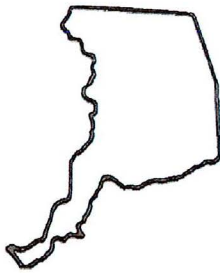


REPRESENTING  
Sacramento County  
and the Cities of:  
Citrus Heights  
Elk Grove  
Folsom  
Galt  
Rancho Cordova  
Sacramento



# SACRAMENTO METROPOLITAN Cable Television Commission

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ROBERT A DAVISON, EXECUTIVE DIRECTOR

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## SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION REGULAR BOARD MEETING Sacramento County Board Chambers – 700 H Street, Suite 1450 Sacramento, California

THURSDAY, MARCH 1, 2012 - 2:30 P.M.

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### ACTION SUMMARY

#### CALL TO ORDER / ROLL CALL

Chair Morin called the meeting to order at 2:35 p.m. and led the Pledge of Allegiance. He welcomed new Board member, Councilmember Jay Schenirer.

Board Members Present: Andy Morin, Ted Wolter (Alternate for MacGlashan), Kevin McCarty, Jay Schenirer, Panorea Avdis (Alternate for Serna), Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

Board Members Absent: Steve Detrick, Roberta MacGlashan, Don Nottoli, Kevin McCarty, Susan Peters, Phil Serna, Jimmie Yee, and Ex-Officio Robert McGarvey

Staff Present: Executive Director Bob Davison, Legal Counsel Harriet Steiner, and Administrative Services Officer Karen Liu

#### ITEM NO. 1) **CLOSED EXECUTIVE SESSION:**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to subdivision (a) of Government Code Section 54956.9) – CITY OF LOS ANGELES, SACRAMENTO METROPOLITAN CABLE TELEVISION COMMISSION, and CITY OF EL SEGUNDO vs. PACIFIC BELL TELEPHONE COMPANY, d/b/a SBC PACIFIC BELL TELEPHONE COMPANY, d/b/a AT&T CALIFORNIA, Los Angeles Superior Court, Central District, Case No. BC414272.
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Pursuant to Government Code Section 54956.9(c)) – one case.

#### **Board Action:**

The Board adjourned to a closed session at 2:38 p.m. Chair Morin reconvened the regular meeting at 2:55 p.m.

Legal Counsel Harriet Steiner stated there was no reportable action.

**ITEM NO. 2) RESOLUTION NO. 2012-001, AUTHORIZING THE ISSUANCE OF A SUBPOENA RELATING TO AN AUDIT OF AT&T INC.'S FRANCHISE & PEG FEES**

Executive Director Bob Davison explained although the Commission's Legal Counsel did not believe it is legally necessary to issue a subpoena, Resolution No. 2012-001 requests the authority to do so in order for the Commission's Auditor to undertake the examination of AT&T Inc.'s records relating to an audit of franchise & PEG fees remitted to the Commission in CYs 2009 & 2010.

**Board Action:**

On a motion by Director Andy Morin, seconded by Director Sandy Sheedy, the Board adopted Resolution No. 2012-001, Authorizing the Issuance of a Subpoena Relating to an Audit of AT&T, Inc.'s Franchise & PEG Fees.

AYES: UNANIMOUS VOICE VOTE:

Andy Morin, Ted Wolter (Alternate for MacGlashan), Kevin McCarty, Jay Schenirer, Panorea Avdis (Alternate for Serna), Sandy Sheedy, Mel Turner, Aaron Chong (Alternate for Yee)

NOES: None

ABSENT: Steve Detrick, Roberta MacGlashan, Don Nottoli, Susan Peters, Phil Serna, Jimmie Yee

ABSTAIN: None

**ITEM NO. 3) CONSOLIDATED COMMUNICATIONS HOLDINGS, INC.'S ACQUISITION OF SUREWEST COMMUNICATIONS**

Executive Director Bob Davison reported he spoke with SureWest's Executive Director of Public Policy and Government Relations, who explained SureWest would still be the state franchise owner. Subject to regulatory review and SureWest shareholders approval, the transaction is expected to close in the second half of 2012. Until that time, SureWest will continue to operate as an independent company.

Staff will monitor the progress of the acquisition and report back on the matter at a future meeting.

**Board Action:**

The Board received and filed information of Consolidated Communications Holdings, Inc.'s acquisition of SureWest Communications.

**ITEM NO. 4) COMCAST'S ADJUSTMENT TO FRANCHISE FEES PAID TO ACCOUNT FOR 2008-2011 CALIFORNIA PUBLIC UTILITIES COMMISSION USER FEE PAYMENTS**

Commission staff received notification in October 2011 that Comcast would be deducting \$59,207.94 from the Commission's Third Quarter 2011 franchise fee payment. The deduction was to account for user fee payments Comcast made to the CA Public Utilities Commission (CPUC) for the period it held a state video franchise from fiscal years 2008 to 2011. Comcast informed staff that the CPUC user fees will be deducted from future Commission franchise fee quarterly payments, as the CPUC user fee qualifies as a franchise fee under federal law.

Executive Director Bob Davison stated Legal Counsel will continue to pursue this matter with Comcast, and will coordinate efforts with other jurisdictions in the state that have received this same notification.

**Board Action:**

The Board received and filed the report of Comcast's adjustment to franchise fees paid to the Commission, to account for California Public Utilities Commission User Fee Payments made in FYs 2008–2011.

**ITEM NO. 5) SACRAMENTO COUNTY'S INVESTMENT POLICY FOR THE POOLED INVESTMENT FUND FOR CALENDAR YEAR 2012**

As the Commission is a Pooled Investment Fund participant, Executive Director Bob Davison explained the Board's action to receive and file the policy constitutes consideration at a public meeting, as recommended by Government Code Section 53646(a)(2).

**Board Action:**

The Board received and filed Sacramento County's Calendar Year 2012 Investment Policy for the Pooled Investment Fund.

**ITEM NO. 6) STAFF STATUS REPORT / MISCELLANEOUS ITEMS**

Executive Director Bob Davison provided status reports on PEG fee funded projects; notification of available PEG fee funds in Fiscal Year 2012-13 will be sent to all member agencies and channel licensees.

The April and May Board meetings will be cancelled with the Chair's concurrence, as staff does not anticipate the need to meet; the Commission's annual budget hearing/meeting is scheduled for June 7<sup>th</sup>.

**ITEM NO. 7) STATE FRANCHISEE / LICENSEE REPORTS**

Representatives from AT&T, Comcast, and SureWest were not present at this meeting.

**ITEM NO. 8) CHANNEL LICENSEE / GRANTEE REPORTS**

Joanne Fuller, Chair of Access Sacramento's Board invited the Commission Board to attend their annual Open House, scheduled for April 21<sup>st</sup> from 1:00 to 4:00 p.m. at the Coloma Community Center.

Ron Cooper, Executive Director of Access Sacramento provided highlights of activities and existing programs, as well an overview of upcoming events and programs.

Liz Rhodes, Executive Director of SECC reported purchase orders for 45 elementary schools have been turned in. Priority school throughout the District will be completed first, with a push for completion by this summer.

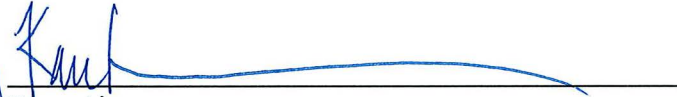
**ITEM NO. 9) PUBLIC COMMENTS**

There were no public comments received.

**ADJOURNMENT**

With no additional business to conduct, Chair Morin adjourned the regular meeting at 3:24 p.m.

Respectfully submitted,



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Karen Liu  
Clerk / Secretary to the Board  
Sacramento Metropolitan Cable Television Commission