

Cortland Cable Commission
Cortland City Hall, Mayor's Conference Room
Monday, July 1, 2019

Members Present: Duane Andrus, Ed Finkbeiner, Jim Forshee, Sharon Stevans
Guest: Mayor Brian Tobin
Volunteer Secretary: Barbara Bergeron
Members Excused: Dick Menapace & Donna Johnson

Ed Finkbeiner was introduced as a new member. He was appointed to represent the Village of Homer.

Mayor Tobin, in response to the letter sent to franchise municipalities by the Commission discussed the following: cable franchise fees; the number of cable tv subscribers diminishing with the advent of 5G; & that the current franchise agreement calls for free drops in City Hall and several others. This was set up as a way to send emergency messages- if needed- after 9/11.

Commissioner Stevans stated that cable tv delivery via cable is probably becoming obsolete. The last negotiated contract is the one still in force. (Carried over after expiration in 2005.) A new franchise agreement was painstakingly negotiated with Time Earner Cable over a period of several years. However, as a final meeting when everything agreed upon was in the draft, the rep from TWC stated that all new agreements had to fit their "new template." He was given the final draft and was asked to incorporate it into their template. He agreed, stating that he would be back in a couple months. The Commission never saw him again. Stevans opined that the current agreement is better than what we might negotiate now with a new company.

Commissioner Finkbeiner stated that the Village of Homer is planning for 5 G in the future. He also stated that the Village is paying for what should be free drops in some government buildings under the contract. He was advised that this could be challenged if the Village wished to do so.

Mayor Tobin and Commissioner Finkbeiner discussed efforts to replace poles & add LED lighting. The municipalities will own the poles and they will have "nodes" for eventual 5 G.

There was a discussion of streaming & the fact that many individual companies are offerings tv streaming service as well as now producing their own content: HULU; Netflix; Amazon TV; Disney; Apple TV. This is how people will increasingly watch TV. Until the advent of 5 G, streaming will still require internet service. Commissioner Stevans stated that municipalities may want to advocate for payment of franchise fees for streaming services provided over internet since- until 5G- the same infrastructure as used by cable TV will be used. The FCC has indicated that Cable TV regs do not apply to the internet, but this is something that should be pursued through legal routes, advocacy, NYCOM, etc. Otherwise, municipalities will lose franchise fees as cable tv delivery fades.

Commissioner Finkbeiner suggested that when contacting NYCOM, the recent Cable Commission letter be used as a basis for discussion. It might be advisable to include Homer Village Mayor, Darren “Hal” McCabe as he has contacts in Albany. He also stated that perhaps advocacy with the FCC on a federal level could be attempted. Or even change the laws. Involve Congressman Brindisi and maybe Rep. Alexandra Ocasio Cortez. If the Village of Homer lost franchise fees, it would equate to roughly a \$1 loss per \$1000. and may necessitate in a tax increase.

Mayor Tobin noted that franchise fees represent a significant amount to the City. He will get the amount to the Commission so we can determine the current number of subscribers. It was noted that Ithaca has lost a large percentage of subscribers. [*Note: refer to notes of meeting held in Ithaca with Ithaca Community Access Advisory Committee 4/1/19.*]

It was noted that the Town of McGraw, Town of Homer & Virgil have not appointed members to the Commission. They- as well as Cortlandville- did not respond to the Commission's letter. If they did not attend to the letter, they may not realize what the future might hold- especially related to the possible loss of franchise fees.

Commissioner Stevans stated that the role of the Cable Commission may become defunct. Its' responsibilities are limited to the franchise agreement. If cable tv delivery- & hence franchise- becomes obsolete, the Commission has no purpose. The Mayor stated that perhaps its' function could shift to other areas. It was noted, however, that the NYS PSC & the FCC spell out the mandate for commissions. Perhaps the Commission could help the municipalities explore other- smaller- cable providers that could pick up the limited number of cable subscribers if Spectrum were to leave the business. Mr. Haefle- who operates Haefle Cable in Virgil & other areas might be open to discussions. He is a small operator. Comm. Forshee noted that the PSC allows 10% return off the top to cable provider. Comm. Stevans stated that NYS PSC regs state that a cable service provider cannot “walk-away” from cable. They need to file - & have approved- a six month “exit plan” that spells out their efforts to find a new provider, address customer notifications etc. She feels that some of the issues facing us at this point need the legal expertise from those with a background in this specific area of law- that's where NYS organizations representing counties and municipalities may be helpful.

Commissioner Finkbeiner made a motion – seconded by Commissioner Forshee- to adjourn the meeting at 8 pm.

The next meeting is slated for Monday October 7, 2019 at 7 PM.

Respectfully submitted by Barabara Bergeron & Sharon Stevans