

## **Telecommunications Commission Meeting**

**Thursday, March 22, 2012**

### **Minutes**

#### **1. Call to Order**

The meeting was called to order at 7:20 p.m.

#### **2. Roll Call**

The following members were present: John Lozano, Tom Gregory, John Johnson, William Surette, and Russ Moulton. Staff members present were Cathy Vollbrecht, Bethany Miller and Jason Hill. Susan Rodgers representing Cox; Marie Schuler representing Comcast; and Rich Hillstrom representing Verizon were also present.

#### **3. Presentations By The Public**

- Miguel Marcano, Stafford, VA
- He stated that he had tried satellite, has mi-fi, but the service is spotty. He's been told by Comcast that the density in his area is not enough for them to provide service, but he says that he's surrounded by developments with service. He said he cannot get a response about whether he can get service.
- Mr. Gregory asked what neighborhood he lived in.
- Mr. Marcano stated that he lives on the corner of Courthouse and Shelton Shop road and that there's a big Verizon outpost by the corner of McDonalds.
- Mr. Moulton asked if he had gone to Verizon's website and entered information
- Mr. Marcano said he doesn't like websites and that he called Verizon.
- Mr. Surette asked if he had gone to the County website and entered the info on the citizen tracker.
- Mr. Marcano said no.
- Mr. Moulton said that the county is channeling all inquiries to the website and streamlining it through staff .
- Mr. Lozano said he should go to the website and asked if he knew who the providers were in the immediate area for telephone and TV.
- Mr. Marcano said Comcast and Verizon. Telephone service is provided through Verizon.
- Mr. Lozano stated that the franchise agreements are focused on cable. He also said that he could get internet service through a telephone provider or a cable provider. Providers will try to give service to him if its within a reasonable business model . He asked if Mr. Marcano had received resistance from the TCC in the past?
- Mr. Marcano said no, that this was his first visit to the TCC.
- Mr. Gregory said he would ask Comcast to look into this situation. He said that he doesn't think that Mr. Marcano meets the density, but everyone around him did.

#### **4. Approval of minutes from previous Commission meeting**

- Mr. Moulton moved to adopt the minutes. Mr. Gregory seconded. The minutes were adopted without any changes.

#### **5. Agenda additions/adjustments**

- There were no new agenda items.

#### **6. Old Business**

##### **➤ Review status of CI process.**

- Mr. Lozano stated that he wanted to arrange a meeting with IT staff Jason Hill to discuss current technology it is using so that when the commission had questions, they knew what they were starting with.
- Mr. Moulton said that at the TCC's last meeting, he presented the complaint inquiry process with flowcharts about how the process worked. He said that he didn't receive any more input since he presented them last meeting. He did receive helpful feedback on the infrastructure business plan proposal template. He said that Marie Schuler and Rob Omberg from Comcast offered some input, and they were skittish about putting fee numbers because they were concerned that the public would think those were advertised rates or rates providers would be held to.
- He said that leaving some sort of estimate in there for what they think the return for provider would be is important. He also said that it would be very helpful to have county staff give the TCC some idea of future developments in the vicinity so providers could see what was coming and whether it was worth investing in. He said that Mr. Omberg stated that having HOAs willing to contract with the provider is a big plus.
- He (Mr. Omberg) said that having developers wiring the subdivisions would be a helpful thing. He said that that is a significant part of a capital expense. Under paragraph g of the complaint inquiry process, developers should be encouraged to work with the providers to negotiate that up front before they build a subdivision. He said that it was typical that a provider wouldn't require the developer to pay for all of it, but if the provider could lay all the cables down and that would be a big help. Mr. Moulton said he discussed this with Mr. Snellings and that if it was within our planning process, that the commission could make it one of the checklist items that County staff could ask (have you talked with the franchise provider?)
- Mr. Gregory asked if it would also be appropriate for the Board of Supervisors to change the County's proffer structure, and if this would encourage a builder or developer to put money forth to cover th cable infrastructure. He said that maybe the TCC could come up with a plan to suggest to the Board, that instead of giving up all the proffers, ask a developer what proffers they would be willing to provide in their development for communications infrastructure.

- Mr. Lozano said that the proffer process was intended to be an alternative to tax incentives when there was a business opportunity coming to an area.
- The subcommittee of Mr. Moulton, Mr. Surette, Mr. Minor and Mr. Lozano reported.
- Mr. Moulton proposed that the TCC asked the Planning Commission if they could add a communications infrastructure as one of the things that they consider when approving a new development.
- Mr. Lozano said that the TCC should pursue its intent to get the TCC in the chain. He said that he talked to the chairman of the Board and was told that if a development affects telecommunications, then the TCC would be included in the process.
- Mr. Moulton asked if the TCC should consider his proposal as a motion.
- Mr. Lozano said that the subcommittee owes the TCC an answer when the TCC made the motion at its March meeting of the complaint inquiry process. He asked if the TCC would do this by its May meeting.
- Mr. Moulton said that the infrastructure proposal and the complaint inquiry process would handle both residents and businesses. He said that his specific proposal would ask the Planning and Zoning Department and the Planning Commission to consider revising their applications for zoning to include communications infrastructure considerations at the same level that they do electricity, water and sewer.
- Mr. Lozano stated that the TCC is going to approach business opportunities for service to be provided as part of the complaint process. When it comes to county actions, he said the TCC would ask the PC and Planning Department to include them in the process. He asked Mr. Moulton if he wanted the TCC to be treated as a regular utility?
- Mr. Moulton said he was not asking for the TCC to have a role. He said he's asking that they consider communications infrastructure at the same level of water and sewer.
- Mr. Lozano said that anything that falls under the purview of TCC should be considered by the TCC.
- Mr. Gregory asked that when an entity comes in and asks for new zoning on a place, what are some of the questions they ask.
- Mr. Moulton stated that he wants to ask what infrastructure is there for telecommunications.
- After further discussion, Mr. Moulton then stated he would withdraw his motion.
- Mr. Lozano said that telecommunications is not the same as communications. He said that he was concerned with the language of the motion.
- Mr. Moulton asked that Section G (number of subdivisions) be added to the complaint inquiry process. He then moved that the TCC adopt the complaint inquiry process with the addition of section g.
- Mr. Gregory seconded this.
- Mr. Moulton clarified that g would address the number of subdivisions wired to entrance of subdivision. He said that this is the wording to add. He then explained the process : a visitor would go to the county website, and fill out information on the database. If they are not served by a provider, then they would fill out the template provided by the TCC (complaint inquiry template) to help them prepare a business model for service.
- Mr. Gregory said they would do this only after they were told by a provider that service is not available.

- Mr. Lozano asked Jason Hill if he had comments.
- Mr. Jill replied that the database is following a database for complaint tracking for the Board of Supervisors. He said that the IT staff should be able to make it work, but that his supervisor needs to know what the TCC wants to track and how they want to track it. He said the IT staff wanted the TCC input.
- Mr. Moulton said that Supervisor Gary Snellings had 3 subdivisions in Hartwood that say they're outside the franchise agreement. He said he provided this information to staff Shannon Howell.
- Mr. Lozano asked Mr. Moulton if he had received any comments from TCC commissioners?
- Mr. Moulton said that Mr. Gregory and he talked about the disclaimer statement and business template.
- Mr. Gregory stated that he was in agreement with the business template.
- Mr. Lozano asked if there were any other documents that showed a timeline for the flowchart. He said that he understand the flow of activities from complaint to flow of response, but that he doesn't think he's seen any recommended any timeline for flowchart.
- Mr. Moulton said that his recommendation was that that the TCC see how it works.
- Mr. Lozano said that he thought the TCC moved in the February meeting that the TCC accept the complaint inquiry process and the flowcharts. He said that he thought the TCC moved that they accept these documents last month. He said that the TCC made a motion to accept these as a process has been done.
- Mr. Moulton withdrew his second motion.
- Mr. Lozano said he wants to meet with Mr. Hill to see IT can support. He said he had not given Mr. Moulton the changes that he wanted to give them. He asked if the TCC needed to make a motion to do that. He said he believed that the same process works for business partners.
- Mr. Moulton said from a business perspective, the complaint inquiry process includes name/organization/business. He said that everything would apply to businesses as well. He said that he didn't see any reason why the form online can't be filled out by a business as well. Mr. Moulton said that he wanted to give County staff and web designers the documents to place on the County website.
- Mr. Gregory said he was afraid that the TCC will get into a situation where nothing gets done on a complaint, but with the new process, when someone fills out the complaint process, it goes through the flow.
- Mr. Lozano said that he would like to move that the TCC table the discussion. He asked Mr. Moulton if he was satisfied that the TCC would use the new process and that by May, the TCC would expect an answer from the subcommittee that the process was as perfect as we need to be so it becomes lower priority for us.
- Mr. Moulton asked if staff could do their work and get this online.
- Mr. Lozano asked if the TCC could meet with Mr. Hill to get more detailed info as a subcommittee and bring that information to the TCC at the next meeting.
- Mr. Surette asked if there was a step-by-step process was more user friendly for users and if it would help manage their expectations.

- Mr. Moulton said there was a step-by-step document that goes with the powerpoint presentations. He stated that it was not printed out for the TCC meeting.
- Mr. Lozano said that it was part of the subcommittee activities, that members formalize information that the TCC hand to residents.
- Mr. Johnson asked were the step-by-step information was.
- Mr. Moulton said he emailed it to everyone.
- Mr. Lozano said that it would be a timely response to residents' complaints.
- Mr. Gregory said that if someone visited the website, the process would try to give them an answer within a certain timeframe. He said that he didn't want complaints to linger from month to month.
- Mr. Moulton said that one of the steps was going to be a summary of the backlog.
- Mr. Lozano said the subcommittee should review the specific steps.
- Mr. Johnson said that one other option was that once the complaint was received, the clock starts ticking and keeps track of how old an inquiry is.
- Mr. Lozano said there were three things...the TCC needed to identify actionable events. What can be supported through the database changes to give notification. He said the subcommittee would come back to the full TCC with recommended times for deadlines. He said that the subcommittee would do this work. He also said that the subcommittee would find available times to meet with Mr. Hill.
- Shelton Shop Tower
- Mr. Gregory said that before the TCC's February meeting, he had compiled at the request of Supervisor Sterling, and sent this to him via email. He said he didn't share it with the TCC committee. He said that after he received it, he forwarded it to the county attorney and asked county attorney to look into it and get back to me. He said it's been 30 – 40 days. He said he hasn't received any response from Mr. Sterling about having received anything back. He said he hasn't received anything from county staff on this. He said this better illustrates that there is not a mechanism within the county to track information. He said that when someone comes in and wants to use a piece of County property for telecomm use, the TCC should be on the checklist. He said that the County may have lost over \$1 million in revenue.
- He said that he thinks the commission should look into this. He said he spoke to Mr. Johnson about this. He said that the TCC should keep focused on making sure the county doesn't get dumped on.
- Mr. Surrette asked if there was a commission that has oversight over this.
- Mr. Gregory said that when the cable television advisory committee changed to the TCC, they were supposed to advise the Board of Supervisors. He said that the TCC has much broader responsibility than just cable television.
- Mr. Surrette asked if the discussion was leading to something more concrete.
- Mr. Gregory said he wanted a motion or action from TCC to the Board of Supervisors that would make the TCC part of the approval process. He said that when someone comes to the county and wants to use county property, the TCC is on the checklist for approvals, like the Planning Commission. He said that when a provider comes in, the TCC should act on that.
- Mr. Moulton said that the TCC is not trying to overstep the Planning Commission, but that it wants to be in the chain.

- Mr. Lozano said that the TCC was having the same conversation that he had with Ms. Stimpson. He said that this year, the TCC had seen many examples of how both the definition of things of interest to the TCC are not well represented in the franchise agreements. He said he asked members to review the franchise agreements. He said that he would like to insert the TCC into the process and be referred to for comments. He said that all items under the purview of the TCC, as a franchise agreement are reviewed and left or amended whether it's cell, telephone or cable tv, anything occurring within county offices and business, that it comes through the TCC for review and comment between TCC meetings. He said that the TCC's intent is not to slow down anyone's process for approval.
- He made a motion that the TCC pursue this – being injected into the processes within the county.
- Mr. Moulton said that he agreed with the motion. He said that the TCC needed to have someone go through and look at each of these documents.
- Mr. Gregory said that instead of trying to come up with some huge motion or action by this commission, that it be broken up into small pieces. He said that the TCC is only talking about entities using county facilities. This is a Board of Supervisor area; he said he believed that the PC is looking for input. He said that any matters where county property would be utilized for telecomm purposes, the TCC should handle it the same way that someone comes in and goes through parks and rec. He said that he doesn't want to ask the PC because they have enough on their plate. The mechanism they use, the TCC should use so they won't reinvent the wheel.
- Mr. Lozano said the only motion is for consideration and informing of the TCC is mandated for all County business. He wants to know how the TCC can inject themselves into all of the processes. The actionable events that come from a motion to mandate TCC involvement; he wants to know how the TCC can get into the stream of business.
- Mr. Moulton said that this only applies to county property.
- Mr. Lozano said that some processes would have to be automated. He said that the TCC is not saying that anyone has to stop the way they're doing business; they just have to inform the TCC. Including where things are happening, what that process looks like. He said that the mandate is that anyone in the county doing business just needs to inform us.
- Mr. Lozano moved that the TCC pursue a mandated involvement of the TCC in all county businesses by decision of the Board of Supervisors.
- Mr. Surrette said he understands the motion and support the intent, but that he would defer to Bethany Miller in Economic Development for outreach and building that network of support. He said that she's already made those connections. He said that the TCC should not force a motion. He said the TCC needed to build bridges. He said that he agreed with the intent, but that the TCC was not ready.
- Bethany Miller said that part of the reason regarding businesses was to connect the provider to the business community. She said the Board's Community and Economic Development Committee had approved staff moving forward with meeting individually with providers so that staff could learn where their networks are and shift the paradigm so that telecomm was no longer an afterthought, but that the county was viewing accessibility like they would view it for other utilities.

- Mr. Johnson said he supported the motion. He said he agreed with pursuing it. He said that it was part of Ms. Miller's job with the Economic Development Department. He said that he wasn't sure it would take a resolution from the Board of Supervisors or a staff meeting between the county and his department heads to create a routing slip any time there's something that could involve the TCC.
- Mr. Gregory said that he understood that the TCC needed to pursue this, but he was afraid of the word, "mandate." He said he would support it 100 percent if the word mandate could be taken out. He said the TCC should talk to the county administrator to discuss the best approach.
- Mr. Lozano asked how the TCC could pursue that they be informed. He said that the TCC wants to empower the county administrator to say that no one would do business with the county without the TCC. He said this would give the TCC visibility on everything that happens.
- Mr. Surette said he was not clear that this would add any alternative.
- Mr. Lozano said the TCC doesn't know about everything that's happening in the county.
- Mr. Surette said the TCC's intent is to explore with other commissions and with advice from the supervisors to find areas with county processes that the TCC needs to become informed on how the TCC can be involved.
- Mr. Lozano said the TCC has a manpower and availability problem.
- Mr. Gregory said the Board of Supervisors would have to make this decision.
- Mr. Moulton proposed an alternate wording to the motion that might be better received. He moved that the TCC consider county process so that the TCC.....
- Mr. Lozano asked who would discover those processes. He stated that the TCC doesn't need a motion for that.
- Mr. Gregory said that Mr. Lozano made a motion, but that he didn't have a second.
- Mr. Lozano said that there was not a motion on the floor. He said he would work on this offline and bring it back next month to the TCC (the wording will be the same).
- Mr. Gregory said that he was still waiting for an answer on the tower status. He made a motion that all minutes will contain a clear motion, and a second. He said that he could not determine from last month's minutes what the motions were. He said there were four pages with very ambiguous as to what was proposed, what was voted on. He said the TCC needed to start keeping these minutes according to Robert's Rules of Order.
- Mr. Moulton seconded the motion.
- The motion passed 4 to 2.

## **7. New Business**

### **➤ Franchise Agreements**

- Mr. Lozano asked the commissioners to review the franchise agreements and bring any issues to the next meeting for consideration that the TCC would amend the franchise agreements.
- Mr. Gregory asked if Mr. Lozano was asking for that input from the TCC at that evening

- Mr. Moulton said he reviewed a franchise from a year ago. He stated that the franchises are now searchable online.
- Mr. Lozano stated that the TCC feels that there's a mismatch between current technologies and franchise agreements.
- Discussion ensued with no decision.

#### **8. Discussion Items**

- Mr. Lozano then asked if there were changes to the complaint matrix.
- Ms. Vollbrecht said that there were no changes to the spreadsheet.
- Mr. Moulton said he sent Ms. Schuler changes. He asked if she had any comments following up from Ms. Ruth's measurement from homes to linear mile.
- Ms. Schuler stated that Ms. Ruth was calculating homes per linear mile incorrectly. She said she spoke to Ms. Ruth's husband, but that Ms. Ruth has not called back.

#### **9. Adjournment**

- The meeting adjourned at 8:45 p.m.