

MILLBURY PUBLIC ACCESS/CABLE TELEVISION COMMISSION MINUTES

RECEIVED
TOWN CLERK
Municipal Office Building – 127 Elm Street – Large Conference Room
Thursday October 20, 2016 – 7:15 p.m.

16 NOV 18 AM 8:12
Present: Paul DiCicco; Joseph Coggans; Roger Desrosiers; Jeffrey Dore; Mary Krumsiek; Robert Sullivan; Associate Member Michael Lawton; Public Access Director Kevin Krassopoulos; Joseph Tiernan, DTC Telecommunications Analyst; Sandra Merrick, DTC General Counsel

Absent: Richard Carew

Chairman DiCicco opened the meeting at 7:15 p.m.

PREVIOUS MINUTES

Motion made by Joseph Coggans, seconded by Mary Krumsiek to approve the meeting minutes of September 15, 2016.

Motion carried unanimously.

MAIL

Letter received from Jill Reddish regarding Verizon programming changes – see attached.

Email from Kevin Krassopoulos to Jill Reddish – see attached.

Reply from Jill Reddish to Kevin Krassopoulos – see attached.

MEETINGS

Chairman DiCicco recommended a meeting schedule as follows: September (reorganization meeting), October, January, February, and May. We can also have additional meetings as needed.

Motion made by Joseph Coggans, seconded by Mary Krumsiek to approve the new meeting schedule. Discussion ensued. Roger Desrosiers asked Kevin if an alternate of every other month from September to May would be better, as opposed to two consecutive months. Kevin does not have a preference.

Motion withdrawn by Ms. Krumsiek at Mr. Coggans request.

Motion made by Joseph Coggans, seconded by Robert Sullivan to set a meeting schedule of every other month. Discussion ensued; this schedule will start in the new (calendar) year.

Motion carried unanimously.

GUEST PRESENTATION

Form 500

Joseph Tiernan, Telecommunications Analyst for the Dept. of Telecommunications and Cable, explained that the Form 500 is required of the cable providers or any licensed operator that has a franchise; in Millbury this is Charter and Verizon. By statute they have to file a Form 500 by the end of January each year for the previous calendar year which reviews the customer complaints that they received during that 12 month period. A complaint is defined as any written or verbal contact with a cable operator in connection with a subscription in which a person expresses dissatisfaction with an act, omission, product, or service that is: 1) within the operators control, and 2) requires a corrective measure on the part of the operator. The form itself has several subcategories so it is not just the total number of complaints, it breaks them

down into almost 10 categories including billing errors, customer service errors, and reception complaints, and it also requires, by statute, that operators inform the town how long the average complaint took to resolve. Chairman DiCicco asked if the requirement is an annual report or quarterly. Mr. Tiernan said he thinks by statute it was a quarterly report but it was changed to annually around 1999 by the department. The Chairman asked if that was procedure or statute. Mr. Tiernan replied that the change to a 12 month report wasn't statute, it was a procedure change made by a Cable Television Division order. The Chairman asked what the statute is on the books – if the old statute is still on the books is it something we can enforce. Mr. Tiernan said the statute is Chapter 166A Section 10 and he does not have it in front of him; he will get back to the board on this.

Discussion ensued about customer complaints. Mr. Tiernan said that the department hasn't really defined what constitutes an initial complaint rather than an ongoing complaint. Mr. Desrosiers said that we spoke directly with a Charter representative as there were not many complaints listed (on the current Form 500). He thinks a company should be proud to say that they had "x" number of complaints and they were able to solve "x" number of complaints, even if it is 500 complaints and 500 were solved. Why, from the state's point of view, are we not making the companies accountable to each of the different towns and municipalities about the true aspect of what is going on with regard to customers? It seems they are trying to hide something by not even acknowledging that there are complaints.

Chairman DiCicco read his letter to Mr. Tom Cohan of Charter Communications, and then read Mr. Cohan's reply.

Mr. Sullivan spoke about a complaint he recently made in person at the Charter office in Worcester. He hopes to see it on the next Form 500.

Ms. Krumsiek asked what is the purpose of this form? What happens to the company, is there a fine?

Mr. Tiernan said it is a tool for the town and the purpose is for the town to look at it in consideration during the next negotiation period for the license. The license renewals are usually every 10 years so you should be able to get a 10 year glimpse of the complaint history and problems that need to be resolved or addressed.

Chairman DiCicco stated for the record that both our contracts (Charter and Verizon) are up this March.

Mr. Desrosiers feels that we may be a microcosm of what is a bigger frustration outside of this room.

Mr. Tiernan asked if the apparent irregularities with these forms for both companies are with the recent reporting period or is it an ongoing concern; the board said it is ongoing.

Mr. Tiernan noted that his department has its own consumer division and the toll-free number should be on the back of the cable television bills. When complaints are made to his department they make sure that the customer first reached out to the cable company before they take it and investigate the issue. That is one recourse - to see the number of complaints that have not been resolved for customers in Millbury, as they found the number and called his office.

Chairman DiCicco asked if Mr. Tiernan's department could send a letter to Charter as a sort of warning regarding the town of Millbury, and to say that the committee is watching them.

The podium was turned over to Sandra Merrick, General Counsel for the Department of Telecommunications and Cable, who said yes, they can make an inquiry to Charter, and asked if the committee has the same concerns with Verizon. The Chairman said no, and Mr. Desrosiers added that there were 46 complaints regarding equipment only, and he would like to speak with a representative from Verizon.

Ms. Krumsiek said that Verizon is a good company - there are no problems; she has Verizon and has never had to call them with a problem.

The Chairman would like to see the answer to the letter go back to the DTC, and be cc'd to the committee.

In regards to the report and the change from quarterly to annually in 1999, Atty. Merrick said the statute states the report has to be at least annually; it does meet the statute. The Chairman asked if they are in violation of it by giving false reports, and can the DTC order them to change it to quarterly. Atty. Merrick does not know – they would have to figure out a way to fairly determine if they were not providing the right or all of the information; that would be the first step before a penalty.

Mr. Sullivan asked if it is legal to require quarterly reports as part of the new contracts.

Atty. Merrick said that they could ask for that in the negotiations.

Mr. Desrosiers said he is somewhat concerned that what the board is talking about seems to be something that they are both hearing for the first time, and that other municipalities are not objecting about this. Atty. Merrick has heard it come up before, and Mr. Tiernan said certain towns have broached this but certainly not frequently; maybe one or two towns a year would contact their office and it was more technical, in that they couldn't read the report. In terms of actual number of complaints, that is an infrequent complaint relatively speaking. The one time he recalls a company changing the Form 500, when they reached out and said there was an irregularity, was when there was a large volume of complaints and the company did change it. It is within the capacity of the companies to take a look and verify what they submitted was correct. That could be a remedy here. Mr. Desrosiers wants to know, via the inquiry letter, if the company believes that the Form 500 complaint form means to them that they don't have to include it if there has been a resolution; let's ask them directly if that is how they are doing it. He does not believe that they are an anomaly; it must be more widespread.

Mr. Dore stated that the Attorney General's office has declared that emails are legitimate communication tools; has the DTC agreed with the Attorney General's office that emails will be an official form of a complaint?

Mr. Tiernan replied that it is a written complaint; a written complaint does necessarily mean a hand-written letter, and it is reasonable to assume that email is a written complaint and that a verbal or written complaint should go into the Form 500 as long as they meet the other objectives. Atty. Merrick said they don't disagree, but they have a very different role from the Attorney General's office so they don't take positions like that. There wouldn't be a reason for them to make a public announcement the way that the Attorney General's offices does. They do treat emails or a piece of paper as a written complaint but they haven't made a formal pronouncement or position that they agree with the Attorney General's position.

MGL Ch. 44 Sec. 53F ¾

Atty. Merrick said there are 2 separate funds that the Department of Revenue has described and she will provide information about the differences between the 2 funds. She said she can't have an opinion on which fund Millbury should use.

DIRECTORS REPORT

High School Production Class – Mr. Cunha said it is very beneficial doing a half year – he can get double the students through and they are done with it before they get tired of it. This year's class is fantastic and is producing many clever and creative videos. It is still only for seniors. Mr. Desrosiers said one advantage might be that the students in the first half might be willing to do some work in the second half of the year now that they have gained the experience, and be able to help Kevin in other areas within the community. That is one of the chief things the committee wants to do with the 7th and 8th grade level; the ability of the students to take the class then continue to do video production.

Portable Cameras – they have been delivered, inventoried, and labelled. Once he has learned the features of the camera he will offer a 2-hour training class for these cameras at the studio. These cameras replace the tape driven cameras. After this class he will offer a full production class again; he has 2 people interested at this time.

Meeting Schedule – discussed earlier in the meeting.

Auditorium Audio Demo – it was very successful. The cost will be a 50/50 split with the school.

Playback Upgrade – no action.

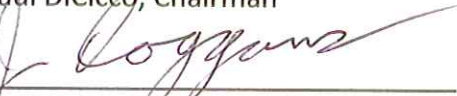
ADJOURNMENT

Motion made by Roger Desrosiers, seconded by Joseph Coggans to adjourn the meeting at 8:43 p.m. **Motion** carried unanimously.

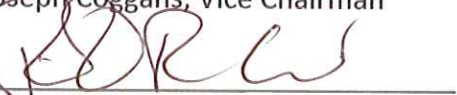
Respectfully submitted,
Joyce Sampson



Paul DiCicco, Chairman



Joseph Coggans, Vice Chairman



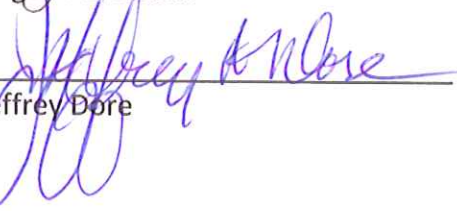
Richard Carew, Clerk



Roger Desrosiers



Mary Krumsiek



Jeffrey Dore

Robert Sullivan