

**Minutes of the  
Murfreesboro Cable Television Commission  
May 10, 2021  
12:00 PM – City Hall  
Council Chambers**

**Members Present:**

Tommy Campbell, Chair  
Dr. Roger Heinrich, Vice Chair  
Jason Schmitt  
Douglas Cook

**Members Absent:**

Roseann Barton  
Dr. Dennis Oneal  
Councilman Shawn Wright

**City Staff present:**

Alan Bozeman, Communications Director  
Kelley Baker, Assistant City Attorney  
Steve Burris, Multimedia Producer  
Michael Nevills, Multimedia Producer  
John Padgett, Multimedia Producer  
Michael Linn White, Multimedia Journalist  
Tricia Owens, Administrative Assistant

**Others Present:**

Kimberly Sasser-Hayden, Comcast

Chair Campbell called the meeting to order and determined a quorum.

**1. Consider minutes of the October 12, 2020 meeting**

The minutes of the Murfreesboro Cable Television Commission meeting held on October 12, 2020 were presented for approval.

**Mr. Schmitt made a motion to approve, seconded by Dr. Heinrich. The motion passed unanimously.**

**2. Review Proposed Comcast Franchise Agreement**

Chair Campbell introduced Mr. Bozeman, Communications Director, to go over the proposed Comcast Agreement. The current 15-year franchise agreement expired in June 2018. The city has been working with Comcast to renegotiate a new franchise agreement. Comcast had the ability to obtain a state franchise but chose to stay with the local franchise. The group that has been working with the city on the franchise is the city manager Mr. Craig Tindell, Attorney Kelly Baker, and Mr. Bozeman. The regulatory environment has changed since the franchise was last entered. One of the big changes a few years ago was a 621 Order by the FCC which allowed anything that

was in a franchise agreement which were in-kind contributions to be deducted from the franchise fees that were provided to the city based on the cable company's determination of what that in-kind contribution is worth. Highlight of Franchise... This franchise continues to allow Comcast to use the city's rights of way to deliver cable TV service to our citizens. This is a non-exclusive franchise so any competitor can provide the same service in the community by obtaining a franchise whether by local or state. If the city grants another cable provider a franchise that will compete with the incumbent the terms and conditions cannot be more favorable or less burdensome than those agreed to with the incumbent. Continues to require the franchise fee of 5% of Cable TV gross revenue to be provided to the city on a quarterly basis. It's currently estimated around \$1.2 million a year the city will receive from Comcast for that. Also, Comcast will continue providing the three local access channels on their cable system. One of those is the city government channel and two of those are for MTSU educational channels. The City has the right to rename and reprogram any of those channels at any time. Comcast will provide a \$100,000 government access equipment grant at the beginning of the franchise. This is currently not considered an in-kind contribution based on the FCC 621 Order. Comcast will be required to extend their lines to new developments when there is a density of 30 dwelling homes per mile and when there is at least 50% of the residents that live within that mile request for Cable TV service. Some things that aren't in this agreement that were in the previous agreement that related to the 621 Order. The City use to receive complementary Cable TV service for all our government buildings. Those will begin to be charged per service per building. Each department and each building will begin to pay the standard business rate for cable TV service. IT staff has decided to move away from the Comcast INET, dark fiber provided for free under the old franchise that connected all our buildings together for communications, to a managed service network approach. IT staff will be bidding this service out and working on a separate contract going forward.

Chair Campbell clarified that from the Commissions viewpoint that they need to make a motion to send it on to the City Council which the Council will review at their work session on the June 9<sup>th</sup>. Mr. Bozeman indicated that is correct and the Commission also needs to set a public hearing for the June 14 Cable TV Commission meeting. Following the public hearing next month the Commission would then recommend approving the Agreement to City Council. There will be a public hearing notice advertised in the local paper also a Resolution approving with the franchise agreement by the City Council will also need to be published in the local paper.

Chair Campbell asked how similar this local franchise agreement is to a state franchise. Mr. Bozeman indicated that it is similar with a few differences the state franchise does not include such as a channel equipment grant. Chair Campbell wanted to know what will that grant target? Mr. Bozeman advised that it will be like the previous franchise which will be set up as a separate account fund by Finance and only City equipment related to the channel can be purchased from that fund. Mr. Schmitt asked how the cable tv service is calculated on franchise fees gross revenue when someone is paying a bundled service which also includes internet and phone service. Mr. Bozeman explained that in the agreement there is a definition of gross revenue of what the city can collect for franchise fees. The issue of how much of a bundled service payment is paid out in franchise fees one of the issues found in the last franchise fee audit and was part of the settlement agreement of how to calculate that going forward. It relates to the accounting GAAP principle of accounting but Mr. Bozeman could not recall exactly what the formula was as that audit was a number of years ago. Mr. Bozeman asked the Comcast representative if they recalled the formula.

Kimberly Sasser- Hayden with Comcast spoke to the Commission. She advised that she knows it is prorated but doesn't recall the actual formula either. There is in that bundle allocation for internet, phone, and TV, so Comcast accounts a portion of the bundle payment for the cable TV service in the franchise fee payment to the City. There have been audits to make sure it is done correctly.

Mr. Schmitt asked about the future of the Franchise Fee and Mr. Bozeman indicated that the City is seeing a slight decline in the amount of franchise fees received, but with cable TV rates going up each year and with all the new homes being built and people moving here seems to be offsetting those that are "cutting the cord". Mr. Schmitt also wanted to know what the decision was of discontinuing of the complementary cable TV services to government buildings. Mr. Bozeman explained that it was due to the 621 order the FCC released a few years ago. Just about any in-kind contribution in a cable TV franchise agreement could be deducted from the franchise fee payment. So staff and Comcast felt not having government buildings who need or want cable TV service in their building should not be part of the franchise agreement and each department and building will be billed for that service like just like for water, electricity, etc. Mr. Cook asked for additional information on the \$100,000 grant. Mr. Bozeman explained that it can be used to purchase anything that is related to capital expenses for CityTV such as servers, replacing cameras, microphones, ect., but could not be used for operations such as to pay salaries which is based on the FCC rules.

Chair Campbell asked if anyone else had any questions and wanted to speak.

Kimberly Sasser-Hayden, Comcast spoke about working on the Franchise agreement and not obtaining the state franchise and continuing to work closely with city staff and be involved in Murfreesboro. She also spoke on the unique situations during the pandemic. Their network was tested with more traffic and the network operated not exceeding capacity. They made accommodations to help more people get connected. Low income families were provided a rate of \$9.95. Increased speed and any new customers received two free months.

**Chair Campbell stated the Commission needs to make a motion to accept the agreement as presented and send it on to the City Council for review at their next workshop meeting and to set a public hearing on the proposed cable TV franchise agreement for the June 14 Cable TV Commission meeting. Motion was then made by Mr. Schmitt and 2<sup>nd</sup> by Mr. Cook. The motion passed unanimously.**

### **3. Staff Reports and Other Business**

Mr. Bozeman reported that all Comcast complaints received have been addressed by Comcast or by staff.

Each staff member of the Communications department highlighted some of the CityTV programming projects with have been working on.

Steve Burris, Multimedia Producer, spoke about working with Angela Jackson on Community Partnership. One story that she made him aware of was concerning new golf equipment for the disabled. He has also been working with Michael Linn White promoting various events starting

back up throughout the city using Facebook Live. Some other stories which has produced included opening day of Miracle League with the First Responders, Tour of the Airport Terminal, Jazz Fest, Black History Month, Emerald Ash issue, State of our Streams and Speed Cushions.

Michael Linn White, Multimedia Journalist, spoke about working with Steve Burriss on the In the City news program. She produced a feature on Murfreesboro resident Victoria Butler with Nearest Green Distillery that was very popular. She stressed that it is always great to produce stories with Community Partners and enjoys doing live remotes highlighting and promoting what is going on in the City. She spoke about a new project with Parks and Recreation department which is a Broadcast class for kids. During the six-week program she teaches children about broadcasting. They also shoot interviews and produce stories during this six-week course with a final show CityTV staff edits together which will then air on CityTV.

John Padgett, Multimedia Producer, spoke about partnering with the Tennessee Philharmonic Orchestra Christmas program which aired during December. He produced a virtual are show with City Schools and a televised the Read to Succeed Spelling Bee with 6<sup>th</sup> graders. He is working on a series program with the City Schools called Take 20 which premiered in April. School Superintendent Dr. Duke hosts the program and there are three City School student reporters. The program highlights what is going on within Murfreesboro City Schools and includes interactive segments like reading, math, and music.

Michael Nevills, Multimedia Producer, spoke about his collaboration with numerous individuals on Celebrating Christmas Downtown Special which was a virtual tree lighting event. The program received over 15,000 views between Facebook and YouTube. Some programs he is working on include City Council member feature videos, Murfreesboro Storytellers, Podcasts on various city topics related to flooding, fire, police, etc.

There being no other business to come before the Commission, Chair Campbell declared the meeting adjourned.

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Tommy Campbell, Chair