

Meeting Minutes

TELECOMMUNICATIONS COMMISSION MEETING

Monday, May 24, 1999 - 6:00 P.M.

City Water Department - 300 Bliss Avenue

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

Excused: Commissioners Patton, Pintar

Also

Present: Telecommunications Coordinator Quirk, Mayor Wescott, Clerk Zdroik, Chuck Kell (Whiting), Ken Shibilski (V of Plover), John Klesmit (Park Ridge), Alderperson Aldinger, Susan Kampmeier (Journal), Carrie Mastilar (WIZD)

1. Approval of minutes of April 26, 1999.

Commissioner Bartosz moved, Commissioner Wyhuske seconded, for approval of minutes of April 26, 1999.

Ayes, all, nays, none. Motion carried.

2. Report of Charter Communications.

a. Status of receipt of signed transfer resolution - no resolution has been received by the City Clerk's office as of today, May 24, 1999.

b. Status of overdue reports - the Commission's action on the overdue reports is the motion below.

Commissioner Curtis moved, Alderperson Phillips seconded, that the City of Stevens Point issue a resolution finding Charter Communications to be in default of its current franchise agreement in that it has failed to submit reports as required by the franchise agreement. Such reports are as follows:

1. A copy of the cable company's financial report (FCC Form 326) which was due not later than March 31, 1999.

2. A certified profit and loss statement as determined by the comptroller-treasurer which was due not later than January 31, 1999.

3. Two copies of the cable company's annual statistical, services, ownership report (FCC Form 325) which was due not later than March 31, 1999.

4. The Annual Service Record Report which was due not later than March 31, 1999.

5. The Annual Measurements Report which was due not later than March 31, 1999.

6. The Annual Operations Report which was due at the time a portion of its was to be filed with the Secretary of State of the State of Wisconsin.

The Telecommunications Commission recommends the City instruct Charter Communications to cure the deficiency within fifteen (15) days of the date of the resolution. Furthermore, the Telecommunications Commission recommends the Common Council impose a forfeiture of \$250.00 per day, per violation, from the date the reports were due as allowed under the existing franchise agreement.

Ayes, all, nays, none. Motion carried.

c. The cable company business plan concerning converters due not later than June 1.

d. Response to City Attorney's letter regarding trespassing issue. - A response was received from Charter Communications on May 10, 1999, copy attached.

e. Training of customer service representatives - A copy of Chairman's Rackow letter to Charter Communications, dated May 18, 1999, is attached.

f. Response to letter to Fort Atkinson. - A copy of a memo from Clerk Zdroik is attached regarding Fort Atkinson's special rates for senior citizens.

g. Letter from John Brynda - Mr. Brynda was present at the meeting. He is concerned about what kind of benchmark the City will have if the City made no attempts to talk to other cable providers. Chairman Rackow said the Commission had made contacts with other municipalities like the City of Barron, Amherst, Rice Lake, etc. Mr. Brynda stated the City should contact large base operators so we can compare apple to apple.

Mayor Wescott stated the federal government sets local communities up for failure by setting up rules that we have to follow. The federal government requires us to negotiate with the incumbent cable company. This not an option. If at some point we demonstrate that we are not negotiating in good faith with Charter Communications, that can have a negative impact on this community and it might affect this area's ability to successfully negotiate a new franchise. If there is any change, it has to come from the federal level.

Alderperson Walther said a lot of time was put into this process which started about two and a half years ago. Committees were formulated and did their homework. Out of this, the Commission came up with the Needs Assessment.

Chairperson Rackow stated the 15-year franchise is expiring February 25, 2000. When it was approved it was a state of the art franchise. Since then technology has changed. The Chairperson said it is our hope that we get another state of the art franchise.

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

The next Telecommunications Commission meeting is scheduled for Tuesday, July 13, 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 Walther moved, Commissioner Colantonio seconded, to adjourn into closed session.

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

5. Adjournment - 8:20 P.M.

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