

Wareham Cable Advisory Committee (CAC) Minutes

Thursday, December 22, 2022
Virtual Meeting via ZOOM
Meeting called to order at 4:03pm

I. Call to Order/Roll Call

- a. Matt Underhill present
 - b. Dan Butler present
 - c. Dave Rogers absent
- A quorum was established.

II. Public Participation

- a. A representative of WCTV's Board of Directors, Ms. Linda Scharf, was present. Mr. Underhill thanked Ms. Scharf for her participation and work with WCTV.
- b. Ms. Scharf stated she and the board were examining how to further improve WCTV's operations and programming.
- c. Mr. Butler advised Ms. Scharf he mailed in his WCTV membership application and annual membership dues and was looking forward to visiting the studio in 2023 to receive training on video recording and editing equipment. He has been discussing with avid pickleball players in Wareham creation of a possible pickleball program to enrich WCTV's community sports programming. Ms. Scharf offered that "pickleball sounds good."
- d. No other public comments were offered.

III. Approval of Minutes. Mr. Butler moved that minutes for CAC meetings held on September 8, 2022, and Oct 6, 2022, be approved. Mr. Underhill seconded the motion. Vote:

- a. Chairman Underhill Aye
 - b. Mr. Butler Aye
- Motion Passed 2-0-0

IV. Survey and Other Updates

- a. CAC members discussed recently updated online ascertainment survey results. Mr. Butler offered a draft working document/memorandum for the record on the subject for Chairman Underhill's review and possible future transmittal to the Wareham Cable Commissioners/Board of Trustees.
- b. Members discussed results of a single test of the Verizon online marketing site and possible failure by Verizon to abide by terms of the current license that requires Verizon to offer cable TV service to all residences in Wareham. Mr. Butler provided a screen shot of the new Federal Communications Commission online website that allows municipal policy makers and citizens the ability to check individual addresses in

Wareham to see which purveyors of cable TV service and broadband service actually offer service to the residence/building/business and what the reported upload/download speeds are of the services offered. The screen shot appeared to validate that Verizon does not offer sufficiently fast cable TV services to every household in Wareham, as required in the current license and in the draft renewal license currently under negotiation. A copy of the screen shot is appended to these minutes.

- c. Notices: Chairman Underhill reported receipt of several notices from Verizon and Comcast that more channels were being cut from their cable TV program offerings.
- d. Chairman Underhill provided an overview of recent payments to the Town received from Verizon and Comcast.
- e. Chairman Underhill reported he recently contacted his Verizon representative, Mr. Neil Connors, and Verizon had recently completed FiOS connections to the Wareham Fire Station and Administrative Offices on Main Street. He also reiterated to Mr. Connors, CAC's repeated requests for strand maps showing where in Wareham Verizon runs cable/fiber, and where it does not. Mr. Connors was reluctant to provide detailed maps showing where on the public ways of Wareham Verizon runs their cables/fiber. He did report to Chairman Underhill that Verizon has only failed to offer services to 266 households in Wareham – 134 at the Brandy Hill development (which elected to forego Verizon services), 26 residences on Onset Island (where it is impractical to provide cable/fiber infrastructure and services), leaving 106 other residences in other parts of Wareham un-served.
- f. CAC members discussed Verizon's failure to provide requested maps showing where their cables/fiber run on Wareham public ways and the recent activation of the FCC's online mapping tool and database that provides the data CAC has been requesting of Verizon. The possibility of issuing a press release to the media to inform Wareham citizens of the FCC site so that citizens could check to see if Verizon is offering cable TV service to their neighborhood/residence was discussed. It was observed that this could effectively enlist interested citizens/consumers of cable TV services in the effort to ascertain whether or not Verizon is honoring their obligations under the current license.
- g. Mr. Butler mentioned that Massachusetts General Law Part I, Title XXII, Chapter 164, Section 34 grants towns the authority to construct, lease, operate and maintain their own television broadcast tower. This could enable more citizens of Wareham to access free, high-quality, over-the-air, digital broadcasts of local television programming from the Boston and Providence media markets, national broadcasts of local, professional sports teams, and local affiliates of, and national broadcasters, on stations like WBZ/CBS channel 4, WCVB/ABC channel 5, WHDH channel 7, WJAR/NBC channel 10, Public Broadcasting, and others. Chairman Underhill pointed out that it would be necessary to identify a high elevation location in town where such a tower could be situated. He observed that such an alternative might be cost-effective and could alleviate much of the public dissatisfaction with current television programming services being offered to

Wareham's citizens by Verizon and Comcast by allowing most, maybe all, of Wareham's households convenient access to free over-the-air programming with an inexpensive, simple antenna on their TV or rooftop.

V. Negotiations with Verizon

- a. At this point in the meeting, attorney Bill Solomon entered the virtual meeting and commenced a detailed line-by-line review and analysis of a proposed draft license agreement provided to him and the CAC by Verizon's attorney, Mr. Paul Trane. Attorney Solomon offered numerous improvements to the draft he intended to relay back to Mr. Trane.
- b. Chairman Underhill called attorney Solomon's attention to section 2.4 of Verizon's proposal to provide only 180 days prior notice of Verizon's intent to terminate services to Wareham. He insisted 270 days prior notice was more responsible and better for Wareham's Verizon subscribers. He asked attorney Solomon to relay that improvement to Mr. Trane. Attorney Solomon agreed.
- c. Attorney Solomon and CAC members reviewed and discussed language in section 2.9.3. of Verizon's proposed license terms and all agreed the language had to be changed because it unduly impinged on the Town's right to change Town bylaws, rules, and regulations. The language was decidedly lopsided in favoring Verizon to the detriment of the Town, and attorney Solomon took particular exception to the notion that the Town would be required to submit to binding arbitration in the event of a disagreement between the Town and Verizon. Attorney Solomon stated he would discuss the provision with Verizon's legal team.
- d. Attorney Solomon reviewed licensing fees Verizon would pay to the Town and proposed payment schedules commenting these were fair and reasonable. The CAC concurred and offered no objection to Verizon's proposal.
- e. Attorney Solomon stated he needed more time to review indemnification language proposed by Verizon.
- f. Mr. Butler noted the Verizon draft did not contain "right of first refusal" language requested in a previous meeting by the CAC. Attorney Solomon stated he would insert that language in his response to Verizon's preliminary draft proposal.
- g. Attorney Solomon noted all parties are working to accelerate progress towards a successful agreement to renew Verizon's license.
- h. Chairman Underhill thanked attorney Solomon for his work on Wareham's behalf and stated he looked forward to continuing progress on the negotiations.

VI. Business unknown until the previous 48 hours. NTR.

VII. Adjournment. Mr. Butler moved to adjourn the meeting, seconded by Chairman Underhill.
Vote:

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| i. | Chairman Underhill | Aye |
| ii. | Mr. Butler | Aye |
| | Motion Passed 2-0-0 | Meeting adjourned at 5:53pm. |

Submitted: Daniel S. Butler
Clerk

