

Cable TV Advisory (CATV) Committee Report—May, 2011

The Cable Television Advisory Committee was formally reorganized in summer 2008, and made its first Report to the Council in March 2010. The Committee's primary role is to advise the Franklin Township Council on all aspects of cable and other franchise services in the Township. To this end, we survey the community about service needs, monitor providers to ensure compliance with contract/franchise requirements and state regulations, and participate in the contract/franchise process as the Council determines.

Membership

The committee is now at full membership. As of May 2011, members (with year of initial appointment) are:

- General Public members (appointed by Council): Victory Chase and Peter von Kaenel (2008); Naomi Nierenberg (2009); Chip Hoever (2010); and Randy Haviland (2011)
- Franklin Library representative: Mary Juzwin (2008)
- Board of Education representative: Tom Lewis (2010)
- Township Staff representative: Joyce Miller (2008)
- Township Council liaison: Councilman James Vassanella (2008)

Changes since March 2010 report:

- Saleem Malkana resigned (August 2010) and was replaced by Chip Hoever (Oct 2010).
- Chair Ron Biava resigned (January 2011) and was replaced by Randy Haviland (April 2011).
- Board of Education representative Merrill Altman resigned (June 2010) and was replaced by Tom Lewis (Sept 2010).
- A review of the ordinance establishing the committee confirmed that there shall be only one Board of Education representative on the committee. Prior to this review, meetings had been attended by both a staff member representing the Superintendent and a Board member representing the Board of Education.
- Victory Chase was elected 2011 Chair at the February 2011 meeting. Joyce Miller continues as Secretary (elected 2008).

Resident Complaints

Eight resident complaints have been received since March, 2010. The problems were tracked, with residents encouraged to notify the Office on Cable Television, the entity responsible for complaints regarding the cable companies.

Township-wide Problems

These items affected all users of the services:

- Channel 34 (Verizon's Board of Education channel) has not been working since December, 2010. Verizon has been working with the Board of Education, which has stated that funding will be required to correct the problem at its end.
- The Committee supported the Council's decision to pass a resolution in opposition to the Market Competition and Consumer Choice Act (A-3766/S-2664). The Assembly bill passed, but the Senate bill has been tabled.

- Comcast changed the government access channel from Channel 25 to Channel 29 in April, 2011. Comcast stated that it faxed a notice, but the Township was not given the opportunity to protest the change. Comcast explained that this change was made to accommodate a newly-contracted commercial station and should be considered permanent.
- Comcast substituted a Canal Walk residential bulletin board for the established Bd. of Education channel (within Canal Walk only). After receiving complaints, the Committee notified the state Office on Cable Television (OCTV). Comcast was required to make the change back to the original programming.
- After receiving a complaint from a resident regarding a Comcast sales call after dark, the Committee notified Comcast of the Township ordinance requiring all vendors to have a Township-issued license.

Franchise Fees

The fees received from the franchise agreements were as follows:

	Comcast (franchise agreement with Franklin)	Verizon (system-wide agreement with state of NJ)
2010	\$50,690.29	\$92,211.90
2009	\$56,069.20	\$56,259.74
2008	\$54,345.58	

This represents 2% from Comcast and 3 ½% from Verizon. When Verizon is made available to 60% of the Township residents, Comcast’s fee will be raised to 3 ½% also.

Franchise Agreement Dates

The following is the schedule for the franchise agreements. The Committee has begun working on questions, problems, and suggestions which it would like discussed during the ascertainment period and perhaps included in any future franchise agreement. Verizon’s system-wide agreement is between the State of New Jersey and Verizon; Franklin Township has no direct input into that agreement.

	Expiration	Ascertainment	Report Due	Application Due
Comcast	12/11/14	12/11/11	12/13/13	3/11/14
Verizon	12/18/13	12/18/10	12/18/12	3/18/13

While Comcast has not done this in any municipality, there are other cable providers who have switched to a system-wide agreement with the State during their existing contract period. The municipalities do not have any say in the decision and lose all of their rights as a party to an agreement.

The Committee Chair will make a presentation to Council about franchise issues and the upcoming ascertainment period at a Council meeting in November.

Verizon Build Out In Franklin

Verizon representatives did not want to share specifics about the build out in Franklin, but they did confirm that there would be no further service provided in 2011 and perhaps into 2012. The national economy is partly to blame. However, the biggest hold up is that the franchise agreement with the state requires Verizon to have 100% build out in 70 specified communities throughout the state by 2015. Only those areas that are required, such as New Brunswick, or areas that border these communities, will have access to Verizon service. Thus parts of Franklin have access to Verizon while others do not.

Invited Guests

The Committee invited the following guests to meetings to discuss franchise agreements and service issues:

- Assemblyman Upendra Chivukula
- Rob Clifton, Comcast
- Gwen Cogan, Verizon

Resident Suggestions

A resident came to the meeting with the following suggestions:

- The Township should look into the annual training the Township is supposed to receive under the franchise agreement and ensure they are obtaining everything promised.
- The Township should consider expanding the programming on its channel, presently limited to Township-sponsored bulletin boards and programs, to include community news and input.

Continuing Plans

In the coming year, the Committee will pursue these goals:

- Continue tracking complaints from residents.
- Meet with representatives from Verizon and Comcast to discuss issues of interest.
- Begin the review of the Township's current agreement with Comcast, review franchise agreements held by other communities, and compile ideas for the next agreement.
- Make a presentation to Council on franchise issues and the contract process.

PREPARED BY:

Victory Chase (Chair)
Joyce Miller (Secretary)