

**AUSTIN TELECOMMUNICATIONS COMMISSION**  
**REGULAR MEETING – AUGUST 10, 2005**  
**<http://www.ci.austin.tx.us/telcommission/>**

**MINUTES**

1. Call to order.

Commission Chair Wendell Ramsey called the meeting to order at 7:40 p.m. Commissioners in attendance were Wendell Ramsey, Chad Williams, Chip Rosenthal, Deborah Hill, Stephen Martin, Jim Howerton, and John Green. Staff in attendance was Rondella Hawkins, Sheena Harden and Jane Reina

2. Adoption of agenda.

**Motion to adopt the agenda was made by Commissioner Williams; seconded by Commissioner Rosenthal. Vote 6-0. (Commissioner Green arrived after this item)**

3. General citizen communications. (3 minutes to speak)

Ronny Mack, Net Systems Administrator with the City of Austin spoke regarding archiving. He is interested in raising awareness about Austin video and the preservation of that content. He is familiar with the Austin Music Network (AMN) inventory and is interested in finding out what the other PEG channels do regarding archiving. Historically some original/local AMN content was funneled to the history center while other (national content) was managed by producers. He would like to see AMN help the History Center in converting analog to digital.

Dan Vogler, Austin Community Access Center (ACAC) board member, stated that ACAC has responded to the RFP. He would like to advocate two changes to the final contract: he would like to conduct a search for an executive director who is suitable to running three TV stations and he would like to see the budget for the director be removed from the management budget and become a City of Austin employee.

Stefan Wray stated that he has not gotten a response to his policy question. He also showed clips of content that has aired on AMN which he believes breaches the non-commercial aspect of the contract. He stated that these are claimed to be 'sponsors' but the clips are really commercials.

Pam Thompson stated that the ACAC city contract specifies non-commercial guidelines; but AMN does not have guidelines. She thinks that training may help staff to differentiate between sponsorship spots and advertising. She stated that staff has stated that they have pulled the ads and will make a decision about them. Staff is hopeful it won't be a problem in future.

Ron Frank stated that he has not done anything more challenging than being president of the ACAC board. He spoke about members who have dedicated a lot of time, energy and talent to get through recent issues.

4. Approval of minutes from the June 8, 2005 Commission regular meeting.

**Motion to approve the minutes with corrections to the spelling of Cones and item 9 came from Commissioner Green not Commissioner Howerton was made by Commissioner Williams; seconded by Commissioner Hill. Vote 7-0.**

5. Speaker Series: Presentation on archiving of media (Sue Soy, Austin History Center) (workplan item 2.c.)

Speakers Sue Soy and Tim Hamblin with the Austin History Center discussed the archival process, what kinds of tape they are given and how the tapes are given to them. They have been directed to give access to tapes. They will allow the public to have access and copy them but they are not implying that Austin Music Partners (AMP) has the right to cablecast it. Mr. Hamblin discussed storage and environmental conditions. He stated that migration to a digital format is important both because of tape degradation and unavailability of equipment to play them on. He also stated that it is of vital importance to have a database such that you can actually find the tapes. He emphasized that the AMN collection is separated but the rights are by no means clear. He feels it is the responsibility of AMP to determine the usage rights.

Commissioner Hill stated that a good model for the History Center to look at is the Paley museum (television and film).

Mr. Hamblin stated that one of the problems is having an access copy and an archive copy.

Commissioner Hill stated that three issues:

1. Archive and preserve material we have.
2. Legal issues of having access to the tapes and policies for future receipt of material.
3. Exhibition of the archives

Mr. Hamblin agrees, but in the past part of it was the nature of AMN as a non-profit. In a commercial venture it is a whole new ball game.

Commissioner Green asked whether they do research on equipment with their budget and what they do to try to upgrade.

Mr. Hamblin stated that they do and that they are working with the City of Austin Telecommunications and Regulatory Affairs (TARA) office to get it up and operational on the play side. The History Center has no budget.

Commissioner Hill suggested a Task Force be formed to work on getting more resources to History Center.

6. Telecommunications & Regulatory Affairs Office Report.

Rondella Hawkins, Manager of Telecommunications & Regulatory Affairs, gave a Legislative update. She stated that SB 5 is pending with the Governor; this is the legislation which establishes a statewide franchise for video providers. The Public Utility Commission (PUC) would be the sole franchising authority for video service. The legislation does grandfather incumbent providers. She stated that Grande Communications could opt out as an overbuilder (less than 40% penetration). The franchise fees are preserved at 5% of gross revenues from state franchise holders and that the PUC is the responsible party for consumer complaints based on the FCC customer service standards. In-Kind contributions that the City currently received will continue until the franchise expires. State franchise holders will pay a pro-rata fee for in-kind; in 2011 this will change and the City will see 1% of gross revenue for in-kind from state franchise holders across the board. There are no buildout requirements for the state franchise holders. She also stated that the Public, Educational, and Governmental (PEG) channels that are currently activated are grandfathered (no fewer than what is active as of Sept 1, 2005). This means that we won't lose PEG channels but any PEG channels that were never lit are gone. The legislation does preserve our Right-of-Way (ROW) authority and police powers. This legislation will call for a study on ROW compensation for all types of services (Voice, Video and Data). Relocation in private utilities is not addressed in this legislation and there is no prohibition on wireless. Access line fees will be available for VoIP.

Ms. Hawkins also reported that the Texas Association of Telecommunications Officers and Advisors (TATOA) conference was last week and she provided the Commission with conference notebooks.

She also stated that the City budget process is underway and that Grant for Technology Opportunities Program (GTOPs) proposed amount is \$90,000.

Ms. Hawkins also reported that recently the Mayor announced that there would be a new Council committee that will replace the Council Committee for Telecommunications Infrastructure Subcommittee. The new committee will have a new scope.

7. Discussion and possible action

- a. Election of Austin Telecommunications Commission officers

**The Commission unanimously voted Chad Williams as Chair, Chip Rosenthal as Vice Chair and Wendell Ramsey as Parliamentarian of the Austin Telecommunications Commission for FY 2005-2006**

b. Grant for Technology Opportunities Program (GTOPs) Task Force Recommendations. (workplan item 4)

Consensus from the Commission is that this year was good. Proposals were iterative.

Summary of changes to the GTOPs Task Force:

- \*No bonus points for oral presentation
- \*Separate one question into two
- \*Applicant development

Commissioner Williams stated that the first year was about strengthening the process, reviewing and improving it. This year the task force moved quickly and decisively unanimous acceptance. He also acknowledged Sheena Harden's hard work on the program.

Sheena Harden stated that the GTOPs report ended with two questions posed to staff. Those were answered to the Task Force to their satisfaction; however, the staff did not address them at the meeting. Here are the questions and Ms. Harden's answers provided to the Commission the next day.

1. The task force believes the oral presentation is an extremely valuable portion of the process. There was some discussion about making this mandatory. This issue has arisen in the past, and staff and the Telecom Commission have decided on the policy that presentations are optional. The task force requests from staff an explanation of that policy decision.

Answer: While I know that we all agree that the oral presentations are HIGHLY valuable, there is a liability issue in making them mandatory. We already comply with the ADA but I can foresee issues of discrimination, favoritism etc. popping up if we make this a requirement. As it stands if an applicant cannot make it at least their score will not be hurt. What if an applicant has an emergency? By making the presentations compulsory we would also be requiring that the review board to commit to scheduling and rescheduling at the convenience of the applicants. As you may know it is hard enough to get the review board in the same room for several hours when we have months to plan. I cannot imagine trying to schedule multiple days for presentations. In keeping the oral presentations optional (while stressing their importance) we avoid possible litigation as well as logistical nightmares.

2. The task force believes that an orientation workshop for prospective applicants is important for recruiting and assisting applicants. The task force has requested information on how the workshop was done last year. In particular, how many people attended, how many went on to submit grant applications, and how the workshop may have benefited the selected awardees.

Answer: Grant writing workshops and individual help have been offered since the second year of the program. In 2005 we had 11 participants, three of which went on to apply for grants, one (AGE) being awarded. In past years I have had zero to one participant. I believe that the difference this year was in advertising general grant writing help in addition to specifics on GTOPs. One of the three 2005 applicants who attended was a repeat applicant. While their grant application was significantly improved after the workshop I don't believe they fully understood some of the conceptual material that was covered at the workshop. They were, I believe, hoping for specific directions that would guarantee them the grant. Sadly, the program in question has never been a good fit with GTOPs and those things they did improve upon did little to increase the chances of their receiving a grant. The second applicant did a reasonable job on their application but were freshmen to the grant scene. They were not fully prepared to implement the program. While I think they learned a lot about writing a grant they have much work ahead to make their program viable. AGE are not new to writing grants but did say they learned a lot. Specifically they were glad for help in how to focus their answers and what kind of attachments to provide.

In conjunction with the workshop I gave out a brief guide to grant writing, which is located at <http://www.ctiaustin.org/gtops/application>.

**Motion to accept the recommended changes to the 2006 Grant for Technology Opportunities Program (GTOPs) from the GTOPs Task Force was made by Commissioner Rosenthal; seconded by Commissioner Green. Vote 7-0.**

- c. Austin Music Network / Austin Music Partners follow up discussion.

Clay Fain, Program Director For AMN wants AMN to continue to be broadcast on the Internet. AMN is not trying to harm AMP by voicing concerns about them having access to the library. Mr. Fain's issue is to protect the copyright holders' tapes that are not at the History Center. He feels the City does not have the right to distribute the tapes for commercial use. He wants clarification and has asked City staff to find out information because he is finding conflicting information. AMN needs to be notified about the change over.

Commissioner Green wants to know how they determined whom the copyright holders are and whether they have obtained a legal opinion.

Commissioner Ramsey expressed that the City's Law Department needs to be involved in obtaining the legal status of those tapes.

Commissioner Howerton wants to know whom they are asking.

Mr. Fain responded that he is working with the City legal staff.

Dan Vogler stated the ACTV Board discussed this at their board meeting today.

They place AMN assets in the follow categories:

Channel 15 – going to AMP

Equipment – going to ACTV

Archive/Library - ???

Mr. Vogler stated that there are four classes of tapes in the library and none of them are properly marked. There are National Tapes with full release, National Tapes with non-commercial release, and those produced by Austin Producers with release to AMN.

Ron Frank wants to have a fully knowledgeable board and staff that can answer questions. He wants the tapes to find a home where the tapes can continue to be used and viewed and to make sure that local talent is made available through the public access channels.

Stefan Wray stated that it is his understanding that the AMN Equipment will remain at ACTV and will be managed by ACTV. The rules/procedures for obtaining and use of equipment state that ACTV managed resources are to be used by any adult resident within the area, which means that the AMN equipment should be available to any producer and not under the control of any subset of producers within the entity and have the same rules. If the rules should be changed that is okay but it needs to be changed. He is assuming that the equipment will be available for all ACTV producers on September 1st.

Pam Thompson stated that there is no training scheduled for the AMN equipment. There are no separate bylaws, policies or procedures for separate channels. She wants to know what to expect.

Woody Roberts wanted to point out that our access system is distinguished nationally and is doing something right. He believes that AMN is a separate project and not a public access project. AMN has its own equipment, which comes from Grande and may not be able to hold onto it with the new legislation. He doesn't think that it should be divvied up yet. The Internet part is crucial this is where Austin music is heard all over the world. AMN should continue on the Internet and 10 to 10 on access channel 10.

**Commissioner Ramsey moved that they provide support for existing questions presented by the Austin Music Commission with additional clarification on rights to cablecast material and showcasing and utilization of material for citizens by the Austin Music Partners to be answered by City Council; seconded by Commissioner Williams. Vote 7-0.**

Commissioner Ramsey stated that the copyright issue needs to be clarified.

Commissioner Williams asked Teresa Ferguson Chair of the Austin Music Commission where AMN broadcasting over the Internet and who has the bandwidth.

Ms. Ferguson's answer was that the City may let them use bandwidth but they have to bless it. They have asked for clarification from City Council but they have not had any answers. Ms. Ferguson said that there has been a legal statement as of yesterday.

Rondella Hawkins stated that her understanding is that the AMP's contract states they are liable for insuring that they have the permission to use the programming. These are City assets and right now the City is contracting with AMN to run the City's music channel and we are now going to be contracting with AMP to run it. This is simply a transition of moving the tapes from AMN to AMP.

Commissioner Hill asked if it would be appropriate to look at the contract with AMP. She wants to know what their line up is going to be. The Commission would like a programming schedule. Staff will relate this to the program manager.

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

Commissioner Ramsey stated they continue to have interaction with the Music Commission.

9. Council Committee for Telecommunications Infrastructure report. (Ramsey)

Commissioner Ramsey stated that he brought forward the Commission's budget resolutions to the Committee.

10. Future agenda items for the Austin Telecommunications Commission regular meeting scheduled for September 14, 2005.

Speakers/Topics. (Ramsey)

Future Agenda:

- Discussion on the Emerging Technology Fund (Green)
- Copyright Issues with regards to AMN (Green)
- Task Force for Archival Issues (Hill)

Ms. Reina with the City's Office of Telecommunications & Regulatory Affairs reminded the Commission of their special called meeting scheduled for August 22, 2005 to make recommendations to Council regarding the public access television management services contract.

11. Adjournment

The meeting was adjourned at 9:57pm.

