

CITY OF LINCOLN
Cable TV Advisory Board Minutes
January 26, 2012

Members Present: Mary Herres, Thomas Higley, Ed Hoffman, Jerrod Jaeger, Jim Johnson, Colleen Jones, Laurie Thomas Lee, Shandi Peterson, Jon Rehm, Art Zygielbaum

Members Absent: Andy Pollock (excused).

City Staff: Steve Huggenberger, Diane Gonzolas, Connie Guillaume

Representatives of Time Warner Cable: Ann Teget, Jamie Wenz

Meeting was called to order at 6:30 p.m. by chair Art Zygielbaum. Meeting time had been moved to later in the day than our normal 4:00 p.m. start time, in order to allow for more public input if needed because of the nature of this month's agenda.

Minutes from the October 2011 meeting were read. Herres moved approval, Lee seconded, minutes approved as read.

Proposed Changes to Access Channel Rules

Chair Zygielbaum commented that Cable Board members, City staff and Time Warner have looked through the existing access channel rules and have come up with a number of proposals for updates. Huggenberger will discuss the PEG channels in general, and Gonzolas will discuss the need for changes, followed by discussion.

Huggenberger defined PEG (Public, Educational, and Government programming) and gave a historical overview. The Educational and Government arms of PEG are restricted to nonprofit institutions; and the rules give guidelines about who can use the equipment and what training is to be required. There is no particular level of service that's defined in City code. The current rules have not been changed in a long time and needed to be updated. Updates to the rules are generally voted on by the Cable Board and forwarded to City Council for final review. Zygielbaum said that he is impressed with PEG because it gives citizens the right to use the equipment to express themselves. Huggenberger said that on the Government channels (cable channels 5 and 10), the City Council meetings tend to have high viewership; other highly-viewed programs are County Commission, JAVA and pre-Council meetings. Largest user of the Education channel (channel 21) is the Lincoln Public Schools. The Public Access channel (channel 80 or 99 depending on one's service area) is currently not very well viewed; viewers have moved away from that channel in favor of the Community Access channel (channel 13), which was created a number of years ago in response to a situation involving a particular episode which aired on Public Access.

Huggenberger distributed a copy of the proposed new rules. Chapters One and Three (General rules and Government/Educational Channel rules respectively) were prepared by the City, Chapter Two (Public Access rules) was prepared by Time Warner Cable. Hoffman asked if we could get a list of the redacted rules. Huggenberger said that we could. Zygielbaum said that there have been extensive changes, with additions, modifications, deletions, and moving things from one section to another, and in this instance we are probably best off considering the rules document as a whole rather than trying to track changes.

Lee asked about the relationship between Public Access and Community Access. Huggenberger said that we should direct that question to Time Warner Cable. Lee asked if the two channels could be merged. Huggenberger said that the distinction arose from a controversial episode of a particular program, and that a number of the organizations who now broadcast their shows on Community Access chose that

option because they did not want to be associated with some of those who broadcast on the less restrictive Public Access channel. Teget said that both channels are considered to be public access; Huggenberger said that he recognizes that Time Warner Cable views them that way, and he declines further comment on that statement.

Rules Chapter One (General Provisions)

Gonzolas discussed Chapter One of the rules document.

Regarding Chapter One, Rule 5.1, Lee asked if a public listing of users, with addresses, is actually done. Peterson said she thinks FCC rules require it. Huggenberger said that to the extent that such records are required, he thinks they could be considered public. Gonzolas said that we need to allow Time Warner to require contact information, in case there is damage to the equipment.

Rules Chapter Two (Additional Public Access Provisions)

Teget and Wenz discussed Chapter Two of the document. They said that most changes were organizational revisions. Section 4.4(a) is new; it allows Time Warner Cable to air shows if it feels that they fulfill a public need, and if slots are available. Section 6.2 allows TWC to send people home if there are no scheduled appointments at the studio. Section 6.5 has been updated to delete a couple of locations (Bennett Martin and Pershing) which don't have public access studios; also equipment which is now obsolete has been deleted from the list. Section 7.1 dropped a reference to the now-obsolete 3-3/4" tape size. Hoffman asked if TWC has a redacted copy of their document, showing incremental changes; Wenz said that it's not available.

Huggenberger stated that board members can make comments on Chapter Two but these changes are at Time Warner's discretion and cannot be taken to the City Council.

Jaeger commented that in Section 6.1, "Lincoln Time Warner Cable" should be changed to just "Time Warner Cable." Teget thanked him for pointing that out.

Regarding Section 2.3, Jones asked if there's a big difference between Public Access equipment and Government Access equipment. Teget said yes. Lee asked if programmers can turn in data files, such as QuickTime. Wenz said no, that doesn't work on their equipment.

Jaeger commented that Chapter Two should be separated from Chapters One and Three, because it's now a different group that sets up those rules. Huggenberger and Teget said they would be OK with separating the two sets of rules.

Zygielbaum agreed that it might be helpful; if a citizen wants to use the public/community access studio, they probably shouldn't be burdened with looking through rules that don't apply to themselves. Teget said that they will need time to think how to do that, as some of the General rules might have to be incorporated into their Public Access document. Jaeger moved a recommendation that Time Warner use Chapter One as a guideline to incorporate into the Public Access rules so that those rules can be used as a standalone document. Johnson seconded; resolution passed.

Rules Chapter Three (Additional G/E Access Provisions)

Gonzolas introduced discussion on Chapter Three of the rules. There are structural changes, also a number of changes relating to the new use of Channel 10 as a health channel rather than a bulletin board. Section 1.2(f) is new; Section II is new; last sentence of Section 4.2 is new; Section V has been streamlined; Section 6.3(c) has been modified to allow CHE (Community Health Endowment) to be a sponsor of Channel 10 programming; Section IX has been added to allow for text messaging.

Teget offered a number of comments:

1. She feels that we should change references to specific channel numbers (i.e. "Channel 5") to "Currently on Channel 5" etc, in order to allow for channel reorganization without necessitating rules changes.
2. In Section 2.1 she thinks "health" should be changed to "government-related health."
3. In Section 6.3(b), she asked who is the approver; Gonzolas said the agency.
4. In Section 9.1(a), she would like to see changes to ensure that we won't use Channel 5 to sell tickets to basketball games.
5. In Section 9.1(b), she would like to see it restricted to "free health organizations" in order to disallow drug companies from running ads on Channel 10.

Huggenberger said that there's a prohibition on the sale of commercial goods; he thinks this addresses some of Teget's concerns. He stated that if we don't allow mention of ticketed events, he thinks we would not be able to give the Lincoln Convention and Visitors Bureau a role in Channel 5 programming.

Regarding Section 4.5, Zygielbaum said that he thinks we shouldn't allow solicitation at all. Herres said that then if KZUM is doing their annual membership drive, we would have to cut them off. Hoffman said he thinks the distinction is their nonprofit status. Huggenberger said that when we first got the request from KZUM to air their station on the old Channel 10, there were a couple of other stations available and we rotated. Not a problem for us, however it might be a technical problem for Time Warner. Gonzolas said that she thinks the more specific we are, the more it helps. Peterson asked how expensive it would be to switch from radio to music during a pledge drive. Hoffman asked what if we have mention of an event during a show; Huggenberger said that we can't avoid that anyway. Lee said that she would hate to place the onus on Gonzolas and Huggenberger to make those calls. Jaeger asked if it would help to put "Public Interest" instead of "Health" for Channel 10; Zygielbaum said that he thinks the more general we keep it, the better.

Lee said she thinks in Section 4.3 that we can't prohibit indecent material; Huggenberger said he thinks we can for Government Access. Huggenberger said that we have always

had some rules that restricted access; some of those rules have been removed.

At the end of the discussion on the rules, Teget asked what the board's expectations were regarding final action on the rules. Hoffman said that he thinks we should evaluate the changes, and consider them at the next meeting. Huggenberger said that if the City receives any public comment on the rules they'll distribute to the board. Also, if board members have any amendments that they'd like to have distributed to the board, let Huggenberger's office know and he'll prepare a written version for consideration at the next meeting.

Reports from Time Warner Cable

Teget said that TWC is working on providing video content on whatever way you want to connect. They have HBOGo for the IPAD, and ESPN for iPad, Phone, computer. They want you to be able to get access to TWC shows from any connection, as long as it's inside your home. Teget said that there was a broadcast of the Capital One Bowl in 3-D; Zygielbaum commented that he saw it and was happy about that.

Wenz handed out his report. Hoffman asked if he could explain what's available to public access and community access programmers. Wenz said that the studio equipment is available to anyone in the city of Lincoln; it must be for a noncommercial use. Producers and camera operators who use the equipment must go through a training session first. Shows can either be taped on the equipment at TWC or else taped on the organization's own equipment and turned in to be aired; in particular, most churches use their own equipment.

Reports from the City

Gonzolas distributed a written report.

Election of Cable Board Officers

This being our annual meeting, our bylaws state that we need to elect officers for the coming year. Zygielbaum asked that we consider the offices in increasing order: Secretary, then Vice-Chair, then Chair.

Lee moved that we re-elect Jim Johnson as secretary. Herres seconded. No further nominations were offered. Motion to elect passed 10-0.

Higley moved that we re-elect Ed Hoffman as vice-chair; Jones seconded. No further nominations were offered. Motion to elect passed 9-0 with Hoffman abstaining.

Johnson moved that we re-elect Art Zygielbaum as chair; Hoffman seconded. No further nominations were offered. Motion to elect Zygielbaum passed 9-0, with Zygielbaum abstaining.

Adjournment

Herres moved adjournment, Jaeger seconded. Meeting adjourned at 8:25 p.m.

Next meeting scheduled for April 26, 2012, at the City County Building.

(Secretary's note: The April meeting was subsequently cancelled due to lack of agenda items. Next meeting will be July 26, 2012.)

Respectfully submitted,

Jim Johnson, Secretary