

Town of Wolfeboro
Cable Franchise Committee
Meeting Minutes
April 27, 2020 at 7PM

Roll Call Attendance (virtual online meeting, GoTo meeting platform):

Paul O'Brien, Selectmen, Town of Wolfeboro

Matt Sullivan, Director of Planning, Town of Wolfeboro

Marshall Goldberg, Resident of Brookfield

Peter Schneider, Resident of Wolfeboro

Timothy Goodwin, WCTV Executive Director

Lynn Hinchee, Resident of Wolfeboro

David Wells, Resident of Wolfeboro (former member of the Cable Advisory Committee)

Paul O'Brien noted a chairman of this committee should be appointed during this meeting.

Paul O'Brien as Selectmen chose to appoint Timothy Goodwin as recording secretary for this initial meeting, and stated that the duty will probably be rotated.

Paul O'Brien stated that Tim Cronin has expressed an interest in serving on this committee. He continued that, unless there was any objection, he will ask to have Tim Cronin to be appointed to this committee by the Board of Selectmen. No objections were raised.

Paul O'Brien stated: The purpose of this committee is to update, change, or cancel the contract we (the Town of Wolfeboro) have with Atlantic Broadband (formerly MetroCast Cable Company).

Paul O'Brien provided some background:

- For about a year now, we have done a fairly detailed review of various networks in our town. Network providers in town include those which provide "INTERNET" services. These include the Public Safety Network, That which is provided by Consolidated Communications, Networks that we have from A T & T, Verizon, and others.
- There is a proposal "in-hand" from T-Mobile, given to the Town last year on the premise that they would merge with Sprint, which they effectively did one week ago after some resolve with the state of California. T-Mobile looking at putting 600MHz service into the Lakes Region area, particularly in Wolfeboro. As of 2 weeks ago they were working to sort out their capital plans. We should hear from them sooner, rather than later. They are probably going to come up Route 11, Route 16, and then head up toward the Ski areas.
- Wolfeboro voted on a new set of ordinances to make our existing ordinances more contemporary with regard to Cell towers and tower locations.
- Carroll County Broadband Committee (19 towns represented). Wolfeboro in much better shape regarding internet service compared to other towns in the county such as Albany, Tamworth, Sandwich, Madison, and others.

- Our Contact at Atlantic Broadband is Ed Merrill, Vice President and General Manager of Atlantic Broadband.
- A letter was sent to the CEO of Atlantic Broadband a couple months ago asking for their route map in Wolfeboro, and they have provided information to us. The route map shows where service exists and where it does not exist in our town.
- There is a small area considered “underserved” in Wolfeboro. Ed Merrill stated Atlantic Broadband is aware of the area noted, and indicated that is “Spectrum Cable TV” territory. He indicated that Atlantic Broadband could help or we could reach out to Spectrum. We’ve reached out to Spectrum (Mr. O’Brien wrote a letter, sent along by the Town Manager) to the Chairman/Chief Executive Officer of Spectrum indicated we would like to talk with them about carving of a piece with the Wolfeboro Franchise for this particular area, and there was an indication that the Spectrum Government Relations persons could have a chat with us; so we can do that as we go along!

Paul O’Brien shared Information Resources:

- A link has been set up for this committee to share resources. It was set up and sent out by the Town Planner, Matthew Sullivan. If you need access to the link, please contact Matt Sullivan and ask that he send it to you again. We have a little “cloud” out there for us to “park stuff” relevant to this committee. Some of the materials include a **LOT** of pages. If you *REALLY* want hard copies of any or all of it, reach out to Matthew Sullivan at the Planning Office, and he will arrange to get them to you.
 - o The current/existing Cable Franchise Agreement has already been posted.
 - o A lot of customer “input” to be loaded up on that cloud drive.
 - o The route map from Atlantic Broadband will be loaded up there soon.
 - o Will also included any and all information we have about the Carroll County Broadband Committee.

Paul O’Brien stated “we have an opportunity to either change or eliminate Atlantic Broadband from our town.” Level of difficulty of eliminating them on a scale of one to ten would most likely be a seven. We may not “like” what they’ve done, but they have not done anything “wrong.” They have not breached the contract with the town.

Paul O’Brien asked: Should we introduce competition WITH Atlantic Broadband? Most likely, yes. The only overbuilding we are aware of at this point is taking place just outside of Rochester as Comcast is sort of “spraying” into a little bit of Atlantic Broadband territory. There is another “overbuild” in Peabody Massachusetts.

So unless there is strong opposition, the mission here is to REVIEW and UPDATE the existing contract we have with Atlantic Broadband. Updating could be to eliminate! But our challenge is to review the contract, with an eye toward updating and what we need to do with Atlantic Broadband.

Paul O’Brien stated: We have in front of us the need to establish a “work-plan.”

- We may want to go out and formally survey some of our customers.

- May want to have Atlantic Broadband come in and tell us what they think they could do to help us.
- May involve us having a deeper dive into service capabilities, pricing capabilities, service offerings, etc.
- May want to look at the role of Wolfeboro Community Television, and how Atlantic Broadband plays into the role of Wolfeboro Community Television.

Timothy asked if the “small area not covered by Atlantic Broadband is the Town of Brookfield.” The answer was no, it is the Browns Ridge Road area.

Paul O’Brien indicated we have a lot of details from Atlantic Broadband with details of where they serve and where they don’t serve. It has been much easier to obtain information from Atlantic Broadband than from Spectrum.

Paul O’Brien stated: We agreed at “the beginning of time” that the metric for service is density. If there is a certain amount of density, Atlantic Broadband has an obligation to service that area. If there is not a lot of density, then they can “pass” on that area. No density is harder to cover when there is less opportunity!

Marshall Goldberg, Brookfield resident, stated: “I spoke with a {Brookfield Selectman} Rich Zacher...” Rich Zacher indicated to him that Brookfield had hired an attorney from Exeter, to help the town of Brookfield with Spectrum. Letters were formally sent to Spectrum, and 4 months later have still not heard a word from Spectrum.

Paul O’Brien was able to obtain the following information about Spectrum:

- John MaHar, Legal Counsel for Spectrum
- Tom Rutledge, Spectrum CEO

Bill Marsh is a state representative who lives in Brookfield and is trying to be helpful.

Paul O’Brien declares the following “homework” assignment: Read the David Wells Document (the current franchise agreement).

At our next meeting, we will discuss the document areas we would like to update. We may also discuss document related items we are not comfortable with and or anything is fair discussion topics for our next meeting relating to what is in the current franchise agreement document.

Paul O’Brien will connect with Lynn Hinchee prior to our next meeting to discuss the Browns Ridge Road area and together they will make a recommendation to this committee as to whether we should pursue Atlantic Broadband, Spectrum, or both for coverage in that area.

David Wells stated: There were 2 documents that were part of the agreement (originally with Metrocast). One was the core contract. At the time of the original agreement, there was no regulation in the State of New Hampshire for cable performance on internet service. The other

document was a letter referring to the services for Wolfeboro Community Television and the services to the Town of Wolfeboro which were not covered in the “boilerplate” franchise agreement core document.

Peter Schneider is a huge proponent of soliciting competitive bidding. Before seeking competitive bidding, we must first establish our “ask list” for expected services/product.

Paul O’Brien commented, relative to competitive bidding, on the Carrol County Broadband Committee. There are some towns that have literally no internet access at all, period. (Sandwich).

- PART 1
 - There is a desire to form, within the county, a “communications district” which is kind of like a “water district.” There is some legislation in Concord right now which would allow us to create such a district. If we were to do that, this communications district could actually generate the power to “TAX.”
- PART 2
 - There exist organizations who have built community internet access programs (it has been done in Vermont). These people have the potential to access Federal Grants (USDA and FCC grants) for rural America (there is a huge amount of money sitting out there to provide rural broadband).
- The potential exists for Carrol County to come together as a rural “district” and submit grant applications. In order to qualify for these grants, rural America needs to be able to demonstrate that a large part of your population is either unserved or “underserved.” Definition for unserved or underserved is that you cannot get 25Mb/second download speed nor can you get 3 Mb/second upload speed.
 - In Wolfeboro, 96% of our telephone access lines do not qualify as “serving the broadband access; you cannot get the 25Mb/s down and 3Mb/s upload speeds.
 - However, the cable company (Atlantic Broadband) serves the vast majority of locations in our town, so therefore, Wolfeboro by itself may not qualify as being a place for Federal Grant money under the above noted guidelines.
 - The rest of the towns in the county are in a tougher situation; from the Consolidated Communications perspective, the telephone line based internet services are as bad or worse than what Wolfeboro has. And they also have very, very poor penetration of “cable.” ...and it’s because of density. They have Spectrum; but in the rural towns, the distance from the house to the trunk line often lets Spectrum “off the hook” from having to provide service.
- The Carrol County Broadband Committee is looking to put out surveys/questionnaires to the residents in the county to collect data and information before putting out a request for bid. Paul O’Brien is going to look into getting the “study” questionnaire sent over to our committee to consider it’s content.

Marshall Goldberg brought up the legislation which was just voted on earlier this year in Concord. Paul O’Brien noted there are 3 pieces of legislation:

1. To create the communications district.

2. Gives the Communications District the ability to “TAX.” Taxing would be specifically relevant to general obligation bonds (vs. revenue bonds which are paid based upon the revenues generated, and each town would be held harmless). The general obligation bonds is assessed to each of the towns, and if the provider fails to perform or goes belly-up, each town is still “on the hook” for the bonds.
3. Qualification expectation (i.e. if a carrier does not perform as expected, or fails to provide expected service, the town may declare they are no longer qualified as a carrier).

David Wells indicate the previous committee spent a lot of time on last contract to establish what was wanted/desired by the constituents. Had to be careful about survey questions (as noted by the Carrol County Broadband Committee concerns) since any information collected was required to be available in the public domain. They sent questionnaires out with the electric bills. Clause in the core document/franchise agreement: “if another town gains better cable service (conductivity, performance, service, etc.), then they will remedy that for the town of Wolfeboro.”

- It does not appear that we’ve ever had any kind of regular reporting or follow-up between the town and the cable provider on any kind of regular basis (or ever!).
- We should set up some kind of system for performance review and remedy on a systematic and regular basis. Not just that we would get reports from the provider, but that the Town has a means of reviewing/measuring and responding to the information provided to us from the cable provider.
- Franchise fee steps will never occur if there is no regular follow-up communications scheduled with the cable provider.

TO DO:

Part 1 of “homework” assignment is to read the existing franchise agreement documents.

Part 2 of “homework” assignment is to read the survey being used by the Carroll County Broadband committee (Paul O’Brien will send out to this committee).

Matthew Sullivan and Paul O’Brien (possibly David Wells?) to find a “side bar” memo specifically addressing the WCTV PEG options that were established as a second part to the agreement.

Next meeting: Date and Time to be announced by Paul O’Brien

Respectfully Submitted,

Timothy Goodwin, WCTV