

Fairfax Public Access Board of Directors Meeting Minutes
August 27, 2014

Directors Present:

Jim Housel
Rich Massabny
Jim Southworth
Ruth Bennett via telephone
Kevin McFarland
Georgia Graves
Ayme Pointer via telephone
Jim Burke

Staff Present:

Chuck Pena
Steve Ruddell
Rocio Lopez
Jay Erausquin
Maryam Shah
Daniel Olewine

Members Present:

Jim Girardi
Susan Ward

The meeting was called to order at 7pm.

Jim Housel reminded those present of the Code of Conduct.

Recognition was given to FPA Staff for covering the tri-chamber event of the Dulles Regional Chamber of Commerce, the Fairfax City Chamber of Commerce and the Greater Reston Chamber of Commerce - much appreciation to Joe, Avan and Chuck for making it happen.

This was a global networking event - held at the corporate headquarters of MainStreet Bank.

This was a huge event with many board members from all three chambers and major exposure for FPA.

FPA, as the media sponsors, recorded statements from attendees where the persons identified their Chamber and explained " Why I love my Chamber." Georgia Graves was the roaming reporter.

Ayme Pointer thanked Georgia Graves for bringing great community opportunities to the board and staff.

The agenda for the meeting was approved.

Jim Girardi was a Guest Speaker, sharing information on using ADP for human relations in FPA.

It was moved by Jim Southworth that FPA adopt the ADP proposal. The move was seconded by Georgia Graves. The vote was unanimous in favor of adopting the proposal.

See the handout on the ADP proposal for more information.

Instructor proposals and modifications:

Jim Housel would like to have the staff perspective before board members review the modifications.

Jim Southworth would like to have board comments since there have been issues in the past with conflict of interest issues with board members and paid positions.

The board was in agreement that we have staff perspective two weeks prior to the next board meeting so the board can review their comments.

Chuck Pena: Executive Director

Chuck reported on the Alliance Condominium Association which

represents unit owners within the Association group.

Gary Hurst was nominated as President of the Association. Jim Southworth moved that Chuck be given approval to endorse Gary's candidacy. Rich Massabny seconded. The motion was approved unanimously. See handout for more information.

Silver Spoon hosted dinner for the board at this meeting.

All requirements have been met for the annual meeting. The Women's League of Voters will oversee the voting.

Comcast/Time Warner Merger

Comcast issues, concerns and opportunities regarding merger are detailed in Chuck's notes including channels for broadcasting our shows.

Please Note: no HD for public education channels with Comcast.

COX Communications rumors about the merger are false.

See the attached comments for further details.

Verity Commercial LLC, represented by Sara Lough, is able to offer FPA a plan to manage and lease empty space and bring more revenue into FPA. Chuck alerted the board that he will be entering a contract with Verity to manage the available offices. Chuck met Sara at the tri-chamber event at Access Bank.

Issues with air conditioning continue and are of concern because of the cold temperature. Jim Southworth also expressed his concerns and encouraged the board and staff to monitor the situation and come up with solutions to resolve the problem.

There were some issues with the teen summer camp and the accidental damage of part of a wall in studio C.

Chuck indicated the participants were sorry for this issue.

Steve Ruddell, Operations

Steve presented his report.

Danny Olewine, engineering

Danny presented his report.

Jay Erausquin, Education

Jay stated his need to hire a person to assist in his department.

The summer camps are over.

There continue to be concerns with teacher contractor status issues, including the issue of independent contractors versus employees teaching the classes.

Jay will continue to work on this.

Maryam Shah, Programming

Maryam presented her report.

Coverage has been expanded in her department for programming (additional staff) and additional help for members and producers is now available.

Rocio Lopez, Finance

Rocio presented her report.

Highlights:

Verizon numbers are rising.

Rental is down but Chuck is addressing this with the professional real estate company taking over management.

Board Member reports:

Steve Mullen - Finance Operation

Steve noted that Dan Burnett, an outside auditor, will be present for “Open the books” day, which is required each year. Members can examine the books on that day and discuss them with Dan. We are working on moving the audit process forward.

Also : We will be refinancing the building loan at the end of 2014. Dan Burnett has offered to provide contact information for a local bank he has worked with in the past. Plans are to discuss options with Bank of America (B of A) about refinancing our current loan with B of A. Good news is that interest rates have dropped, so we expect to receive a better loan rate with the refinance. We anticipate a variable rate loan with no penalty for early repayment.

Jim Housel moved to approve the minutes from July 2014. The motion was seconded by Georgia Graves, and approved unanimously.

Georgia Graves: Community Development

Georgia provided a list of upcoming events, and highlighted some of the more important ones.

Rich Massabny, Member development

Chuck thanked Rich for helping to promote FPA on his television shows.

Jim Southworth - Technology

There is a problem with Skype in Studio C, due to a bug fix by Microsoft. We’re working on fixing it, but we will switch to Google Hangout for now.

Jim Burke, Performance Development

Jim noted that it may be time to hire staff to work on promotion of

the television and radio stations.

Ruth Bennett :

Ruth continues to work with Chuck and Mr. Selim on membership issues.

There was no unfinished or new business.

The Annual Board Meeting will be on Sunday, September 28, 2014.

The last date for nominations will be this Friday, August 30, 2014, at 10:00 p.m.

We will have a “pre” board meeting at 12:00 noon on the 28 of September.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Applications of Comcast Corporation,) MB Docket No 14-57
Time Warner Cable Inc., Charter)
Communications, Inc., and Spinco)
To Assign and Transfer Control of)
FCC Licenses and Other Authorizations)
)
)
)

**COMMENTS OF
FAIRFAX CABLE ACCESS CORPORATION
FAIRFAX, VA**

FAIRFAX CABLE ACCESS CORPORATION (FCAC) respectfully submits these comments in response to the notice for comments on the above applications, released July 24, 2014.

FCAC is NOT OPPOSED to the proposed **COMCAST/ TIME WARNER/ CHARTER/ SPINCO** transactions. FCAC does respectfully request that the **COMMISSION** and **COMCAST** (which serves our community in Reston, Virginia) give generous consideration to our concerns and comments below.

FCAC requests favorable consideration of public, educational and governmental access (“PEG”) programming treatment in the following areas:

Provision of On-Screen Program Guides or Navigation Guides for PEG channels in a manner equivalent to that provided to the primary channels of commercial broadcasters

Channel placement on the Basic Tier for PEG channels and the ability to be reasonably adjacent to the primary channels of commercial broadcasters

Provision of High-Definition carriage of PEG channels in a manner equivalent to that provided to the primary channels of commercial broadcasters

Provision of Digital Video Recording (DVR) functionality for PEG channels in a manner equivalent to that provided to the primary channels of commercial broadcasters

Provision of “TV EVERYWHERE” distribution (in which channels are made available to subscribers via computers, tablets, smart phones, and other connected devices) of PEG channels in a manner equivalent to that provided to the primary channels of commercial broadcasters

Provision of future advanced formats and capabilities to PEG channels in a manner equivalent to that provided to the primary channels of commercial broadcasters

BACKGROUND:

FCAC is a 501(c)(3) nonprofit educational organization located in Fairfax County, Virginia. FCAC provides training in public access television and radio production to residents of our community and operates cable channels in the County serving the needs of our community. FCAC is an independent, nonprofit organization, and is neither a part of the County government nor any MVPD.

FCAC currently operates four cable channels. CHANNEL 10, is our flagship public access channel, which includes programs on public affairs, the arts, children’s and a variety of other programming. WRLD 30 is our International Channel, which features programming in 12 different languages, including Spanish, Vietnamese, Korean and other languages serving our ethnic communities, which provides a great benefit and service to our richly diverse population. SPIRITUAL TV 36 is our faith channel, which featuring religious, inspirational and other faith-based programs. WEBR 37 is our cable radio channel which features an incredibly wide spectrum of radio show genres -- and a video community bulletin board that runs announcements for numerous community, civic and volunteer organizations serving our community.

FCAC programming is carried by **COMCAST OF VIRGINIA, INC.**, in Reston, Virginia. Throughout Fairfax County, Virginia, by **VERIZON VIRGINIA, INC.** And, throughout Fairfax County, EXCEPT Reston, by **COXCOM, LLC**, (d/b/a COX COMMUNICATIONS OF NORTHERN VIRGINIA).

Under their respective cable franchises with LFA Fairfax County Government, **COMCAST** is presently required to carry up to three of the FCAC channels listed above, while **VERIZON** and **COXCOM** are required to carry all four FCAC public access channels listed above.

The **COMCAST** franchise issued by LFA Fairfax County Government ends May 23, 2020; the **VERIZON** franchise issued by LFA Fairfax County Government ends September 26, 2020; and, the **COXCOM** franchise issued by LFA Fairfax County Government ends May 14, 2023.

COMMENTS OF FCAC:

I. FCAC is very concerned that the availability of on-screen program guide information, that would enable the public to track the availability of public, educational and government access PEG) programming, is currently lacking under the current franchise agreement between

COMCAST and LFA Fairfax County Government. FCAC believes in the usefulness of the provision of on-screen program guides or navigation guides for PEG access channels that is equivalent to that provided to the primary channels of commercial broadcasters.

Neither **COMCAST** nor **VERIZON** currently carry on-screen program guide information for FCAC or local PEG access channels. In contrast, **COXCOM** does carry FCAC's (and other PEG access channels') program information on its on-screen program guide -- information which we believe greatly benefits our community given our special ability to focus on local issues and community events.

FCAC recognizes the extreme importance in making cable subscribers aware of FCAC's programming through program guides in order to provide our community programming to as wide an audience as possible. As such, FCAC supports steps that would work to create and ensure equivalence in MVPD program guide and navigation guide treatment of PEG access channel and the primary channels of commercial broadcasters. Therefore, FCAC strongly supports Draft Rule 76.1210, as proposed and revised by NATOA and Ann Arundel County, Maryland, in their July 13, 2010, comments to MB Docket No. 10-91 as follows:

Section 76.1210. Channel programming information provided by navigation devices.

Where a multichannel video programming distributor presents an on-screen program guide, whether interactive or non-interactive, in a given market, through a navigation device, the distributor must include the station identity and a detailed program schedule for each public, educational, and governmental access channel in the market in its on-screen guide and in any online program guide it makes available to its subscribers, provided that the local franchising authorities, or other access managers, in the market that provide the access channel make available the channel's detailed program schedules to the distributor, within the distributor's normal, required lead times and using the distributor's regular, on-screen program guide design format.

Further, when **COMCAST** Reston, Virginia, subscribers request their local Reston channel line-up via the comcast.com website (by typing in the subscribers' zip codes),

FPA channels are listed as LOPROG or GOVTACC. In contrast, each local broadcaster's primary channels are listed by both Call Letters and Channel Number (for example, the local NBC affiliate's channel is listed as "WRC-4 (NBC)"). Additionally, each national cable network is clearly identified at least by initials (BET, FX, CNN, CNN HD, CNBC, MSNBC, Fox News, et al.).

In a similar manner, when the on-screen channel identification function is used by **COMCAST** Reston subscribers, PEG access channels are simply identified as "Government Access," Educational Access," et al., while local broadcast channels and national cable networks are fully identified (as described above).

II. FCAC further supports ensuring the placement of PEG access channels on MVPD systems' Basic Tier and channel assignment that is reasonably adjacent to the primary channels of commercial broadcasters. Not only does such placement prevent PEG channels from being "ghetto-ized" on a MVPD's channel line-up, PEG access channel placement on the Basic Tier ensures the availability of PEG access channels to those subscribers who subscribe to the lifeline Basic Tier, many of whom may not be able to afford higher-priced cable programming packages.

Further, as noted in previous filings by American Community Television: The legislative record supports PEG access channel placement on the Basic Tier.¹ PEG access channels do serve a substantial and compelling interest in open government, the marketplace of ideas and a well-informed citizenry. A recent study of PEG channel operations showed the variety of programming on PEG channels.² This programming included: government services and meetings (including boards of education); school district, college and university programming; community awareness and informational programming; special interest programming (such as seniors, children, second language, ethnic and disabilities programming); religious and lifestyle programming; political, military, music and entertainment programming; and programming by nonprofits³.

COMCAST in Reston, Virginia, currently carries FCAC and other PEG access channels on its Basic Tier. FCAC recognizes, appreciates and applauds COMCAST for doing so, and would welcome any measures that would further ensure the continuation of such Basic Tier carriage.

¹ PEG programming is delivered on channels set aside for community use in many cable systems, and these channels are available to all community members on a nondiscriminatory basis, usually without charge PEG channels serve a substantial and compelling government interest in diversity, a free market of [ideas,] and an informed and well-educated citizenry Because of the interests served by PEG channels, **the Committee believes that it is appropriate that such channels be available to all cable subscribers on the basic service tier and at the lowest reasonable rate.** H.R. Rep. No. 102- 628 at 85 (1992) (emphasis added)

² "PEG Benchmarking Study" by Front Range Consulting, Inc., and Riedel

Communications, Inc.

³ The study discovered as much as forty percent (40%) of programming on Public Access was by nonprofits.

III. FCAC recognizes the extreme importance of ensuring that PEG access channels are not perceived as “second-class” channels in comparison to other channels carried by a MVPD. As such, FCAC believes it is appropriate that evolving technologies be provided to PEG access channels, as these advances are made available to the primary channels of commercial broadcasters. As noted above, such evolving technology advances include channel carriage in High-Definition format, Digital Video Recording features, “TV EVERYWHERE” (channel distribution via computers, tablets, smart phones, and other connected devices) capabilities, and provision of future advanced formats and capabilities to PEG channels in a manner equivalent to that provided to the primary channels of commercial broadcasters.

IN CONCLUSION, FCAC has NO OBJECTIONS to the proposed COMCAST/ TIME WARNER/ CHARTER/ SPINCO transactions. FCAC applauds and appreciates COMCAST’s current practices that are supportive of FCAC and the other PEG access channels carried on its Reston, Virginia, system. Finally, as stated above, FCAC respectfully requests that the COMMISSION and COMCAST give supportive consideration to our concerns and comments as stated above.

Respectfully submitted,
Chuck Peña
Executive Director
Fairfax Cable Access Corporation (d.b.a Fairfax Public Access)
2929 Eskridge Road
Suite S
Fairfax, VA 22031
(571) 749-1110
(571) 749-1112 (fax)

August 22, 2014