

Meeting Minutes

TELECOMMUNICATIONS COMMISSION MEETING

Monday, January 4, 1999 - 6:00 P.M.

Portage County Courthouse Annex - 1462 Strongs Avenue

Conference Room 5

Present: Chairman Rackow, Alderman Phillips, Walther, Commissioners, Bartosz, Patton, Wyhuske

Excused: Commissioners Colantonio, Doxtator, Pintar

Also

Present: Mayor Wescott, Clerk Zdroik, Telecommunications Coordinator Quirk, Alderperson Aldinger, John Klismet (Park Ridge), Tom Hagen (Whiting), Meg Erler (V of Plover), Jim Ebenhoe (Marcus), Susan Kampmeier (Journal)

1. Approval of minutes of December 28, 1998.

Commissioner Patton moved, Commissioner Wyhuske seconded, for approval of the minutes of December 28, 1998.

Ayes, all, nays, none; motion carried.

2. Date, time, and location of next meetings.

The next Telecommunications Commission meeting is scheduled for January 25, 1999, and the one following it is for February 1, 1999, at 6:00 P.M., at the Portage County Courthouse Annex. Because the January 25 will be a regular meeting, a larger meeting place should be sought.

3. Amendment of cable ordinance.

The Telecommunications Commission minutes of May 1, 1989, item #3 (copy attached) discussed the amendment of the city ordinance to change fines for Telecommunications violations. The minutes showed that the Telecommunications Commission voted to change the ordinance so that each day a violation occurs shall constitute a violation subject to forfeiture. The fine was to be increased to \$500. A search for the ordinance change was made and it was found that no change had been made to the ordinance. Tonight, the Commission is being asked to consider whether to vote to change the ordinance. Chairman Rackow suggested leaving the amount at \$250 with a provision that makes it a violation for each day the violations continues. The reason for this language is that the ordinance has several provisions that could be violated and violated at the same time.

Jim Ebenhoe, Marcus Cable, is wondering what the reason is for amending the current ordinance at this time. He suggested adding the new language in the new ordinance that will be a part of the negotiations. Chairman Rackow said we are not contemplating having a new ordinance in effect for at least another fifteen months. Mr. Ebenhoe asked if the City invoked any fines on prior operators before Marcus Cable. Chairman Rackow stated the City did not invoke any fines to prior operators before Marcus Cable. However, the City took initial steps to revoke the franchise. The City and the cable operator went to court about that action and it was eventually settled.

Mayor Wescott noted the only thing we are doing now is enacting the ordinance that was requested back in 1989.

Commissioner Patton moved, Alderperson Phillips seconded, to amend the ordinance to replace "per violation" with "for each violation for each day the violation continues."

The ordinance will go before the City Council for its review and approval in January 1999 and will take effect in February 1999 after passage and publication.

Mr. Ebenhoe would like the franchising authority to give Marcus Cable a 30-day notice to cure any violation before assessing a fine. Chairman Rackow said the cable company will be given some sort of notification of any violation.

Ayes, all, nays, none. Motion carried.

4. Converter box decision of 1996.

Alderman Phillips moved, Commissioner Patton seconded, to check with the consultant to find out what should be done about converter boxes that the Council voted two years ago to deny and that are now being imposed on cable subscribers and to inquire as to the recourse the City may have.

Mayor Wescott said the bottom line is do they have the right to ignore the 10-1 vote of the City Council on December 16, 1996? The Telecommunications Act of 1996 is a very broad, powerful piece of legislation. The cable company might have the authority. There has never been any form of communication and the last form of communication was when the City Council voted 10-1 to deny the change to modify the franchise agreement. This was the last formal or informal dialogue that the City had with Marcus Cable on the topic of converters.

Ayes, all; nays, none. Motion carried.

5. Letters to legislators on cable rate regulation.

A draft letter to the legislators to be signed by the Mayor was presented to the Commission for its consideration. The Mayor said the intent is to write to the congressmen on behalf of the City. Included in the letter will be the Commission's request to send the letter and specific references that Attorney Grogan included in his December 31, 1998, letter. The Mayor asked the Commission if it wishes to ask Congress to take a look at the sunset date for regulating the cable programming services tier (CPST) that sunsets on March 31, 1999, or to cancel the March 31, 1999, date?

Chairman Rackow suggested that should the Commission decide to send the letter that it be done with the Mayor consulting with others.

Mayor Wescott recommended going on record asking for some kind of federal extension of rate regulation and have the federal government come back at some point in the future and review what happens to cable rates in the last 12, 16 or 18 months after the sunset date. The cable company now controls the market, it is a monopoly.

Alderperson Walther moved, Commissioner Patton seconded, to ask Mayor Wescott to consult with others in drafting a letter to the legislators

dealing with the sunseting of the FCC rate regulation of March 31, 1999.

Commissioner Wyhuske asked that a copy of the letter be sent to Representative Julie Lassa also.

Ayes, all; nays, none. Motion carried.

6. Basic service rate regulation.

Portions of the August 1997 and September 1997 Fact Sheets were read by Chairman Rackow. Copies of the Fact Sheets are attached.

7. Adjourn into closed session pursuant to Wisconsin Statutes 19.85(1) (e) to discuss franchise negotiations.

Commissioner Patton moved, Alderperson Walther seconded, to adjourn into closed session.

Roll Call: Ayes: Chairman Rackow, Aldermen Phillips, Walther, Commissioners Bartosz, Patton, Wyhuske

Nays: None. Motion carried.

8. Adjournment - 8:00 P.M.

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