



MT. HOOD CABLE REGULATORY COMMISSION  
MetroEast Community Media, Studio A  
December 19, 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: 6:36 pm

- Roll Call

Commissioners present: Carol Studenmund (Chair); Norm Thomas (Vice Chair); Rich Goheen; Leif Hansen; Sue Dicile; Scott Harden; Mike Bennett (6:40pm).

Commissioners absent: John Branam.

Staff: Ann Goldenberg, Staff Director; Julie Omelchuck, Program Manager; Ben Walters, Legal Counsel; Rebecca Gibbons, Program Coordinator; Scott Ellertson, Program Coordinator.

- Welcome Scott Ellertson  
Studenmund welcomed Ellertson, new MHCRC program coordinator. Ellertson said he is filling the position due to Gibbons move to the City of Portland Digital Equity Program Coordinator. Ellertson is 20-year veteran of the City of Portland where he had a supervisor position in business tax collection and regulation. He welcomes a more proactive, positive regulatory environment, and is excited to be a part of the MHCRC and Office for Community Technology.
- Agenda Review: Studenmund reminded Commissioners that she will convene an Executive Session prior to adjourning the meeting, and the MHCRC meeting packet contained a notice regarding the purpose for the Executive Session.
- Disclosures: None.
  - Public Comment: Marty Jones, MetroEast, introduced Sandy Montgomery, and recognized and thanked Montgomery for her over 30 years of service to MetroEast as comptroller. She will retire in January. Commission members and staff thanked Montgomery for her exceptional service and wished her well.
- CONSENT AGENDA

C1. October 17, 2016 Meeting Minutes

**MOTION:** Hansen moved to approve the Consent Agenda as presented. Harden seconded.  
**VOTE:** 8-0 passed.

- REGULAR AGENDA

\*R1. MHCRC FY15-16 Fund Audit 45 min

Ken DeHart, Moss Adams, referring to a PowerPoint presentation, said Moss Adams' audited the MHCRC Fund FY15-16 financial statements, prepared by the City of Portland technical accounting staff. The audit process includes a detailed testing of transactions and balances, reviewing and testing of internal controls, and reporting on results. DeHart said Moss Adams also provides compliance testing and reporting under Oregon Minimum Audit Standards. DeHart concluded that the audit report is an un-modified, clean opinion on MHCRC balances and activities and no instances of non-compliance were identified. DeHart said the opinion means Moss Adams audited the financial statements and found the statements to be materially correct. DeHart thanked MHCRC staff and City of Portland accounting staff for being responsive and easy to work with during the review.

In response to a question from Dicile, DeHart said no anomalies or issues were identified for future actions or concern.

Thomas, MHCRC Finance Committee Chair, said Committee members conducted a detailed review of the draft financial statements in early December.

**MOTION:** Dicile moved to acknowledge the audit prepared by Moss Adam's for FY15-16 MHCRC Fund and to authorize MHCRC Staff Director to accept the audit by signing and submitting it to the Oregon Secretary of State by December 31. Thomas seconded.

**DISCUSSION:** None.

**VOTE:** 8-0 passed

- Staff Activity Reports and Updates
  - Access channels HD activation: Gibbons reported that all PCM and MetroEast channels and Portland Community College's channel are now being carried in HD format by Comcast. Gibbons said the access centers are the first in the nation to have all of the channels carried in both SD and HD. Gibbons said PCM/MetroEast channel 11 is currently appearing on channel 331, however under an agreement with Comcast, it should appear on channel 311. Gibbons said staff is working with Comcast to resolve this channel assignment issue.  
Diciple said there is a lot of national attention and admiration for our access centers getting to this point.  
In response to a question from Thomas, Omelchuck said Frontier does not currently carry the access channels in HD. Omelchuck said staff is working with MetroEast and Frontier to resolve some issues about the equipment necessary to carry the channels in HD.
  - FCC proceedings: Walters said two FCC commission positions are up for appointment (including the Chair position). Walters said the U.S. Senate must act to confirm these

position appointments. Walters said FCC appointments reflect the partisan nature of the President elect. Walters said that until these positions are filled, the FCC lacks a quorum. Because these appointments will take time to confirm, no policies will move forward in the short term, including the proposal for net neutrality.

- 2017 Oregon legislative session: Goldenberg said staff is anticipating challenges to local control of the right-of-way (ROW) in the Oregon legislature, particularly as it relates telecommunications. Walters said the Association of Special Districts submitted a bill that attempts to limit fees to the administrative costs for managing the ROW. Walters said the League of Oregon Cities intends to respond to the bill on behalf of cities. Walter said staff is keeping an eye on several other bills that impact universal service requirements and a proposal to extend the definition of telecommunications to include broadband. Walters said that if a utility is not receiving universal service support then it can refuse service roll out, relieving the telecommunications carrier of its common carrier responsibilities. Walters said this legislative session is a general session, meaning there are no restrictions on the number of bills that can be filed. More than 2,500 bills have been filed so far.
- Digital Equity Action Plan (DEAP): Gibbons said work is progressing related to implementation of the DEAP. Gibbons said staff, in partnership with Multnomah County and Library staff, have been working to develop impact measures and a workplan. Gibbons said lead partner organizations have been identified for each of the 17 strategic action items included in the plan.
- Community Technology Grants: Gibbons said the deadline for Pre-Applications closed on December 6. Gibbons said 12 Pre-Applications were received and are currently undergoing staff review for eligibility. Gibbons said Commissioners should expect to receive notice of their review in a couple days. Gibbons said Commissioner reviews are due prior to the January Commission meeting. Gibbons said Commissioners will discuss and select applications to move forward in the process at the January meeting.
- FY17-18 Budget Process/Information: Omelchuck said staff received a target budget number from the City of Portland for the MHCRC special appropriation. Omelchuck said this budget number is used to develop the MHCRC's initial budget. Omelchuck said the Finance Committee will meet to review the initial budget in February.
- Stakeholder Network Needs Assessment: Omelchuck said the MHCRC entered into a contract with CTC to conduct a longer term network planning process. Omelchuck said CTC has been working on conducting a survey of our public stakeholders in Multnomah County. Omelchuck said CTC plans to conduct on-site interviews with key stakeholders for a deeper dive into needs, interests and opportunities.
- Other: Gibbons, referring to the staff letter included in the meeting packet, said staff issued an invoice to CenturyLink, per the Cure Plan Order approved by the Commission at its October meeting, for failure to meet the standard installation interval standard for third quarter.
- Committee Reports
  - Finance Committee: Thomas said the committee is switching gears from the audit on to next year's budget.

- Grant Committee: None.
  - Community Ascertainment Committee: None.
  - PCM Board Appointee: In response to a question from Dicile about PCM's rebranding, Studenmund said the rebranding is being discussed by the Board.
  - MetroEast Board Appointee: none.
- New Business; Commissioner Open Comment  
Studenmund reviewed the MHCRC meeting schedule.
- Franchisee Activity Report
    - Comcast: Marc Farrar, Comcast, gave an overview of the voice-activated features of Comcast's remote control. Farrar provided voice remotes to Commissioners interested in trying the technology (Farrar later clarified that voice remotes are provided to subscribers at no additional cost).  
In response to a question from Thomas about role out of gigabit service and fees, Farrar said Comcast has not launched the service yet in the Portland market.
    - CenturyLink: Jennifer Bowen, CenturyLink, said CenturyLink is partnered with FreeGeek to provide digital equity training locally. Bowen said CenturyLink is acquiring Level 3 and launched a public website that explains the transaction. Bowen said the acquisition shouldn't impact the cable franchise.
    - Frontier: None
    - Reliance Connects: None.
  - PEG Provider Activity Report
    - MetroEast Community Media: Marty Jones discussed efforts and renovations at MetroEast's new Rockwood popup site. Jones said the site will be used to further MetroEast's digital equity efforts. Jones said MetroEast plans to pilot adult and youth computer literacy trainings and spring and summer camps at the Rockwood site. Jones thanked the Comcast technical team and MHCRC staff for their role in the activation of all the access channels in HD format. Jones shared a few MetroEast videos and reported that 500 people came to MetroEast by Thanksgiving to take part in classes and activities. Jones said MetroEast served 35 non-profits.
    - Portland Community Media: Rebecca Burrill reported that PCM expanded its service hours in an effort to improve customer service, including opening on Tuesdays, and more morning hours. Burrill said the facility is closing in January for renovations. Burrill said PCM will begin its rebranding to Open Signal in mid-January. Burrill said the rebranding process began in early November when they gathered 30 producers to discuss the rebranding. PCM asked the producers for their input, and asked how they can be better served. Burrill said PCM executive team will present the rebranding for City of Portland council members in February. Burrill announced a February 25<sup>th</sup> open house.

Dicile said she was concerned that MHCRC members were not consulted or involved in the rebranding discussion, as the MHCRC is a significant stakeholder. Dicile said this oversight raises questions about who was involved and who was left out of the discussion. Dicile said she is also concerned that PCM will have trouble elevating Open Signal in Google searches as the name is already widely used by another company. Burrill, in response to Dicile's concerns, said the PCM executive director Justin Harn would get back with her about the specific process used to gather information for the rebranding. Burrill said PCM staff are heavy social media users and are therefore experienced and confident that PCM's web presence as Open Signal will be strong. Burrill said Harn has done a great job of bringing Hollywood theatre to the top of any search engine and she has confidence he will be able to do the same for PCM as Open Signal.

- Public Comment: None.
- Executive Session:

Studenmund convened Executive Session at 7:40pm, pursuant to ORS 192.660(2)(h), which allows the Commission to meet in executive session to consult with the Commission's legal counsel regarding the Commission's legal rights and duties in regard to currently pending litigation.

Representatives of the news media and designated staff were allowed to attend the executive session. All other members of the audience were asked to leave the room. Representatives of the news media were specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No members of the news media were in attendance. No decisions were made in executive session.

Studenmund adjourned the Executive Session at 8:59pm and welcomed the audience back into the meeting room.

**MOTION:** Thomas moved to authorize MHCRC legal counsel to seek to remove the complaint filed by Rank against the MHCRC and its member jurisdictions to Federal Court. Harden seconded.

**VOTE:** 8-0 passed.

- Adjourn: 9:02pm

Respectfully submitted,