

## Telecommunications Commission

### Minutes

December 1, 2011

#### 1. Call to order.

The meeting was called to order at 7:15 p.m. by Vice Chairman John Johnson.

#### 2. Roll Call

The following members were present: John Johnson, Jim Minor, Danielle Davis, and Bob Thomas. Cathy Vollbrecht and Jason Hill represented County Administration. Marie Schuler represented Comcast; Susan Rodgers and Brandon Thalman represented Cox.

#### 3. Presentations by the Public

Sufir Galate, of 50 Grove Lane, Fred., VA 22406, in the Walden Grove subdivision (off of Route 17) asked if he needs his own permit to set up a wireless system in his neighborhood.

Ms. Davis asked how many homes were in the neighborhood and if there was an HOA.

Mr. Galate asked if was legal for him to set up the wireless system.

Ms. Davis asked he was going to set up a wireless for high speed internet only. She said that that falls out of the purview of the Telecommunications Commission because they deal with franchise agreements. She asked if Ms. Vollbrecht could ask the County attorney what he needs to do.

Mr. Galate said his service will cover 14 people only. He said anyone is welcome to pick up the signal.

Mr. Gregory asked if he would provide an extension via wi-fi that users could obtain via a third-party.

Mr. Galate said yes, only four neighbors indicated an interest, but the rest will join them.

Mr. Gregory asked if he was trying to get Internet service or tv service. He said that he thought there were no restrictions to doing that until he started to see the service to his neighbors.

Ms. Davis said she needed the legal opinion of the County attorney.

Mr. Gregory said the FCC had some restrictions as well. He said he would also need to find out what the cost would be.

Mr. Galate said that he wasn't sure if he would sell the service. He said he needed to find out how much it would cost. If it was more than \$1 million, he said he would need someone to contribute. If the service cost less than \$1 million, he could afford it.

Ms. Davis asked Marie Schuler if she could look into providing service. She said as members of the TCC, the members could not give him permission to provide the service.

Mr. Gregory said it was incumbent upon the Commission make the service available.

#### **4. Approval of October 2011 Minutes**

Ms. Davis moved to approve the minutes with changes.

Mr. Gregory seconded.

#### **5. Members Concerns**

Ms. Davis said she had sent out a template for a survey asking residents about their need for service. She said she sent it to Col. Brian Kellner and Mr. Bill Hoyt. She said that she has contacted Verizon, and that Mr. Hillstrom has called her, but they have not been able to speak yet.

Mr. Thomas inquired about Poplar Estates and asked Comcast if they could get a mile of cable laid from wherever it was supposed to be from the front, if density would be closer.

Ms. Schuler said they would consider it, but would need to sit down with an entity that was paying to further discuss details. She stated that she drove through Poplar Hills that day, and that there were about six additional homes in some stage of construction. She said they were spread out and the homes all sit extremely far back. She said that even if Comcast could modify the model and come in and build the infrastructure, she would assume that the residents would have to pay to have that infrastructure extended from their road to their house, but that it is an option.

Mr. Johnson asked about No. 15 on the matrix, Shawn Hawk, and if it was resolved. He asked Marie to check and see if there are any issues that need to be resolved. She said she would check.

Ms. Vollbrecht said she would check with Verizon.

Mr. Gregory asked how do issues on the matrix come off.

Mr. Thomas said it was up to the district rep.

Mr. Minor asked if the Potomac Hill residents had received service. He said that he had not received an official notice that they have received service from Comcast.

Mr. Thomas asked Mr. Minor to call a rep from the neighborhood.

Mr. Gregory said he looked at No. 56 on the matrix. He suggested that complaints be removed from the matrix when they're completed, or when they reach a certain age, if the Commission has not heard more from their originator.

Mr. Johnson said the non-active complaints could be "hidden." He said that all the members were asked to find every complaint that they had so they could make it a matter of record.

Mr. Thomas asked if No. 13 was resolved and to send the Commission an email as soon as it was, notifying members it was being removed from the matrix.

Ms. Davis stated that she would call Mr. Dorazio.

Mr. Thomas said that Mr. Fiene was resolved, but to include his information on the matrix.

Ms. Davis said that if the Board of Supervisors had appointed the commission members to do these jobs, and they don't talk to the representatives, but they choose to go to the community police, what is the point of having this commission?

Mr. Gregory stated that the commission uses a lot of time up going over old stuff. He said that the commission should address current new issues and put some kind of disposition on it.

## 6. New business

**Template** –Ms. Davis said she sent it out that afternoon. The template for a survey includes name, address, series of questions.

**AT&T and T-Mobile merger** - Ms. Davis said she would give a nay vote on this. She stated that the Commission no longer needed to take action.

**Cable ordinance update** - Ms. Davis said the ordinance update looked good except for Section 7.11. She wants to strike out antennas. She said she would still like to see the original 7.11 section be included in the ordinance. She said that cable consultant Brian Grogan did an outstanding job on the update and that she did not have any issues.

Mr. Gregory said he would concur with Ms. Davis. He said he wondered if the County needed this ordinance in the first place. He said he's inclined to say that the Board of Supervisors would want one.

Mr. Thomas stated that the County has one; the commission was trying to update it.

Ms. Davis said that while the ordinance does not provide police authority, it really "cements" some things. She said that if providers don't do what they're supposed to do, the County ordinance could assist.

Mr. Gregory stated that there were some overzealous folks in code compliance. He said that the paragraph should be included so it can be pointed to on a local level.

Ms. Davis requested that staff bring the ordinance to the commission before it goes to the Board of Supervisors, after the County Attorney reviews it.

Mr. Gregory discussed the tower on Shelton Shop Road. He said that in 2009, in the spring and summer, the county signed an agreement with people who owned the tower to pay the tower company \$1375/year with annual escalation of 15 percent for our use of the tower by the Sheriff's Office. The original contract provides in it that the county can have space on that tower, and the tower owner shall pay the tower owner.

His concern was that the County did not have expertise when this original tower came up. He said that there was not a commission that the Board of Supervisors could go to. He said that the County is paying the tower company to use the tower that is on the County property. He said his biggest concern, was that not only is the County losing potential revenue on the tower, but they are charging the County to use the tower. He said he it was alarming.

He said that the original document was for 30 years. He said that the new lease discusses 4 or 5 lease periods that can be renewed. The original document says the County has first refusal. He said that there is potential revenue source on Shelton Shop Road, and that the Commission has a responsibility to the Board of Supervisors to tell them about it.

Ms. Davis asked if the Commission could see the Fairfax county contract with Milestone.

Mr. Gregory stated that the Commission should not be entertaining issues from the public. He said that there is nothing the Commission could do and that they should move on.

Ms. Davis stated that the Commission is a citizen's commission and when George Schwartz changed it to a Telecommunications Commission, it became a citizens advisory commission. She stated that the Commission was there to help. She said that the Commission has good relationship with the Board of Supervisors and that they've been able to help a lot of people.

Mr. Gregory asked if the Commission was a citizens advisory group, or was its purpose to advise the Board of Supervisors? He said that most of the Commission's business seems to revolve around citizens on issues that the Commission had no authority over.

Mr. Thomas said it was similar to when someone calls about a pothole. He stated that the Commission facilitates, refers issues to a provider, and they answer a lot of questions that they don't have to.

Ms. Davis said the Commission had developed a good relationship with the cable providers. She stated that there was mutual respect.

Mr. Thomas said he would suggest the Commission look at their charter, and if there were suggestions, to take them up to the Board of Supervisors.

Mr. Gregory stated that he didn't have any members of the public approach him.

## **7. Adjournment**

Mr. Johnson moved to adjourn.

Mr. Gregory seconded.

The meeting was adjourned at 8:20 p.m.