

**JOINT MEETING OF THE
AUSTIN TELECOMMUNICATIONS COMMISSION AND
THE AUSTIN MUSIC COMMISSION
SEPTEMBER 8, 2004**

<http://www.ci.austin.tx.us/telcommission/>

MINUTES

1. Call to order.

The meeting was called to order at 6:45 p.m.

Austin Telecommunications Commissioner present was: Wendell Ramsey, Chad Williams, Chip Rosenthal, John Green, Jim Howerton and Deborah Hill.

Austin Music Commissioner present was: Teresa Ferguson, Natalie Zoe, Angela Gillen, Lon Bozarth, and Brad Stein. (Commissioner absent were Lisa Schickel, Theresa Jenkins, Roger Brown and Luis Zapata)

City staff present was: Sonny Hood, Assistant City Attorney, Rondella Hawkins, Telecomm & Regulatory Affairs; Jim Butler, Economic Growth.

2. Adoption of agenda.

The agenda was adopted by the Commission.

3. Citizen communications. (3 minutes to speak)

Ron Anderson, Stefan Wray, Michael Corso, Kelley Berum, Sue Cole, Jeannie Ramirez, Kory Kortis, Shawn Siegel, David R. Jones, Graham Stuckey, Tom Boykin, Pam Thompson, Keith Wahrer, James R. Halliday, Dylan Goss, Virginia Faubion, John Angello, Jean Overdeer, Alonzo Cenicerres, Babs Warren, Mike Johnson, John Stadtmiller, Jack Blood, Jeff Kantoff, Barb Evans, Alex Jones, Linda Greene; Tracy Downs, Sis Wong, Kristi Jones.

It was the consensus of these speakers to keep Austin Community Access Center the same and give AMN a home somewhere other than ACTV.

Tom Wittmer stated that Time Warner is charging 21 cents to all their subscriber for home shopping revenue and calling it "Non-customer revenue franchise fees". Although he stated that the FCC laws allow Time Warner to do this he feels the City if not protesting enough.

4. Approval of minutes for the August 11, 2004 regular meeting of the Austin Telecommunications Commission.

Tabled

5. Discussion and possible action of the following:

- a. Recommendation to Council Committee for Telecommunications Infrastructure on management and operation of channel 15 as a regional, arts, music and entertainment channel; Austin Community Television & Austin Music Network proposals.

Alex Jones stated that in speaking with the ACLU that they think there are clear violations on what ACTV is trying to do and their lawyers are preparing to file an amicus brief along with the producers. PEG channels are valued at about 5 million dollars. Mr. Jones read emails provided from a City's Open Records Request that contained information that he feels is in violation or potential violation of the ACTV Board. He stated that he does not want to hurt the City or Access Television but he will do what ever it takes within the law to defend the charter, the contract and the state admission of access television.

Mike Jones, Andrew Locke, Dale King, Beth Jezik, Kelly Borum; David R. Jones gave their time to Alex Jones.

Stefan Wray stated that EATV was originally developed to be on one of the access channels. He read from a document presented to the Telecommunications Infrastructure Subcommittee of City Council by Louis Meyers on August 25, 2004 that states that the goal of EATV will be to create a semi-commercial safe haven for kids and adults within the local public access television network. All programming will be "G" rated and will be screened for content before broadcasting.

Mr. Wray thinks the solution should be: AMP will take over channel 15 as the Music Channel October 1st. The City and AMP can reach an agreement for a transition period so the channel does not go black. Let the City and AMP work out some kind of deal and don't bring ACTV into it. He believes we don't need ACTV coming in to rescue channel 15, especially if ACTV is going to be used as a mechanism to introduce the EATV concept with commercial programming and content control. After the transition, the AMN equipment and archives can go to ACTV or channel 6. The plan for EATV should be abandoned and out of the public access channels. Mr. Wray read from emails provided from a City's Open Records Request that contained information that he feels violates or potentially violates the ACTV Board.

Chris Ritte, Ralph Sanchez, Jean Bverdeer, Shawn Siegel, William Keith, Lana Wharry, Jared Barger, Alonzo Cenicerros, Geoff Fansur, George Stiefer gave their time to Stefan Wray.

Pam Thompson stated that if the Commission reviewed the original agreement with channel 15, when it became AMN, they will see that it was set aside with a different non-profit to run it so it couldn't affect the status of our PEG stations. She stated that when you are a producer on ACTV you are responsible for content. With all the new things ACTV states that they are going to control content and that is one of our big problems with free speech. Now that they want to do the EATV, which is the same model as AMN, then ACTV will review our content and will say what can go on and on what block of channeling.

Commissioner Deborah Hill stated that this Commission has no control over the management of ACTV other than the way they are fulfilling their contract obligations with the City of Austin.

Graham Stuckey, Curtis McWashington, Kelly J. Baty, Jimmy Gardner gave their time to Pam Thompson.

Danny Romero, Sarah Hathcock gave their time to John Stadtmiller. Mr. Stadtmiller, Romero and Ms. Hathcock were not present to speak.

Binky Morgan, Jesika Farmer, Mike Farmer gave their time to Ron Anderson. Mr. Anderson, Farmer, Ms. Morgan and Farmer were not present to speak.

Babs Warren stated that free speech is very important and does not want to live in a society that limits free speech.

Susie Stuckey, Rob Dew, Sheri Frushay gave their time to Babs Warren.

Kory Kortis stated that there is plenty of music programming with the existing producers where a music channel could be provided. His key concern is that the producers continue to have free speech with out any oversight.

Virginia Faubion gave her time to Kory Kortis.

It was the consensus of these speakers to keep Austin Community Access Center the same and with out commercials and give AMN a home somewhere else. Jack Blood, Troy Tyson, Christine Veith, Ann Meinecke, Adrienne Goof, Angela Henry, Michael Daniel, Tom Boykin, Kelly Bradford, Bobby Baty, Pam Baty, Richard Lownhaupt, Michael Owen, Mike Hanson, Joe Brancucci, Nate Thompson, Mike Johnson, Joel A. Cawthon, Daniel Carver, John Phillips, Darrell Jackson, Dan W. Cawthon, Mary Cawthon, Dominic Ganer, John Angello, Keith Wahrer, Sue Cole, Mary Alehsire, Gary Moore, Keith Kritsels, Gedree Ray, Jim Moran, John Barte, Jeff Kantoff, Jeff Stanifer.

Tom Wittmer stated that Time Warner is charging 21 cents to all their subscriber for home shopping revenue and calling it "Non-customer revenue franchise fees". Although he knows that the FCC law allows Time Warner to do this he feels the City if not protesting enough.

After some discussion with staff and the Austin Music Partners and consideration from communications from citizens, motion was made by Commissioner John Green; seconded by Commissioner Chad Williams to postpone action on the recommendation to the Council Committee for Telecommunications Infrastructure on management and operation of channel 15 as a regional, arts, music and entertainment channel; Austin Community Television & Austin Music Network proposals until the September 13, 2004 Music Commission meeting. The Commission's vote was a unanimous yes.

This recommendation will be considered again at the Music / Telecomm Commission joint meeting on Monday, September 13, 2004, 6:00 p.m. at City Hall

- b. Election of Officers of the Austin Telecommunications Commission (ATC).

Tabled

- c. Grant for Technology Opportunities Program (GTOPs) task force report. (workplan item 4)

Tabled

- d. Set and discuss annual ATC retreat date and location.

Tabled

- e. 2005 Request for Proposals for public access television management services.

Tabled

- f. Policy recommendations on ways the City of Austin can support the development of the wireless industry. (workplan item 3)

Tabled

- 6. Update reports on networking relationships with other boards/commissions and groups, citywide and ATC information items.

Tabled

- 7. Council Committee for Telecommunications Infrastructure report. (Ramsey)

Tabled

- 8. Telecommunications & Regulatory Affairs Office Report.

Tabled

- 9. Future agenda items for the ATC regular meeting scheduled for October 13, 2004.

Tabled

- a. Speakers/Topics for upcoming Commission meetings. (Ramsey) (workplan item 5)

Tabled

- 10. Adjournment

The meeting was adjourned at 11:40 p.m.