

**Town of Princeton - Public Hearing
April 5, 2017**

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COMMONWEALTH OF MASSACHUSETTS

TOWN OF PRINCETON

Public Hearing on Cable Television *

Franchise Applications *

*** PUBLIC HEARING ***

TOWN HALL ANNEX

4 Town Hall Drive

Princeton, Massachusetts

April 5, 2017

6:30 p.m. - 6:50 p.m.

Volume III

Kristen M. Edwards

Court Reporter

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APPEARANCES:

TOWN OF PRINCETON BOARD OF SELECTMEN:

Stan Moss, Chairman

Edith Morgan

Jon Fudeman, Clerk

Nina Nazarian, Town Administrator

CABLE ADVISORY COMMITTEE:

Lane Ware

David Hilton

David Union

Philip Gransewicz

Paul Caneen

TOWN OF PRINCETON RESIDENTS:

Tom Daley

Richard Chase

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P R O C E E D I N G S

MR. MOSS: Call to order the meeting of the Princeton Board of Selectmen. Do I have a motion to open the public hearing on the assessment of cable TV license applicants?

MR. FUDEMAN: So moved.

MS. MORGAN: Second.

MR. MOSS: All in favor? Aye.

MS. MORGAN: Aye.

MR. FUDEMAN: Aye.

MR. MOSS: The hearing is now opening. The chair turns the floor over to the town administrator.

MS. NAZARIAN: Thank you. Based on new information received today, relative to the Massachusetts Broadband Institute's approval to fund up to Comcast's full funding request, specifically more than the 910,000, assuming the full Board of Selectmen is available, the Board of Selectmen is recommended to continue this hearing to Wednesday, April 19th at

1 6:30 p.m. in the Town Hall Annex.

2 This will allow the Cable Advisory
3 Committee to consider this new information
4 prior to making a final recommendation to
5 the Board of Selectmen. Before continuing
6 the hearing to the 19th, I would recommend
7 that the floor be opened to public comment
8 should anyone desire to make a comment into
9 the record.

10 I will advise the public, however,
11 at this time this is more of an opportunity
12 to make comments than ask questions as
13 there may be questions we are unable to
14 answer due to the complexity of this
15 process.

16 In brief, just speaking frankly,
17 this letter has come up and want to make
18 sure that it's being considered as part of
19 the whole process so that our process is
20 comprehensive before we finalize things.

21 MR. FUDEMAN: Nina, when you say
22 "this letter," which letter are you
23 referring to, please?

24 MS. NAZARIAN: The MBI's letter to

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1 Comcast -- to the town regarding Comcast.

2 MR. FUDEMAN: I understand, okay.

3 MS. NAZARIAN: Then, finally, the
4 cable franchising process, just to top it
5 off a little bit, has been challenging to
6 say the least given that there is no
7 precedence available for us to review
8 and/or to use. So at this point --

9 MR. MOSS: Any public comment?

10 MR. DALEY: I have a question.
11 There was something in the paper about
12 somebody having made a statement about
13 providing \$3,000 to people to help them
14 hook up if they live a long distance off
15 the road. Did that ever get clarified in
16 terms of whether they are going to add it
17 to the contract; is that any of the new
18 information that you have or is that just
19 feel-good talk from the cable company?

20 MS. NAZARIAN: May I? You may be
21 referring to a reference that was made by
22 Charter, I believe, and assume that that's
23 the reference. I am just looking for nods.
24 And that reference was made at the

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1 March 13th public hearing by Charter
2 indicating, in summary, that they would be
3 willing to serve residents up to a cost of
4 \$3,000 before billing the customer when the
5 installation exceeded the standard
6 installation length or was underground, if
7 I have that correct.

8 MR. WARE: In addition, they would
9 provide a credit of 3,000 --

10 MR. MOSS: Back to our public
11 hearing rules. Please state your name and
12 where you live.

13 MR. DALEY: Tom Daley, 40 Boylston
14 Avenue.

15 MR. WARE: In addition they would --

16 MR. MOSS: Identify yourself,
17 please.

18 MR. WARE: Lane Ware, Cable Advisory
19 Committee. In addition, they would provide
20 a credit for nonstandard installations
21 above \$3,000 or above or any underground
22 for also \$3,000; however, they stated in
23 the hearing that they would not incorporate
24 that within the license.

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1 MS. NAZARIAN: And there is also a
2 challenge in the regulations that are used
3 for the cable franchising process. There
4 is a statement that says something along
5 the lines of, "An applicant cannot
6 materially change their amended proposal."
7 So their amended proposals were delivered
8 to the town. Does anyone have the date?
9 It must have been February what, 10th,
10 11th? And this hearing was held in March,
11 so there is a real question that is not
12 resolved necessarily as to whether or not
13 the Comcast -- Charter's, sorry, comment
14 about the \$3,000 amount can be taken into
15 consideration as we try to navigate these
16 kind of I'll say ambiguous and
17 unprecedented regulations. I'm not sure
18 that really helps. But now you may be up
19 to speed to where we are and in the same
20 conundrum we are seeing challenges with.

21 MR. DALEY: I had another question
22 related to that. There was also a comment
23 about the distance that they were willing
24 to fund the installation was from the last

1 telephone pole, is that correct, or is it
2 from the streets?

3 MS. NAZARIAN: I would defer to
4 the --

5 MR. WARE: Basically, as we
6 understand their proposal, Charter's was
7 125 feet from the point of their service,
8 which generally on aerial installation or
9 an underground installation would be a pole
10 or an underground pedestal that was
11 incorporated in their initial installation.

12 Comcast's proposal was 250 feet
13 aerial, again, from an expectation of the
14 pole, most likely a D pole, that passed
15 that location and all underground
16 installations both with Charter and Comcast
17 were nonstandard. When we asked Comcast in
18 the public hearing relative to the
19 potential of a credit for a standard
20 installation, they said no.

21 We have received a letter this week
22 that said they would be amendable to
23 discussing that and/or incorporating a
24 potential credit for standard installation

1 against all underground and all aerial
2 installations over 250.

3 So we currently have a situation in
4 which we believe those proposals represent
5 a material change to their written
6 submittals and, therefore, we had not
7 considered those in our discussions or
8 recommendations.

9 MS. NAZARIAN: Because of the
10 regulations, yes. And the letter which
11 Lane is referencing from Comcast has been
12 posted online for anyone who's interested
13 to view it.

14 MR. UNION: They did not include
15 numbers or --

16 MR. MOSS: Identify yourself. State
17 your name, please.

18 MR. UNION: David Union on the Cable
19 Committee also. They did not include in
20 the letter either a number or anything
21 other than we will consider. They did not
22 include any sort of more definitive
23 language.

24 MR. WARE: That's Comcast's letter.

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1 MR. UNION: Charter at the public
2 hearing specifically gave a number and
3 said, yes, they would do it but they did
4 not have it in their written proposal.

5 MR. WARE: Nor had they indicated an
6 interest in putting it in the license.

7 MS. MORGAN: Indicated putting in
8 what?

9 MR. WARE: The license, the language
10 would not go in the license.

11 MR. UNION: We asked them, "Would
12 you be willing to write that down?" At the
13 moment, they said they did not seem to like
14 that.

15 MR. FUDEMAN: Exactly what didn't
16 they want to write down?

17 MR. WARE: The \$3,000 credit for
18 installation or credit against nonstandard
19 installation.

20 MR. FUDEMAN: Yes, okay.

21 MR. UNION: We thought that would be
22 a big plus if they would write that into
23 the language. They said they would promise
24 it but not write it down.

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1 MR. FUDEMAN: Understood.

2 MR. WARE: They said they would
3 state it.

4 MR. UNION: Yes, they would not
5 write it down.

6 MR. MOSS: Any other public comment?
7 David?

8 MR. HILTON: David Hilton, CAC. The
9 thing that would cause the CAC to change
10 this recommendation at all would be the
11 letter from MBI that isn't specifically
12 clear on the issue cover -- to cover --
13 Comcast to cover the entire cost of its
14 proposal but there is no numbers here, so
15 it's pretty ambiguous.

16 And when I first read it, I had kind
17 of a reading towards it that would suggest
18 that they were willing to cover the extra
19 money that Comcast was reading but that was
20 my interpretation. Several other people
21 have had the alternate interpretation,
22 which doesn't change anything. So it's
23 pretty unclear that the MBI letter would
24 change anything material relative to our

1 recommendations to the Board of Selectmen
2 that would suggest as a reason for us to
3 take this up further.

4 I also spoke with Darcy Rowell
5 today, who is our chairman but out of town
6 right now, and she feels exactly the same
7 way. In fact said from her reading of it,
8 "It's not admissible as it's not part of
9 Comcast's original response." And if we're
10 to base this on Comcast's original
11 response, the MBI letter came after the
12 fact and not before the fact and,
13 therefore, it would not materially change
14 our decision relative to the recommendation
15 to the Board of Selectmen.

16 MS. NAZARIAN: I just want to
17 caution the discussion at this time given
18 that we inadvertently did not post a Cable
19 Advisory Committee, so I'm just throwing
20 out a yellow flag that is saying "caution"
21 in terms of the open meeting law. I think
22 we may want --

23 I understand the need and the
24 interest to move this process forward in a

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1 timely fashion, and I understand the
2 disappointment that many of us probably
3 feel that tonight is not the night that we
4 meet a milestone.

5 However, I think that a couple of
6 weeks will not materially change the
7 process necessarily and, I think, that it's
8 important that we make sure that we're
9 vetting everything before we make a final
10 decision. So I understand your position
11 and I certainly respect it, but I'm
12 cautioning that the Cable Advisory
13 Committee --

14 MR. MOSS: Not to debate that.

15 MR. UNION: This is more of a public
16 comment than a Cable Advisory comment. As
17 a public citizen, my observation is that
18 the town asked for a bunch of information
19 up front, typically got good information
20 when asked and got answers to questions
21 from Charter. Not only did we typically
22 not get that from Comcast, but they then
23 add stuff at the end that seems to be
24 delaying the process further and further

1 specifically as a result of actions by
2 Comcast which goes toward how good they
3 would be a partner to work with, which I
4 don't know if that could be a factor to
5 help decide, but that certainly seems like
6 a reasonable factor that one might consider
7 when deciding on who to go with.

8 I don't know -- I mean, they seem to
9 be harder to work with just in that sense
10 of they are doing things that are pushing
11 the process down the road and our prime
12 interest was early, as fast as we could.
13 And that's just more of a public comment in
14 terms of how easy is it to work with
15 somebody. They seem to be harder.

16 MR. FUDEMAN: Would it be fitting
17 for me to make a comment at this point?

18 MR. MOSS: I wouldn't.

19 MR. FUDEMAN: Well, I'll take your
20 advice.

21 MS. NAZARIAN: I don't know what the
22 comment will be, so I can't give you advice
23 unfortunately.

24 MR. MOSS: Be very cautious.

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1 MR. FUDEMAN: I will make this
2 statement. I don't see where for
3 procedural reasons to hold this up a couple
4 of weeks changes the great scheme of things
5 all that much. That's my only comment. I
6 am tending to lean with Nina is what I'm
7 saying.

8 MR. MOSS: Stop right there. The
9 Board of Selectmen also received a letter
10 at 5:21 p.m. from John Rowell of 31 Bollard
11 Road, which I will read into the record.

12 "To the Board of Selectmen, it has
13 come to my attention at this evening's
14 scheduled vote on the cable TV provider is
15 likely to be tabled due to attorney's
16 determination that there is insufficient,
17 unchallengeable information to choose a
18 cable TV vender. Apparently, MBI has now
19 issued a letter indicating they will cover
20 the additional cost requested by Comcast.

21 "If true, could Princeton select
22 Comcast to let the state pick up these
23 additional costs, question mark? What
24 possible benefit does this provide me, a

1 taxpayer to the town and to the state,
2 question mark?

3 "Given the complexity of the
4 proposals and the amount of time and effort
5 spent to evaluate them, one must assume
6 there is more than just this one item on
7 which the recommendation was made. Given
8 the interminable meetings, hearings,
9 proposals and continued delays, I find the
10 entire process to be tainted and
11 unconscionable.

12 "With all the changes inflicted upon
13 the process by MBI and now their clear
14 interference in that process, despite their
15 statements to the contrary, leads me to
16 believe that the politicizing of this
17 entire cable TV slash internet process is
18 very closely tipped against the taxpayers
19 in favor of a private, for profit company.

20 "It does not seem more than
21 coincidental that the week before last
22 fall's special town meeting Comcast
23 provided, in quotes, a proposal that threw
24 the fiber of the home proposal into chaos

1 and now on the day of the scheduled vote,
2 there is supposedly insufficient
3 information to choose a vender.

4 "It is my sincere hope that the
5 Princeton Board of Selectmen will move
6 forward with the decision this evening, and
7 we will require Attorney Bill August to
8 fulfill his role in guiding us to a legally
9 binding selection. Respectfully, John
10 Rowell, Bollard Road."

11 MS. NAZARIAN: So I feel inclined to
12 make a couple of comments to the Board of
13 Selectmen at this point given the
14 commentary from one of our residents. It
15 was a process that consisted of me doing
16 some doublechecks today when I came to
17 realize that it appeared that our community
18 did not -- our stakeholders, those sitting
19 at this table frankly, did not have a clear
20 understanding of the MBI's letter. And as
21 a result, I was in communication with our
22 attorney, Bill August, and I was describing
23 to him what I perceived to be a challenge
24 in pursuing this evening's vote.

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1 Again, you know, while I respect the
2 comments of those who are suggesting that
3 we should move forward this evening, I
4 strongly recommend to the Board that to
5 avoid any, you know, potential challenge in
6 the process that we simply bump it out by
7 two weeks. Again, it's not pleasant for
8 anyone, you know. None of us have enjoyed
9 the challenges of this process, but that's
10 my final position and the Board is free to
11 do what it chooses.

12 MR. WARE: Lane Ware. I believe we
13 could do it in a week from a standpoint
14 that says we could have a meeting on Monday
15 night, and we could reconvene this next
16 Wednesday with a revised letter
17 incorporating Bill's comments just as a
18 suggestion to take a week out of the
19 interminable length of the effort, if
20 everybody on the committee agrees.

21 MR. CANEEN: I can't be here Monday.
22 I'm out of town.

23 MR. UNION: I can be there.

24 MR. CANEEN: You can lead it. They

1 don't need me.

2 MS. NAZARIAN: The only hesitation I
3 have for deciding in the subject of when
4 the hearing should be continued would be
5 that there have been several comments and
6 questions that have come up as a result of
7 what information can and cannot be taken
8 into consideration, and we've talked about
9 some of that tonight.

10 If the Cable Advisory Committee
11 continues to have these questions, I felt
12 it might be beneficial to have a little bit
13 more flexibility in time to see how much
14 resolution we could get to those questions.

15 MR. WARE: If Paul can't be there,
16 then it's just a suggestion to speed the
17 process along.

18 MS. NAZARIAN: It doesn't make a
19 difference to me whether it's a week or
20 it's two weeks. Obviously, the only thing
21 I am trying to avoid is another
22 continuation.

23 MR. WARE: Or a third week or a
24 fourth week after that.

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1 MS. NAZARIAN: Sure. So my thinking
2 is maybe we need to contact the DTC and ask
3 the DTC some questions. I don't know. The
4 Department of Telecommunications and --
5 what word am I missing -- and Cable, they
6 may have some guidance for us. I'm
7 assuming that any guidance they will have
8 for us will maybe be for future communities
9 doing this.

10 I think we'll be able to provide
11 them more information than they will be
12 able to provide us, but it certainly
13 wouldn't hurt to have a meeting with the
14 DTC to see if they have any information
15 that could assist us with some of our
16 roadblocks.

17 Roadblock one was you can't use
18 internet or data in your consideration
19 because it's not part of the regulations,
20 okay. Roadblock two in the regulations
21 seems to be you can't use information that
22 comes in after the amended proposals that
23 materially affects the amended proposals.

24 So, I think, you know, I've talked

1 with each of you at different times on the
2 Cable Advisory Committee and, I think, I
3 understand the sentiment of your concerns
4 and, I think, the organization or the Cable
5 Advisory Committee probably feels blocked
6 in to what it can and cannot use. And it's
7 been very complicated, and it's only a
8 layered process.

9 So that's my explanation to the best
10 of my ability for whether we go for a week
11 or two weeks. It makes no difference, but
12 you may want the flexibility.

13 MR. WARE: I would also suggest the
14 potential for a meeting with MBI, Comcast
15 and Charter because this is -- as stated in
16 this e-mail, the issue becomes not only
17 Princeton but the disbursement of funds
18 from a regulatory agency or whatever MBI is
19 relative to a competitive bid.

20 MS. NAZARIAN: I think that
21 certainly -- just offering my own thoughts
22 on that -- certainly including other
23 stakeholders could be fruitful. The only
24 challenge is now you're really not talking

1 about two weeks. You're talking about more
2 time. Because to try to pull the
3 stakeholders to the table, I think, will
4 involve a bit of coordination and may not
5 be easy to do.

6 MR. UNION: I think that would
7 almost certainly push the total time out
8 because whatever information comes in would
9 add length to the process, too. I think,
10 it would be interesting -- helpful if we
11 found out that the appropriate board that
12 makes all these recommendations says, yes,
13 because it's 20 years later, you are
14 allowed to consider A, B or C or, no,
15 you're still not.

16 To get that clarification wouldn't
17 be bad and I guess -- and materially, no,
18 two weeks after the years and years and
19 years of waiting doesn't really materially
20 affect the entire process, especially since
21 Verizon still hasn't restarted pole work as
22 far as I know. So, but it would be nice to
23 eventually see it end in two weeks.

24 MR. MOSS: Okay. Any other public

1 comment?

2 MR. CHASE: Richard Chase,
3 Stagecoach Road. I understand all of the
4 quandaries here. At the same time, I think
5 the citizens want to see this move forward
6 in a timely manner as timely as possible
7 while avoiding, yes, being cautious of all
8 the potential legal challenges that could
9 trip up the town.

10 MR. MOSS: No more than the rest of
11 us that have put thousands of hours into
12 this, Richard. We're all on the same side
13 there. Okay. At this time, I move we
14 continue the public hearing on the
15 assessment of cable licensing applicants to
16 Wednesday, April 19th 2017, 6:30 p.m. in
17 the Town Hall Annex.

18 MS. MORGAN: Second.

19 MR. MOSS: All in favor? Aye.

20 MS. MORGAN: Aye.

21 MR. FUDEMAN: Aye.

22 MR. MOSS: Do I have a motion to
23 adjourn the Board of Selectmen meeting?

24 MR. FUDEMAN: So moved.

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MS. MORGAN: Second.

MR. MOSS: All in favor? Aye.

MR. FUDEMAN: Aye.

MS. MORGAN: Aye.

(Public hearing adjourned at 6:50
p.m.)

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COMMONWEALTH OF MASSACHUSETTS

I, KRISTEN M. EDWARDS, COURT REPORTER,
do hereby certify that the foregoing is a true and
accurate transcription of my stenographic notes,
to the best of my knowledge and ability.

WITNESS MY HAND, this 13th day of
April, 2017.

Kristen M. Edwards