

**City of Lincoln**  
**Telecommunications/Cable Television Advisory Board**  
**Meeting Minutes – August 12, 2021**

**Members Present:** Demet Batur, Kate Engel, Ed Hoffman, Jim Johnson, Steve Kiene, Laurie Thomas Lee, Bennie Shobe, Art Zygielbaum

**Members Absent:** Rebecca Henderson, Helen Meeks

**City Staff:** Diane Gonzolas, Tim Seih, Jamie Wenz

**Windstream:** Ann Ames

**Charter/Spectrum:** Jeremiah Blake

**ALLO/NelNet:** Doc Wininger

**Call to Order/Introduction**

The meeting was called to order at 4:00 pm by chair Art Zygielbaum. Zygielbaum made note of the copy of the Open Meetings Act at the back of the room. Board members and guests introduced themselves.

**Minutes**

Minutes of the April 29, 2021 meeting were read. Hoffman moved approval; Engel seconded; motion passed 7-0.

**Performance Evaluation Follow-up**

Zygielbaum asked for an update on the Performance Evaluation. Gonzolas said that she could see if the companies are aware of the performance evaluation. Sieh said that we could reach out to the cable companies, say that the evaluation was done, then a slowdown due to events in 2020, and now we are starting to look closer at it again.

Zygielbaum wanted to highlight Recommendation 7 of the Performance Evaluation. He wants to pursue that recommendation more. As an example, Windstream has dropped cable TV. Nationally there has been a 7% drop in cable TV viewing. Ann Ames asked what questions we have for Windstream. Zygielbaum asked Sieh: If Windstream is going to drop cable TV what does that do to our franchise agreement? Sieh said that he would prefer to not answer that right now. Zygielbaum said that the committee should look at this topic.

Blake said that cable companies tried to have this conversation with the legislature a couple of years ago. A bill was introduced to look at the possibility of leveling the playing surface; Missouri has something like that. The bill didn't go anywhere. Lee said that the FCC is looking at whether franchises have authority over streaming services. Zygielbaum said that we need to explore this.

Zygielbaum asked Wenz if he wanted to add anything. Wenz said his only comment is that we need to watch what happens with the franchise fees as that will directly impact the City's media studio. Gonzolas said that we need to look at contingencies and decide what we'll do if things happen. Kiene agreed that we should form a subcommittee, and he would be willing to throw his name in the hat. The committee would work with the transition from traditional cable service to emerging technologies to ensure the ensure continued delivery of cable programming. Kiene moved creation of the committee, Johnson

seconded, motion passed 7-0. Volunteers were solicited for the committee; members will be Steve Kiene, Laurie Thomas Lee, Bennie Shobe, Tim Sieh, Jamie Wenz, and Diane Gonzolas.

### **Charter/Spectrum Report**

Jeremiah Blake reported. He had nothing in particular to report, so asked for questions.

Zygielbaum said that the board has received a complaint from a subscriber that his rates have gone up 42%. Zygielbaum commented that there is probably nothing that the board can actually take action on, but he wanted to mention it in case Blake wanted to comment. Blake said regarding the price increases that they happen about once a year. Costs charged to Spectrum by the cable channels are passed on to their customers. He said that 42% sounds really high; he is willing to look into it if we want him to. Zygielbaum said that if we were getting tens or hundreds of such complaints that would be a bigger problem.

On a personal level, Blake said that he is leaving Charter; last day is tomorrow.

### **Windstream/Kinetic Report**

Ann Ames reported for Windstream. She came over to Windstream from the County. She has checked with Brad; they have changed to streaming but they are still paying the franchise fee based on customer numbers. Windstream is moving construction back to in-house. They are still participating in the Emergency Broadband benefit. They have 13750 households in Nebraska; only one billion out of thirteen billion has been spent. Windstream is running a big promotion right now.

Zygielbaum asked about the bankruptcy; Ames says that it's pretty much behind them.

### **Allo Report**

Doc Winger reported for Allo. With all the infrastructure legislation, there are things going on. Emergency Broadband funding will drop from \$50 per household to \$30 per household. ALLO has not yet had the discussion about it.

Winger says that the expansion will have beneficial effects in Lincoln. They now have service in Greeley CO, Hudson CO, Kearney NE, and Grand Island NE.

They are hosting a Wednesday night concert series this summer.

Hoffman asked about the wifi-free zones. They had mentioned the Iron Horse Park and one in their building at the last meeting. Haymarket, Telegraph District. Still looking at a third location somewhere else in downtown.

### **Update on FCC in-kind ruling**

Zygielbaum asked Sieh about the In-Kind ruling; are there lawsuits? Sieh said that there are lots of lawsuits. The 6th circuit ruled that if the non-cash transactions are in federal law they should not be included in the in-kind, but if they are local then they should be included. They also took up the question about what value should be given to the non-cash transaction. Court determined that it should be the market value.

Netflix, DirecTV, suits are out there but they are in their infancy right now. There is discussion of whether they should be argued in federal courts or state courts.

### **City Reports**

Gonzolas said that the City had gone back to semi-regular COVID briefings on Tuesdays. Reporters are asked to wear masks at those briefings. But due to the recent surge they will go back to weekly Tuesday meetings.

Wenz distributed a written Report.

Zygielbaum commented, as a representative of the Lied, that he wanted to thank Jamie Wenz and the City for helping with the American Ballet

Wenz said that the City has stats on VOD, but stats aren't available for TV watching or live streaming.

Wenz is working with the Public Building Commission to set up Zoom meetings in Room 303, the Luxford Studio, and other locations. For example, tonight Lincoln Transportation has a meeting tonight and Jamie has to stay late; if they get the Zoom meeting process set up he wouldn't have to do that.

They did live feeds of UNL graduation and all six high school graduations.

They assisted the Lied Center with the ballet at Pioneers Park.

They assisted with live production of Cornhusker State Games.

Wenz did a demo of their Apple FIRE app. He is working on other apps as well: Apple TV, Roku, Amazon Fire. IOS and Android are in the works.

Shobe commented that he is a Roku guy; he spent the last weekend of July in KY and watched from there.

Gonzolas gave some personnel updates. The City has added a Social Media employee. And Melissa Fuller will be full time as of September 1.

### **Public Comment**

None.

### **Adjournment**

Lee moved adjournment; Engel seconded; motion passed 7-0. Meeting adjourned at 5:10 p.m.

Respectfully submitted,  
Jim Johnson, secretary