

CABLE ACCESS ADVISORY COMMISSION AGENDA
Wednesday, November 8, 2023 - 7:00 P.M.

This meeting will be cablecast "LIVE" on MGTV 188 on Charter, Channel 99 on AT&T U-Verse, and will stream live at www.cityofmidlandmi.gov/MCTV. This meeting will also be available on the MCTV Network streaming app on Roku, Apple TV, and Amazon Fire TV devices and the Cablecast Community Media App available on iOS and Android mobile devices.

Items with an asterisk () have correlating information in board packet.*

Action items in bold.

- I. Call To Order
- II. Pledge of Allegiance
- III. Roll Call: Dave Dziedzic, Roy Green, Brandon Guiles, Cheryl Wizda
- IV. **Approval – June 14, 2023 & September 13, 2023 Minutes***
- V. Public Comments
- VI. New Business
 - a. Cable Communications Fund YTD 2023/24*
 - b. **2024 Proposed Meeting Dates***
 - c. **2024 Proposed Goals for CAAC***
 - d. **Proposed Annual Report for City Council***
 - e. Protecting Community Television Act Update (HR 6219/S 3361) *
 - f. H.R. 3557 - American Broadband Deployment Act of 2023 Update*
 - g. HB 4965 – Modify Definition of Video Service in Michigan*
- VII. Old Business - CAAC Vacant Seat – MCTV Access User
- VIII. Manager of MCTV Updates*
 - a. Service Updates
 - b. Service Statistics
 - c. Programming Highlights
 - d. Mary Currie Grant Statistics
- IX. Announcements*
 - a. Philo Farnsworth Festival of Media Arts Awards
 - b. Media Creator Workshops at MCTV
 - c. Important Dates and Volunteer Opportunities
 - d. LPFM Community Radio in Midland
- X. Commissioner Comments
- XI. Adjournment: Next Meeting – Wednesday, February 14, 7:00 P.M., Midland City Hall

CABLE ACCESS ADVISORY COMMISSION AGENDA
Wednesday, June 14, 2023 - 7:00 P.M.
Proposed Minutes

Present: Roy Green, Brandon Guiles, and Cheryl Wizda.

Absent: Dave Dziedzic

Also Present: Matthew Richardson – MCTV Manager; Tina Ladika-Cox – Office Assistant.

XII. **Call To Order** – Chair Green called the meeting to order at 7:00 p.m.

XIII. **Pledge of Allegiance**

XIV. **Roll Call:** PRESENT- Roy Green, Brandon Guiles, Cheryl Wizda; ABSENT - Dave Dziedzic.

XV. **Approval – February 8, 2023 Minutes.** Motion to approve by Commissioner Guiles, seconded by Commissioner Wizda. Motion passed 3-0.

XVI. **Public Comments** – None.

XVII. **New Business**

a. **Cable Communications Fund - Fiscal YTD 2022/23 (94% Fiscal Year to Date)**

Revenue	Budget	YTD	PCT.
Franchise Fee	625,000	442,452	74%
Taping Fees	500	460	93%
Workshops	1,000	630	63%
Access Fees	3,000	750	25%
Video On-Line	1,000	530	53%
Contributions	500	16	4%
Sponsorships	500	500	100%
Investment Earnings	880	4,880	555%
TOTAL	632,380	450,218	71%

Expenses	Budget	Year to Date	PCT.
TOTAL	800,699*	614,628	77%

**\$185,000 in Capital Outlay from delayed capital purchases due to flood and COVID closures.*

Chair Green asked until what date the Mary Currie Grant would be available for users. Richardson responded that the trial period was for Jul 1, 2023 – July 1, 2024, but MCTV would continue to use the Mary Currie Grant as long as grant funds remain.

b. **Protecting Community Television Act (HR 6219/S 3361)**

Purpose - This act clarifies that only monetary payments, not non-monetary franchise obligations, qualify as Cable Act franchise fees and are subject to a fee cap. Without it, a cable operator could create fees to drain away municipal revenues and pressure municipalities to give up or de-staff channels.

Status - This act has now been referred to the **Senate Commerce, Science, and Transportation Committee** and the **House Energy and Commerce Subcommittee on Communications and Technology**.

As of June 1, 2023, the bill has **20** sponsors in the Senate and **44** in the House. All of these co-sponsors are in the Democratic Party or Independent.

c. **H.R. 3557 - American Broadband Deployment Act of 2023**

Purpose - To streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.

WHY THIS IS A BILL OF CONCERN FOR PEG ACCESS

Mike Wassenaar, President-NATIONAL Alliance for Community Media, May 30, 2023:

“The House Energy and Commerce Committee passed HR 3557 on a vote of 27-23 last week. The bill, if enacted, would allow the cable industry to eliminate all PEG channels in the United States.

HR 3557 is a partisan effort to support the cable and wireless industry for the stated purpose of expanding broadband deployment in the US. It doesn’t actually require any deployment – instead it seeks to eliminate government rights at the state, local and federal level.

One of the many startling provisions of the Act would be enabling a cable company to eliminate any part of a cable franchise agreement, and indeed would allow companies to terminate contracts and remain in the public right-of-way in perpetuity.”

Richardson included a letter written by the United States Conference of Mayors opposing the HR 3557 bill and shared online resources.

XVIII. **Old Business**

a. **CAAC Vacant Seat – MCTV Access User**

b. **CAAC Goals for 2023**

- Quarterly receive a report on the status of the Cable Communications Fund.
- Quarterly receive a report on status of video franchising laws and legislation.
- Inform access users and public about the challenges and opportunities facing MCTV.
- Participate in MCTV’s “Honors Night 2022.”

c. **2023 Calendar Year CAAC Meeting Schedule**

- February 8
- April 12
- June 14
- September 13
- November 8

XIX. Manager of MCTV Updates

a. Service Updates

MCTV Users now have access to all of the new equipment purchased recently. Workshops are using the new Panasonic professional camcorders, new iMacs with Final Cut Pro video editing, Panasonic HandyCam kit, and mobile kit for capturing audio and video with a mobile device.

We are replacing the Cablecast Automation System that controls the entire playback of the Network. Highlights include the ability to pull in live streams from anywhere in the world, possibility of Closed Captioning, greater video-on-demand features for our users including easier to use interface, and more efficient workflows for staff.

b. Service Statistics 2022/23 Fiscal Year-to-Date

Community Voices TV & VOD: 118 First Runs and 2,471 VOD Views

Midland Government TV & VOD: 176 First Runs and 8,535 VOD Views

Midland Public Schools TV & VOD: 51 First Runs, 3,324 VOD Views, and 15 LIVE Events

Community Voices YouTube Channel: 139 Videos, 16.3k Views and +139 Subscribers

Midland Government YouTube Channel: 93 Videos, 39.4k Views and +93 Subscribers

Community Voices Podcast Channel: 45 Episodes and 1,730 Plays

Midland Government Affairs Podcast Channel: 45 Episodes and 660 Plays

Access Members: 186 Active Users & Organizations and 1,710 Hours Volunteered

Workshop Attendees: 52 Graduates and 5 Video Campers

Mary Currie Grant Users: 21 New Members/Workshops, 4 Renewals, 9 YouTube and 6 Podcasts

Not included – 2023 Summer Camp Participants. Noticeable increase seen in new Access Members and Workshop Attendees.

c. Programming Highlights – Video Played.

COMMUNITY VOICES

Weekly Church Service from 9 area Churches

3-2-1 Connection

Saints Army - Message of Hope: Ep 6

Stranger Things and the 1980s

Midland Community Orchestra: March Madness Concert 2023

A to Zig - "D" Drought and Deluge

News from Midland's University | March 2023

Landlord vs Tenant Law

Mid-Michigan Brass Band Winter Concert 2023

Senior Services: Diamond Anniversary
Shining Stars Talent Show 2023
Midland Concert Band Spring Concert 2023
Child Passenger Safety

MGTV

Battle of the Books 2023: Middle School Individuals
PSA Grace Dow Library PSAs
Master Plan Virtual Input Session 05-16-23
Battle of the Books 2023: Elementary Final
Peace Officers Memorial Service 2023
State of the City 2023
Battle of the Books 2023: Middle School Teams
Advisory Committee on Infrastructure Community Event 5-22-23
Midland Police Department New Officer Swearing-In Ceremony 2023
Word on the Street(s) & Lowdown on Downtown Podcasts
What's up in the City?
Weekly City News Segments
City & County Board & Commission Meetings

MPS-TV

MHS vs DOW Sports – Basketball, Hockey, Wrestling
MPS Connections - A Video Podcast
Parent Information Committee Meetings
MPS Board of Education Meetings
H.H. Dow HS Orchestra Spring Concert 2023
Dow HS vs Midland HS Girls Soccer 5/03/23
H.H. Dow High & Midland High Graduation Ceremonies 2023

Special recognition given to MCTV's Multimedia Production Specialist Kris Ferguson and Production Director Matthew Thomas for their production work and social media strategy.

d. Mary Currie Grant Statistics

- 38 New Members w/Workshops
- 18 Renewing Members
- 31 Podcasts
- 39 YouTube & Live Streams
- \$2,860 Awarded/\$5,000 Fiscal Year to Date

Target Dates: Fiscal Year 2022-23; July 1, 2022 – June 30, 2023.

IX. Announcements

a. Media Creator Workshops at MCTV Network

- Wednesday, September 13, 5:30 - 8:30 PM

- Thursday, September 14, 1:30 - 4:30 PM
- Wednesday, October 4, 5:30 - 8:30 PM
- Thursday, October 5, 1:30 - 4:30 PM

b. Summer Youth Camps

c. Important Dates and Volunteer Opportunities

- MCTV Closed to Public, June 19
- Summer Video Camp, June 19-22
- Great Lakes Loons Broadcasts June 16 & July 14
- Sports Broadcasting Camp, July 10 – 14
- Touch-A-Truck, July 19
- Fall Sports & Concerts Starting in September
- MCTV Closed, September 4

X. Commissioner Comments

Commissioner Guiles and Commissioner Wizda both congratulated the MCTV Network for successful expansion of users and services in 2023.

XI. Adjournment: 7:49 p.m. Motion to adjourn by Commissioner Wizda, seconded by Commissioner Guiles. Motion passed 3-0.

Next Meeting – Wednesday, September 13, 7:00 P.M., Midland City Hall

CABLE ACCESS ADVISORY COMMISSION AGENDA
Wednesday, September 13, 2023 - 7:00 P.M.
Proposed Minutes

Present: Dave Dziedzic, Cheryl Wizda

Absent: Roy Green, Brandon Guiles

Also Present: Matthew Richardson, Tina Ladika-Cox

Items with an asterisk (*) have correlating information in board packet.

- I. **Call To Order:** Cheryl Wizda called the meeting to order at 7:00 pm.
- II. **Pledge of Allegiance**
- III. **Roll Call:** PRESENT- Dave Dziedzic, Cheryl Wizda; ABSENT – Roy Green, Brandon Guiles. Wizda stated that due to the lack of quorum, all agenda items would be voted on in the next meeting on November 8, 2023.
- IV. **Approval – June 14, 2023 Minutes.** No comments; June 14, 2023 Minutes will be voted on November 8, 2023.
- V. **Public Comments** – None.
- VI. **New Business**
 - a. **Cable Communications Fund YTD 2023/24***– Statistics presented.
 - b. **2024 Proposed Meeting Dates***– February 14 2024 meeting may be off-site due to City Hall construction. 2024 Proposed CAAC Meeting Dates will be voted on November 8, 2023.
 - c. **2024 Proposed Goals for CAAC*** – Inclusion of new goal to provide an Annual Report to City Council on the status of MCTV and the CAAC.
 - d. **Proposed Annual Report for City Council***– Redesigned to include more information. Commissioners Wizda and Dziedzic commented on the impressive number of volunteer hours at MCTV Network. The Proposed Annual Report for City Council will be voted on November 8, 2023, and then submitted to the City Manager.
 - e. **Protecting Community Television Act Update (HR 6219/S 3361) ***
 - f. **H.R. 3557 - American Broadband Deployment Act of 2023 Update***
- VII. **Old Business**
 - a. **CAAC Vacant Seat – MCTV Access User**
 - b. **Remaining 2023 Meeting Dates: 11/8**
- VIII. **Manager of MCTV Updates***
 - e. **Service Updates** – A major update is the September 13 City Council approval of a new automation system for the MCTV Network through Advanced Lighting and Sound of Troy, MI. Highlights of the new system include the inclusion of Closed Captioning and several improved video-on-demand features.
 - f. **Service Statistics** – Statistics since July 1, 2023 shared.

- g. Programming Highlights** – Video played from MPS-TV, MGTV and Community Voices programs.
 - h. Mary Currie Grant Statistics** – Grant statistics presented. Commissioner Dziedzic applauded the Mary Currie Grant for offering financial support towards many MCTV Workshop graduates/new members.
- IX. Announcements***
- e. Philo Farnsworth Festival of Media Arts Awards** – Video played of MCTV programs honored by the 2023 Philo Farnsworth Festival.
 - f. Media Creator Workshops at MCTV** – Upcoming Workshop dates shared.
 - g. Important Dates and Volunteer Opportunities** – Upcoming school sports, concerts, and other important MCTV dates shared.
 - h. LPFM Community Radio in Midland** – Discussion regarding the application (due November 18 2023) for a new local community radio station, including results from a poll sent to MCTV Access Users to assess the interest of Midland residents.
- X. Commissioner Comments** – Commissioner Dziedzic congratulated MCTV Staff and Volunteers for their recognition in this year’s Philo Farnsworth Festival of Media Arts. Commissioner Wizda predicted that a local community radio station would attract a crossover audience with MCTV viewership.

Adjournment: Next Meeting – Wednesday, November 8, 7:00 P.M., Midland City Hall

***Agenda Item VI. a. Cable Communications Fund - Fiscal YTD 2023/24**

Cable Communications Fund 2023/24 (35% Fiscal Year to Date)

Revenue	Budget	YTD	PCT.
Franchise Fee	600,000	0	0%
Taping Fees	500	290	58%
Workshops	1,000	335	34%
Access Fees	3,000	1,375	46%
Video On-Line	1,000	20	2%
Contributions	500	0	0%
Sponsorships	500	0	0%
Investment Earnings	4,000	0	0%
TOTAL	610,500	2,020	.3%

Expenses	Budget	Year to Date	PCT.
TOTAL	802,613	168,635	21%

***Agenda Item VI. b. Proposed 2024 CAAC Meeting Dates**

- February 14**
- April 10**
- June 12**
- September 11**
- November 13**

***Agenda Item VI. c. Proposed 2024 CAAC Goals**

- Quarterly receive a report on the status of the Cable Communications Fund.
- Quarterly receive a report on status of video franchising laws and legislation.
- Inform access users and public about the challenges and opportunities facing MCTV.
- Participate in MCTV’s “Honors Night 2023.”
- Provide an Annual Report to City Council on the status of MCTV and the CAAC

**City of Midland Cable Access Advisory Commission
Annual Report FY 2022/23**

GOALS FOR 2022/23

The Commission developed and approved the following goals for the fiscal year:

- Quarterly receive a report on the status of the Cable Communications Fund.
- Quarterly receive a report on status of video franchising laws and legislation.
- Inform access users and public about the challenges and opportunities facing MCTV.
- Participate in MCTV's "Honors Night 2022."

OUTCOMES (See Addendum for Details)

- I. In the 2022/23 fiscal year, Commissioners were updated on the status of the Cable Communications Fund, including MCTV budget updates.
- II. Presentations were made showcasing the various public, school, and City of Midland video and podcast programs on the MCTV Network.
- III. The commission members were updated on the orders of the FCC, the Protecting Community Television Act (HR 6219/S 3361) and other legislative items of concern that could impact PEG Access.
- IV. Commissioners were updated on changes to MCTV services, new educational offerings, and inclusion initiatives at MCTV.

COMMISSION MEMBERS

Roy Green served as chair. Cheryl Wizda served as vice-chair. One Access User position remained vacant. Dave Dzedzic represented the Midland Public Schools. Roy Green and Cheryl Wizda represented MCTV Members on the Commission. Brandon Guiles served as an At-Large member.

Respectfully submitted,

Cable Access Advisory Commission, 2022 – 2023

Dave Dzedzic, MPS Representative
Cheryl Wizda, Vice-Chair, Access User

Brandon Guiles, At-Large
Roy Green, Chair, Access User

**City of Midland Cable Access Advisory Commission
Annual Report 2022/23**

I. In the 2022/23 fiscal year, Commissioners were updated on the status of the Cable Communications Fund, including MCTV budget updates.

At each CAAC meeting, commissioners are updated on the status of the Cable Communications Fund which includes the franchise fee proceeds from Charter Communications and AT&T. Franchise fees are 5% of a video service provider's gross revenue from cable TV service and is paid to the City of Midland for use of the public right-of-way.

Cable Communications Fund 2022/23 (100% Fiscal Year End, UNAUDITED)

Revenue	Budget	YTD	PCT.
Franchise Fee (-4.4% YoY)	625,000	586,849	98%
Taping Fees	500	552	110%
Workshops	1,000	1030	103%
Access Fees	3,000	750	25%
Video On-Line	1,000	550	55%
Contributions	500	5,010	5,010%
Sponsorships	500	16	3%
Investment Earnings	880	20,429	236%
TOTAL	632,380	615,186	96%

Expenses	Budget	Year End	PCT.
TOTAL	631,645	644,970	91%

For reference, here are the unaudited numbers from 2021/22:

Cable Communications Fund 2021/22 (100% Fiscal Year End, UNAUDITED)

Revenue	Budget	YTD	PCT.
Franchise Fee (-.5% YoY)	650,000	614,062	94%
Taping Fees	500	395	79%
Workshops	1,000	775	78%
Access Fees	3,000	2,670	89%
Video On-Line	1,000	1,060	106%
Contributions	500	5,010	5,010%
Sponsorships	500	0	0%
Investment Earnings	1,100	1,048	95%
TOTAL	657,600	625,020	95%

Expenses	Budget	Year End	PCT.
TOTAL	631,645	642,804	91%

II. Presentations were made showcasing the various public, school, and City of Midland video and podcast programs on the MCTV Network.

During the year, the commission learned about the variety of community produced and staff led productions that were produced for the MCTV Network. This media content is from all areas of PEG Access (Public, Education, and Government) and represents many hours of community volunteerism and staff support. Viewership and usage statistics are included in this presentation.

Selection of community content in FY 2022/23:

Midland HS & HH Dow HS Sports	Coverage of City Boards & Commissions
Northwood University Sports	What’s Up in the City! Community Affairs
Great Lakes Loons Baseball	Weekly City News Videos
Shining Stars Talent Show	Word on the Streets Podcasts
Mid-Michigan Brass Band Concerts	County Board of Commissioner Meetings
Midland Concert Band Concerts	MPS Board of Education Meetings
Midland Community Orchestra Concerts	8 Area Weekly Church Services
Tunes by the Tridge Concert	LWV & AAUW Candidate Forums
Chemical City Band Concerts	Northwood University Events & News
Santa Parade 2022 LIVE	Four Lakes Task Force Infrastructure Video
Election Primer Videos w/MBA	Second Act: Life at 50+
USA Softball 2022 Hall of Fame Banquet	Bicycle Safety
Saints Army - Message of Hope	Walk For Hope
Great Lakes History in Song	The Spark
3-2-1 Connection	Kevin Davis Show
Child Passenger Safety	Syrian Refugee News Report
Landlord vs Tenant Law	Meridian vs Beaverton Basketball
Conservation Matters	Community Health Improvement Plan

MCTV Network service statistics for fiscal year 2022/23:

Community Voices YouTube

60 Videos (16 LIVE Streams)
19.5k + Views
969 Subscribers

Midland Government YouTube

145 Videos (4 Live Streams)
40.8k + Views
1323 Subscribers

Community Voices Podcasts

33 New Episodes
272 Total Episodes
6754 Plays

Midland Government Affairs Podcasts

59 New Episodes
202 Total Episodes
3345 Plays

Community Voices on TV & Video On-Demand (VOD)

141 First Run Shows
1595 VOD Views

Midland Government on TV & VOD

190 First Run Programs
109 Public Meetings Televised
1191 VOD Views

Midland Public Schools TV

51 First Run Shows
1293 VOD Views
15 Sports
12 MPS Board of Ed

MCTV Membership

2207 Hours Volunteered
60 Volunteers
199 Active Users & Organizations

Workshop Attendees

62 Graduates
13 Video Campers

Mary Currie Grant Stats

37 New Members w/Workshops
15 Renewing Members
57 Online Services Paid For
\$2,610 Used End of Fiscal Year

III. The commission members were updated on the Federal Communications Commission (FCC) and other federal/state items of concern that could impact Public Education Governmental (PEG) Access.

New bills have been introduced at the federal level that could have dramatic impact on PEG centers nationwide. The current administration in Washington has different priorities than the previous regarding FCC's oversight of cable operations and rules regarding franchise fees. The FCC is currently undergoing changes to the commission that may impact PEG facilities in the coming months or years.

Protecting Community Television Act (HR 6219/S 3361)

This bill was re-introduced into congress and is supported by the National Alliance for Community Media.

Why this Legislation is Needed

The FCC's 2019 Franchise Fee Order redefines the federal Cable Act's 5% franchise fee to include the value of most non-monetary franchise obligations as franchise fees. This change allows cable companies to reduce what they pay for the use of public property and rights-of-way. The Protecting Community Television Act (HR 6219/S 3361) corrects this error by clarifying franchise fees are only monetary.

Background

The Cable Act protects the rights of a local community to charge cable companies a five (5%) percent franchise fee and to meet community needs and interests, such as providing public, educational and governmental channel capacity. Contrary to industry practices that date to the 1980s, the FCC's actions could result in reducing cable operators' monetary compensation to towns and municipalities that wish to communicate with residents through community television. The FCC Order could force communities to choose between franchise fees or communicating with residents through community media that provide Americans with local civic, public safety and public health content.

The Protecting Community Television Act ((HR 6219/S 3361) clarifies that only monetary payments, not non-monetary franchise obligations, qualify as Cable Act franchise fees and are subject to a fee cap. Without it, a cable operator could create fees to drain away municipal revenues and pressure municipalities to give up or de-staff channels.

The bill is authored by Senators Ed Markey (MA) and Tammy Baldwin (WI). Rep. Anna Eshoo (CA) and Pete DeFazio (OR) are the House authors. As of March 21, the bill has 15 co-sponsors in the Senate and 33 co-sponsors in the House.

H.R.3557 - American Broadband Deployment Act of 2023

The American Broadband Deployment Act was recently introduced to Congress and possibly gives video service providers the ability to remove any portion of existing franchise agreements.

Intended Purpose

To streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.

Why this is a bill of concern for PEG Access

“The House Energy and Commerce Committee passed HR 3557 on a vote of 27-23 last week. The bill, if enacted, would allow the cable industry to eliminate all PEG channels in the United States.

HR 3557 is a partisan effort to support the cable and wireless industry for the stated purpose of expanding broadband deployment in the US. It doesn’t actually require any deployment – instead it seeks to eliminate government rights at the state, local and federal level.

One of the many startling provisions of the Act would be enabling a cable company to eliminate any part of a cable franchise agreement, and indeed would allow companies to terminate contracts and remain in the public right-of-way in perpetuity.” - Mike Wassenaar, President-NATIONAL Alliance for Community Media, May 30, 2023

This bill currently remains in the House with 11 Republican co-sponsors and is before the following Committees:

House Energy and Commerce
House Natural Resources
House Transportation and Infrastructure

Main Section of Concern for PEG: SEC. 203. Cable franchise term and termination.

(a) Elimination or modification of requirement in franchise. —Section 625 of the Communications Act of 1934 (47 U.S.C. 545) is amended to read as follows:

“SEC. 625. Elimination or modification of requirement in franchise.

“(a) In general. —During the period in which a franchise is in effect, the cable operator may obtain the elimination or modification of any requirement in the franchise by submitting to the franchising authority a request for the elimination or modification of such requirement.

“(b) Elimination or modification of requirement in franchise. —

“(1) REQUIREMENT. —The franchising authority shall eliminate or modify a requirement in accordance with a request submitted under subsection (a) not later than 120 days after the cable operator submits the request to the franchising authority if the cable operator demonstrates in the request—

“(A) good cause for the elimination or modification of the requirement, including the need to eliminate or modify the requirement—

“(i) to conform to an applicable Federal or State law;

“(ii) to address changes in technology; or

“(iii) in the case of a requirement applicable to the cable operator, due to commercial impracticability; and

“(B) that the mix, quality, and level of cable services required by the franchise at the time the franchise was granted will be maintained notwithstanding the elimination or modification of the requirement;

“(2) DEFINITION. —In this subsection, the term ‘commercial impracticability’ means that it is commercially impracticable for the operator to comply with the requirement as a result of a change in conditions which is beyond the control of the operator and the nonoccurrence of which was a basic assumption on which the requirement was based.

“(c) Deemed elimination or modification. —Except in the case of a request for the elimination or modification of a requirement for services relating to public, educational, or governmental access, if the franchising authority fails to approve or deny the request submitted under subsection (a) by the date described under subsection (b), the requirement shall be deemed eliminated or modified in accordance with the request on the day after such date.

IV. Commissioners were updated on changes to MCTV services and new educational offerings.

Highlights presented to the CAAC:

- Staff host week long media creation camp teens 12 – 17. Campers learn aspects of creating digital media. MCTV partners with the Library, Dow Gardens, and Midland Center for the Arts in the creation of this program.
- Staff host a Sports Broadcasting Camp for teens. This weeklong camp teaches how to produce live coverage of sporting events. The week includes an afternoon at Dow Diamond with tours, guest speakers from ESPN and Dow Diamond video staff. Camp culminated in campers creating a LIVE broadcast of a Great Lakes Loons baseball game.
- MCTV puts new equipment in service for public use including new UHD Camcorders, HandyCam, small camcorder kit, mobile phone video kits, new audio recording devices and lighting equipment.
- With addition of new technology, MCTV can broadcast events LIVE from anywhere with an internet connection.
- CAAC: Roy Green served as chair. Cheryl Wizda served as vice-chair. One Access User position remained vacant. Dave Dziedzic represented the Midland Public Schools. Roy Green and Cheryl Wizda represented MCTV Members on the Commission. Brandon Guiles was served as an At-Large member.
- MCTV Staff hosted a re-vamped Honors Night program in December 2022. Volunteers, users, and non-profits were recognized for their efforts in creating the variety of community media content.
- MCTV Staff & Volunteers are recognized in a regional video competition hosted by the Central States Alliance for Community Media. Among the award winners:
 - ▶ **DOCUMENTARY - NON-PROFESSIONAL DIVISION WINNER**
Great Lakes - One Water for Life, Stephanie Baiyasi & Ziggy Kozicki
 - ▶ **PERFORMING ARTS – PROFESSIONAL**
FINALIST: Midland Concert Band Holiday Concert 2022, MCTV Volunteers & Staff
 - ▶ **SPORTS COVERAGE - PROFESSIONAL**

WINNER: Great Lakes Loons vs West Michigan Whitecaps Baseball, Sports Broadcasting Camp, MCTV Volunteers, & Staff

FINALIST: Midland HS vs HH Dow HS Football LIVE, MCTV Volunteers & Staff

▶ ***VIRTUAL EVENTS - PROFESSIONAL***

WINNER: 2022 Ask Santa Anything LIVE! MCTV Staff

▶ ***EXCELLENCE NOMINATIONS***

Excellence in Editing

Midland Concert Band Holiday Concert 2022

Best in Show (Overall most amazing media of the year)

Midland Concert Band Holiday Concert 2022

Midland HS vs HH Dow HS Football LIVE

<END OF ANNUAL REPORT>

PROTECTING COMMUNITY TELEVISION ACT (HR 6219/S 3361):

WHY THIS LEGISLATION IS NEEDED

The FCC's 2019 Franchise Fee Order redefines the federal Cable Act's 5% franchise fee to include the value of most non-monetary franchise obligations as franchise fees. This change allows cable companies to reduce what they pay for the use of public property and rights-of-way. The Protecting Community Television Act (HR 6219/S 3361) corrects this error by clarifying franchise fees are only monetary. This bill revises the definition of a franchise fee that is paid by a cable operator or cable subscriber to encompass only a tax, fee, or other monetary assessment that is imposed by a franchising authority or other governmental entity.

PURPOSE

The Cable Act protects the rights of a local community to charge cable companies a five (5%) percent franchise fee and to meet community needs and interests, such as providing public, educational and governmental channel capacity. Contrary to industry practices that date to the 1980s, the FCC's actions could result in reducing cable operators' monetary compensation to towns and municipalities that wish to communicate with residents through community television. The FCC Order could force communities to choose between franchise fees or communicating with residents through community media that provide Americans with local civic, public safety and public health content. The Protecting Community Television Act ((HR 6219/S 3361) clarifies that only monetary payments, not non-monetary franchise obligations, qualify as Cable Act franchise fees and are subject to a fee cap. Without it, a cable operator could create fees to drain away municipal revenues and pressure municipalities to give up or de-staff channels. The bill is authored by Senators Ed Markey (MA) and Tammy Baldwin (WI). Rep. Anna Eshoo (CA) and Pete DeFazio (OR) are the House authors.

STATUS

This act has now been referred to the **Senate Commerce, Science, and Transportation Committee** and the **House Energy and Commerce Subcommittee on Communications and Technology**.

As of September 7, 2023, the bill has **20** sponsors in the Senate and **44** in the House. All of these co-sponsors are in the Democratic Party or Independent.

H.R.3557 - American Broadband Deployment Act of 2023

PURPOSE

To streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.

WHY THIS IS A BILL OF CONCERN FOR PEG ACCESS

“The House Energy and Commerce Committee passed HR 3557 on a vote of 27-23 last week. The bill, if enacted, would allow the cable industry to eliminate all PEG channels in the United States.

HR 3557 is a partisan effort to support the cable and wireless industry for the stated purpose of expanding broadband deployment in the US. It doesn't actually require any deployment – instead it seeks to eliminate government rights at the state, local and federal level.

One of the many startling provisions of the Act would be enabling a cable company to eliminate any part of a cable franchise agreement, and indeed would allow companies to terminate contracts and remain in the public right-of-way in perpetuity.” - Mike Wassenaar, President-NATIONAL Alliance for Community Media, May 30, 2023

This bill currently remains in the House with 11 Republican co-sponsors and is before the following Committees:

House Energy and Commerce
House Natural Resources
House Transportation and Infrastructure

Main Section of Concern for PEG: SEC. 203. Cable franchise term and termination.

(a) Elimination or modification of requirement in franchise. —Section 625 of the Communications Act of 1934 (47 U.S.C. 545) is amended to read as follows:

“SEC. 625. Elimination or modification of requirement in franchise.

“(a) In general. —During the period in which a franchise is in effect, the cable operator may obtain the elimination or modification of any requirement in the franchise by submitting to the franchising authority a request for the elimination or modification of such requirement.

“(b) Elimination or modification of requirement in franchise. —

“(1) REQUIREMENT. —The franchising authority shall eliminate or modify a requirement in accordance with a request submitted under subsection (a) not later than 120 days after the cable operator submits the request to the franchising authority if the cable operator demonstrates in the request—

“(A) good cause for the elimination or modification of the requirement, including the need to eliminate or modify the requirement—

“(i) to conform to an applicable Federal or State law;

“(ii) to address changes in technology; or

“(iii) in the case of a requirement applicable to the cable operator, due to commercial impracticability; and

“(B) that the mix, quality, and level of cable services required by the franchise at the time the franchise was granted will be maintained notwithstanding the elimination or modification of the requirement;

“(2) DEFINITION.—In this subsection, the term ‘commercial impracticability’ means that it is commercially impracticable for the operator to comply with the requirement as a result of a change in conditions which is beyond the control of the operator and the nonoccurrence of which was a basic assumption on which the requirement was based.

“(c) Deemed elimination or modification. —Except in the case of a request for the elimination or modification of a requirement for services relating to public, educational, or governmental access, if the franchising authority fails to approve or deny the request submitted under subsection (a) by the date described under subsection (b), the requirement shall be deemed eliminated or modified in accordance with the request on the day after such date.

House Fiscal Agency Legislative Analysis:

House Bill 4965 would amend the Uniform Video Services Act to provide that the term video services, as used in the act, does not include direct-to-home satellite services or streaming content and to specify that it only includes services provided by a video service provider.

*The act requires video providers to enter into a franchise agreement with a local unit of government before offering **video services** within the local unit's boundaries.*

***Video service** now means programming, cable services, internet protocol television (IPTV), or open video system (OVS) as defined, provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. It does not include any video programming provided by a commercial mobile service provider defined or provided solely as part of, and through, a service that enables users to access content, information, electronic mail, or other services offered over the internet.*

The bill would modify this definition to provide that video service includes only video programming, cable services, IPTV, or OVS provided by a video service provider. It would also specify that video service does not include direct-to-home satellite services.

Main points of this legislation:

- Streaming services such as Netflix are defined as NOT video service providers.
- Exempts streaming video systems like Netflix, HULU, Disney+, etc. from being required to pay local and state franchise fees to do business within those communities.
- As traditional TV providers remove traditional TV service from their lineup, these providers may claim discrimination and insist their own exemption from paying franchise fees.
- Estimated 100 million per year will become unavailable to communities to use for the public good.

***Agenda Item VIII. a. Service Updates**

MCTV Users now have access to new equipment. Workshops are using new Panasonic professional camcorders, new iMacs with Final Cut Pro video editing, a Panasonic HandyCam kit, and mobile kit for capturing audio and video with a smart phone.

This fall, MCTV is replacing our Cablecast Automation System that controls the entire playback of the Network. Contract with Advanced Lighting and Sound from Troy, MI was awarded at the September 11 City Council meeting. Highlights include the ability to pull in live streams from anywhere in the world, possibility of Closed Captioning, greater video-on-demand features for our users including easier to use interface, and more efficient workflows for staff.

Staff are looking into the plausibility of flexible “on-demand” workshops to become an access user. MCTV may offer one evening workshop a month and develop a process for setting flexible, one-on-one and small group workshops during the workday or evening. Goal would be to accommodate those that can not attend our regularly scheduled workshops. WE have found this would be beneficial to staff of area nonprofits.

Services Statistics 2023/24 Fiscal Year-to-Date

Community Voices YouTube

22 New Videos
5,684 Views
1,004 Subscribers

Midland Government YouTube

27 New Videos
8,488 Views
1,352 Subscribers

Community Voices Podcasts

12 Episodes
276 Plays
7,306 Total Plays

Midland Government Affairs Podcasts

7 New Episodes
185 Plays
3,775 Total Plays

Community Voices on TV & VOD

69 First Run Shows
1,047 VOD Views
127 Local Church Services

Midland Government on TV & VOD

64 First Run Shows
581 VOD Views
37 Public Meetings

Midland Public Schools TV

13 First Run Shows
1,963 VOD Views
5 LIVE HS Sports

Mary Currie Grant Users

4 New Members/Workshops
12 Renewals
15 YouTube Uploads
5 Podcasts Uploads

Workshop Attendees

9 Graduates
8 Video Campers

Membership

689 Hours Volunteered
203 Active Users & Organizations

Roku, Apple TV & Amazon Fire OTT

2,334 App Installations
737 Views FYTD
47 Roku Viewers MHS vs DOW
Football Live

Facility Usage

53 Studio Reservations
93 Camera Reservations
71 Edit Suite Reservation

Programming Highlights

MPS-TV

- Board of Education Meetings
- MHS Homecoming Football
- MHS vs DOW Soccer
- HH Dow Homecoming Football
- DOW vs MHS Volleyball
- DOW vs MHS Football

MGTV

- What's up in the City? Planning & Council Editions
- Weekly City News Segments
- City of Midland Public Meetings
- Midland County Board Meetings
- Changing Places Restroom Groundbreaking
- Center City Streetscape Ribbon Cutting
- DART EV Bus Ribbon Cutting
- GADML Library Halloween Parades - Youth Services

COMMUNITY VOICES

- Weekly Church Service from 8 area Churches
- Tunes By the Tridge: The Resonators 2023
- Great Lakes Loons vs Ft. Wayne Tin Caps 7/14/23
- Saints Army - Message of Hope: Ep 10
- 3-2-1 Connection: August 2023
- Wear Orange: End Gun Violence
- DNMM PSA Promo August 2023
- Au Sable Ep 2: Fulfilling the Dream
- GLEF 2023: A Few Friends for the Environment of the World
- Kevin Davis Show - Tractor Show 2023
- Child Passenger Safety
- Robotics Series - Core Values
- McVAN - Midland Co. Vulnerable Adult Network
- Midland Concert Band Fall Concert 2023
- Lyme Disease & Mental Illness - Part 1
- Celebration of Peace 2023
- Center for Civil Justice: Keeping Coverage During Medicaid Renewals
- USA Softball 2023 Hall of Fame Banquet
- Witch Woulds - What Would Witches do at Halloween?
- Cold Weather Driving Preparedness

Statistics for Mary Currie Grant

- 36 New Members w/Workshops
- 27 Renewing Members
- 42 Podcasts
- 47 YouTube & Live Streams
- \$3,235 Awarded

Philo Farnsworth Festival of Media Arts Recognitions

Hosted by the Central States Region of the Alliance for Community Media
Thursday, October 12, 2023 – Monroe County Community College, Meyer Theater

DOCUMENTARY - NON-PROFESSIONAL DIVISION WINNER

Great Lakes - One Water for Life, Stephanie Baiyasi & Ziggy Kozicki

PERFORMING ARTS – PROFESSIONAL

FINALIST: Midland Concert Band Holiday Concert 2022, MCTV Volunteers & Staff

SPORTS COVERAGE - PROFESSIONAL

WINNER: Great Lakes Loons vs West Michigan Whitecaps Baseball, Sports Broadcasting Camp, MCTV Volunteers, & Staff

FINALIST: Midland HS vs HH Dow HS Football LIVE, MCTV Volunteers & Staff

VIRTUAL EVENTS - PROFESSIONAL

WINNER: 2022 Ask Santa Anything LIVE! MCTV Staff

EXCELLENCE NOMINATIONS:

Excellence in Editing

Midland Concert Band Holiday Concert 2022

Best in Show (Overall most amazing media of the year)

Midland Concert Band Holiday Concert 2022

Midland HS vs HH Dow HS Football LIVE

Media Creator Workshops at MCTV Network

- Thursday, December 7, 5:30 – 8:30 PM
- Call to schedule with MCTV at (989) 837-3474

Important Dates and Upcoming Volunteer Opportunities

- 11/18 Santa Parade LIVE
- **MCTV Closed, November 23-24**
- MCTV Honors Night, December 14, 7 PM
- **MCTV Closed, December 25 - 29**

- 1. FCC Announced Application window for LPFM License**
- 2. Low Power FM**
 - Short Range 3-5 Mile radius
 - Low cost
 - For non-commercial use
- 3. Who can apply?**
 - Non-Profit Organizations 501c3 - In existence for over 2 years
 - Governmental Agencies
 - Educational Institutions
- 4. Not a Free Speech Forum**
 - Required to follow FCC guidelines on content, timing, identification, etc.
 - Non-commercial content
 - Unable to engage in pledge drives, donations, etc.
- 5. What the community radio station would need to get started**
 - Public polling for support
 - Foundation, educational, and local business support
 - Radio Engineer Consultation
 - Apply by November 18
 - Application is Free
 - Station must be operational within three years
- 6. What the community radio station would need to operate**
 - Create Training & Educational Opportunities for community
 - Grants and donations from foundations and community partners
 - Marketing
 - Underwriting
 - Active Advisory Board