL) was present at the meeting and was asked about the current plan for the Studio. Ms. Luke said that General Services has looked at the old Donelson Library and it would take approximately \$6.1 million to outfit the building. She said that she and the Mayor's Office are in discussions with Nashville State Community College to extend the lease an additional 2 years as Metro continues to explore options for a Metro owned facility.

The grand total of the PEG Capital Fund minus the requested purchases would leave \$1,241,865 that would continue to be earmarked for a new PEG Studio. Mr. Williams made a motion to approve the funds proposal as outlined by Mr. Singleton. Mr. Darryl Wilson seconded the motion. The vote was unanimous.

New Business:

Due to length of meeting and a dwindling quorum, the committee chose to move the ethics refresher presentation to the next meeting.

No other new business was brought before the committee.

Close and Adjournment:

Ms. Shrago asked if there was any other business and seeing none, she adjourned the meeting at 6:22PM

*Submitted by Chris Singleton
August 7, 2024*