

1 SCRANTON CITY COUNCIL MEETING
2 PUBLIC HEARING
3
4

5 IN RE: FILE OF COUNCIL NO. 48, 2010 - AN
6 ORDINANCE (AS AMENED) - AUTHORIZING THE MAYOR AND
7 OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND
8 ENTER INTO A CABLE FRANCHISE AGREEMENT BETWEEN
9 THE CITY OF SCRANTON AND COMCAST OF
10 COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC.
11

12 HELD:

13 Tuesday, November 23, 2010
14
15

16 LOCATION:

17 Council Chambers
18 Scranton City Hall
19 340 North Washington Avenue
20 Scranton, Pennsylvania
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25 AMELIA NICOL - OFFICIAL COURT REPORTER

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CITY OF SCRANTON COUNCIL:

JANET EVANS, PRESIDENT

(Not present)

PAT ROGAN, VICE-PRESIDENT

ROBERT MCGOFF

FRANK JOYCE

(Not present)

JOHN LOSCOMBE

NANCY KRAKE, CITY CLERK

CATHY CARRERA, ASSISTANT CITY CLERK

BOYD HUGHES, SOLICITOR

1 MR. ROGAN: This is the Comcast
2 contract. We have a sign-in sheet.
3 The first speaker is Andy Sbaraglia.

4 MR. SBARAGLIA: Andy Sbaraglia,
5 City of Scranton, fellow Scrantonian.
6 We got a franchise for the Comcast. I
7 guess the franchise thing would be
8 five percent because of federal law, I
9 guess. I guess that's a matchmaking
10 current now from what I read. So five
11 percent we're going to get and that's
12 off the top. That's the only thing
13 good thing about it, just like the
14 mafia, everything off the top. And
15 they're going to give us 200,000 in
16 support of EG channel which, I guess
17 that's for startup. But the important
18 thing is the area, what the content or
19 supply is under basic service. They
20 claim if we go outside the area and
21 get 40 percent of whatever that area
22 is, they're given to that area, then
23 the people in Scranton are entitled to
24 it, too. And that's the most
25 important thing in the contract

1 really. The rest of it is pretty well
2 just fixed but that 40 percent outside
3 of area has to deal with content and,
4 as you know, I have basic. Basic is
5 basic. It's really basic. But
6 according to what your contract is, if
7 outside the area, their basic gets --
8 say our channels get 12, theirs get
9 20, then they should supply 20 to us,
10 too. So that's the only really good
11 thing in the whole contract you've got
12 to monitor other than the -- I guess
13 they're above board so there's audits
14 in here, this and that and everything
15 else, whole list of penalties that are
16 redundancy. So basically the three
17 things are important things in the
18 whole contract, the money for EG, the
19 40 percent and the five percent and
20 that's all we can say on the matter.
21 I guess everybody went through it,
22 too. Okay. Thank you.

23 MR. ROGAN: Thank you. Is there
24 anyone else that would like to comment
25 on Item 6B?

1 MR. OSBORNE: Hello. Michael
2 Osborne. I'm a city resident and a
3 member of the Cable Advisory
4 Committee.

5 I was happy to see the amendments
6 that increased from one to two
7 channels as well as the life of the
8 contracts. Still feel like ten is too
9 long. The original agreement with
10 Verto was seven years and if you look
11 at the last contract, it was very much
12 centered around fiber optic rebuild
13 that Verto is doing and in seven years
14 that system was obsolete. It was
15 already being replaced and over the
16 course of the agreement it also went
17 from Verto to Adelphia to Comcast. So
18 although I do like to see it reduced,
19 I thought it could have been reduced a
20 little more.

21 The other thing, I was just
22 wondering, it seemed like there was
23 undefined things in the agreement, and
24 I was just wondering if there's going
25 to be added like other ordinances to

1 define things like cable advisory
2 panel wasn't inserted back into the
3 agreement but the last agreement went
4 into a lot of detail as to what
5 comprised the panel and how they were
6 selected but there wasn't that level
7 of detail in that agreement other than
8 what was the right of the creation of
9 the advisory panel. So I was just
10 wondering if there would be some
11 additional legislation to define that.

12 MR. ROGAN: I'm not sure about
13 that. I would assume it was just -- I
14 know you haven't met. The last time
15 you were here you said when was the
16 last time you meet.

17 MR. OSBORNE: We met about six
18 months ago.

19 MR. ROGAN: Six months ago. I
20 would assume it would stay the same.
21 When I read through it, I didn't see
22 anything regarding what you guys have.

23 MR. LOSCOMBE: Well, I understand
24 it to be pretty much the same but,
25 again, I'll do my best to look at it

1 there.

2 MR. OSBORNE: The last agreement
3 didn't define if we have choices and
4 city council has two members, the
5 Mayor's Office gets two members, I
6 think the University of Scranton,
7 Marywood, council and neighborhoods.
8 I know I'm forgetting something in
9 there but that's how it was divided.
10 But none of that is defined in this
11 new agreement. It just stipulates the
12 creation of the advisory panel. Also
13 it was mentioned at some of those
14 previous meetings that there maybe an
15 ordinance can be drafted concerning
16 the operation of the PEG channels and
17 I was wondering if that was going to
18 be forthcoming as well.

19 MR. LOSCOMBE: I'm sorry. I
20 couldn't hear you.

21 MR. OSBORNE: The PEG channel.

22 MR. ROGAN: There is legislation
23 regarding a PEG channel. I believe
24 it's 6A.

25 MR. OSBORNE: No. That has to be

1 with the grants and the acceptance of
2 the money in the accounts. But what
3 was discussed previously was that a
4 lot of other cities that have PEG
5 channels, they have city ordinances
6 that cover the college channel are
7 operated with respect to that, you
8 know, the requirements of the
9 operator, what rights are held by the
10 city, what rights are held by the
11 operator, and I think it was discussed
12 at some previous meetings that the
13 attorney that was hired to oversee the
14 negotiation had expressed a little bit
15 of a surprise that there not being
16 that type of ordinance and my
17 understanding was that maybe he was
18 going to draft the one or there was
19 going to be one that is drafted
20 perhaps.

21 MR. ROGAN: We have been going
22 back and forth with ECTV since January
23 on many different issues and one of
24 them being there is no formal
25 agreement between the city and ECTV

1 and something that we're still looking
2 at.

3 MR. OSBORNE: That was all I had.
4 Thanks.

5 MR. ROGAN: Thank you. Is there
6 anyone else who would like to comment
7 on 6B?

8 MS. O'MALLEY: Hello. Barbara
9 O'Malley, Scranton resident.

10 I'm here to express my
11 appreciation for all the parties that
12 did reinstate two PEG stations in the
13 cable -- the proposed cable contract.
14 I was alarmed when it was at one
15 because the mission of the PEG station
16 is to inform our citizens so that we
17 have active, involved government and
18 informed citizens. So any step to
19 work with that direction where we
20 really have access open to the public
21 is a step in the right direction.
22 We're also in support of having the
23 contract be for a ten-year period. I
24 did hear Mr. Osborne state that he
25 wants a seven-year contract would be

1 acceptable. It would be better but,
2 again, I think you're headed in the
3 right direction.

4 I would also like to support what
5 Mr. Osborne said about having very
6 specific guidelines when it does come
7 to a request for a proposal for PEG
8 stations so that the citizens of
9 Scranton, the taxpayers of Scranton
10 and Greater Scranton do get, to put it
11 simply, what they're paying for.
12 Thank you.

13 MR. ROGAN: Thank you. Is there
14 anyone else who would like to comment
15 on 6B?

16 MR. FINNERTY: Good evening,
17 council. Jack Finnerty, city resident
18 and subscriber to Comcast.

19 I would like to echo the remarks
20 of the previous speakers and certainly
21 voice strong support for reducing the
22 term of the contract from 15 years to
23 ten years, and I certainly support two
24 PEG channels. I could have easily
25 three or four. I think the public is

1 entitled given the amount of dial
2 space on that dial these days and
3 given the fact that this really is a
4 public asset, I think we need to make
5 the most use of it that we can. But
6 certainly no reduction from two
7 channels to one. That would not be in
8 the best interest of the public and
9 thank you for all your efforts.

10 MR. ROGAN: Thank you. Is there
11 anyone else who would like to address
12 council?

13 Do any council members have any
14 comments.

15 MR. LOSCOMBE: Not at this time.

16 MR. ROGAN: Okay. Meeting is
17 adjourned.

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me of the above-cause and that this copy is a correct transcript of the same to the best of my ability.

Amelia Nicol
Official Court Reporter