



Austin Community Technology and Telecommunications Commission
www.ci.austin.tx.us/telcommission

Regular Meeting

Minutes

Wednesday, April 8, 2009

The Austin Community Technology and Telecommunications Commission convened in a regular meeting on Wednesday, April 8, 2009, 301 W. 2nd Street, Austin, TX, City Hall, Room 1101.

Please go to www.ci.austin.tx.us/telcommission/schedule.htm for backup material associated with this agenda.

This is a summary of the activities at this meeting. To view the full meeting on DVD please visit the Austin History Center, 810 Guadalupe Street, Austin, Texas, Phone (512) 974-7480.

1. Call to order – April 8, 2009 - 6:32 p.m.

Commission members in attendance:

Chip Rosenthal
Jim Howerton
Wendell Ramsey
Arthur Sampson
Kedron Touvell
Lemuel Williams Jr.
Randall Kolb

City staff in attendance:

Rondella Hawkins
Jane Reina

2. Adoption of agenda.

The agenda was adopted on a 5-0-0 vote of the Commission. (Commissioner Williams and Sampson arrived late)

3. Citizen Communication: General

The first 10 speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

Michael Chaney – Opposes Time Warner’s proposal to cap bandwidth. There is a need to open the market for competition.

Jeff Twining, Small Business Owner - Opposes Time Warner's proposal to cap bandwidth. Requested Commission to look into this matter.

Tom Watson - Opposes Time Warner's proposal to cap bandwidth.

SueAnn Campbell – She feels that a lot of channelAustin's grievances are unresolved. How are they being resolved?

Sue Cole – channelAustin should follow the grievance process they have provided to the producers and file their responses to grievances on time, not several week later. She has been waiting 3 months for a response to a grievance she filed with channelAustin. She wants to see changes in the grievance response process.

Mathew Murphy – Has no problem paying for bandwidth, however the rate TWC is paying for bandwidth is about 3 cents per gigabyte and they are going to charge the subscriber \$1.00 per gigabyte. He thinks the capping is because TW wants to kill off internet television and video.

Mary Krenek – Public access is an effective and educational tool. It is important that we protect facilities from harassment, censorship and division.

Wolf B. Dilworth- Opposes Time Warner's tiered internet plan.

Allen Varnery - Opposes Time Warner's proposal to cap bandwidth.

Pam Thompson – Her problem is who owns the bandwidth. Time Warner provides a service and uses our bandwidth for their business. They are charging us for something that we own.

4. Approval of minutes – March 11, 2009 Commission regular meeting.

The minutes from the regular meeting of March 11, 2009 were approved on Commissioner Touvell's motion; Commissioner Howerton's second on a 7-0-0 vote.

5. Invited Presentations

- a. Presentation on KEYE-TV DTV transition experience. (Dusty Granberry)(wp4,9)

Dusty Granberry, Director of Operations for KEYE-TV, reported that KEYE-TV transitioned to digital only on February 17, 2009. The community response was heavy at first but KEYE's phone banks were able to help the majority. Some viewers were provided one-on-one help at their homes with the connection of digital boxes to their analog TVs.

Commissioner Touvell is concerned with the problems that occur with digital streaming, like when storms come through and the streaming stops therefore you can't get the emergency alerts that come from the TV stations.

- b. Presentation on the City of Austin's Small Business Development Program. (Vicky Valdez)(wp5,9)

Postponed

6. Staff Briefings

a. Legislative, Regulatory and Policy update. (wp7)

Rondella Hawkins, Manager, City of Austin, Telecommunications & Regulatory Affairs, reported on House Bill 3970 which would allow a cable provider to unilaterally terminate an unexpired local cable franchise at will after Sept. 1, 2009 until December 31, 2009. This of course is contrary to the negotiated state issued cable franchising bill from 2005, SB 5, that allowed an orderly transition from the local franchise to a PUC- issued franchise by allowing each franchise to expire on its own terms before the cable provider was eligible for a PUC issued franchise. As a reminder, Time Warner Cable's municipal franchise expires in August 12, 2011. This ability of incumbent cable providers to terminate existing franchises has been the goal in the litigation over SB 5 for the last 4 years, which is still pending a ruling by the local federal district court on motions for summary judgments.

The National Associations of Officers and Advisors (NATOA), joined by the National League of Cities, the National Association of Counties, and the U.S. Conference of Mayors, filed comments supporting three petitions for declaratory ruling at the FCC dealing with discriminatory treatment of PEG channels.

The City has recently been made aware through press reports and through Time Warner Cable subscriber complaints that Time Warner has tapped Austin as one of its first markets to charge varying rates for internet service depending on how much data you use, instead of a flat fee. Ms Hawkins stressed that the City of Austin does not have regulatory authority over TWC's Roadrunner internet service because it is classified as an interstate commerce information service and not a cable TV service. The Commission who will soon address the issue, hearing input from citizens, assessing options, and making its recommendations to the City for a course of action.

The City does not present any regulatory hurdles to Verizon or any other new competitor from entering the broadband market.

Information Commission is requesting from Time Warner:

- **Commissioner Kolb:**
 - There have been some technical trials, have there been any billing of these services yet?
 - Are these billing trials going to be simultaneous?
 - Where in North Carolina?
- **Commissioner Howerton:**
 - Technology being used to measure usage? Where would this information be posted?
- **Commissioner Ramsey:**
 - If TWC proceed with the billing for bandwidth it would be interesting to see what the grievance or dispute process would be since based on what ever method that an individual can use to clock their own usage compared to what is being billed based on the provider's usage.
- **Commissioner Rosenthal:**
 - Where in the law or regulations is the information that applies to these advanced data service providers?
 - If there is no state regulation over broadband data services, is that because the state chooses not to regulate it or federal law precludes the state from getting involved?

b. Public Access Television update. (wp1)

Ms. Hawkins reported that the new roof and waterproofing of building is underway.

Final purchase order was issued by Time Warner Cable for building distribution system, networking and new VoIP phone system. Re-cabling of facility scheduled to begin on Monday, April 13th. Final completion date for this project is August 6th.

c. Grant for Technology Opportunities Program (GTOPs) report. (wp2)

Commissioner Rosenthal reported that the GTOPs press conference was held March 31, 2009 at City Hall with Council Member McCracken presenting plaques to the 2009 GTOPs recipients.

March 26, 2009 Commissioner Rosenthal represented the Commission at Skillpoint Alliance's 10th anniversary reception and opening of their Downtown Computer Lab that the City helped pay for with their GTOPs funding. He was presented an appreciation certificated which he in turn presented to City Staff.

7. Old Business

a. Technology Ascertainment Study update. (Williams)(wp3)

Commissioner Williams stated this study was to look at the City's development and growth and furthering the expansion into infrastructure, technology, and job growth and trying to position the City within the economic structure.

He met with City Staff on what plan of action the Commission should take in looking forward into generating information and interest in getting this study going.

He also spoke with Commissioner Howerton on the possibly of utilizing Austin Energy funding and resources to get this study moving forward.

He also met with State Representative Mark Strama's assistant to find ways to maybe use some of the federal stimulus funds for this project.

Commissioner Howerton stated that we should look at the university and college community here to see if possibly the Commission could utilize their resources to have this study done through the opuses of a local university.

Commissioner Rosenthal stated that the county may be interested in partnering on the study.

b. DTV Transition Task Force update. (Touvell) (wp4,6)

Commissioner Touvell reported that KLRU makes the switch to digital on April 16, 2009. All other local broadcasters are scheduled for June 2009.

The digital box coupon program received stimulus funding and has restarted. www.dtv2009.gov for information and an application for coupons

c. Access Television Funding Task Force update (Rosenthal) (wp1)

Commissioner Rosenthal stated the task force has not met. Hopefully they can meet in April.

8. New Business

- a. Update reports on networking relationships with other boards/commissions and groups, citywide and Austin Community Technology and Telecommunications Commission (ACT&TC) information items.

Commissioner Ramsey reported that the African American Resource Advisory Commission would like to make a presentation to this Commission on a Time Warner Cable issue.

Commissioner Touvell reported there will be a meeting in the next month on the Travis County election e-voting machine. He will report back to this Commission on outcome of this meeting.

Commissioner Rosenthal stated that he and staff will be reporting to the Audit and Finance Committee on issues relating to GTOPs and Public Access TV.

Commissioner Rosenthal will be giving the Council Committee for Emerging Technology ACT&TC an update on April 15th.

As required by the Audit and Finance Committee this Commission turned in an annual report. In this report the Commission is given a chance to request change their by-laws. Commissioner Rosenthal made a request from himself with concerns that the current bylaws treat abstention and recusal votes the same as "no" votes. This negates the purpose of an abstention, which Commissioners wish to exercise on occasion. More troubling, this means a recusal affects the vote outcome, which is contrary to intent and has ethical implications.

Commissioner Rosenthal stated March 26, 2009 the City's web site redesign RFP item went before Council. An RFP was issued and the City's Purchasing Office chose a company from California for this project. Purchasing's choice will now go back to Council for approval in the next few weeks.

Commissioner Touvell stated this Commission should create a task on the City's web site redesign to review what types of information and initiatives that will come about as part of the web site NIT service upgrades.

Commissioner Rosenthal would like to invite Gail Roper the City's new CIO to make a presentation to this Commission on the different things CTM is doing.

9. Discussion of agenda items for ACT&TC future meetings.

Proposed items scheduled for May 13, 2009 regular meeting:

- Technology Ascertainment Study update. (Williams) (wp3)
- DTV Transition Task Force update. (Touvell) (wp4,6)
- Access Television Funding Task Force update. (Rosenthal) (wp1)
- channelAustin quarterly report and grievance response process. (wp1)
- Under New Business: African American Resource Commission Presentation on Time Warner Cable programming. (wp9)
- Presentation from Time Warner Cable on their proposed broadband capping. (wp6)

Future proposed items:

- Presentation on the City of Austin's Small Business Development Program. (Vicky Valdez)(wp5,9)
- Presentation on Freedom to Connect conference (Rich McKinnon) (wp5)

10. Adjournment

The meeting was adjourned at 8:47 p.m.