

Meeting Minutes

TELECOMMUNICATIONS COMMISSION MEETING

Monday, March 15, 1999 - 6:00 P.M.

City Water Department - 300 Bliss Avenue

Present: Chairman Rackow, Aldermen Phillips, Walther, Commissioners Bartosz Colantonio, Pintar, Wyhuske

Excused: Commissioner Patton

Also

Present: Telecommunications Coordinator Quirk, Mayor Wescott, Clerk Zdroik, Tom Hagen (Whiting)

1. Approval of minutes of March 2, 1999.

Alderman Walther moved, Commissioner Pintar seconded, for approval of the minutes of March 2, 1999.

Ayes, all; nays, none. Motion carried.

2. Broadcast basic rate change effective June 1, 1999 (see attachment).

Chairman Rackow informed the Commission that every year about the end of February, the City receives a notification from the cable operator of rate adjustments, pursuant to the Federal Communication Commission MM Docket No. 92-266, Thirteenth Order on Reconsideration adopted on September 15, 1995. Forms 1240, 1235 and 1205 showing calculations on rate adjustments were enclosed with the letter received from the cable operator.

Mayor Wescott gave an overview on the proposed rate adjustment. The current rate for basic service is \$6.76. Effective June 1, 1999, the rate will be increased to \$7.11 as calculated by the Form 1240. A rebuild add-on of \$1.11 will also be added as allowed by the Form 1235. The total rate for the projected period will be \$8.22, an increase of 21% in the broadcast basic rate in the City of Stevens Point. The cable showcase rate has gone up from \$21.96 to \$26.09, an increase of 18%. The rebuild add-on of \$1.11, once it is added to the basic rate of all the municipalities served by this headend, will net Marcus Cable close to half a million dollars a year. The Mayor reminded the Commission members that the City did not mandate the system upgrade to fiber optic. The cable operator did not ask for permission of the City for the upgrade. There was no authority given to Marcus Cable to work in the public rights-of-way. For them to tack on the \$1.11 for the rebuild increase when the City did not mandate the system upgrade is not acceptable. Mayor Wescott recommends the Commission deny the increase on the basic rate and send the denial to the City Council. Upon the Mayor's request, a resolution was drafted by Attorney Grogan to deny the rate increase.

Commissioner Pintar voiced his dissatisfaction on the upgrade. He said his TV is worse than it was before. It gets fuzzy and sometimes blacks out.

Telecommunications Coordinator Quirk stated the upgrade did not do him any good since he only has the basic service. The upgrade benefited people with pay-per-view.

Alderman Phillips moved, Alderman Walther seconded, to deny the rate increase pursuant to FCC regulations at 47 C.F.R. 76.923 for broadcast basic service, effective June 1, 1999, from \$6.76 to \$8.22 representing a nearly 21% increase in price. The City hereby finds Marcus' proposed rate increase to be unreasonable and therefore the increase is denied. The Commission recommends the City Council approve a resolution to this effect

Ayes, all; nays, none. Motion carried unanimously.

Commissioner Bartosz moved, Commissioner Wyhuske seconded, to audit the application forms submitted by Marcus Cable and ask the Mayor to coordinate with the consultant to identify a communications auditor to do the study.

Ayes, all; nays, none. Motion carried unanimously.

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

The next Telecommunications Commission meetings are scheduled for Monday, April 5, 1999, at 6:00 P.M. and Monday, April 26, 1999, at 6:00 P.M., at the City Water Department, 300 Bliss Avenue.

4. Adjourn into closed session pursuant to Wisconsin Statutes 19.85(1)(2) to discuss franchise negotiations.

Alderman Phillips moved, Commissioner Walther seconded, to adjourn into closed session.

Roll Call: Ayes: Chairman Rackow, Aldermen Walther, Phillips, Commissioners Bartosz, Colantonio, Pintar, Wyhuske
Nays: None. Motion carried.

5. Adjournment - 8:20 P.M.

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