



MT. HOOD CABLE REGULATORY COMMISSION  
MetroEast Community Media, Studio A  
May 23, 2016 Meeting Minutes -- **DRAFT**

## **SUMMARY MINUTES**

THESE MINUTES ARE UNOFFICIAL UNTIL APPROVED BY THE COMMISSION AT A SUBSEQUENT MEETING. PLEASE REFER TO SUBSEQUENT MINUTES FOR APPROVAL OR CHANGES.

Call to Order: 6:30 pm

- Roll Call

Commissioners present: Carol Studenmund (Chair); Rich Goheen; Norm Thomas; Sue Dicile; Scott Harden; Mike Bennett; John Branam

Commissioners absent: Leif Hansen

Staff: Mary Beth Henry, Director; Julie Omelchuck, Program Manager; Ben Walters, Legal Counsel; Joshua Eddings, Compliance Assistant

- Agenda Review: none.
- Disclosures: Dicile said she attended MetroEast's volunteer appreciation event. Dicile said the event was well attended and that she was pleased to see MetroEast attracting an ethnically diverse population.
- Public Comment: Martin Jones, MetroEast Executive Director, thanked Dicile for her comments.
- **CONSENT AGENDA**

- C1. March 21, 2016 Meeting Minutes
- C2. April 14, 2016 Meeting Minutes
- C3. Community Technology Grant Agreement: North Northeast Business Association
- C4. Community Technology Grant Agreement: Holla Foundation
- C5. Community Technology Grant Agreement: Curious Comedy Theater
- C6. Community Technology Grant Agreement: NW Documentary
- C7. Community Technology Grant Agreement: Open School

**MOTION:** Thomas moved to approve the Consent Agenda as presented. Branam seconded.

**VOTE:** 7-0 passed.

- **REGULAR AGENDA**

R1. Frontier Franchise Noncompliance – Formal Hearing Cancellation (Information Only)

Studenmund said the MHCRC had scheduled to have a formal hearing regarding a potential cable franchise violation by Frontier. Studenmund said that, as the presiding officer, she received a request from staff withdrawing the request for a formal hearing on the alleged franchise violation. Studenmund said after considering Frontier's response to staff's notice of franchise violation, staff determined that the enforcement process should be suspended pending further investigation. Studenmund said the Frontier issue raised a tangled web of telecommunications and cable jurisdictional issues and Frontier's response escalated the complexity of the proceeding in relation to Frontier's franchise responsibilities. Studenmund said staff intends to focus on working with the effected Jurisdictions and other government entities responsible for overseeing cable and telecommunications services. Studenmund said staff will be further investigating Frontier's responsibilities for extending telecommunications services, and how this responsibility may pertain to its franchise obligation to provide competitive cable services. Studenmund said staff is available to answer any questions Commissioners may have on this matter.

Bennett asked if there is an expected timeline to reschedule the hearing or resolve the issue. Walters said the issue will be ongoing as staff and legal counsel develop a better understanding of Frontier's obligation to build out services to new residential areas under both cable and telecom law. Walters said Frontier has taken the position that build out is governed by its telecommunications status, and not governed by cable franchise responsibilities, and thus claims the company is not obligated to build out.

Bennett asked how long this particular community and possibly other communities are in 'limbo land.' Bennett said he read in the violation documents that the community is currently being served by Comcast; but it is not a competitive market. Walters said that is correct; not a competitive market.

In response to Bennett's request to develop a timeline for addressing the issue, Thomas advised taking a step back to allow staff and legal counsel time to do the research necessary to understand the legal implications of the issues. Walters concurred and said staff and legal counsel will continue to research the implications and to monitor Frontier's future build out to other new residential developments. Walters said staff is keeping the effected Jurisdictional staff informed.

\*R2. FY 2015-16 Contingency Request: Professional Services Consultant

Henry said she is retiring in July. Henry said the Finance Committee discussed a transition plan at its April 27 meeting. Henry said that because of the dual role of the position and its unique responsibilities, Committee members believe devoting resources to the transition, specifically the position recruitment process, is critical. Henry said staff is recommending the Commission contract with Paula Manley for this purpose. Henry said Manley has significant expertise in this area as evidenced by her leadership in the successful recruitment process for both PCM's and MetroEast's executive director positions.

**MOTION:** Branam moved to approve up to \$5,000 from FY2015-16 Contingency for professional services with Paula Manley consulting. Goheen seconded.

**DISCUSSION:** Thomas said he hopes the City of Portland is aware of the importance of MHCRC involvement in the new hire selection process.

**VOTE:** 7-0 passed

**\*R3. FY 2016-17 MHCRC Goals & Objectives**

Omelchuck said the meeting packet included draft FY2016-17 MHCRC Goals & Objectives. Omelchuck said the Goals & Objectives capture new workload related to Frontier and Reliance Connects franchises expiring December 2018, the transition to a new Staff Director and to start a strategic planning process for the Commission.

In response to a question from Goheen regarding upcoming legislation that the Commission should be aware of, Henry said staff is participating with the League of Oregon Cities on the development of a policy platform, however she is not aware of any specific legislation that needs attention at this time.

**MOTION:** Dicile moved to adopt the FY2016-17 Goals & Objectives. Thomas seconded.

**DISCUSSION:** none.

**VOTE:** 7-0 passed

**\*R4. FY 2016-17 MHCRC Fund Budget Proposal**

Finance Committee report & recommendation

Thomas said the Finance Committee recommends the Commission adopt the proposed FY16-17 MHCRC Fund budget and forward it to the Jurisdictions for approval. Thomas said the Finance Committee did a great job of ensuring the budget was clear and accurate. Thomas said this coming year's budget is fairly similar to last year's budget.

Omelchuck reviewed the Jurisdictional approval process. Omelchuck said the Jurisdictions are poised to consider the FY16-17 budget recommendation at Council/Board meetings in June. Omelchuck said all MHCRC members are scheduled to attend these meeting. Omelchuck said Commissioner Bennett is scheduled to present the MHCRC's Annual Report to the Gresham City Council in early June, while the budget is being considered on the consent agenda at a following meeting.

Branam asked about any staff/Commission outreach and engagement with the new City of Portland mayor elect. Henry said the mayoral transition team is still in process. Henry said she met with Commissioner Saltzman's office and received support for staff to engage with the transition team when appropriate. Omelchuck said staff will engage with Portland MHCRC representatives when the time comes to engage.

In response to a question from Harden about the \$5,000 contingency request for the Staff Director transition, Omelchuck clarified that the \$5,000 would come out of the FY15-16 budget. Omelchuck said the FY16-17 budget includes additional funds reserved for the personnel

transition. Omelchuck said the Commission will have an opportunity to decide how the FY16-17 contingency funds should be spent later this year.

Portland Community Media budget presentation

Justen Harn, PCM, gave a brief overview of PCM's FY16-17 budget. Harn said PCM is working to diversify revenue sources and investing more in training and resources for staff development. Harn said a focus of PCM's FY16-17 capital budget is equipment that will support PCM's youth and adult education programs.

In response to a question from Dicile regarding an increase in the marketing budget, Harn said PCM plans to hire a new staff position responsible for helping to market PCM's service offerings to the community.

Thomas thanked Harn for his leadership in the development of the budget.

MetroEast Community Media budget presentation

Marty Jones, MetroEast, said he has been the new executive director at MetroEast for six days. Marty said he understands from discussions with Rob Brading, that the MHCRC Finance Committee has thoroughly reviewed MetroEast's budget and that there aren't any significant changes or surprises.

**MOTION:** Dicile moved to adopt the FY2016-17 MHCRC Fund Budget and to forward it to the member Jurisdictions with a recommendation for approval. Harden seconded.

**DISCUSSION:** none.

**VOTE:** 7-0 passed

Thomas and Bennett thanked staff for their work on the budget.

R5. Cable Company Annual Activities Presentation - CenturyLink (Information Only)

Karen Stewart, CenturyLink, said it's been one year since CenturyLink launched its service in Portland. Stewart said CenturyLink's fiber-to-the-home service now passes over 100,000 homes in the Portland/Vancouver area. Stewart said this deployment represents a significant capital investment. Stewart said CenturyLink will continue to deploy services through 2016. Stewart said this deployment enables subscriber access to the PRISM TV service in addition to faster Internet service. Stewart said that while subscribers usually inquire about the 1 gig service offered, most subscribers, once they realize their true bandwidth needs, are subscribing at a much lower level. Stewart said CenturyLink opened a new customer service store on NE Halsey and is looking to add a storefront location in West Portland. Stewart said CenturyLink continues to support local digital literacy efforts. Stewart said CenturyLink's Teachers and Technology grants are being awarded to help increase access to technology in schools. Stewart said high schools can apply for the grants up to \$5,000. Stewart said three schools in the Portland area were recipients. Stewart report that CenturyLink now has ten franchises in the greater Portland area. Stewart said CenturyLink continues to introduce new channels on a quarterly basis. Stewart said Portland Public Schools' PEG channel will launch in July.

In response to a question from Thomas, Stewart said she did not know the number of homes passed in just the Portland area.

In response to a question from Studenmund, Stewart said CenturyLink is deployed in Portland and SW Washington only.

In response to a question from Branam about engagement with the City of Portland' summer internships for youth program, Stewart said CenturyLink has not participated in any programs in the past specifically with the City.

- Staff Activity Reports and Updates
  - 2016 MHCRC Annual Report: Omelchuck handed out the draft MHCRC FY15-16 Annual Report for Commissioner review and comment before it goes to print on Friday.
  - FCC Proceedings Update: Henry said the MHCRC's Reply Comments in regards to promoting the availability of diverse and independent sources of video programming was included in the meeting packet. Henry said the MHCRC joined in with a coalition on this proceedings. Henry said that by participating in the Reply comments, the MHCRC is able to be more strategic in addressing issues and priority comments.  
In response to a question from Dicile, Henry said there is no telling when the FCC will take action on this proceeding. Henry said the FCC Chair will likely change along with the new presidential administration.
  - Digital Equity Action Plan (DEAP): Henry said the City of Portland approved a new position in support of implementing the DEAP plan through the Office for Community Technology.
  - Gigabit Cities Summit/Net Inclusion Summit: Henry said she attended the summit in Kansas City. Henry said cities from across the country attended. Henry said the Net Inclusion summit focused on national digital equity efforts.  
In response to a question from Goheen, Henry said the skill set for this position will likely pull candidates from diverse backgrounds.
  - TechSmart Initiative: Omelchuck said staff attended the Gresham-Barlow School Board meeting to present a "big check." Omelchuck said the Board is excited about the partnership. Omelchuck said staff is re-initiating discussions with the new Centennial administrative team. Omelchuck said staff is working to bring forward an amendment to the Pacific Research & Evaluation (PRE) consultant contract. Omelchuck said staff is transferring the student level data evaluation work to PRE in response to the PSU staff reduction.  
Branam said PRE, at the MHCRC's annual strategic planning retreat, suggested there would be some limitations to PRE's analysis due to the coordination with the PSU student level data analysis. Branam said he sees some benefits to PRE conducting the entire evaluation and the possibility of gaining efficiencies and eliminating limitations. Omelchuck said the Districts are supportive of working with PRE.  
In response to a question from Dicile, Omelchuck clarified that PRE is applying for access to the student level data from the Department of Education and through data sharing agreements with the Districts. Omelchuck said that PSU already had this access, so seemed to be a good fit at the time.

Branam asked if the PRE contract amendment would allow the MHCRC access to data in order to compare future student performance against performance in current grant projects. Branam asked who owns or has access to the data. Omelchuck said the data is sensitive and protected; staff will discuss with PRE the level of ownership of the data. Omelchuck said she'd be happy to involve Branam and any other Commission interested in the discussion and clarification with PRE.

Goheen said the Commission is only interested in trends, not individual student level data. Bennett asked if there is a financial impact as a result of the switch from PSU to PRE.

Omelchuck

- Election of MHCRC Chair and Vice-Chair: Omelchuck reminded Commissioners of the election of Chair and Vice Chair positions at the June meeting.
- Commissioner Re-Appointments: Omelchuck said Commissioner Harden was reappointed to another three year term. Omelchuck said the City of Portland is scheduled to reappoint Dicile to another term.
- Other
  
- Committee Reports
  - Finance Committee: none
  - Grant Committee: none
  - PCM Board Appointee: Studenmund reported that things are going well for PCM, its Board and new leadership. Studenmund said the PCM Board Treasurer agreed to continue in the position.
  - MetroEast Board Appointee: Thomas said MetroEast is welcoming Marty Jones.

- New Business; Commissioner Open Comment

Dicile said she was asked by the Alliance for Community Media Board to be a presenter at its annual conference in Boston on strategic planning processes for access centers. Dicile said she would like the Commission to consider a contingency request to support some of her travel costs. In response to a question from Branam, Omelchuck said the MHCRC contingency budget includes \$30,000, of which only \$5,000 has been allocated.

Commissioners discussed the timing of the request and the need to make travel arrangements and the process for allocating funds.

**MOTION:** Harden moved to allocate \$5,000 from contingency for Commissioner Dicile to attend the Alliance for Community Media Annual Conference in Boston.

Branam proposed amending the Motion to \$1,500 to cover travel costs and to require receipts. Omelchuck said any travel request would need to comply with the City of Portland's travel authorization policies.

**MOTION AMENDMENT:** Branam moved to provide the resources on behalf of MHCRC from the FY15-16 contingency for Commissioner Dicile to travel to and attend the Alliance for Community Media Annual Conference in Boston in accordance with all the travel rules and regulations of the City of Portland.

Harden accepted the Motion Amendment.

Goheen seconded.

Thomas said proposed the Commission not take action, but rather direct staff to bring forward a formal contingency request at the June meeting that outlines the costs and benefits of the travel request. Thomas said he supports the travel but would like to see a formal request outlining the specifics of the travel. Bennett concurred.

Harden withdrew the Motion.

Commissioners all expressed support for using contingency to fund the travel costs and directed staff to bring forward a formal contingency request at the June meeting.

Studenmund reviewed the Jurisdiction budget schedule.

- Franchisee Activity Report

Comcast: Andrea Sargeant said that on April 30 Comcast held its 15<sup>th</sup> Annual Comcast Cares Day. Sargeant said Comcast Cares Day is a national day of volunteer service. 2000 volunteers in the OR/SW WA area participated in the event. Sargeant reported on the local organizations benefiting from the event.

CenturyLink: none.

- PEG Provider Activity Report

MetroEast: Marty Jones extended gratitude to Rob Brading for his years of dedicated service. Jones said he is honored to take over leadership of such a well-run organization. Jones also extended a nod to the search committee. Jones referred Commissioners to MetroEast's website for his biography. Jones gave some background to his decision to apply for the MetroEast position, his professional background and his personal life. Jones gave some highlights of MetroEast's recent work. For example, MetroEast's new young access youth program for kids under the age of 18, volunteer appreciate event, developing stronger partnerships with the community colleges, MetroEast's PSA day, and coverage of Multnomah County budget hearings, and working with the League of Women Voters, etc.

Bennett and Jones engaged in a discussion about engagement of youth in the development of personal passions (8<sup>th</sup> grade and high school level).

PCM: Justen Harn said he is excited to work with Jones. Harn said PCM's partnership with the Hollywood Theater is complete. Harn said the partnership will add about five additional staff members and will foster increased overall service delivery. Harn said PCM is developing new organizational partnerships and youth programs. Harn said program offerings continue to invest in workforce development efforts.

- Public Comment: none.

- Adjourn: 8:45pm

Respectfully submitted,

Rebecca Gibbons  
Program Coordinator