

**DILLSBURG BOROUGH PUBLIC HEARING  
SEPTEMBER 8, 2009 – MINUTES  
6:45 PM**

Dillsburg Borough Council held a Public Hearing at the Dillsburg Area Authority Building on the above-mentioned date. Council Members attending were President Jeff Griffin, Vice President Mark Ryder, Hal Anderson, David Baldwin, Holly Kelley and Kathryn Zeiders. Also present were Mayor Hank Snyder, Borough Engineer Tim Knoebel, Borough Solicitor Mark Allshouse, Borough Manager Karen Deibler and Borough Secretary/Treasurer Debbi Beitzel.

The following visitors were present: Todd Eachus from Comcast, Leon Zeiders, Tony Baker from Citizens' Hose Fire Company; Paul Reichart from the Patriot News and Mary Lou Bytof from the Dillsburg Banner.

The public hearing was called to order by President Griffin at 6:45 pm. and stated this was a public hearing of the Dillsburg Borough Council regarding cable franchise renewal for the Borough of Dillsburg. This hearing is pursuant to Section 626 of the Federal Cable Act, which sets forth the process for franchise renewal. The Borough's current franchise agreement with Comcast expires on November 30, 2009, and we are beginning the process of renewing the franchise. This public hearing is part of the preliminary portion of franchise renewal, in which the Borough reviews the cable operator's past performance and indentifies the Borough's future cable-related community needs. President Griffin introduced the representative from Comcast, Todd Eachus.

President Griffin stated first, we will hear from Comcast regarding the current cable system and the company's future plans for Dillsburg Borough and then secondly we will hear from any residents who wish to speak regarding either or both of the following subjects: 1. Past performance of the cable operator; 2. The Borough's future cable related community needs.

Franchise renewal is the best opportunity for municipalities to assert their rights with respect to their cable operator and to obtain important benefits in return for granting the cable operator the right to use its public rights-of-way. These benefits include: 1. A State-of-the-Art Cable System now and in the future; 2. Strong Customer Service standards; 3. Free Services to Community Facilities;

4. Better Reporting Requirements from the Cable Operator; 5. Franchise Fees; 6. an educational and Governmental (EG) Channel; 7. Legal Protections of the Rights-of-Way; and 8. Better Mechanisms to Enforce the Franchise Agreement. These are just some of the potential benefits available through franchise renewal. Residents may address these items or any other cable-related items that are important to them.

President Griffin turned the public hearing over to Todd Eachus. Mr. Eachus thanked the Council for having him and for entertaining the renewal cable franchise. Mr. Eachus indicated Comcast acquired the franchise which serves the Borough of Dillsburg in 2005 from Adelphia. He stated they are in a fascinating time when we walk through communication industry. He indicated just a few short years ago cable systems were 20 to 30 channels of analog video and today we have legacy analog video, digital cable television, and video on demand, digital video recorders, and hi-definition televisions. Mr. Eachus stated Comcast just went through the analog digital migration; the broadcasters, high speed internet and voice services. He stated Comcast is in a truly competitive environment. The traditional television communication companies are also getting into the video business and traditional cable companies are getting into the same business the traditional television communication companies are. The technology has changed. The playing field has changed and benefited the consumers with choices.

Mr. Eachus indicated the people of Comcast which serves the residents of Dillsburg are local; they are either from York or Lebanon. He indicated all Comcast nationwide services are available to the residents of the Borough.

Mr. Eachus stated Comcast is very pleased and looking forward to work with the negotiating team. Mr. Eachus opened the floor for comments and/or questions. President Griffin asked if anyone from Council or the audience had any questions.

Council Member Kelley asked how long the renewal would be in place once it is negotiated. Mr. Eachus stated the length of the renewal is one of the items which are negotiated. He indicated the Borough is in a unique position as the franchise party, which means the Borough owns the right-of-way, so the Borough would administer the franchise, but the frame work under which Comcast and Borough operates is the Federal Law. He indicated one of the items the federal law states is under section 626 there are two ways to go about it; 1.Comcast and the Borough sits down and negotiate a renewal agreement where there is a formal procedure which goes before the FCC. He indicated term is one of the items that are negotiable. Council Member Kelley asked if the

negotiations are directly with Dillsburg Borough or is it part of Capital Region Council of Government (Cap COG). Vice President Ryder stated the negotiations are done through Cap COG. Mr. Eachus indicated Frank Lynch has had the geography that covers most of COG for a long time; he also is an elected official for Susquehanna Township. Mr. Eachus stated they will do a frame work with the COG of a draft agreement and will come back to the Borough Council for consideration.

Council Member Kelley asked if there were any discussions regarding the service agreement as opposed to a best effort service. Mr. Eachus asked in what terms. Council Member Kelley stated as part of repairs, outage and any resolution back in the case of outage. Mr. Eachus stated its open for discussion. Council Member Kelley indicated traditionally it has been a best effort service as opposed to any kind of service level agreement that meets any kind of stipulation that the problem would be addressed in such amount of time. Mr. Eachus stated there is language in the draft agreement which addressed this issue. Mr. Eachus stated the current agreement doesn't address it, but there is a section in the Federal regulations which addresses the issue. Council Member Kelley asked if this was something that is discussed regionally or federal mandated. Mr. Eachus stated it does exist in the Federal Law, it would be Borough Council's decision to adopt it or not.

Vice President Ryder indicated he had two issues; one was a customer service issue, which he has been battling back and forth between Lebanon and York and the second one is the cable bill double for internet (\$19.99 to \$42.). Vice President Ryder stated he had asked for supervisors name and phone number and all they would give him was a first name. He also had asked for a callback and never received one. He went through Mr. Perry Albert and the COG committee and finally got a call back from a woman from Harrisburg; another person from York called; now there are five or six people involved and the problem still isn't resolved. Vice President Ryder stated the internet bill doubled. Mr. Eachus stated the \$19.99 price is a promotional rate. Vice President Ryder indicated his internet bill has been \$19.99 for a long time and he had no notification of the price increase. Mr. Eachus indicated he would get an answer for him. Vice President Ryder stated it would be appreciated because he feels \$40.95 is too high for internet. He indicated Verizon has deals out right now for \$19.99. Council Member Kelley stated they are all promotional rates.

Vice President Ryder stated when you call into the call center and asked for a person, the people in the call center treat you like you are nobody. Mr. Eachus stated this is a valid statement and will address the issues.

Vice President Ryder stated the fire company always has to wait hours for utility people to come out to the scene of an accident and response to their needs. He stated they need a more direct contact when an emergency occurs. Mr. Baker indicated this has been becoming a growing issue and he is working with Senator Pat Vance to get this resolved. Mr. Baker stated when there are power lines down, the utility companies usually give a one to two hour ETA. Lately, they can't give an ETA when they are going to be there; so the emergency crews have to stay on the scene until the utility personnel arrive.

President Griffin asked if there were any more questions; being none the public hearing was called to an end.

Respectfully Submitted,

*Debbi L. Beitzel*

Debbi L. Beitzel, Secretary/Treasurer