



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

MT. HOOD CABLE REGULATORY COMMISSION

Hybrid – Zoom and Open Signal, Portland, Oregon

November 18, 2024 Meeting Minutes -- **APPROVED**

SUMMARY MINUTES

Call to Order 5:34 PM

Roll Call:

Present: Chair DeGraw, Vice Chair Harden; Commissioner Dennerline; Commissioner Thomas, Commissioner Wagner

Absent: Commissioner Goodlow (excused)

Staff: Seema Kumar, BPS Chief of Community Technology; Andrew Speer, Utility Manager; Rebecca Gibbons, MHCRC Operations; Rana DeBey, MHCRC Grants Manager; Laura Dyer, MHCRC Compliance Analyst; Douglas Imaralu, MHCRC Financial Analyst; Kevin Block, Policy Coordinator; Kathleen Lefebvre, MHCRC Administrative Specialist

- MHCRC Staff Statement – Chair DeGraw clarifies the intent of the Commission and Staff regarding the Comcast Franchise Renewal and how it was publicly noticed before the October 21, 2024 Meeting and emphasizes the intent was not to make a final decision at that October meeting. Chair DeGraw notes Commissioners are holding this evening’s Special Meeting to extend the opportunity for public comment and to hold an Executive Session. Additional opportunity for Public Comment is planned at the December 16th Regular Meeting and written Public Comment will be considered if submitted by December 9th. Rebecca Gibbons reads the MHCRC Staff Statement on the Public Hearing process, which is included in the packet of materials.

Chair DeGraw introduces Mark Wolf, MHCRC Legal Counsel, who is in attendance to guide Commissioners, Staff and members of the public around Public Meeting Laws.

- Agenda Review: none.
- Disclosures: Vice Chair Harden notes he has been in contact with the Community Media Centers regarding the Comcast Franchise Renewal and the redlines. Similarly, Chair DeGraw and Commissioner Dennerline have been in discussions with the Community Media Centers on the Comcast Franchise Renewal.
- Public Comment (non-agenda items): Robert Eller, Open Signal Member, Portland Resident, shares with the Commission concern of Comcast’s tax rates under various Federal leadership and shares a document (unfound in the chat) that shows Comcast profits under Pres. Trump’s tenure. Mr. Eller confirms his comments are directed towards the Comcast Franchise Agreement Agenda Item.





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REGULAR AGENDA

R1. MHCRC Strategic Planning Process (information only)

Autumn Carter, Managing Partner NEX Strategies, overviews the agenda and goals for the December 3rd Joint Work Session, and emphasizes this upcoming meeting is a key step in the MHCRC Strategic Planning Process. The Joint Work Session will include the Leadership from the 6 Jurisdictions, the Commission and Nancy Werner, from Bradley Werner, LLC. The main objective are to: 1. Understand the Scenarios and 2. Engage and Facilitate Conversation of the Scenario Implications 3. Lay the groundwork for Commissioners to make recommendations that are in alignment with Jurisdictions needs and 4. Prepare Jurisdictions to make informed decisions that impact the future of the Commission and future use of the Right of Way. Autumn reviews the planned agenda for the Joint Work Session, and invites feedback by reaching out directly to NEX Strategies and/or to MHCRC Staff.

Nancy Werner gave a high-level overview of the three scenarios that will be discussed in greater detail at the December 3rd Joint Work Session.

DISCUSSION: Rebecca Gibbons reiterates that Staff and NEX Strategies are here to assist Commissioners leading up the December 3rd Joint Work Session. Commissioners have no questions.

R2. Public Comment – Comcast Franchise Renewal

Chair DeGraw reviews public testimony protocols and re-introduces Mark Wolf from LGLG, P.C., MHCRC Legal Counsel, who is in attendance virtually to provide Commissioners, MHCRC Staff, and members of the public legal counsel for Public Comment.

Robert Eller addresses the Commission and clarifies that his comment during non-agenda item public comment were directed towards the Comcast Franchise Agreement Agenda Item.

No other Public Comment.

Chair DeGraw adjourns the Regular Session to enter Executive Session: 6:10 pm-7:24 pm

The MHCRC held an executive session during the November 18th Regular Meeting for approximately one hour pursuant to ORS 192.660(2)(f), which allows the governing body to convene an executive session to consider information or records that are exempt by law from public inspection, including written legal advice. Representatives of the news media and designated staff shall be allowed to attend. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No recording of the executive session is allowed without express permission from the Commission. No final decision may be made in executive session.

Reconvened: 7:31 pm

R3. Comcast Franchise Renewal

Andrew Speer gave an update on specific actions that have occurred since the October 21st Regular Meeting. Speer notes there was Policy Committee on October 28th and during that meeting it was





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requested that Staff meet with CMCs to discuss specific requested edits, which were subsequently received electronically on November 8th. A meeting to discuss those requested edits took place on November 12th. Speer notes that on November 14th he met with Tim Goodman and Seema Kumar to share with Comcast the requested edits from the CMCs. It is Speer's understanding that Tim was then going to work through the requests with Comcast leadership. Speer invites the Commissioners to ask questions and identify any paths forward. Chair DeGraw notes this is the continuation of the Discussion portion of the Agenda that was not concluded at the October 21st meeting due to the late hour of adjournment, which gives Commissioners this opportunity for further clarification or discussion, as needed.

R4. Ziplly Non-Compliance

Laura Dyer gave an overview of the Ziplly Non-Compliance issue and updates on a recently received Ziplly response. Dyer further describes one other Ziplly topic, a notice of termination was sent directly to the City of Wood Village due to zero cable subscribers which may be an opportunity for the Commission to negotiate the terms of early termination. Dyer suggests in exchange for fines assessed for early termination there may be financial benefits to garner for our Community Media Centers. Dyer notes that after sending a notice of non-compliance the waiting period to issue fines is 30-days, therefore it may be timely for Commissioners to authorize Staff to issue the notice of non-compliance. Dyer notes that Staff recommend sending Ziplly a notice of non-compliance on a newly identified separate issue.

MOTION: Vice Chair Harden moves to approve Staff to send Ziplly the new Notice of Non-Compliance; Chair DeGraw seconded.

VOTE: 5-0 passed

New Business; Commissioner Open Comment

Commissioner Thomas wishes everyone a Happy Thanksgiving and shares his appreciation for Staff. Chair DeGraw shares appreciation for Andrew Speer and Laura Dyer for their work at the November 12th meeting with the Community Media Centers, which she was able to attend. Chair DeGraw and Commissioner Dennerline share their delight with attending the Grantee Peer Learning Event in October and Chair DeGraw shares appreciation for Rana DeBey, MHCRC Community Grants Manager, for organizing this successful event.

Next MHCRC Meetings:

- December 16
- December 17 Mini Retreat
- January 27
- March 17
- May 19
- June 16

- Public Comment – None.

Adjourned: 7:46 PM

Respectfully submitted,

Kathleen Lefebvre

