

January 3, 2023, Public Hearing

The Clarion Borough Council held a Public Hearing on January 3, 2023, at 6:30 p.m. in the Assembly Room of the Clarion Free Library, the purpose of the hearing was to receive comments on Cable Franchise Renewal with Comcast.

A list of those people in attendance is attached to the Official File Copy of these minutes.

President Lapinto called the hearing to order at 6:30 p.m.

President Lapinto stated the purpose was to receive comments on the cable franchise renewal with Comcast. Attorney Joel Winston, Cohen Law Group, is participating by phone to answer any questions citizens may have. President Lapinto asked for any comments from the public?

Ms. Elisabeth Fulmer, 21 South Seventh Avenue, voiced displeasure with Comcast rearranging all the channels, which is just ridiculous. Being with Comcast since 1984, channels that Ms. Fulmer used to watch for years are not where they used to be. There are 100 music channels, 50 for security camera channels, and duplicate channels that Ms. Fulmer feels Comcast should just get rid of. Ms. Fulmer missed the local PBS Channel, which cannot be found on the system. The old numbering needs to come back.

President Lapinto informed Ms. Fulmer Clarion Borough doesn't have any control on the numbering.

Attorney Winston sympathizes with Ms. Fulmer but unfortunately, Clarion Borough does not have any control when it comes to the channel lineup. The municipality has no control to stop the cable operators from doing that. PBS may airline it.

Ms. Fulmer cannot get it on any of the satellite services and is stuck with Comcast if she wants to watch WPSU, which is out of Penn State.

Mayor Fulmer Vinson commented there in app to stream that channel on the air.

President Lapinto announced a citizen did contact the Borough with several questions and then also submitted them into writing to Chief Administrative Officer/Borough Secretary LaVan-Preston and asked if he ever received his answer?

Chief Administrative Officer/Borough Secretary LaVan-Preston also thought Mr. Rich Herman was planning to be at this hearing but did forward Mr. Herman's email with questions in re to cable negotiations to Cohen Law Group, which Attorney Dan Cohen did reply. However, that was not forwarded to Mr. Herman. In summation, Mr. Herman's two questions were, as follow: 1) May the Borough legally negotiate cable rates in the franchise renewal negotiations with Comcast or otherwise regulate cable rates on its own, which Attorney Cohen stated no; and, 2) may the Borough legally allow and/or entice cable competition from another cable operator,

including possibly Spectrum, which Attorney Cohen commented that is possible and Clarion Borough could have two or more franchise agreements if a cable operator would choose to locate in the area. A copy of Mr. Herman's email with Attorney Cohen's reply is attached to the Official File Copy of these minutes.

Contacting Attorney Cohen by email, President Lapinto stated the Borough may solicit another company, which can be discussed at Committee meetings this month. Attorney Cohen responded that there are 3 cable companies that could possibly compete with Comcast, which are Charter, Armstrong, and Shentel, and suggested for a scope of services to do the following: 1) Cohen Law Group would reach out to each of these cable operators to raise the issue and ask for a "field study" to determine the feasibility of each expanding their network into the Borough; 2) arrange a virtual meeting or phone call with a representative of each cable operator and one or more Councilmembers to formally ask them to consider the expansion; and, 3) Cohen Law Group would follow up with each cable operator to obtain their decision. President Lapinto informed everyone that would cost the Borough approximately \$1,800 to do the aforementioned scope of services. President Lapinto asked Attorney Winston to confirm it could cost a new company millions of dollars to come into this area.

Attorney Winston agreed.

Not having discussed this with any other Councilmembers, President Lapinto wondered if the surrounding townships, like Clarion or Monroe, might be interested in coming in with the Borough to look at something like what Attorney Cohen suggested. Another cable operator is not going to pay millions of dollars to come into just the Borough. If the Borough enters into an agreement with any other cable company, President Lapinto pointed out the Borough cannot offer incentives for that operator without it being on an equal playing field with Comcast. Again, the Committee can discuss it this month and see if there is any interest in pursuing additional companies.

Attorney Winston announced this is an issue that many municipalities across Pennsylvania are grappling with. With the changing of telecommunications technology and while it is exciting for Cohen Law Group, municipalities are not as excited about it. There are many companies, cable operators, telephone operators, utilities, wireless companies, and broadband companies, that depending on who each is and what each is classified as, the type of wire being used, and where it is being placed, different rules apply. Some are long-standing rules, like the Cable Act from the mid-80's, versus the new regulations for 5G towers that can sit within the public's rights-of-way. Attorney Winston commented municipalities are grappling with how to get services to communities, residents, and businesses that need them. It is challenging to recruit cable companies to come in and overbuild, which means to build on top of existing systems. Attorney Winston stressed cable companies just do not like to compete with each other because of the investment being millions of dollars to build that initial network. The cable companies will often look for areas where gaps exist. Attorney Winston stated there are options to conduct a field study and reach out to these other providers to see if there is a possibility to recruit broadband providers or make it easier or more cost effective for broadband providers to come in and lay

their networks. Attorney Winston provided reassurance that this is an area that other municipalities are grappling with and it involves a multitude of legal regulations, local, state, and federal. This is an immerging and complex area.

In one of Attorney Cohen's emails, President Lapinto state he alluded that Verizon was becoming very additive and inquired about Verizon?

Attorney Winston commented Verizon is one of the most interesting companies, because Verizon is simultaneously a cellular company, a telephone company, a utility, and a cable operator. Depending on what type of network Verizon would want to build and where it is at is kind of a different option. One of the first steps, and many municipalities doe not have this, is maps of what types of coverages there are and what types of facilities are available within their municipality.

Ms. Fulmer inquired if Attorney Winston is opposed to the economic system predominate in this country where it's based on competition. It's always being stated that competition provides better service and lower prices; however, the attorney doesn't want to compete?

President Lapinto reported it's not Cohen Law Group, it's the cable companies.

Ms. Fulmer stated that the cable companies don't want to compete?

Attorney Winston pointed out the cable operators would rather not compete with each other and would prefer to invest to build a network in a place where there is no existing network rather than try to come in and poach an existing client-based area. Attorney Winston added this is just his perspective on working with cable companies all the time as a law firm and stated Cohen Law Group works exclusively with municipalities. Their company uses what regulations and laws are available in order that the municipalities can enjoy the most legal rights, control, and revenues from the oversight and management of the public rights-of-way where these networks sit.

Ms. Fulmer verified that Attorney Winston has nothing to do with the cable companies?

Attorney Winston stressed he does not represent any cable companies, and the firm represents exclusively local governments.

Ms. Fulmer asked why the public is questioning the attorney rather than the cable company?

Attorney Winston stated Cohen Law Group is hired by local governments to negotiate against the cable companies.

President Lapinto commented their firm is negotiating for the Borough.

In the past, Ms. Fulmer mentioned some of the residents living in small communities do so because he/she like small communities. However, then it's stated that providing services to small

communities like Clarion Borough is not economical feasible. Ms. Fulmer noted that leaves Clarion Borough left behind in modern communication, which is why the public is discussing it tonight with Attorney Winston, and asked what he actually does?

Chief Administrative Officer/Borough Secretary LaVan-Preston answered that Clarion Borough hired Cohen Law Group to renegotiate the cable franchise agreement with Comcast.

President Lapinto asked for any more comments from the public or Councilmembers.

Hearing none, President Lapinto adjourned the Public Hearing at 6:47 p.m. with action to be taken at the Council Meeting to follow.

Linda LaVan-Preston, Chief Administrative Officer/
Borough Secretary