

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

MEETING NOTIFICATION October 16, 2023 6:30 p.m.

In-Person: MetroEast, 829 NE 8th Street, Gresham, OR 97030 - Or -Virtually: Join Zoom Meeting

https://us02web.zoom.us/j/84816573895?pwd=R1BkdGIwTURqWUhGN044dFJxWUpGQT09

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
 - o Ziply
 - 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. September 18, 2023 Meeting Minutes

REGULAR AGENDA

*R1. Community Technology Grant - Off-Cycle Grant Request: PHAME 5 min

Staff Activity

- MHCRC FY22-23 Unaudited Financial Report Update
- Legislative Advocacy Report
- Community Technology Grant Peer Learning Event Update
- Comcast/Ziply Cable Franchise Renewal Negotiations Update
- Franchise Compliance Update
- Consumer Protection Report
- MHCRC Strategic Planning Update
- I-Net End Fund Update
- Mini planning retreat
- 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:

- November 2023 recess
- December 18, 2023 Hybrid In-Person hosted by Open Signal
- January 22, 2024 Hybrid In-Person hosted by MetroEast
- Public Comment
- Adjourn

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.

^{*}Denotes possible action item

CONSENT AGENDA – NO DISCUSSION

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MT. HOOD CABLE REGULATORY COMMISSION

Hybrid – virtual or Open Signal: Portland, OR September 18, 2023, Meeting Minutes - DRAFT

SUMMARY MINUTES

Call to Order 6:30 PM

Roll Call:

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

Absent: none.

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

- Agenda Review: none.
- Disclosures: Commissioner Studenmund disclosed she corrected her name on their home Comcast bill. No other disclosures.
- Public Comment (non-agenda items): none.
- Committee & Liaison Appointments
 - The Commissioners reviewed the MHCRC Committees & Liaison Board Appointments for FY 23-24. The electronic document was shared ahead of the meeting in the packet of materials. There are two changes to the roster, Commissioner Harden is now chair of the Policy Committee and requests to be excused from the Finance Committee. Commissioner DeGraw expresses appreciation to Commissioner Harden for his service and agrees to that request. Commissioner DeGraw is appointed as the MHCRC liaison to the City of Portland Charter Reform. Changes were made on the electronic document.
- Community Media Center Updates
 - John Lugton introduced Seth Ring, MetroEast's Director of Education & Volunteers. Seth shared
 a PowerPoint presentation with details of robust programming throughout late spring and
 summer 2023. MetroEast is excited to announce Jasmine Vasquez as the new Digital Media
 Educator, Jasmine supports youth-based content and programming.
 - Courtney Rae, Open Signal Director of Growth/Development Director, and more recently she
 will be taking on a co-Director role, introduces Jamie Plakos, the Director of Operations who
 shared a PowerPoint presentation with the Commission outlining Operations updates. A few
 announcements included: Open Signal will be hiring a Production Manager and a Community



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Media Manager in the coming months; a workshop space to build and repair equipment will be available to staff and community members very soon; major community space renovations were recently completed; and a full studio technology upgrade through the generous support of MHCRC is expected to be complete within a few months. Open Signal new Board Members were announced and KatMeow García was elected to the National Board of Alliance for Community Media, this national representation is an exciting connection.

- Franchisee Activity Report
 - Ziply No updates
 - Comcast Tim Goodman notes they are in the final stages of the Rise Program where 100 small businesses in the MHCRC jurisdiction received a \$5000 grant, plus media assistance. Comcast currently sponsors the Portland Film Festival, and Comcast is the primary sponsor for the Native American Youth and Family Center annual gala.

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C1. June 26, 2023 Meeting Minutes C2. August 21, 2023 Meeting Minutes

MOTION: Commissioner Roche moved to approve the Consent Agenda. Commissioner Harden

seconded.

VOTE: 7-0 passed

REGULAR AGENDA

R1. Launch the 2024 Community Technology Grant Cycle

Rana DeBey said staff is recommending the Commission allocate \$2 million for the Community Technology Grant Cycle for FY 2023-24 and that amount also covers the off-cycle grants program. Staff is recommending that the Commission establish a pre-application deadline of December 5, 2023 with the application window opening up on October 16, 2023. Staff will hold informational meetings in October and November for interested applicants. Pre-applications are due by December 5th through the portal and then in the January meeting the MHCRC will decide which pre-applications move forward in the process. Staff will work with applicants to finalize the contracts and MHCRC will approve the contracts at future MHCRC meetings. The off-cycle grants will be approved following the protocol that was previously approved by the Commission. The current approved budget reflects the \$2 million allocation request.

MOTION: Commissioner Thomas moved to approve the 2024 Community Technology Grant Cycle. Commissioner Studenmund seconded.

VOTE: 7-0 passed



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R2. Off-Cycle Grant Requests: Lewis & Clark College

Staff is recommending the Commission approve a Lewis & Clark College Graduate School of Education & Counseling \$35,849 grant request. Lewis & Clark College Graduate School of Education & Counseling submitted a letter of interest (LOI) to MHCRC Staff in early August, Staff deemed the request met the grant eligibility criteria, the MHCRC Equity Committee reviewed and approved the application to be moved forward to presenting the LOI to the MHCRC Commission for funding. MHCRC has available funds to support this grant request titled "Art at the Center" Video Project with a requested launch date of October 1, 2023.

MOTION: Commissioner Harden moved to approve the Lewis & Clark College grant for \$35,849. Commissioner Thomas seconded.

VOTE: 7-0 passed

R3. City of Portland Charter Reform Update (Information Only)

Eric Engstrom, Deputy Director of the Bureau of Planning and Sustainability, gives an update on the City of Portland Charter Reform. City of Portland Chief Information Officer Mike Jordan drafted an organizational chart which will go to City Council in October for a resolution that will then guide the City's work to prepare the FY25 budget which overlaps the January 2025 Charter Reform implementation date. Staff is seeking MHCRC feedback prior to the October Council vote, with Chair DeGraw as the liaison to the Charter Reform. The draft letter to Mike Jordan from MHCRC, included in the packet of materials from Chair DeGraw, outlines MHCRC and who we are and how we work. This letter is the first of many MHCRC communications with Mike Jordan and city leadership as the Charter Reform takes shape. The letter will circulate for Commissioners' input and approval and then will be submitted to Mike Jordan on Friday.

Staff Activity

- Legislative Advocacy Report Kevin Block updated the Commission on FCC NFPRM and "All-in" Pricing, the 5th FCC Commissioner, FCC Comments on Video Programming Landscape, and Local Authority (HR 3557).
- NATOA Conference/Board Membership Update: Rebecca Gibbons is elected to the NATOA Board of Directors.
- Cable Franchise Negotiations Update Andrew Spears updated the Commission that Tim Goodman and he are meeting frequently to update the Cable Franchise Agreement.
- Franchise Compliance Update Andrew Spears: There is an open position for an Analyst who will be managing Franchise Compliance, which includes the compliance monitoring for MHCRC.
- Consumer Protection Report Andrew Spears reported that The MHCRC planned to implement
 a new complaint tracking database that would allow viewing the data in a variety of ways
 through a real-time dashboard. This will be shared through MHCRC website soon.
 Commissioners would like to review this process at the next meeting.



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- Franchise Fee Audit Report Andrew noted it was a nominal amount, and we received payment from Comcast. No action needed.
- MHCRC Strategic Planning Update Staff are engaging in conversations to hire a consultant for this work.
- Budget/Accounting Update Staff are working with the Finance Committee to come up with a mid-year technology amendment to the budget.
- I-Net End Fund Update Rebecca expressed appreciation to the Commissioners for the final signed agreement. October 26th or early November for the event.
- Community Technology Grant Peer Learning Event Update Rana reported on the October 17th event at The Laurelhurst Club, hosting grantees for a learning and networking lunch.

Committee Reports

- Finance Committee Commissioner Thomas scheduled to meet 10/24/2023
- Equity Committee Commissioner Roche
- Policy Committee Commissioner Harden

Commissioners DeGraw and Dennerline are reappointed to the commission through their respective jurisdictions.

Next MHCRC meeting is Monday, October 16, Hybrid, hosted at MetroEast, Chaired by Vice Chair Harden.

Adjourned: 8:40 PM

Respectfully submitted, Kathleen Lefebvre

REGULAR AGENDA



COVER SHEET – AGENDA ITEM #R1

For Commission Meeting: October 16, 2023

"Community Technology Grant - Off-Cycle Grant Request: PHAME"

Background

The MHCRC acknowledges that opportunities can rise unexpectedly, particularly in the current economic climate, and that community organizations, governments, and educational institutions need to act fast to secure funding for projects that meet ever-changing communication needs. Incorporating intentional responsive grantmaking opportunities outside of the MHCRC's annual competitive cycle increases the MHCRC's equity-centered practices by allowing applicants to request funds at the time of their greatest need, rather than on a funder's timeline.

The MHCRC updated the "Special Funding Request" (aka Off-Cycle) grant program by streamlining the process and updating materials in May 2021 and has awarded five grants through this program since that time.

In accordance with the Off-Cycle grant process, PHAME submitted a Letter of Interest (LOI) to MHCRC staff in late August. Staff deemed that the proposed request met the Off-Cycle grant eligibility criteria and was time-sensitive in nature. The LOI was sent to the MHCRC Equity Committee for consideration. Committee members agreed that staff should move forward with presenting the application to the full MHCRC for funding.

<u>Budget Note:</u> The MHCRC Off-Cycle grant program was originally approved by Commissioners to utilize the Community Grants Contingency Funds (annually allocated at \$800,000/fiscal year) in order to make grant awards, or ending-balance funds unspent by Community Technology Grants requests. The MHCRC has available funds for consideration of this grant request. The Commission approved an off-cycle grant to Lewis & Clark College in September for \$35,849. The combined total (contingency funds and ending-balance) amount available is \$2,764,151 for FY 23-24.

Project Summary:

PHAME (aka PHAME Academy)

Grant Request: \$205,285.59

Total Project Budget: \$1,364,098.30

Public Benefit Area: Improving Service Delivery

Recommendation:

Staff recommends that the Commission approve an Off-Cycle grant PHAME for the "Expanding Video Production for Adults with Intellectual and Developmental Disabilities" project for a total of \$205,285.59.

Project Description:

PHAME's work is aimed at reducing disparities between people with disabilities and people without disabilities, as well as improving community connection by providing a path to creating and presenting video work that does not currently exist for people for intellectual and development disabilities (I/DD).

PHAME is seeking funds to create a fully scaled video program for adults with I/DD. In tandem with the building of a new arts space, PHAME seeks to expand their existing video program to meet the demand for learning skills in video production and editing, ultimately to share the videos that have been created solely by adults with I/DD with the broader community via MetroEast Community Media's cable channels.

As their new home is being built, MetroEast Community Media will host a training cohort that will be attended by students and staff, as well as one video class per term, where videos will be produced and shared for broadcast. Additional students will be trained by cohort members culminating in a total of at least 40 I/DD students with artistic and transferrable video creation and production skills. The new space will include sound and filming spaces and a lightcontrolled space with a green screen. PHAME will host two video classes per term as well as host studio time for students to work on individual projects. Students will define the content of their own work; simultaneously, trained staff will create video content focused on the experience of disability, an animated video on PHAME's services, two performance videos and a green-screen how-to video. Over the course of three years, PHAME will share a minimum of 47 videos with MetroEast and the broader community. The funding requested is intended to foster a group of filmmakers with I/DD who have transferable video skills and to create a permanent place for the continuous training of new media makers with I/DD. Furthermore, project outcomes will contribute toward a non-measurable but equally important goal: to reduce stigma and foster inclusion for people with I/DD by introducing new audiences to the rarely shared perspectives, stories and art of people with I/DD.

Prepared by: Rana DeBey

October 9, 2023

As a normal part of the grantmaking process, Comcast staff are provided the opportunity to review the draft grant contracts in advance of the MHCRC meetings.

Attachments: Draft Grant Agreement: PHAME

INFORMATION ONLY



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MEMORANDUM

For Commission Meeting: October 16, 2023

To: Mt. Hood Cable Regulatory Commission

From: Kevin Block

RE: October 2023 Policy Update

Local Authority (HR 3557) Update

On September 28th NATOA, NLC, USCM, and NACo released a joint letter "to express our deep concerns and strong opposition to H.R. 3557, the American Broadband Deployment Act of 2023. H.R. 3557 deprives citizens and their local governments of the ability to preserve property rights and maintain public safety."

This letter, and its accompanying call to action (Link), were created in response to the House Energy and Commerce Committee Republican majority presenting Democratic Staff a draft committee report on the bill. A committee report usually means that a bill could get a house floor vote in the near future. MHCRC staff have included a draft letter in the packet for consideration by the Commission.

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)

FCC Title II Reinstatement (Net Neutrality)

On September 28th the FCC released a draft NFPRM reaffirming Title II status of broadband internet service (AKA Net Neutrality). This rulemaking would essentially return the broadband regulatory landscape to the 2015 status quo. The comment period for this draft will end on December 14th and reply comments period will end on January 17th.

NATOA Conference Update

MHCRC staff attended the NATOA Conference in Long Beach in early October. The most prominent topics were HR 3557 and the future of cable franchising revenue. The conference also allowed staff the chance to network with other Oregon LFAs as well as groups from other states. Many of the discussions held during the conference informed the attached HR 3557 letter.

FCC NFPRM on "All-in" Pricing

No additional updates

FCC Comments on Video Programming Landscape

No additional updates

Attachments:

HR 3557 Local Government Letter

HR 3557 Draft MHCRC Letter









September 28, 2023

Speaker Kevin McCarthy United States House of Representatives Washington, D.C. 20515

Democratic Leader Hakeem Jeffries United States House of Representatives Washington, D.C. 20515

Majority Leader Steve Scalise United States House of Representatives Washington, D.C. 20515

Chairman Sam Graves
House Committee on Transportation
and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Ranking Member Rick Larsen House Committee on Transportation and Infrastructure 2164 Rayburn House Office Building Washington, DC 20515

Chairman Bruce Westerman House Committee on Natural Resources 1324 Longworth House Office Building Washington, D.C. 20515

Ranking Member Raul M. Grijalva House Committee on Natural Resources 1332 Longworth House Office Building Washington, D.C. 20515

Dear House Leaders:

On behalf of the nation's counties, cities, towns, villages, and their respective national associations – the National League of Cities, United States Conference of Mayors, National Association of Counties, and the National Association of Telecommunications Officers and Advisors – we write to express our deep concerns and strong opposition to H.R. 3557, the American Broadband Deployment Act of 2023. H.R. 3557 deprives citizens and their local governments of the ability to preserve property rights and maintain public safety. Even more so, the proposals included in the legislation have been adopted by a number of states, which were recently identified in the Federal Communications Commission's Broadband Maps as having the most unserved households in America, thus failing to deliver the benefits proponents of H.R. 3557 claim the legislation would provide.

That such flawed legislation has moved as far as it has may be attributed to the fact the American Broadband Deployment Act of 2023 was hurried through committee without the benefit of local government testimony nor insights and consequences of the proposed fundamental changes to our nation's telecommunications policy and rights-of-way authorities. H.R. 3557, unlike many other broadband legislative priorities and investments passed by Congress during the last several years, was voted out of committee on partisan lines. Local governments are always troubled when any legislation is moved on party lines as local governments are bi-partisan in nature.

The proponents of this legislation have suggested that local governments are an impediment to successful broadband deployment, especially with the unprecedented levels of federal investment that are being made right now. This simply isn't true. Local governments are partners with the telecommunications industry, working together to safely, securely, and successfully deploy telecommunications infrastructure in our cities and counties in a timely and efficient manner. We not only partner with our rights-of-way to ensure that disruptions to infrastructure such as roads are minimized, but we are working collaboratively to ensure that together, we deliver on the promise of internet for all Americans as we work with our State Broadband Offices on each of our broadband plans. In fact, the National Telecommunications and Information Administration has made local coordination a significant component of the Broadband, Equity, Access, and Deployment (BEAD) Program because of this very essential relationship between local governments and internet service providers.

Perhaps most alarming about H.R. 3557 is the promotion of the myth that making these proposed changes to our rights-of-way authority will unlock lower prices and improve the quality of broadband offerings available in the United States. There's no proof that any of these conditions happened in states where local governments were pre-empted. States such as Texas have not demonstrated any benefits from a statewide law compared to other states and there is no evidence that a national pre-emption of local authority would have a positive effect, either.

As the level of government closest to the people, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Congress has historically recognized these rights in Sections 224, 253, and 332 of the Telecommunications Act. These authorities are critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible.

We welcome the opportunity to discuss and work collaboratively with Congress and our telecommunications partners to find successful solutions to improve broadband deployment in our country. We thank you for considering our viewpoints and look forward to continuing our work together on this important issue of ensuring quality and affordable internet access for all Americans.

Sincerely,

Matthew D. Chase CEO/Executive Director

The National Association of Counties

Tonya Rideout Executive Director

The National Association of Telecommunications Officers and Advisors

Coco

Clarence Anthony CEO and Executive Director National League of Cities

tom cochran

Tom Cochran CEO and Executive Director The United States Conference of Mayors

CC: Members of the U.S. House of Representatives

If you have any questions, please contact:

The **National Association of Counties (NACo)** provides essential services to the nation's 3,069 counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Since 1935, NACo unites county officials to advocate county priorities in federal policymaking and optimize county and taxpayer resources and cost savings while promoting exemplary county policies and practices. Contact: Seamus Dowdall, Assoc. Legislative Director, Telecommunications & Technology at 202-942-4212 or sdowdall@naco.org.

The National Association of Telecommunications Officers and Advisors' (NATOA) 400 members are local government staff and their advisors offering a wealth of experience and expertise on public rights-of-way management telecom work and communications issues on behalf of local government related to broadband, wireless, cable television, public, educational, and government (PEG) access, public safety communications, consumer protection and PROW management. Contact: Mike Lynch, Legislative Affairs Director, 703-519-8035, x202 or MLynch@NATOA.org.

The **National League of Cities (NLC)** is the voice of America's cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions. Contact: Angelina Panettieri, Legislative Director for Information Technology and Communications, at 202-626-3196 or panettieri@nlc.org.

The **United States Conference of Mayors (USCM)** is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,400 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor. Contact: David W. Burns, Assistant Executive Director, at 202-861-6765 or dburns@usmayors.org.



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

October 17, 2023

The Honorable Ron Wyden United States Senate 221 Dirksen Senate Office Building Washington, D.C. 20510

The Honorable Suzanne Bonamici United States House of Representatives 2231 Rayburn House Office Building Washington, D.C. 20515

The Honorable Lori Chavez-DeRemer United States House of Representatives 1722 Longworth House Office Building Washington, D.C. 20515

Dear Senators and Representatives,

The Honorable Jeff Merkley United States Senate 313 Hart Senate Office Building Washington, D.C. 20510

The Honorable Earl Blumenauer United States House of Representatives 1111 Longworth House Office Building Washington, D.C. 20515

The Honorable Andrea Salinas United States House of Representatives 109 Cannon House Office Building Washington, D.C. 20515

We are contacting you to express our deep concerns and strong opposition to H.R. 3557, the American Broadband Deployment Act of 2023. H.R. 3557 deprives residents, their local governments, and their designated Local Franchising Authorities (LFAs) of the ability to preserve property rights and maintain public safety.

The proponents of this legislation have suggested that local governments are an impediment to successful broadband deployment, especially with the unprecedented levels of federal investment that are being made right now. This simply isn't true. Furthermore, despite the stated goal of this legislation, it needlessly attacks the ability of LFAs to fairly and justly manage their cable franchise agreements and their rights-of-way. H.R. 3557 should be opposed because it:

- Eliminates cable franchise renewals, thereby removing ability of state or local communities to enforce franchise obligations such as build-out, customer service, and PEG¹ (Link)
- Allows cable franchisees to modify the terms of franchise agreements and to renege on cable franchises²
- Affirmatively grants cable operators the right to provide non-cable services while prohibiting localities from imposing any fees on cable operators' revenue from non-cable services
- Implements unnecessary shot-clocks and limits the ability of localities to modify requirements based on current and future needs

Perhaps most alarming about H.R. 3557 is the promotion of the myth that making these proposed changes to our rights-of-way authority will unlock lower prices for consumers. There's no proof that any of these conditions happened in states where local governments have been pre-empted. States such as Texas have

bill/3557/text?s=1&r=1&q=%7B%22search%22%3A%5B%22hr3557%22%5D%7D#H70F2A644E957486582B5D620387C07A9

bill/3557/text?s=1&r=1&q=%7B%22search%22%3A%5B%22hr3557%22%5D%7D#HE7CA10A405E14FAA9D2089B78B02429F

¹ https://www.congress.gov/bill/118th-congress/house-

² https://www.congress.gov/bill/118th-congress/house-



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not demonstrated any benefits from a statewide law compared to other states and there is no evidence that a national pre-emption of local authority would have a positive effect, either.

Further, state and local governments were not given a meaningful opportunity to provide input during the expedited House Energy and Commerce Committee consideration of this bill. As currently written, H.R. 3557 is an unprecedented and unacceptable federal preemption of local authority. This bill would be universally detrimental to local communities across the nation.

As the level of government closest to the people, we have been entrusted with the fair and just management of the right-of-way and as municipalities and counties we must ensure that residents receive fair and just compensation for use of this public asset. Therefore, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Congress has historically recognized these rights in Sections 224, 253, and 332 of the Telecommunications Act. These authorities are critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible.

We urge you to oppose H.R. 3557 and ask that Congressional leadership consult local governments prior to any similar legislative efforts being considered in the future. Thank you for your attention to this important matter.

Sincerely,

Julia DeGraw, Chair

