



**NORTH SUBURBAN COMMUNICATIONS COMMISSION**  
**May 3, 2012**  
**7:00 P.M.**  
**NSCC/NSAC**  
**2670 Arthur Street, Roseville, MN**

**A G E N D A**

- I. Call to Order
- II. Roll Call
- III. Public Forum (10 Minutes)
- IV. Approval of Agenda
- V. Approval of Minutes
- VI. Executive Director's Report
- VII. General Business
  - A. Treasurer's Report – March 2012
  - B. Resolution No. 2012-03, Withdrawing the November 15, 2011, Notice of Violation Issued by the North Suburban Communications Commission and Rescinding Associated Resolutions
  - C. Scholarship Committee Recommendations
  - D. Resolution No. 2012-04, Authorizing the Issuance of a Notice of Violation by the Executive Director of the North Suburban Communications Commission
- VIII. Announcements
- IX. Adjournment

*Please call the office if you or your alternate are unable to attend the meeting.*

*Next Regular Meeting – June 7, 2012*

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**NORTH SUBURBAN COMMUNICATIONS COMMISSION  
MINUTES  
April 5, 2012**

**I. Call to Order**

The Commission secretary/treasurer, Gina Bauman, called the meeting to order at 7:00 pm at the CTV North Suburbs Roseville facility.

**II. Roll Call**

The following Commissioners were in attendance:

Craig Wilson, Arden Hills  
Rick Talbot, Falcon Heights  
Jeff Dains, Lauderdale  
Barb Haake, Mounds View  
Gina Bauman, New Brighton  
Dan Roe, Roseville

Others Present:

Coralie Wilson, Executive Director  
Val Kosky, Business Manager

**III. Public Forum**

No one was present to speak at the public forum.

**IV. Approval of Agenda**

Mr. Roe moved, seconded by Mr. Wilson to approve the agenda. The motion was approved unanimously.

**V. Approval of Minutes**

Mr. Dains moved, seconded by Mr. Wilson, to approve the minutes of the March 1, 2012, Commission meeting. The motion was approved with one abstention from Ms. Haake of Mounds View.

## VI. Reports

### A. Executive Report

Ms. Wilson introduced Val Kosky, new Business Manager.

Ms. Wilson reported that the Commission did receive the check from Comcast for the franchise fee audit settlement. Mr. Guzzetta will prepare a resolution withdrawing the notice of non-compliance. One of the original resolutions delegated that action to the Executive Committee.

Ms. Wilson announced that she had participated on a NATOA Policy and Legal Committee call on Wednesday and she wanted to call attention to a new FCC proceeding seeking comments on the interpretation of the terms “multi-channel video programming distributor (MVPD)” and “channel” as currently defined in the Cable Act. The challenge that the NATOA members see is to be responsive to new technologies and where things are heading, but also want to preserve ‘local government’ authority over the public rights of way.

Ms. Wilson said the FCC is also looking at an order for the redistribution of the universal service fund. NATOA and other national local government associations, including the National League of Cities, and the Conference of Mayors, have submitted comments that say anchor institutions, now mainly schools and libraries, should also include other local government facilities, such as public access facilities and fire stations where digital literacy training could be provided.

She also reported that the FCC is accepting proposals for spectrum auction, which is tied into the redistribution of the radio spectrum that will enable the development of a unified public safety communications network.

On the state level, Ms. Wilson reported that Senator Linda Runbeck introduced a bill that would prohibit local government from getting into any broadband. Ms. Wilson said although the bill would not go anywhere this year, it was a surprise that it was introduced.

Prior to the meeting, Ms. Wilson distributed information on the NATOA conference coming up in September.

## VII General Business

### A. Treasurer’s Report

Ms. Bauman moved, seconded by Mr. Talbot, to accept the February 2012 Treasurer’s Report. The motion was approved unanimously.

### B. LMCIT Liability Coverage

Ms. Haake moved, seconded by Mr. Roe to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. The motion was approved unanimously.

**VIII. Announcements**

**IX. Adjournment**

Mr. Talbot moved, seconded by Ms. Haake, to adjourn the meeting. The motion was approved unanimously, and the meeting adjourned.

Respectfully submitted

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Gina Bauman, Secretary/Treasurer

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**NSCC Item VI.  
April 27, 2012**

**to:** Commissioners  
**from:** Cor Wilson  
Executive Director  
**subject:** April Report

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TAC Meeting – I met with the Telecommunications Advisory Committee on Wednesday, April 11, to report on the settlement of the franchise fee audit and the status of the franchise renewal process. In addition, I announced that I would be contacting them to schedule presentations to the city councils. So far, I am scheduled to make presentations at the Mounds View City Council meeting on May 7, the Shoreview City Council meeting on May 14, and the Lauderdale City Council meeting on June 12.

NATOA/MACTA Activities – I have been relatively busy with NATOA and MACTA activities this past month. I was asked to moderate and organize an April 16 eNATOA webinar on franchise renewal, and it was challenging trying to figure out what we could cover in just one hour.

Then, Mike Reardon, St. Paul's cable administrator, and I have been the co-planners of MACTA's one-day Franchise Renewal Workshop on May 8. We have an all-star lineup of franchise renewal experts, both national and local, coming into town to share their expertise. At this time, Val Kosky, Barb Haake and I will be attending. If you (or anyone from your city) would like to attend, let me know, and we will take care of the registration.

Also, Dale Irving and I are on the planning committee for MACTA's annual conference on November 14. This is the week after the elections, so we, of course, intend to have a report on the changes at the Legislature and what they portend for 2013.

Audit – Although the bulk of the audit is done, but there are enough details remaining that we decided to schedule the report for the June meeting.

Comcast Correspondence – I have attached correspondence from Emmett Coleman regarding rates. The first is a response to a letter we sent noting errors in their FCC rate form submissions this year. The second includes the adjusted rates for selected video equipment and installation.

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Comcast Cable  
200 Gresson Boulevard  
P.O. Box 989  
Oaks, PA 19456

April 10, 2012

Coralie Wilson  
Cable Administrator  
2670 Arthur Street  
Roseville, MN 55113

Re: 2012 FCC Form 1240 and Form 1205 filings  
MN0297, MN0298, MN0299, MN0300, MN0301, MN0302, MN0303, MN0304,  
MN0305, MN0306

Dear Coralie Wilson:

Regarding your letter dated March 29, 2012, please see the attached corrected "2012 Installation and Equipment Rates" schedule. We apologize for the oversight.

The installation and equipment rate changes noted will be implemented on June 1, 2012. Although these are our planned rate changes, we also want to preserve our rights for the coming year under the current rules.

If you have any questions regarding the attached documents or if further information is required, please call me at 610-650-3057.

Sincerely,

Joseph Lance  
Senior Director Regulatory/Compliance  
Comcast Cable

## 2012 INSTALLATION AND EQUIPMENT RATES

Comcast

| TYPE OF SERVICE                                    | MAXIMUM<br>PERMITTED<br>RATE (Current) | MAXIMUM<br>PERMITTED<br>RATE (New) | OPERATOR<br>SELECTED<br>RATE |
|--|--|------------------------------------|------------------------------|
| Hourly Service Charge                              | \$ 33.76                               | \$ 33.81                           | \$ 33.50                     |
| Installation-Unwired Home (within 125 feet)        | 43.93                                  | 43.20                              | 43.00                        |
| Installation-Prewired Home (within 125 feet)       | 32.41                                  | 33.36                              | 33.00                        |
| Installation Additional Outlet-Connect Initial     | 14.16                                  | 13.88                              | 13.50                        |
| Installation Additional Outlet-Connect Separate    | 31.53                                  | 32.76                              | 32.50                        |
| Other Installation-Relocate Outlet-Initial         | 13.62                                  | 15.38                              | 15.00                        |
| Other Installation-Relocate Outlet-Separate        | 32.24                                  | 31.04                              | 30.50                        |
| Other Installation-Upgrade (non-addressable)       | 20.10                                  | 25.27                              | 25.00                        |
| Other Installation-Downgrade (non-addressable)     | 12.07                                  | 12.77                              | 12.50                        |
| Other Installation-Upgrade/Downgrade (addressable) | 1.99                                   | 1.99                               | 1.99                         |
| Connect VCR-Connect Initial                        | 8.58                                   | 10.85                              | 10.50                        |
| Connect VCR-Connect Separate                       | 19.12                                  | 21.09                              | 20.50                        |
| Remote Control (All Units)                         | 0.22                                   | 0.21                               | 0.20                         |
| Converter Box (Basic Service Only - Non HD)        | 0.63                                   | 2.50                               | 1.00                         |
| Converter Box (Basic Service Only - HD)            | N/A                                    | 2.50                               | 2.50                         |
| Converter Box (All Others Excluding HD)            | 2.17                                   | 4.00                               | 2.50                         |
| Converter Box (HD & HDDVR)                         | 6.72                                   | 4.00                               | 2.50                         |
| Converter Box (DTA)                                | 1.56                                   | 1.18                               | 0.50                         |
| CableCARD  | 1.18                                   | 1.15                               | 1.10                         |
| Customer Trouble Call                              | 33.59                                  | 30.90                              | 30.50                        |
| Activate Pre-Existing Outlet-Initial               | 7.79                                   | 6.36                               | 5.25                         |
| Activate Pre-Existing Outlet-Separate              | 21.77                                  | 20.11                              | 20.00                        |

\* Non-standard installations are based on the hourly service charge times actual time spent on the activity



Comcast Cable  
10 River Park Plaza  
St Paul, MN 55107

April 20, 2012

Ms. Cor Wilson  
Executive Director  
North Suburban Cable Commission  
2670 Arthur Street  
Roseville, MN 55113

Dear Cor:

Comcast is writing to inform you that effective June 1, 2012, or with the first billing statement thereafter, we will be adjusting charges for select video equipment and installation. The attached sheet lists the changes and the notice which customers will see as a bill message.

Customers currently receiving services as part of a promotion will see no price changes until the end of the promotional period.

Please do not hesitate to contact me with any questions or concerns at 651-493-5774.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emmett Coleman".

Emmett Coleman  
Vice President, Government Affairs  
651-493-5774

## Important information about your Comcast Services

Effective June 1, 2012, or with your first billing statement thereafter, the following changes will apply to select video equipment and installation rates as indicated within this notice. If you currently have equipment on a promotional price or a minimum term agreement no changes will occur until the end of the promotion or minimum term period.

| <b>INSTALLATION</b>   | Current Price | New Price | <b>EQUIPMENT</b>  | Current Price | New Price |
|---|---------------|-----------|---|---------------|-----------|
| Hourly Service Charge (Custom Installation) .....                                     | \$ 32.00      | \$ 33.50  | Limited Basic Only Converter .....  | \$ 0.60       | \$ 1.00   |
| In Home service visit .....   | \$ 32.00      | \$ 30.50  | Digital Converter (non-Limited Basic Only) .....  | \$ 2.00       | \$ 2.50   |
| Unwired Home (Standard Installation) .....  | \$ 41.00      | \$ 43.00  | 5010-5060, 5070, 5080, 5090, 5100, 5110, 5120, 5130, 5140-5430, 5490, 5500, 5510-5850, 5860, 5870, 5900-5970, 6000, 6010, 6100-6140, 6200, 6210, 6220, 6300, 6310, 6320, 6330, 6400, 6410, 6420, 6430, 6440, 6450, 6500, 6510, 6460, 6480, 6490 |               |           |
| Wired Home (Standard Installation) .....  | \$ 30.00      | \$ 33.00  |   |               |           |
| Additional Outlet (new) with initial installation of service ..                       | \$ 13.00      | \$ 13.50  |   |               |           |
| Additional Outlet (new) after initial installation of service ..                      | \$ 30.00      | \$ 32.50  |   |               |           |
| Relocate Additional Outlet with initial installation of service                       | \$ 12.00      | \$ 15.00  |   |               |           |
| Relocate Additional Outlet after initial installation of service                      | \$ 30.00      | \$ 30.50  |   |               |           |
| Upgrade of Service (in-home visit required) .....                                     | \$ 19.00      | \$ 25.00  |   |               |           |
| Downgrade of Service (in-home visit required) .....                                   | \$ 11.00      | \$ 12.50  |   |               |           |
| Connect VCR/DVD with initial installation of service .....                            | \$ 8.00       | \$ 10.50  |   |               |           |
| Connect VCR/DVD after initial installation of service .....                           | \$ 18.00      | \$ 20.50  |   |               |           |
| Activate Pre-Existing Additional Outlet with<br>initial installation of service ..... | \$ 7.00       | \$ 6.25   |   |               |           |

**North Suburban Communications Commission**

## 2011 Financial Report Summary

For the Three Months Ending March 31, 2012

|                         | Current<br>Month     | Year to<br>Date      | % Total<br>Budget | Y-T-D<br>Budget    | Annual<br>Budget  |
|-------------------------|----------------------|----------------------|-------------------|--------------------|-------------------|
| <b>Revenues</b>         |                      |                      |                   |                    |                   |
| Interest Income         | 73.60                | 225.64               | (0.23)            | 250.00             | 1,000.00          |
| Cable Co. Scholarships  | 0.00                 | 0.00                 | 0.00              | 0.00               | 98,703.00         |
| Reimbursement           | 0.00                 | 1,710.12             | (0.25)            | 1,701.00           | 6,800.00          |
| Misc. Income            | 0.00                 | 684.60               | 0.00              | 0.00               | 0.00              |
| City Contributions      | 295,141.61           | a. 295,141.61        | (0.85)            | 86,309.25          | 345,237.00        |
| Transfer from Reserves  | 0.00                 | 0.00                 | 0.00              | 21,516.00          | 86,068.00         |
| <b>Total Revenues</b>   | <b>295,215.21</b>    | <b>297,761.97</b>    | <b>(0.55)</b>     | <b>109,776.25</b>  | <b>537,808.00</b> |
| <b>Expenses Summary</b> |                      |                      |                   |                    |                   |
| Personal Services       | 10,274.18            | 28,387.63            | 0.22              | 31,749.00          | 127,015.00        |
| Operating Expenses      | 47,933.02            | 122,833.83           | 0.31              | 99,102.00          | 396,393.00        |
| Contingency             | 0.00                 | 0.00                 | 0.00              | 0.00               | 0.00              |
| Capital Expenses        | 376.00               | 376.00               | 0.03              | 3,602.00           | 14,400.00         |
| <b>Total Expenses</b>   | <b>58,583.20</b>     | <b>151,597.46</b>    | <b>0.28</b>       | <b>134,453.00</b>  | <b>537,808.00</b> |
| <b>Net</b>              | <b>\$ 236,632.01</b> | <b>\$ 146,164.51</b> | <b>0.00</b>       | <b>(24,676.75)</b> | <b>0.00</b>       |

a. City Contributions - Includes Arden Hills, Falcon Heights, Lauderdale, Little Canada, New Brighton, North Oaks, Roseville and Shoreview

**North Suburban Communications Commission**

2011 Detail Financial Report

For the Three Months Ending March 31, 2012

|                           | Current<br>Month |    | Year to<br>Date | % Total<br>Budget | Y-T-D<br>Budget | Annual<br>Budget |
|---------------------------|------------------|----|-----------------|-------------------|-----------------|------------------|
| <b>Personal Services</b>  |                  |    |                 |                   |                 |                  |
| Full Time Salaries        | 7,435.20         |    | 22,305.60       | 0.23              | 24,499.00       | 98,000.00        |
| Part Time Salaries        | 0.00             |    | 0.00            | 0.00              | 0.00            | 0.00             |
| FICA                      | 598.80           |    | 1,796.40        | 0.22              | 2,025.00        | 8,105.00         |
| Retirement                | 1,217.45         |    | 1,217.45        | 0.28              | 1,101.00        | 4,410.00         |
| Unemployment              | 44.68            |    | 134.03          | 0.13              | 250.00          | 1,000.00         |
| Workers Comp              | 0.00             |    | 0.00            | 0.00              | 124.00          | 500.00           |
| Health/Life Insurance     | 978.05           |    | 2,934.15        | 0.20              | 3,750.00        | 15,000.00        |
| <hr/>                     |                  |    |                 |                   |                 |                  |
| Total Personal Services   | 10,274.18        |    | 28,387.63       | 0.22              | 31,749.00       | 127,015.00       |
| <b>Operating Expenses</b> |                  |    |                 |                   |                 |                  |
| <b>General</b>            |                  |    |                 |                   |                 |                  |
| Printing                  | 204.85           | b. | 228.69          | 0.19              | 300.00          | 1,200.00         |
| Publications              | 0.00             |    | 184.99          | 0.37              | 125.00          | 500.00           |
| Memberships               | 1,500.00         | c. | 4,710.00        | 0.68              | 1,720.00        | 6,880.00         |
| Entries Fees              | 0.00             |    | 0.00            | 0.00              | 0.00            | 0.00             |
| Video Programming         | 0.00             |    | 0.00            | 0.00              | 0.00            | 0.00             |
| <hr/>                     |                  |    |                 |                   |                 |                  |
| Total General             | 1,704.85         |    | 5,123.68        | 0.60              | 2,145.00        | 8,580.00         |
| <b>Supplies</b>           |                  |    |                 |                   |                 |                  |
| I-Net Supplies            | 0.00             |    | 2,490.00        | 0.62              | 1,000.00        | 4,000.00         |
| Office Supplies           | 34.99            |    | 197.57          | 0.13              | 375.00          | 1,500.00         |
| Video Supplies            | 0.00             |    | 0.00            | 0.00              | 0.00            | 0.00             |
| Software Supplies         | 0.00             |    | 0.00            | 0.00              | 250.00          | 1,000.00         |
| Volunteer Supplies        | 96.92            | d. | 255.60          | 0.26              | 251.00          | 1,000.00         |
| <hr/>                     |                  |    |                 |                   |                 |                  |
| Total Supplies            | 131.91           |    | 2,943.17        | 0.39              | 1,876.00        | 7,500.00         |

b. Printing -- Winter newsletter (1/4)

c. Memberships -- NATOA

d. Volunteer Supplies -- Meeting refreshments

|                               | Current<br>Month |    | Year to<br>Date | % Total<br>Budget | Y-T-D<br>Budget | Annual<br>Budget |
|-------------------------------|------------------|----|-----------------|-------------------|-----------------|------------------|
| <b>Maintenance</b>            |                  |    |                 |                   |                 |                  |
| Office Equipment              | 59.54            | e. | 233.94          | 0.19              | 300.00          | 1,200.00         |
| Network Equip. Maint.         | 0.00             |    | 0.00            | 0.00              | 500.00          | 2,000.00         |
| Building Janitorial           | 1,033.41         |    | 3,606.61        | 0.23              | 4,000.00        | 16,000.00        |
| <hr/>                         |                  |    |                 |                   |                 |                  |
| Total Maintenance             | 1,092.95         |    | 3,840.55        | 0.20              | 4,800.00        | 19,200.00        |
| <b>Travel</b>                 |                  |    |                 |                   |                 |                  |
| Conferences                   | 0.00             |    | 0.00            | 0.00              | 2,500.00        | 10,000.00        |
| Mileage & Meals               | 192.38           |    | 564.69          | 0.22              | 650.00          | 2,600.00         |
| <hr/>                         |                  |    |                 |                   |                 |                  |
| Total Travel                  | 192.38           |    | 564.69          | 0.04              | 3,150.00        | 12,600.00        |
| <b>Tuition &amp; Training</b> |                  |    |                 |                   |                 |                  |
| Tuition & Training            | 15.00            | f. | 165.00          | 0.22              | 188.00          | 750.00           |
| <b>Utilities</b>              |                  |    |                 |                   |                 |                  |
| Utilities                     | 444.03           |    | 1,403.43        | 0.17              | 2,126.00        | 8,500.00         |
| <b>Leases</b>                 |                  |    |                 |                   |                 |                  |
| Rent                          | 1,696.40         |    | 5,089.20        | 0.24              | 5,250.00        | 21,000.00        |
| Property Taxes                | 0.00             |    | 0.00            | 0.00              | 0.00            | 0.00             |
| Miscellaneous                 | 0.00             |    | 0.00            | 0.00              | 125.00          | 500.00           |
| Postage Meter                 | 154.20           |    | 154.20          | 0.21              | 187.50          | 750.00           |
| <hr/>                         |                  |    |                 |                   |                 |                  |
| Total Leases                  | 1,850.60         |    | 5,243.40        | 0.24              | 5,562.50        | 22,250.00        |

e. Office Equip. Maint. -- Copier repair

f. Tuition/Training -- Wellness program reimbursement

|                             | Current<br>Month | Year to<br>Date   | % Total<br>Budget | Y-T-D<br>Budget  | Annual<br>Budget  |
|-----------------------------|------------------|-------------------|-------------------|------------------|-------------------|
| <b>Contractual</b>          |                  |                   |                   |                  |                   |
| Audit                       | 4,000.00         | 4,000.00          | 0.71              | 1,400.00         | 5,600.00          |
| Insurance                   | 0.00             | 0.00              | 0.00              | 1,000.00         | 4,000.00          |
| Legal                       | 31,643.75        | 70,663.00         | 0.79              | 22,500.00        | 90,000.00         |
| Intrnet Connection          | 500.00           | 2,000.00          | 0.33              | 1,525.00         | 6,100.00          |
| NSCC SALES TAX              | 31.57            | 100.80            | 0.13              | 187.50           | 750.00            |
| Cable Services              | 1,005.00         | 3,015.00          | 0.23              | 3,315.00         | 13,260.00         |
| Miscellaneous               | 5,134.10         | g. 23,056.01      | 0.26              | 22,500.00        | 90,000.00         |
| <b>Total Contractual</b>    | <b>42,314.42</b> | <b>102,834.81</b> | <b>0.49</b>       | <b>52,427.50</b> | <b>209,710.00</b> |
| <b>Communications</b>       |                  |                   |                   |                  |                   |
| Postage                     | 0.00             | 154.97            | 0.15              | 251.00           | 1,000.00          |
| Telephone                   | 186.88           | 560.13            | 0.14              | 999.00           | 4,000.00          |
| Advertising & Promotion     | 0.00             | 0.00              | 0.00              | 400.00           | 1,600.00          |
| <b>Total Communications</b> | <b>186.88</b>    | <b>715.10</b>     | <b>0.11</b>       | <b>1,650.00</b>  | <b>6,600.00</b>   |
| <b>Grants</b>               |                  |                   |                   |                  |                   |
| Scholarships                | 0.00             | 0.00              | 0.00              | 24,676.00        | 98,703.00         |
| Internships                 | 0.00             | 0.00              | 0.00              | 0.00             | 0.00              |
| <b>Total Grants</b>         | <b>0.00</b>      | <b>0.00</b>       | <b>0.00</b>       | <b>24,676.00</b> | <b>98,703.00</b>  |
| <b>Recruiting</b>           |                  |                   |                   |                  |                   |
| Recruiting                  | 0.00             | 0.00              | 0.00              | 501.00           | 2,000.00          |
| <b>Total Operating</b>      | <b>47,933.02</b> | <b>122,833.83</b> | <b>0.31</b>       | <b>99,102.00</b> | <b>396,393.00</b> |

g. Misc. Contractual -- cbg communications, Inc.; Roseville IT services; building security.



|                         | Current<br>Month | Year to<br>Date | % Total<br>Budget | Y-T-D<br>Budget | Annual<br>Budget |
|-------------------------|------------------|-----------------|-------------------|-----------------|------------------|
| <b>Contingency</b>      |                  |                 |                   |                 |                  |
| Contingency             | 0.00             | 0.00            | 0.00              | 0.00            | 0.00             |
| <b>Capital Expenses</b> |                  |                 |                   |                 |                  |
| Capital Improvements    | 0.00             | 0.00            | 0.00              | 351.00          | 1,400.00         |
| Capital Video           | 0.00             | 0.00            | 0.00              | 0.00            | 0.00             |
| I-Net Equipment         | 376.00           | h. 376.00       | 0.04              | 2,501.00        | 10,000.00        |
| Office Equipment        | 0.00             | 0.00            | 0.00              | 750.00          | 3,000.00         |
| Total Capital           | 376.00           | 376.00          | 0.03              | 3,602.00        | 14,400.00        |
| Total Expenses          | 58,583.20        | 151,597.46      | 0.28              | 134,453.00      | 537,808.00       |

h. I-Net Equipment -- I-Net switch equipment

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**NSCC Item VII.B.**  
**April 26, 2012**

**to:** Commissioners

**from:** Cor Wilson, Executive Director

**subject:** Resolution 2012-03, Withdrawing the November Notice of Violation Issued by the NSCC and Rescinding Associated Resolutions

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We received the payment of \$41,568 required by the franchise fee audit settlement agreement and prepared the attached resolution withdrawing the Notice of Violation you issued on November 15, 2011, along with the various resolutions associated with the Notice of Violation.

**Action Requested:** Motion to adopt Resolution 2012-03, Withdrawing the November 15, 2011, Notice of Violation Issued by the North Suburban Communications Commission and Rescinding Associated Resolutions.

## **RESOLUTION NO. 2012-03**

### **WITHDRAWING THE NOVEMBER 15, 2011, NOTICE OF VIOLATION ISSUED BY THE NORTH SUBURBAN COMMUNICATIONS COMMISSION AND RESCINDING ASSOCIATED RESOLUTIONS**

**WHEREAS**, the North Suburban Communications Commission (hereinafter the “Commission”) is a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview, Minnesota (hereinafter, collectively the “Member Cities” or individually a “Member City”);

**WHEREAS**, a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59 has the statutory authority to “jointly or cooperatively exercise any power common to the contracting parties;” and

**WHEREAS**, the Member Cities have awarded franchises by ordinance to and entered into Franchise Agreements with Comcast of Minnesota, Inc. and its predecessors in interest (hereinafter, “Comcast”); and

**WHEREAS**, the definition of “the City” is defined in the Franchise Agreements to include, among other entities, the lawful designee of the Member Cities; and

**WHEREAS**, the Member Cities, by resolution, have affirmed the Commission’s authority under the Joint Powers Agreement to review Comcast’s performance under the Franchise Agreements and applicable laws, and to take all steps and actions necessary or desired to conduct such a review; and

**WHEREAS**, the Commission’s authority under the Joint Powers Agreement entered into by the Member Cities specifically includes the power to administer and enforce the Franchise Agreements, except for that authority and those tasks specifically retained by a Member City; and

**WHEREAS**, the Commission may enforce and administer the Franchise Agreements by conducting franchise fee reviews, as permitted by § 8.3.c of the Franchise Agreements, and by requesting books, records, documents and reports in conjunction with such reviews, as permitted by §§ 8.4 and 8.5.b of the Franchise Agreements and applicable laws and regulations; and

**WHEREAS**, the Commission, pursuant to Resolution No. 2011-02, has authorized Commission staff and/or their designee(s), to evaluate Comcast’s past performance, and to take all steps and actions necessary to review Comcast’s compliance with the Franchise Agreements and applicable laws, including (but not limited to) the issuance of notices of violation; and

**WHEREAS**, the Commission has retained Front Range Consulting, Inc. (“FRC”) to analyze Comcast’s franchise fee payments to the Member Cities for the periods from January 1, 2009, through December 31, 2010, and from January 1, 2011, through December 31, 2011, with respect to the allocation of revenues within bundled service packages (the “Review Period”), as part of the Commission’s ongoing past performance review proceeding under Section 626(a) of the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. § 546(a); and

**WHEREAS**, the Commission, through its Executive Director, issued a data request to Comcast on April 26, 2011 (“Data Request #1”), soliciting data, reports and records concerning Comcast’s franchise payments and calculations for the Review Period; and

**WHEREAS**, Data Request #1, Question #10, asked Comcast to provide “a detailed narrative explanation and numerical description of the methodology(ies) used by Comcast to assign/allocate tower rental revenues to the NSCC and its member cities;” and

**WHEREAS**, Data Request #1 established a deadline of May 10, 2011, for Comcast to respond fully and completely to Data Request #1; and

**WHEREAS**, on April 29, 2011, Comcast Cable Communications, LLC (“Comcast Cable”), a parent entity of Comcast, indicated that it did not have any questions concerning Data Request #1, and asked the Commission’s Executive Director to extend the May 10, 2011, deadline to May 25, 2011; and

**WHEREAS**, Comcast Cable, FRC, and the Commission’s Executive Director and attorney conducted a telephone conference on May 5, 2011, to discuss Data Request #1 and the franchise fee review; and

**WHEREAS**, by letter dated May 5, 2011, the Commission’s Executive Director extended the deadline for submitting all data, documents and reports specified in Data Request #1, other than CSG 318 reports, until 5 p.m. CDT on May 18, 2011; and

**WHEREAS**, the Executive Director’s May 5, 2011, letter extended the deadline for providing the requested CSG 318 reports until 5 p.m. CDT on May 24, 2011; and

**WHEREAS**, Comcast, FRC and Bradley & Guzzetta, LLC (“B&G”) executed a confidentiality agreement that became effective on May 10, 2011, which agreement addressed the provision of confidential information to FRC and B&G in connection with the Commission’s franchise fee review; and

**WHEREAS**, on May 18, 2011, Comcast Cable filed a written response to Data Request #1 with the Commission, FRC and B&G; and

**WHEREAS**, Comcast Cable's May 18, 2011, response was missing certain information specified in Data Request #1; and

**WHEREAS**, on June 29, 2011, the Commission notified Comcast Cable in writing of the information improperly omitted from its May 18, 2011, response, and asked Comcast Cable to provide such information and certain necessary clarifications no later than close-of-business on July 8, 2011 ("Data Request #2"); and

**WHEREAS**, on July 8, 2011, Comcast Cable filed a written response to Data Request #2 with the Commission, FRC and B&G; and

**WHEREAS**, FRC transmitted an e-mail to Comcast Cable on July 12, 2011, requesting certain clarifications to Comcast's ambiguous responses to Question #10 in Data Request #1; and

**WHEREAS**, on July 28, 2011, Comcast Cable provided FRC, B&G and the Commission with a written response to FRC's July 12, 2011, e-mail; and

**WHEREAS**, on July 29, 2011, FRC asked Comcast Cable via e-mail to verify and confirm certain statements and information in Comcast's July 28, 2011, written response; and

**WHEREAS**, on August 8, 2011, Comcast Cable provided FRC, B&G and the Commission with a written response to FRC's July 29, 2011, e-mail; and

**WHEREAS**, on August 12, 2011, the Commission's Executive Director informed Comcast and Comcast Cable, in writing, of the deficiencies in Comcast Cable's August 8, July 28 and July 8, 2011, responses, reiterated prior requests for certain information, solicited certifications from specified Comcast/Comcast Cable officers, and established a deadline of August 22, 2011, for a complete response; and

**WHEREAS**, on August 22, 2011, Comcast Cable filed a written response to the Commission's August 12, 2011, request for information with FRC, B&G and the Commission; and

**WHEREAS**, on August 29, 2011, the Commission's Executive Director again notified Comcast and Comcast Cable, in writing, of the deficiencies in Comcast Cable's prior responses, requested clarification of certain Comcast Cable statements, solicited additional information based on Comcast Cable's previous declarations and set a deadline of September 8, 2011, for a complete response (the "August 29 Request"); and

**WHEREAS**, on September 8, 2011, Comcast Cable submitted a written response to the Commission's August 29 Request to FRC, B&G and the Commission; and

**WHEREAS**, on September 12, 2011, the Commission, through its Executive Director, issued a data request to Comcast and Comcast Cable seeking certain

information regarding CSG 318 reports and Comcast's current and grandfathered promotional offerings, packages and plans ("Data Request #3"); and

**WHEREAS**, Data Request #3 established a deadline of September 22, 2011, for a complete response; and

**WHEREAS**, by letter dated September 21, 2011, Comcast and Comcast Cable asked to extend the deadline for responding to Data Request #3 until September 30, 2011; and

**WHEREAS**, on September 27, 2011, the Commission's Executive Director conditionally extended the deadline by which Comcast must respond to Data Request #3 until close-of-business on September 30, 2011; and

**WHEREAS**, on September 27, 2011, the Commission's Executive Director once again advised Comcast and Comcast Cable, in writing, of the inadequacies with regard to Comcast Cable's prior responses to Data Request #1, Data Request #2 and associated follow-up requests for information, requested a clarification of Comcast Cable's response to Question #4 in the August 29 Request, and established a deadline of September 30, 2011, for a complete response; and

**WHEREAS**, on September 29, 2011, Comcast Cable provided a written response to the Commission's September 27, 2011, request for information to FRC, B&G and the Commission; and

**WHEREAS**, Comcast's September 29, 2011, correspondence did not contain a complete and detailed response to Question #4 set forth in the August 29 Request or to certain prior information requests issued by the Commission and FRC; and

**WHEREAS**, on September 30, 2011, Comcast Cable furnished a written response to Data Request #3 that did not contain all the data requested by the Commission and FRC; and

**WHEREAS**, because Comcast Cable's September 30, 2011, response was deficient, the conditions of the Executive Director's September 27, 2011, conditional extension were not been satisfied, Comcast's September 21, 2011, extension request was deemed denied, and the original September 22, 2011, deadline for responding to Data Request #3 was effective; and

**WHEREAS**, Comcast did not meet the September 22, 2011, deadline for providing a full and complete response to Data Request #3; and

**WHEREAS**, on October 11, 2011, the Commission's attorney and Comcast Cable's counsel conducted a telephone conference during which Data Request #1, Data Request #2 and associated follow-up requests were explained and all missing information, data and documents were identified; and

**WHEREAS**, during the October 11, 2011, telephone conference, Comcast Cable's counsel agreed to submit a written explanation of all outstanding issues and information to B&G and FRC for approval and ultimate transmission to Comcast Cable's employees, who would then supply the Commission and FRC with all missing data, information and/or documents; and

**WHEREAS**, on October 24, 2011, Comcast Cable's attorney submitted a draft certification, dated October 11, 2011, to B&G and FRC for review and approval; and

**WHEREAS**, after reviewing the proposed certification, B&G and FRC concluded that it was not adequate, as written; and

**WHEREAS**, by letter dated October 27, 2011, the Commission's Executive Director informed Comcast and Comcast Cable of the deficiencies in Comcast Cable's written response to Data Request #3; and

**WHEREAS**, on November 3, 2011, the Commission adopted Resolution 2011-04 authorizing its Executive Director to issue a Notice of Violation to Comcast; and

**WHEREAS**, on November 10, 2011, Comcast Cable submitted additional information to FRC and B&G that was intended to be responsive to Data Request #3; and

**WHEREAS**, on November 14, 2011, the Commission's Executive Director informed Comcast and Comcast Cable, in writing, that its November 10, 2011, submission was not fully responsive to Data Request #3; and

**WHEREAS**, as a result of the Commission's determination that Comcast failed to furnish requested records, data and certifications, the Commission's Executive Director issued a Notice of Violation to Comcast on November 15, 2011, which afforded the company 30 days to effect a cure (the "Notice"); and

**WHEREAS**, on November 17, 2011, FRC and B&G participated in a video conference with officials from Comcast and Comcast Cable to discuss the Notice and the materials Comcast and Comcast Cable failed to provide; and

**WHEREAS**, on December 1, 2011, the Commission adopted Resolution 2011-05 authorizing the Commission's Executive Committee to take all steps necessary to draw on Comcast's letter of credit in the event Comcast remained in violation of the Member Cities' Franchises after the expiration of the cure period stated in the Notice; and

**WHEREAS**, Comcast denied it was in violation of the Member Cities' Franchises; and

**WHEREAS**, the Commission extended the applicable cure period on multiple occasions to give Comcast sufficient time to cure the remaining violations specified in the Notice or to enter into a settlement of all outstanding issues; and



**WHEREAS**, Comcast, Comcast Cable and the Commission, through B&G and FRC, entered into settlement discussions based on a settlement term sheet prepared by B&G and FRC; and

**WHEREAS**, in conjunction with the settlement discussions, FRC asserted that its final review report, when completed, would set forth certain underpaid franchise fee amounts for the Review Period; and

**WHEREAS**, the Commission incurred certain legal and consulting costs and expenses as a result of the franchise fee review and the franchise enforcement and settlement process; and

**WHEREAS**, the Commission, Comcast and Comcast Cable (the “Parties”) have resolved the remaining issues set forth in the Notice for the Review Period; and

**WHEREAS**, the Parties wish to document their resolution of the remaining issues in the Notice, to clarify certain terms of the current Franchises and to have such clarifications incorporated into the terms and conditions of any renewed cable service franchises awarded to Comcast so as to avoid future franchise fee review disputes and to expedite the Franchise renewal process; and

**WHEREAS**, Comcast and the Commission have agreed upon the terms and conditions of a settlement agreement, which agreement was included in the Commission’s March 1, 2012, meeting packet (the “Settlement Agreement”); and

**WHEREAS**, the Commission approved and executed the Settlement Agreement at its March 1, 2012, meeting; and

**WHEREAS**, Comcast and Comcast Cable have executed the Settlement Agreement and paid the amount specified in Section 1 therein; and

**WHEREAS**, Section 10 of the Settlement Agreement states that the Commission will pass a resolution withdrawing or rescinding the Notice, Resolution No. 2011-04, and Resolution No. 2011-05 after the Settlement Agreement has been executed by the Parties.

**NOW, THEREFORE**, the North Suburban Communications Commission hereby resolves as follows:

1. The Commission hereby withdraws the Notice and rescinds Resolution No. 2011-04 and Resolution No. 2011-05.
2. In the event Comcast and/or Comcast Cable does not comply with the Settlement Agreement, the Commission shall retain any and all substantive and procedural rights, remedies, defenses, arguments and causes of action it had as of the date hereof and the Notice, Resolution No. 2011-04 and Resolution No. 2011-05 shall retain their full force and effect as if they had never been withdrawn or rescinded.

3. The Commission's withdrawal of the Notice and rescission of Resolution Nos. 2011-04 and 2011-05 shall not constitute a waiver or release of any of the substantive and procedural rights, defenses or remedies of the Member Cities and the Commission under the Franchise Agreements and applicable law, except as explicitly provided in the Settlement Agreement.

4. The Commission and the Member Cities waive none of their substantive and procedural rights and remedies with respect to Comcast's compliance with the terms, conditions, requirements and obligations set forth in the Franchise Agreements and in applicable law, except as explicitly provided in the Settlement Agreement.

5. This Resolution shall be effective immediately upon its adoption.

This Resolution is passed, adopted and issued by the North Suburban Communications Commission this 3<sup>rd</sup> day of May, 2012.

**NORTH SUBURBAN  
COMMUNICATIONS COMMISSION**

By: \_\_\_\_\_  
Its Chair

Attest: \_\_\_\_\_  
Its Secretary

**NSCC Item VII.C.**  
**April 26, 2012**

**to:** Commissioners

**from:** Cor Wilson, Executive Director

**subject:** Scholarship Committee Report and Recommendations

---

The Scholarship Committee – Blake Huffman, Rick Montour and Barb Haake – met on April 25, 2012, and forward the attached recommendations for the scholarships. The total amount recommended to be awarded for scholarships is \$45,000, with the balance to be used for internships.

In addition, the committee would like to have a Commission work session to review the policies and criteria for awarding the scholarships.

Unfortunately, as of today, I am unable to tell you the amount of this year's Scholarship Grant. In 2010 and 2011, Comcast calculated the grant amount and sent the check in March. In previous years, I did the calculation – which is based on the percentage increase in “Standard Basic” rates, now the Digital Starter Package – and sent a request to Comcast for the check. I am unable to do that, however, because we have not yet received the 2012 rate card from the company. As a result, we do not have the 2012 rate for the Digital Starter Package. On Tuesday, April 24, I sent an e-mail to Emmett Coleman and Madeline Koch with Comcast's Government Affairs office in St. Paul requesting both the check and the 2012 rate card.

**Action Requested:** Motion to approve the recommendations of the Scholarship Committee to award \$45,000 in Scholarships, to reserve the balance for internships that will benefit the member cities, and to schedule a workshop to review the policies and criteria for awarding scholarships.

# Memo

April 25, 2012

TO: Cor Wilson, Executive Director

FROM: Patricia Doocy, Office & Human Resource Coordinator

RE: Scholarship Committee

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The Scholarship Committee met Wednesday, April 25. Members included Rick Montour, Blake Huffman and Barb Haake, serving as chair. Twenty applications were received. The committee agreed to award the following scholarships:

|                    |               |         |
|--------------------|---------------|---------|
| Lindsay Baker      | New Brighton  | \$3,000 |
| Ian Becker         | Roseville     | \$2,000 |
| Catherine Calistro | New Brighton  | \$2,000 |
| Sean Delahunt      | North Oaks    | \$3,000 |
| Anthony Gazich     | Arden Hills   | \$3,000 |
| Maranda Gorr-Diaz  | Little Canada | \$3,000 |
| Deanna Haffely     | Shoreview     | \$4,000 |
| Nicholas Hammes    | Mounds View   | \$4,000 |
| Conor Holt         | Roseville     | \$4,000 |
| Ryan Kroll         | Little Canada | \$4,000 |
| Samuel Louwagie    | Shoreview     | \$2,000 |
| Jacob Mans         | New Brighton  | \$4,000 |
| Abigail Smith      | Shoreview     | \$3,000 |
| Laura Talaska      | Roseville     | \$2,000 |
| Ian Thompson       | St. Anthony   | \$2,000 |

**Total Scholarships: \$45,000**

The committee awarded the remaining Scholarship Funds to be used toward intern scholarships to benefit the 10 cities.

**NSCC Item VII.D.**  
**April 27, 2012**

**to:** Commissioners

**from:** Cor Wilson, Executive Director

**subject:** Resolution No. 2012-4, Authorizing the Issuance of a Notice of Franchise Violation

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The NSAC Operating Grant is supposed to be sent by Comcast so that we receive it on (or around) the first day of the first month of the quarter. This month that would have been April 2. To date, we have not received that check. The result is that our checking account is low enough that we been holding payments waiting for that check to arrive. I contacted Madeline Koch at Comcast about the problem over a week ago and mentioned it again to Emmett Coleman on Tuesday in an e-mail regarding the check for the Scholarship Grant. I sent another e-mail to Mr. Coleman on Thursday, April 26, asking for a status report on the Operating Grant by close of business that day, and, when I did not receive a response to that e-mail or to calls to Mr. Coleman's and Ms. Koch's office and cell phones this morning, I sent another e-mail to them and to Steve Holmes, Comcast's government affairs director for the Western region and to Comcast legal counsel Jeff Jacobs. In this e-mail (see attached), I noted that the company is in violation of the franchise for failing to pay the Operating Grant.

I also noted that, as of the mail delivery on Friday, August 27, I have received only six of the ten franchise fee checks. The checks for Arden Hills, Mounds View, New Brighton and Roseville are missing. The franchise fees are to be paid within 30 days of the end of the quarter, so the first quarter 2012 franchise fees would be due by April 30.

Therefore, I instructed the NSCC legal counsel to prepare a resolution authorizing the issuance of a notice (or notices) of franchise violation should we not receive the Operating Grant and/or the other four franchise fee checks by close of business on April 30.

Mr. Coleman did finally call me late this afternoon to explain that the checks that used to be prepared in Denver are now being prepared in Philadelphia, and he indicated that the Operating Grant would be delivered by Federal Express either Monday or Tuesday, either of which is still out of compliance with the franchise. [I did suggest that the company wire the funds directly to our checking account, but, given that it was almost 5 p.m. in Philadelphia, he was not sure he could change the delivery.]

**Resolution 2012-04 – Notice of Franchise Violation**  
**April 27, 2012**  
**Page 2.**

As for the franchise fee checks, Mr. Coleman said that eight of the ten checks had been mailed at the same time, and the company could not explain why we did not receive them all at the same time. So, we may receive two more checks via the U.S. Post Office on Monday. The other two of the missing checks apparently had some mistakes and had to be re-issued. They will be sent via Federal Express, and the company anticipates that they will arrive either Monday or Tuesday. Again, any of those four checks that arrive on Tuesday will be late, and the company will be out of compliance with the franchise.

We will not prepare the final version of Resolution 2012-04 until Monday, since we need to wait to see what, if anything, we receive by close of business. Anticipate that we will send the resolution to you on Tuesday.

**NSCC Item VII.D.  
May 1, 2012**

**to:** Commissioners  
**from:** Cor Wilson, Executive Director  
**subject:** Resolution No. 2012-04, Authorizing the Issuance of a Notice of Franchise Violation

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As an update to my April 27, 2012, memorandum on this subject, the second quarter 2012 operating grant was delivered to our office on Saturday, April 28, 2012. Although, technically, the company was not in compliance with the franchises, the cure was the delivery of the check. So, that issue has been resolved.

The issue that has not been resolved is the delivery of the first quarter 2012 franchise fee checks for the cities of Arden Hills, Mounds View, New Brighton and Roseville. We still have not received those checks or their worksheets.

Accordingly, I have attached Resolution 2012-04, authorizing the Executive Director to issue a Notice of Cable Franchise Violation for failing to deliver the franchise fee checks for those cities within 30 days of the end of the quarter, as required by the cable franchises. I have also attached the e-mail correspondence regarding this issue.

Note: the second check for the City of St. Anthony is a re-issue of a second quarter 2011 check, which the city had requested.

**Action Requested:** Motion to approve Resolution No. 2012-04, Authorized the Issuance of a Notice of Violation by the Executive Director of the North Suburban Communications Commission.

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## RESOLUTION NO. 2012-04

### AUTHORIZING THE ISSUANCE OF A NOTICE OF VIOLATION BY THE EXECUTIVE DIRECTOR OF THE NORTH SUBURBAN COMMUNICATIONS COMMISSION

**WHEREAS**, the North Suburban Communications Commission (hereinafter the “Commission”) is a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Arden Hills, Falcon Heights, Lauderdale, Little Canada, Mounds View, New Brighton, North Oaks, Roseville, St. Anthony, and Shoreview, Minnesota (hereinafter, collectively the “Member Cities” or individually a “Member City”);

**WHEREAS**, a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59 has the statutory authority to “jointly or cooperatively exercise any power common to the contracting parties;” and

**WHEREAS**, the Member Cities have awarded franchises by ordinance to and entered into Franchise Agreements with Comcast of Minnesota, Inc. and its predecessors in interest (hereinafter, “Comcast”); and

**WHEREAS**, the definition of “the City” is defined in the Franchise Agreements to include, among other entities, the lawful designee of the Member Cities; and

**WHEREAS**, the Member Cities, by resolution, have affirmed the Commission’s authority under the Joint Powers Agreement to review Comcast’s performance under the Franchise Agreements and applicable laws, and to take all steps and actions necessary or desired to conduct such a review; and

**WHEREAS**, the Commission’s authority under the Joint Powers Agreement entered into by the Member Cities specifically includes the power to administer and enforce the Franchise Agreements, except for that authority and those tasks specifically retained by a Member City; and

**WHEREAS**, the Commission, pursuant to Resolution No. 2011-02, has authorized Commission staff and/or their designee(s), to evaluate Comcast’s past performance, and to take all steps and actions necessary to review Comcast’s compliance with the Franchise Agreements and applicable laws, including (but not limited to) the issuance of notices of violation; and

**WHEREAS**, Sections 8.3.a and 8.3.b of the Member Cities’ Franchise Agreements state that franchise fees are to be paid to the Member Cities quarterly, not later than thirty (30) days after the end of each Comcast fiscal (*i.e.*, calendar) quarter; and

**WHEREAS**, Section 8.3.b of the Member Cities’ Franchise Agreements specifies that all quarterly franchise fee payments shall be accompanied by reports showing the bases for the amounts remitted; and

**WHEREAS**, Comcast’s first 2012 quarterly franchise fee payments to the Member Cities, and associated worksheets, were due no later than Monday, April 30, 2012; and

**WHEREAS**, on April 26, 2012, Comcast submitted franchise fee worksheets for the Cities of Falcon Heights, Lauderdale, Little Canada, North Oaks, St. Anthony and Shoreview, Minnesota; and

**WHEREAS**, on April 27, 2012, Comcast submitted 2012 first quarter franchise fee checks for the Cities of Falcon Heights, Lauderdale, Little Canada, North Oaks, St. Anthony and Shoreview, Minnesota; and

**WHEREAS**, on April 27, 2012, the Commission's Executive Director notified various Comcast officials, via e-mail, that only six of the ten Member Cities had received their 2012 first quarter franchise fee checks and that Comcast would be in violation of the Franchise Agreements if all franchise fees payments were not received by the Member Cities on or before April 30, 2012; and

**WHEREAS**, on April 30, 2012, the Commission's Executive Director informed Comcast, via e-mail, that the 2012 first quarter franchise fee checks for Arden Hills, Mounds View, New Brighton and Shoreview still had not been received; and

**WHEREAS**, the first 2012 quarterly franchise fee payments, and associated worksheets, for Arden Hills, Mounds View, New Brighton and/or Roseville were not receive on or before April 30, 2012, as required by Sections 8.3.a and 8.3.b of the Franchise Agreements; and

**WHEREAS**, the authority exercised in this resolution by the Commission is not authority or a task specifically retained by a Member City.

**NOW, THEREFORE, THE NORTH SUBURBAN COMMUNICATIONS COMMISSION HEREBY RESOLVES AS FOLLOWS:**

1. Comcast has not complied with §§ 8.3.a and 8.3.b of the Franchise Agreements by failing to remit the first quarterly 2012 franchise fee payments, and the mandatory supporting reports, to Arden Hills, Mounds View, New Brighton and/or Roseville on or before April 30, 2012.
2. Comcast has further failed to comply with § 8.3.b of the St. Anthony Franchise Agreement by neglecting to submit on or before the April 30, 2012, deadline, the required report/franchise fee worksheet supporting the amount set forth on the second St. Anthony 2012 first quarter franchise fee check that was received on April 30, 2012.
3. The Commission authorizes its Executive Committee and staff (and/or their delegatee(s)) to take all steps and actions necessary and appropriate to draft and transmit a notice of violation to Comcast addressing the Franchise Agreement violations described in this Resolution.
4. This Resolution shall be effective immediately upon its adoption by the Commission.

This resolution is passed, adopted and issued by the Commission this 3<sup>rd</sup> day of May, 2012.

**NORTH SUBURBAN COMMUNICATIONS  
COMMISSION**

By: \_\_\_\_\_  
Its Chair

Attest: \_\_\_\_\_

**From:** [Coleman, Emmett](#)  
**To:** ["Cor Wilson"](#)  
**Cc:** [Jacobs, Jeffrey](#); [Holmes, Steven \(Lynnwood\)](#); ["Steve Guzzetta"](#)  
**Subject:** RE: Franchise Fee Checks  
**Date:** Monday, April 30, 2012 5:47:15 PM

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Cor –

Thanks for the update.

With regard to the two separate St. Anthony checks, I would ask that you do a quick confirmation with the City of St. Anthony. A week or so ago you contacted us about a check that for the City of St. Anthony that appeared to not have been deposited and we confirmed that it had not ever been cashed. As a result, I believe a new check was issued and that check would be the new one that you just received today based upon the amounts.

With regard to the other checks, all of them were mailed in sufficient time to arrive in advance of the 30 days from the end of the quarter. I would ask that you confirm whether any of them may have arrived since your earlier email as at least two of the checks were being sent through UPS. I cannot specifically address why some checks made it and others mailed at the same time have still not shown up. I would respectfully ask that you give them some additional time as they have all been processed and should be there. If they have not arrived by tomorrow or Wednesday, then we can consider reissuing and overnighting checks to you if you are so inclined. I really don't think that will be necessary, however.

Finally, I would like to look at whether there may be a way to have payments direct deposited. That would save time – and eliminate the opportunity for such checks to get delayed in their delivery. Is that something that the Commission and individual Cities would be amenable to doing?

Thanks,  
Emmett

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*Emmett V. Coleman*  
Vice President, Government Affairs  
Comcast - Twin Cities Region  
W: (651) 493-5774  
C: (651) 270-1745

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**From:** Cor Wilson [mailto:[cwilson@ctv15.org](mailto:cwilson@ctv15.org)]  
**Sent:** Monday, April 30, 2012 12:15 PM  
**To:** Coleman, Emmett  
**Cc:** Jacobs, Jeffrey; Holmes, Steven (Lynnwood); Steve Guzzetta  
**Subject:** Franchise Fee Checks  
**Importance:** High

With today's mail, we received a duplicate franchise fee check for the City of St. Anthony. The amount is slightly higher than the worksheet we received on 4/26 and the first check we received

on 4/27.

Here is a summary of what we have received so far:

On 4/26, we received franchise fee worksheets for the cities of Falcon Heights, Lauderdale, Little Canada, North Oaks, St. Anthony, and Shoreview. Worksheets missing: Arden Hills, Mounds View, New Brighton, and Roseville.

On 4/27, we received franchise fee checks for the cities of Falcon Heights, Lauderdale, Little Canada, North Oaks, St. Anthony, and Shoreview. Check missing: Arden Hills, Mounds View, New Brighton and Roseville.

On 4/30, we received another check for St. Anthony, but no accompanying worksheet. The amount of the check received on 4/27 is \$24,431.09. The amount of the check received today is \$24,924.93.

We are still missing the new (corrected?) worksheet for St. Anthony and the worksheets and checks for the cities of Arden Hills, Mounds View, New Brighton and Roseville. The franchise fee payments are due 30 days after the end of the quarter. Therefore, any checks received after close of business today will result in the company being out of compliance with the cable franchises of those cities.

.coralie wilson.

**Coralie A. Wilson**

Executive Director

NSCC/NSAC (CTV North Suburbs)

2670 Arthur Street

Roseville, MN 55113

651-792-7500

[www.ctvnorthsuburbs.org](http://www.ctvnorthsuburbs.org)

**From:** [Cor Wilson](#)  
**To:** [Emmett\\_Coleman@cable.comcast.com](mailto:Emmett_Coleman@cable.comcast.com)  
**Cc:** [Steve Guzzetta \(guzzetta@bradleyguzzetta.com\)](mailto:Steve_Guzzetta@bradleyguzzetta.com); [Holmes, Steven \(Lynnwood\)](#) ([Steven\\_Holmes@cable.comcast.com](mailto:Steven_Holmes@cable.comcast.com)); "[jeffrey\\_Jacobs@cable.comcast.com](mailto:jeffrey_Jacobs@cable.comcast.com)"; "[Madeline\\_Koch@cable.comcast.com](mailto:Madeline_Koch@cable.comcast.com)"  
**Bcc:** [Blake Huffman](#); [Steve Beilke](#); [Steve Beilke \(sjbeilke@mmm.com\)](mailto:Sjbeilke@mmm.com); [Gina Bauman](#); [vkosky@ctv15.org](mailto:vkosky@ctv15.org)  
**Subject:** URGENT RE: Second Quarter Operating Grant  
**Date:** Friday, April 27, 2012 1:35:19 PM  
**Importance:** High

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Emmett --

With no indication from you or Madeline that you have read the e-mail below that I sent yesterday and with no response to the voice mail messages I left on your and Madeline's office and cell phones this morning, I have instructed our legal counsel, Steve Guzzetta, to prepare a Notice of Non-Compliance for failing to pay our second quarter operating grant by the beginning of the second quarter.

In addition, FYI, with today's mail, I have so far received franchise fee checks for six of our ten cities. If I do not receive the remaining four by close of business on Monday, Comcast will also be out of compliance for failing to pay the quarterly franchise fees for those cities within 30 days of the end of the quarter. (Section 8, paragraph 3.b.) The missing franchise fee checks are for the cities of Arden Hills, Mounds View, New Brighton and Roseville.

Again, please contact me AS SOON AS POSSIBLE to let me know when and how Comcast plans to pay the second quarter operating grant.

.coralie wilson.

**Coralie A. Wilson**

Executive Director

NSCC/NSAC (CTV North Suburbs)

2670 Arthur Street

Roseville, MN 55113

651-792-7500

[www.ctvnorthsuburbs.org](http://www.ctvnorthsuburbs.org)

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**From:** Cor Wilson [mailto:[cwilson@ctv15.org](mailto:cwilson@ctv15.org)]  
**Sent:** Thursday, April 26, 2012 12:33 PM  
**To:** [Emmett\\_Coleman@cable.comcast.com](mailto:Emmett_Coleman@cable.comcast.com); "[Madeline\\_Koch@cable.comcast.com](mailto:Madeline_Koch@cable.comcast.com)"  
**Cc:** [Steve Guzzetta \(guzzetta@bradleyguzzetta.com\)](mailto:Steve_Guzzetta@bradleyguzzetta.com)  
**Subject:** Second Quarter Operating Grant  
**Importance:** High

Emmett and Madeline –

Following up on the status of our Second Quarter 2012 Operating Grant.

In 2011, we deposited the checks on 1/24\*, 4/6, 7/7 and 10/10, indicating that the checks were, in most cases, received within the first week of the first month of the quarter. (\*As I recall, this check was actually received in December, and we made a journal entry so that it would be reflected in the 2011 receipts.) We deposited the first quarter 2012 check on 1/11.

As a result of the delay in the second quarter 2012 payment, our checking account is running low. Please be aware that, if we have to transfer funds from our reserve accounts to cover our expenses, we will -- at the very least -- assess lost interest to Comcast.

Please let me know as soon as possible, but no later than close of business today, when we should expect to receive the check for the second quarter 2012 operating grant.

Thank you –

.coralie wilson.

**Coralie A. Wilson**

Executive Director

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