



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

MEETING NOTIFICATION

January 22, 2024

6:30 p.m.

In-Person: MetroEast, 829 NE 8th Street, Gresham, OR 97030

- Or -

Virtually: Join Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/84816573895?pwd=R1BkdGlwTURqWUhhGN044dFJxWUpGQT09>

Meeting ID: 848 1657 3895

Passcode: 954237

One tap mobile

+14086380968,,84816573895# US (San Jose)

+16694449171,,84816573895# US

- Roll Call
- Agenda Review
- Disclosures
- Public Comment (non-agenda items)
- Community Media Center Updates
 - MetroEast
 - Open Signal
- Franchisee Activity Report
 - Zply
 - Comcast

***CONSENT AGENDA – NO DISCUSSION**

All items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Commission so requests.

C1. December 18, 2023 Meeting Minutes



MHCRC 1120 SW 5th Ave. Suite 405 Portland, Oregon 97204
503.823.5385 info@mhcr.org www.mhcr.org

REGULAR AGENDA

*R1. Preliminary Funding Decisions: 2024 Community Technology Grants 45 min

- Staff Activity
 - Legislative Advocacy Report
 - Strategic Planning Process
 - FY24-25 Budget Process
 - Franchise Compliance Update
 - Consumer Protection Report
 - April Mini Retreat Planning
 - Other

- Committee Reports
 - Finance Committee
 - Equity Committee
 - Policy Committee
 - City of Portland Charter Reform Liaison
 - Open Signal Board Appointee
 - MetroEast Board Appointee

- New Business; Commissioner Open Comment Meeting Schedule:
 - February – Recess
 - March 18, 2024 – Hybrid In-Person hosted by Open Signal
 - April – mini planning retreat TBD
 - May 20, 2024 – Hybrid In-Person hosted by MetroEast
 - June 17, 2024 – Hybrid In-Person hosted by Open Signal

- Public Comment

- Adjourn

*Denotes possible action item

Please notify the MHCRC no less than five (5) business days prior to our event for ADA accommodations at 503-823-5385, by the City of Portland's TTY at 503-823-6868, or by the Oregon Relay Service at 1-800-735-2900.

.....



CONSENT AGENDA – NO DISCUSSION

All items listed on the consent agenda may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Commission so requests.



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

MT. HOOD CABLE REGULATORY COMMISSION

Virtual

December 18, 2023 Meeting Minutes - DRAFT

SUMMARY MINUTES

Call to Order 6:30 PM

Roll Call:

Present: Chair DeGraw, Vice Chair Harden; Commissioner Dennerline; Commissioner Wagner; Commissioner Thomas; Commissioner Roche; Commissioner Goodlow

Absent: Commissioner Studenmund (excused)

Staff: Eric Engstrom, Deputy Director; Rebecca Gibbons, Operations Manager; Andrew Speer, Utility Manager; Kathleen Lefebvre, Administrative Specialist

- Agenda Review: none.
- Disclosures: Commissioner Harden disclosed that he met with Seth at MetroEast on behalf of his employer, Springfield Job Corps. The meeting focused on seeking work-based learning opportunities for student interns. The meeting resulted in a MOU between Springfield Job Corps and MetroEast.
- Public Comment (non-agenda items): none.
- Community Media Center Updates
 - Seth Ring, MetroEast's Director of Education and Volunteers, shared updates which included focused work on Youth Media Education, collaborative work with the Rosewood Initiative on Digital Inclusion, Public Media Education, and programming with Mi Familia and WIC/Multnomah County Health Department. MetroEast was awarded a 2-year \$100,000 Collins Foundation grant which focuses on project-based learning. Seth reported that due to budget constraints at MetroEast, there is a reduction of one staff, resulting in reduced hours of operation.
 - Courtney Rae, Open Signal's Director of Growth/Development Director, shared year-end planning and organizing updates including the results of a staff culture study which ultimately helped focus organizational training goals at Open Signal. Open Signal assisted eight non-profits by producing videos for the give guide, including [this shared video](#) with the Commission. Jim Bruce, Director of Information Systems, presented a technology update which included notifying the Commission through staff of a channel outage for under 24 hours due to outdated hardware. Jim expressed appreciation for Rebecca Gibbons on her assistance to resolve the outage. KatMeow, Director of Community Media, gave a Community Media update expressing appreciation for all Member Producers for the Signal Share show content production, and





Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

appreciation for Courtney for securing the Animated Skill Share project with animator Shana Palmer.

- Franchisee Activity Report
 - Ziplly – not in attendance
 - Comcast – David Hardin, External Affairs Manager at Comcast, attending. No updates.

***CONSENT AGENDA – NO DISCUSSION**

Items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Commission so requests.

- C1. October 16, 2023 Meeting Minutes
- C2. December 11, 2023 Retreat Minutes

MOTION: Commissioner Thomas moved to approve the Consent Agenda. Commissioner Goodlow seconded.

VOTE: 7-0 passed

REGULAR AGENDA

R1. MHCRC FY22-23 Fund Audit

Keith Simovic, Audit Engagement Partner at Moss Adams, shared a PowerPoint presentation that provided an overview of the audit process and findings. The audit review team included Nick Rowland, Audit Manager, and Laurie Tish, National Practice Leader for Government Services at Moss Adams. This is an independent review of the MHCRC's reported financial statements in accordance with government auditing standards. Moss Adams met with the MHCRC Finance Committee prior to finalizing the audit report and it was noted that MHCRC staff and City of Portland accounting staff were all extremely responsive and all document requests were met without delay. The critical audit items issued a clean opinion, no reportable findings following Governmental Accounting Standards Board (GASB). Rowland explained the MHCRC audit adjustments on the accounts payable side, which is reflected on the financial statement. There are no material weaknesses in internal controls identified. Keith expressed appreciation to all MHCRC staff who were involved in the process, and for Minh Dan from the City of Portland Auditor's Office.

MOTION: Commissioner Dennerline moved to acknowledge receipt of the MHCRC FY22-23 Fund Audit prepared by Moss Adams and directed MHCRC staff to submit the Audit to the Secretary of State by December 31, 2023. Commissioner Harden seconded.

VOTE: 7-0 passed

R2. Strategic Planning Consulting Contract

Rebecca Gibbons said staff is recommending a twofold item: the Commission to allocate \$55,000 from the FY23-24 budgeted Contingency line item to support the Strategic Planning process; and the Commission to authorize the Chair to enter a contract substantially similar to the Model PTE Contract with Nex Strategies for Strategic Planning Consulting Services in an amount not to exceed \$115,000.





Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

Commissioners inquired on the equity elements of the contractor Nex Strategies. There is a request for equity element information from Staff as soon as possible, but a consensus that the Commission is ready to vote on the item. Rebecca notes Nex Strategies is M/W/ESB status and will send full demographic information to the Commission in the coming days.

MOTION: Commissioner Thomas moved to allocate \$55,000 from the FY23-24 budgeted Contingency line item to support the Strategic Planning process and to authorize the Chair to enter into a contract substantially similar to the Model PTE Contract included in the packet with Nex Strategies for Strategic Planning Consulting Services in an amount not to exceed \$115,000. Commissioner Wagner seconded.

VOTE: 7-0 passed

R3. Contract Amendment: Dulles Technology Partners, Inc.

Rebecca Gibbons said staff is recommending that the Commission approve a Contract Amendment with Dulles Technology Partners, Inc for continued licensing and maintenance of the Commission's grants management system, for a total of \$40,000 over a five-year period, through December 31, 2028. The original agreement expired in December 2016 and an amendment was approved by the Commission in December 2016 for an expiration date of December 31, 2023. The scope of work remains unchanged; it includes support and maintenance of the Commission's grant management system, which is used for grant application submission, grant tracking of both programmatic and financial progress, and Commission review of pre-applications.

MOTION: Commissioner Dennerline moved to approve the Dulles Technology Partners, Inc. Contract Amendment. Commissioner Goodlow seconded.

VOTE: 7-0 passed

R4. Community Technology Grant – Off-Cycle Grant Request: City of Portland

Rebecca Gibbons said staff is recommending that the Commission approve the Community Technology grant agreement with the City of Portland for \$179,110. Although the application was originally submitted in FY23, if approved, the grant would be a part of the FY2024 grantmaking year. The City of Portland through the Office of Management and Finance Division of Asset Management is seeking grant funds to take steps toward the remodel of the current Council Chambers within City Hall to expand capacity and accommodate the voter-approved charter reform.

MOTION: Commissioner Thomas moved to approve the Off-Cycle Grant Request: City of Portland. Commissioner Dennerline seconded.

VOTE: 7-0 passed

R5. Community Technology Grant Amendment: CETI

Rebecca Gibbons said staff is recommending that the Commission approve an amendment to the current grant agreement with CETI for an additional grant award amount of \$75,000. Grantee requests additional funding to (1) cover changes in increased cost of LED wall due to inflation; (2) support the training of an additional 25 educators/professionals (for a revised total of 50) from marginalized communities; and (3) to produce an additional three videos (for a revised total of 5) of training/workshops; and (4) to use the video wall and tiles in public shows, and to extend the term of the Agreement to allow time to implement the expanded services. The additional grant award of





Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

\$75,000 combined with the already granted amount will bring the total grant award amount to \$149,000.

MOTION: Commissioner Dennerline moved to approve the CETI grant amendment. Commissioner Harden seconded.

VOTE: 7-0 passed

Staff Activity

- Legislative Advocacy Report – December Policy report is included in the Information Only section of the packet, which included updates on HR 3557 and HR 907.
- FY24-25 Budget Process – Eric Engstrom reported the FY25 city budget is developing, and budget instructions arrived this afternoon, more information will be shared as it becomes available.
- Community Technology Grant 2024 Funding Cycle – Rebecca reported that there is a robust applicant pool for the 2024 Grant Funding cycle, a record-breaking year of 30 eligible applicants. Rebecca expressed appreciation for Rana DeBey's outreach efforts, and appreciation for MetroEast and Open Signal for supporting and directing potential applicants to the MHCRC Community Technology Grant program.
- Franchise Compliance Update – Andrew Speer recently met with Tim Goodman from Comcast on the franchise renewal to discuss potential changes to the Franchise Agreement. The discussed changes were then sent to Gail Karish with BBK to provide an in-depth review of recommendations.
- Consumer Protection Report – Andrew Speer will have a 311 report, reporting quarterly to the Commission.
- I-Net End Fund Update – Rebecca reported that the remaining \$2 million in the fund after the Free Geek disbursement will need to be encumbered or spent by June 30, 2025. Comcast is obligated to hand over the balance to the Commission if funds are not encumbered or spent by that date. Rebecca asks the Commission to reach out to staff if there are any programs for staff to investigate to spend these funds. Commissioner Dennerline notes the Free Geek event was a success and emphasized a preference for a stronger focus on MHCRC at press events.
- Peer Learning Event Summary – Rebecca reported that this event was extremely well attended and there were requests to continue this type of learning opportunities. Rebecca expressed her appreciation for Rana DeBey and Kathleen Lefebvre for this successful event.

Committee Reports

- Finance Committee – March meeting TBD to discuss FY 25 Budget
- Equity Committee – none.
- Policy Committee – none.



MHCRC 1810 SW 5th Ave. Suite 710 Portland, Oregon 97201
503.823.5385 info@mhcr.org www.mhcr.org



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

- City of Portland Charter Reform Liaison – Eric Engstrom reported the preliminary appointment of a City Manager is the next step, and will report updates as they develop.
- Open Signal Board Appointee – none.
- MetroEast Board Appointee – none.

New Business; Commissioner Open Comment – Commissioner Dennerline expressed appreciation for the newly approved City of Portland grant for the Portland-based technology items on their equipment list, many items were from local manufacturers and vendors.

Next MHCRC Regular Meetings:

- January 22, 2024 – Hybrid In-Person hosted by MetroEast (4th Monday due to Holiday)
- February – Recess
- March 18, 2024 – Hybrid In-Person hosted by Open Signal
- April – mini planning retreat TBD
- May 20, 2024 – Hybrid In-Person hosted by MetroEast
- June 17, 2024 – Hybrid In-Person hosted by Open Signal

Adjourned: 8:01 PM

Respectfully submitted,
Kathleen Lefebvre



REGULAR AGENDA



Mt. Hood Cable Regulatory Commission

*Serving Multnomah County and the Cities of Fairview, Gresham, Portland,
Troutdale & Wood Village*

COVER SHEET – AGENDA ITEM #R1

For Commission Meeting: January 22, 2024

“Preliminary Funding Decisions: 2024 Community Technology Grants”

The Commission has budgeted \$2,000,000 to grant in the 2024 competitive grant cycle under the Community Technology Grants program.

The Commission has invested \$495,245 so far in the community grants program this fiscal year, leaving a remaining balance of just over \$1.5 million. There are also available contingency funds to use toward grantmaking.

Commissioners received information for its decision-making process, including the grant Pre-Applications and evaluation instructions prior to tonight’s meeting.

Background

The Commission’s decision-making process is as follows:

1. 32 Pre-Applications were received by the December deadline; 30 Pre-Applications met the grant eligibility criteria and were forwarded on to the Commission for review.
2. Each Commissioner reads, evaluates and scores each Pre-Application in preparation for the preliminary funding decision making meeting.
3. At the January 22nd meeting, the MHCRC will decide which Pre-Applications it would like to invite to apply for funding within the published funding guidelines.
4. Selected applicants are invited to fill out a full online grant application.
5. MHCRC staff drafts grant contracts for applicants who have successfully completed an online grant application to staff’s satisfaction. Not all applicants who are selected in the Pre-Application process will necessarily receive a grant award.
6. The MHCRC approves grant contracts at future MHCRC meetings.

Prepared By:

Rana DeBey

January 12, 2024



INFORMATION ONLY



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

MEMORANDUM

For Commission Meeting: December 2023

To: Mt. Hood Cable Regulatory Commission

From: Kevin Block

RE: January 2024 Policy Update

+++++

FCC NFPRM on “Junk Fees”

On December 13, 2023 the FCC voted to consider a Notice of Proposed Rulemaking that would propose rules to protect consumers from video service junk fees, including early termination fees and billing cycle fees. It was a party-line 3-2 vote. This vote will trigger a comment period of 30 days after the NFPRM is published in the Federal Register. There will also be a reply-comment period that will run for an additional 30 days after the comment period.

The NFPRM was posted to the Federal Register on January 5th which means that the comment period will close on February 5th. Staff are planning to participate in a coalition through BBK to submit comments.

Local Authority (HR 3557) Update

No major updates beyond what was discussed at the retreat. We are cautiously optimistic that it will get lost in the busy legislative agenda for 2024; however, staff will continue to try and meet with our local delegations to discuss the highly detrimental impacts and misguided nature of this bill.

Link to bill text (<https://www.congress.gov/bill/118th-congress/house-bill/3557/actions?s=1&r=1&q=%7B%22search%22%3A%5B%22hr3557%22%5D%7D>)

HR 907 – Protecting Community Television Act

Based on discussions during the MHCRC Mini-retreat staff wants to provide some context for the Protecting Community Television Act. The Act would amend the Communications Act of 1934 to limit the definition of franchise fees to only a tax, fee, or other monetary assessment. This would prevent franchisees from including in-kind services such as PEG channels as part of the franchise fee.

HR 907 was introduced in the House of Representatives in February 2023. It was then referred to the Subcommittee on Communications and Technology in the Committee on Energy and Commerce. There has been no movement on the bill since then. The exact same



process took place for an identical bill (HR 6219) back in 2021. HR 907 and HR 6219 were both introduced in direct response to the FCC's 621 order.

Given the outcome of HR 6219 back in 2021 and the current composition of the Subcommittee, staff are not optimistic about the passage of HR 907. Staff will continue to monitor HR 907 and any future related legislation and will support it given the opportunity.

Update January 2024: H.R. 907 now has 28 total sponsors including Reps. Blumenhauer and Bonamici. S. 340, the Senate version of the bill has 19 total sponsors including both Senator Merkley and Senator Wyden. Staff will consider engaging Representative Chavez-DeRemer about this topic but given that the sponsors fall on party lines it seems unlikely she would be the first Republican co-sponsor. It would likely be a better use of any opportunity to talk with her about 3557.

FCC Title II Reinstatement (Net Neutrality)

No new updates. The comment period for this draft ended on December 14th and the reply comment period ended on January 17th.

FCC January 2024 Open Meeting

No major MHCRC related items on the agenda this month.

Agenda items:

- Improving Network Reliability, Resiliency, and Transparency During Disasters
- Improving Wireless 911 Call Routing
- Mitigating Orbital Debris to Support Space Innovation
- Modernizing and Expanding Access to the 70/80/90 GHz Bands

Cable Complaints Summary

November 13, 2023 - January 12, 2024



Complaint Volume by Provider

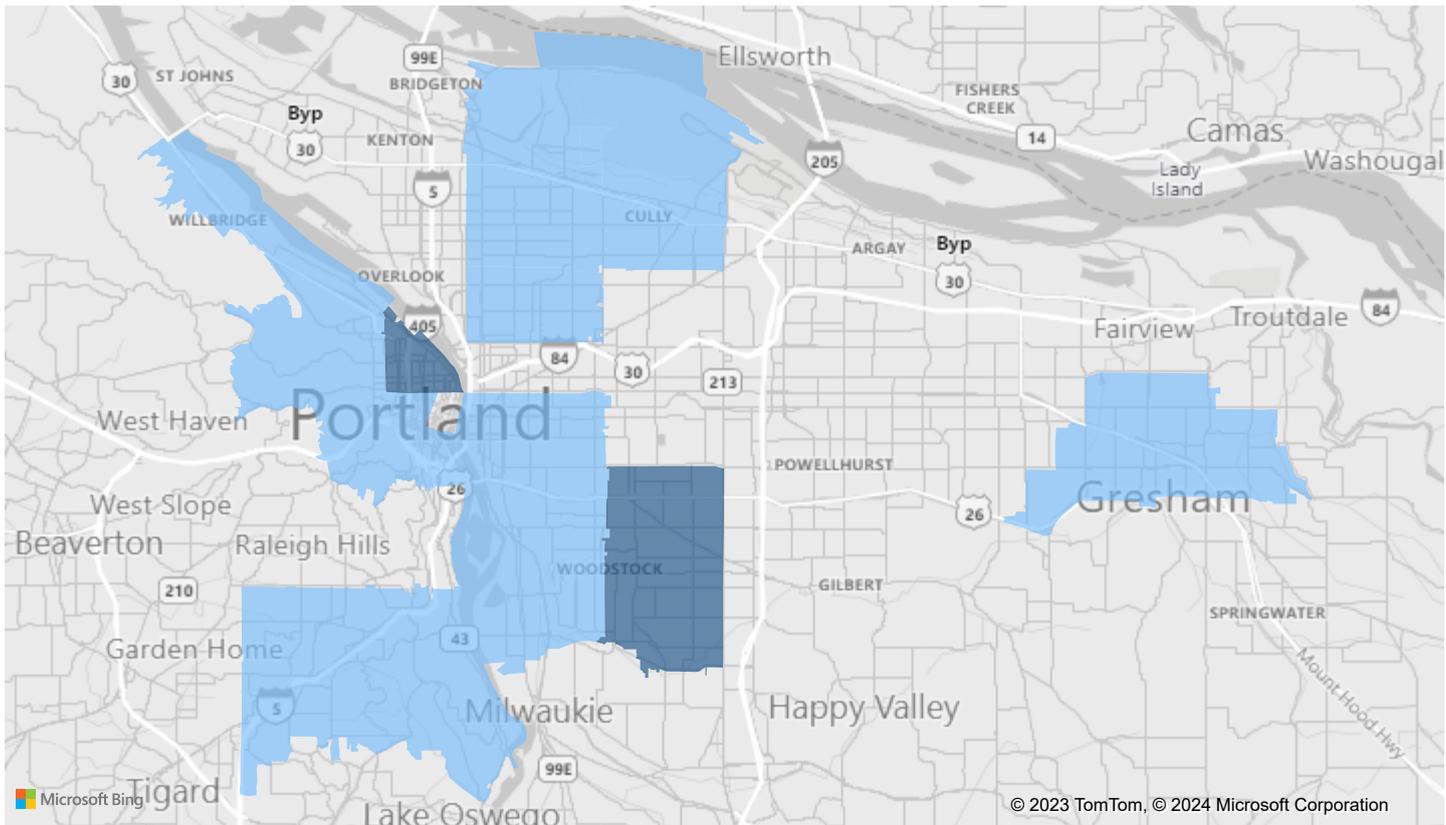


Average Days to Resolution by Provider



Complaint Volume by Zip Code

Darker = More Complaints



Complaints by Issue and Service Provider

Issue	Zipty	Comcast	Total
Billing/Cost	0	7	7
Installation/Repair	0	1	1
Service Quality	0	5	5
Other	0	0	0
Total	0	13	13



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

Date: January 4, 2024

To: Minh Dan Vuong, City Auditor

From: Eric Engstrom, Bureau of Planning and Sustainability, Deputy Director

Subject:  FY 2022-2023 Financial Audit Management Letter

Thank you for the opportunity to provide a response to the FY 2022-2023 Mt. Hood Cable Regulatory Commission (MHCRC) Financial Audit Management Letter, prepared by Moss Adams, LLP. There was one best practice recommendation noted in the letter which is addressed below.

Moss Adams Best Practice Recommendations:

The finding was:

Deficiency in Controls over Financial Close and Reporting – Accounts Payable

1) During our procedures over fiscal year-end accruals, we noted that the MHCRC posted reversing entries to accounts payable for prior year accruals that were posted outside of the SAP general ledger and instead recorded as memo entries directly to the workbook used to create the financial statements. This resulted in the ending accounts payable balance to be understated, and ultimately resulted in an audit adjustment of \$79,704.

Recommendation:

We recommend that MHCRC establish procedures to ensure that reversing entries are reviewed for accuracy, and furthermore that the accounts payable balances at year end are accurate and agree to all charges incurred prior to fiscal year end.

Management's Response:

In late 2022 the former Office of Community Technology (OCT) was absorbed into the Bureau of Planning and Sustainability. This included staffing support to the MHCRC. Since that time, the bureau has been working to review MHCRC operational practices, and we have been working to integrate those programs into BPS operational systems. We agree with the audit findings and agree that the end of year processes should be improved. The program will establish procedures consistent with the audit recommendations. BPS recently hired a new Financial Analyst who will focus on improving MHCRC financial systems support. Because the MHCRC often funds multi-year grants, it is a management priority to improve end-of-year systems and improve systems to track payments, encumbrances and advances year-to-year.



MHCRC 1810 SW 5th Ave. Suite 710 Portland, Oregon 97201
503.823.5385 info@mhcrc.org www.mhcrc.org

From: [Epley, Jessica](#)
To: [Gibbons, Rebecca](#)
Subject: Important Update - 3/1/2024 Video Price Change
Date: Wednesday, January 10, 2024 4:32:35 PM
Attachments: [image003.png](#)

January 10, 2024

Sent via electronic mail to rebecca.gibbons@portlandoregon.gov

Rebecca Gibbons
Mt. Hood Cable Regulatory Commission
1120 SW 5th Avenue, Suite 405
Portland, OR 97204

ZiPLY Fiber Cable Franchising Authorities:

In accordance with the requirements of Cable Franchise Agreement between your community and ZiPLY Fiber Northwest, LLC dba ZiPLY Fiber, we hereby provide notice of service changes, effective March 1, 2024. The following message will be published in subscribers' bills beginning January 30, 2024:

Basic/Select Package Customers: Video Price Changes Beginning March 1, 2024

On your March bill statement you will see a price increase of \$18.64 on your Fiber TV package.

While ZiPLY Fiber continually negotiates with TV networks to bring you great entertainment at the best possible price, the unfortunate reality is that programmers continue to demand price increases to distribute their content. Please know, our goal is not to drive profit on TV content. In most cases we break even, while in others we provide this content at a cost greater to us than the fee to you.

Ready to start streaming TV over your internet connection? We can help you select the best option for your TV needs. Learn more at ziplyfiber.com/cutthecord or call us at 1-866-MYZIPLY.

All Other Packages EXCEPT Basic/Select Package Customers: Video Price Changes Beginning March 1, 2024

On your March bill statement you will see a price increase of \$19.64 on your Fiber TV package.

While ZiPLY Fiber continually negotiates with TV networks to bring you great entertainment at the best possible price, the unfortunate reality is that programmers continue to demand price increases to distribute their content. Please know, our goal is not to drive profit on TV content. In most cases we break even, while in others we provide this content at a cost greater to us than the fee to you.

Ready to start streaming TV over your internet connection? We can help you select the best option for your TV needs. Learn more at ziplyfiber.com/cutthecord or call us at 1-866-MYZIPLY.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Jessica Epley
VP - Regulatory & External Affairs

From: [Epley, Jessica](#)
To: [Gibbons, Rebecca](#)
Subject: Important Update - Stadium College Sports Atlantic, Central and Pacific
Date: Wednesday, January 3, 2024 1:09:36 PM
Attachments: [image003.png](#)

January 3, 2024

Sent via electronic mail to rebecca.gibbons@portlandoregon.gov

Rebecca Gibbons
Mt. Hood Cable Regulatory Commission
1120 SW 5th Avenue, Suite 405
Portland, OR 97204

ZiPLY Fiber Cable Franchising Authorities:

In accordance with the requirements of Cable Franchise Agreement between your community and ZiPLY Fiber Northwest, LLC dba ZiPLY Fiber, we hereby provide notice of service changes, effective December 31, 2023. The following message will be published in subscribers' bills beginning January 5, 2024:

Important updates about ZiPLY Fiber TV programming – As of December 31, 2023, Stadium College Sports Atlantic (ch. 300), Central (ch. 302) and Pacific (ch. 302) will no longer be part of our Fiber TV channel lineup due to changes by the programmer.

If you are ready to make the move to streaming TV over your internet connection, we're happy to help you select your best option based on what you watch on TV. To learn more about streaming options please visit ziplyfiber.com/cutthecord. Thanks for choosing ZiPLY Fiber.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Jessica Epley
VP - Regulatory & External Affairs

