

AGENDA

IOWA CITY TELECOMMUNICATIONS COMMISSION

CITY CABLE TV OFFICE, 10 S. LINN ST.-TOWER PLACE PARKING FACILITY

OCT. 26, 2015, 5:30PM

1. Call to order
2. Approval of minutes
3. Announcements of Commissioners
4. Short public announcements
5. REPORTS
 - Consumer Issues
 - Mediacom Report
 - Local Access Reports
 - City Cable TV Office Report
6. Mediacom/Iowa Utilities Board
7. Adjournment

IOWA CITY TELECOMMUNICATIONS COMMISSION
MONDAY, SEPTEMBER 28, 2015--5:30 P.M.
CITY CABLE TV OFFICE, 10 S. LINN ST.-TOWER PLACE PARKING FACILITY

MEMBERS PRESENT: Derek Johnk, Laura Bergus, Nick Kilburg, Alexa Homewood, Bram Elias

MEMBERS ABSENT:

STAFF PRESENT: Ty Coleman, Mike Brau

OTHERS PRESENT: Josh Goding, Emily Light, Bond Drager

SUMMARY OF DISCUSSION

Goding reported PATV recently partnered with the Little Village in an interview with Bernie Sanders. PATV shot footage of the Iowa Woman's Music Festival. Several of City High football games have been live streamed. The most recent game was also carried live on PATV using the internet to backhaul the signal to the studio. PATV had 7 local sponsors underwrite 4 of the games. Light reported Senior Center TV recently held a music video release party for the video shot for the Family Folk Machine recording. The video is available on YouTube and will also be on the access channels. On Oct. 29th SCTV will hold a screening of some of their recent work. Plans for producing a news magazine program are underway. Segments in the program could include many of the activities at the Senior Center such as the bands, theater groups, a cooking demonstration, artist interviews, and segments from the Iowa City history lectures. There is enough material for a couple shows. The goal is to have one episode per month. The Senior Center is also planning to host a PATV guidelines workshop at the Senior Center to encourage greater participation. Coleman reported Katie Linder has been hired as a Special Projects Coordinator to replace Mary Bryant. Linder has a background in TV news and extensive writing experience. The Iowa Utilities Board sent a notice to Mediacom regarding their recent order to reinstate the municipal franchise giving them 20 days to respond. ImOn recently indicated to the city manager a serious intent to enter the Iowa City market. ImOn has not filed an application with the Iowa Utilities Board. Mediacom could revert to a state franchise as soon as ImOn applies. ImOn has indicated they may be applying for a franchise by the end of the year and would like to start service in a limited area by the end of the year. The city has expressed that they are interested in a company that would serve the entire community. Homewood asked if there are any regulations that require universal service. Brau said the state franchise prohibits exclusion based on income, but it is unclear how that requirement might be applied. Coleman said Metronet appears to be backing off their interest in serving Iowa City. Elias asked for a memo from the City Attorney's Office on where the city stands regarding the municipal franchise once Mediacom responds to the IUB order. Johnk suggested that the city pursue getting a developer's license for iOS for the Apple TV application and mobile devices for the access channels.

APPROVAL OF MINUTES

Kilburg moved and Homewood seconded a motion to approve the amended August 24, 2015 minutes. The motion passed unanimously.

ANNOUNCEMENTS OF COMMISSIONERS

None.

SHORT PUBLIC ANNOUNCEMENTS

None.

CONSUMER ISSUES

Homewood asked about the complaint from last month about Mediacom failing to provide service to a new home. Coleman said he was told by Mediacom that the home would be wired on Oct. 9th. Coleman noted that if Mediacom were operating under a municipal franchise, they would be subject to a daily \$250 fine for noncompliance.

MEDIACOM REPORT

Coleman said that he had nothing to report.

LOCAL ACCESS CHANNEL REPORTS

Homewood noted the City Channel had a report in the meeting packet. The library provided a written report at the meeting and PATV emailed a report to Commissioners earlier in the day. Goding reported PATV recently partnered with the Little Village in an interview with Bernie Sanders. PATV shot footage of the Iowa Woman's Music Festival. Several of City High football games have been live streamed. The most recent game was also carried live on PATV using the internet to backhaul the signal to the studio. PATV had 7 local sponsors underwrite 4 of the games. Light reported Senior Center TV recently held a music video release party for the video shot for the Family Folk Machine recording. The video is available on YouTube and will also be on the access channels. On Oct. 29th SCTV will hold a screening of some of their recent work. Plans for producing a news magazine program are underway. Segments in the program could include many of the activities at the Senior Center such as the bands, theater groups, a cooking demonstration, artist interviews, and segments from the Iowa City history lectures. There is enough material for a couple shows. The goal is to have one episode per month. The Senior Center is also planning to host a PATV guidelines workshop at the Senior Center to encourage greater participation. Coleman reported Katie Linder has been hired as a Special Projects Coordinator to replace Mary Bryant. Linder has a background in TV news and extensive writing experience. The Iowa Utilities Board sent a notice to Mediacom regarding their recent order to reinstate the municipal franchise giving them 20 days to respond. ImOn recently indicated to the city manager a serious intent to enter the Iowa City market. ImOn has not filed an application with the Iowa Utilities Board. Mediacom could revert to a state franchise as soon as ImOn applies. ImOn has indicated they may be applying for a franchise by the end of the year and would like to start service in a limited area by the end of the year. The city has expressed that they are interested in a company that would serve the entire community. Homewood asked if there are any regulations that require universal service. Brau said the state franchise prohibits exclusion based on income, but it is unclear how that requirement might be applied. Coleman said Metronet appears to be backing off their interest in serving Iowa City. Elias asked for a memo from the City Attorney's Office on where the city stands regarding the municipal franchise once Mediacom responds to the IUB order. Johnk suggested that the city pursue getting a developer's license for iOS for the Apple TV application and mobile devices for the access channels.

ADJOURNMENT

Homewood moved and Kilburg seconded a motion to adjourn. The motion passed unanimously.
Adjournment was at 5:57 p.m.

Respectfully submitted,

Michael Brau
Cable TV Administrative Aide

Date: October 22, 2015

To: The Iowa City Telecommunications Commission

From: Ty Coleman, Media Production Services Coordinator, City of Iowa City Cable TV Office

Re: City of Iowa City Cable TV Office report for the October 2015 meeting

Media Production Services

Recent production activities of interest:

- A short feature from the Farmers Market Kids' Day event
- The election season is here. Four Iowa City City Council candidate forums have been recorded. Focus topics included social and economic justice, bicyclists and pedestrians, and environmental concerns. These forums, along with our Meet the Candidates video statements, are being made available at citychannel4.com/mtc.
- The opening of the new Iowa City Animal Care and Adoption Center was covered and turned into an event program as well as a short feature.
- The unveiling of the design for a public art piece by internationally renowned artist Cecil Balmond was captured for later viewing. A short feature on the project is also being produced.
- Other events hosted by the Iowa City Area Chamber of Commerce, the Iowa Women's Foundation, the National Alliance on Mental Illness, the Iowa United Nations Association, the Arc of Southeast Iowa, and other non-profit organizations were recorded.

Upcoming productions:

- The annual Human Rights Awards Breakfast
- An informational piece about potential Lower City Park improvements
- A short program about the Iowa City Area Development Group's efforts to create an entrepreneurial development space in Downtown Iowa City, next to the Public Library
- The Iowa City Area Chamber of Commerce's Toast to Our Communities event, recognizing leaders and businesses making significant contributions to the Iowa City area business community.

Programming and Interactive Services

Recent and Upcoming Projects:

Iowa City election season is in full swing, and we're showing 7 individual candidate statements and 5 different candidate forums. All will be available on a responsive (mobile-friendly) web page at citychannel4.com/mtc. We'll also be showing the Auditor's election returns live on channel 5 on November 3, and we've already done a couple of tests to continue to do that with a desktop sharing program rather than switching over channel modulators. It's easier on both our staffs.

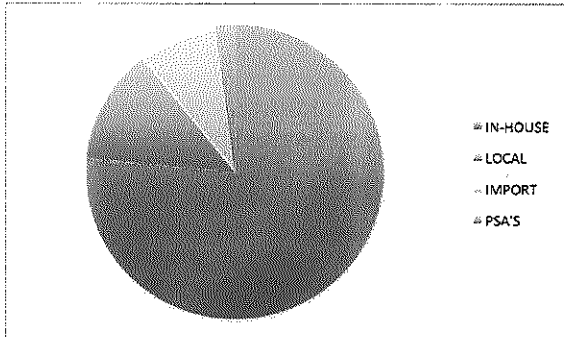
Working with Joel Bouwers and the City Clerk's office, we've also set up a process and web page to honor this season's recipients of the Mayor's Student Leadership Awards. We'll be showing that portion of the latest City Council meeting every Monday at 6:45 pm, right after the Daily Iowan TV. The responsive web page for that is at citychannel4.com/sla

And we're still working out the bugs on our quest to migrate our computers to the City's computer network. I think it's been educational for both ITS and the Cable TV Division.

Website:

In August, we had 4,202 users access 7,970 pages in 6,735 sessions. Our most popular pages were Mediacom's channel lineup, our broadband consumers' guide, our homepage, our streaming video page, Mediacom's cable rates, our program schedule and access channels' combined schedule page.

Our streaming media provider reports 11,321 total hits, which includes 3,040 Events (player window was loaded), 482 Sessions (media was played), and 8,281 OnDemand Hits (media was scrubbed or index point was clicked). 1,569 podcasts were downloaded, and our HD media was accessed 167 times. Our live stream was accessed 124 times.



Programming:

We cablecast 119 programs produced inhouse 719 times for 489 hours of programming, 32 locally produced (DITV, Senior Center, Hoover Library, JC Board of Supervisors, Coralville, North Liberty and University Heights) programs 76 times for 82.5 hours of programming, and 22 imported programs 102 times for 55 hours of programming. We also showed 66 PSAs 656 times for 14 hours of programming.

Programs Completed by the Cable TV Office in September 2015

- The Iowa City Foreign Relations Council
 - Cuba, US and Public Health: A History of Strained Relations
 - The International Priorities of the Auschwitz Peace & Justice Institute
 - Ramzan Kadyrov, President of Chechnya: Putin's Frenemy?
 - Rights & Realities of Children in India
- Candidate Forums
 - ICCSD School Board Candidate Forum on Special Education
 - Iowa City Council Social and Economic Justice Candidate Forum - September 30, 2015
- Meet the Candidates - Iowa City City Council 2015
 - 7 of 8 candidates participated in this initiative.
- 2015 Friday Night Concert Series
 - The Fez
 - Candymakers
 - The Dawn
- United Way of Johnson and Washington Counties - Campaign for the Common Good Kickoff 2015
- Mercy IC: Easy-to-Chew, Easy-to-Swallow: Altered texture diets can be healthy and delicious
- Community Highlights: Systems Unlimited's Strides for Rides 5K Run and Fun Walk 2015
- Iowa City Update
 - September 4, 2015
 - September 25, 2015
- Iowa City City Council Meetings
 - 9/1/15
 - 9/15/15
- Market Music 2015
 - The Young Ramblers
 - The Yahoo Drummers

PATV Report to Iowa City Telecommunications Commission
October 26, 2015

Q3 Workshops Attendance

Guidelines – 10, HD camera -- 8, Editing -- 5, Studio – 4

PATV upcoming meetings and workshops

Guidelines orientation is the first Thursday of every month at 6 PM.

Next Guidelines is Thursday, Nov 5th, 6 PM at PATV.

PATV Board of Directors meeting is Thursday, Nov 19th, 6 PM at PATV.

Recent staff produced or assisted productions

PATV In Your Neighborhood - Colony Pumpkin Patch

PATV Presents: Uptown Bills

PATV Sports:

City High Football

Larapin Cooking with Chef Tracy episode 5

Window to the World - Korean Education

PATV Presents: Live From Prairie Lights

Education Exchange

The LyleStyle Show

Sports Opinion

Tom's Guitar Show

Ava Su's Chinese Alphabet

Poetry with John Shumaker

**PATV
BUDGET REPORT FOR 2015
CASH BASIS**

	ANNUAL BUDGET	JANUARY ACTUAL	FEBRUARY ACTUAL	MARCH ACTUAL	APRIL ACTUAL
INCOME					
PROGRAM:					
CITY OF IOWA CITY	239,000	19,857.43	19,857.47	19,857.47	19,857.47
CONTRIBUTIONS & FUNDRAISING	25,000	382.50	180.00	260.00	570.00
MISCELLANEOUS	1,000	0.00	14.94	75.00	800.00
BUILDING - RENTAL	22,400	1,872.00	1,872.00	2,808.00	936.00
BUILDING - PARKING SPACES	600	0.00	100.00	50.00	0.00
INTEREST & DIVIDEND INCOME	1,000	20.84	20.58	24.46	23.98
TOTAL INCOME	289,000	22,132.77	22,044.99	23,074.93	22,187.45
DISBURSEMENTS					
PERSONNEL					
DIRECTOR - SALARY	50,000	5,769.24	3,846.16	3,846.16	3,846.16
STAFF - PAYROLL	116,000	14,684.75	8,852.95	8,616.91	7,274.01
PAYROLL TAXES	14,530	1,649.86	1,110.77	1,080.94	963.46
HEALTH & DENTAL INSURANCE	20,160	1,492.82	1,555.32	1,555.32	1,555.32
CABLE TV	500	271.00	0.00	0.00	0.00
TOTAL PAYROLL & BENEFITS	201,190	23,867.67	15,365.20	15,099.33	13,638.95
PRODUCTION EQUIPMENT & SUPPLIES					
DIGITAL EDITING HARDWARE	2,000	0.00	0.00	0.00	169.99
EQUIPMENT - PORTABLE	3,000	811.98	3,577.37	0.00	0.00
EQUIPMENT - STUDIO & GENERAL	1,000	279.95	0.00	0.00	0.00
EQUIPMENT MAINTENANCE & REPAIRS	1,000	657.44	0.00	0.00	0.00
MEDIA STOCK	2,000	0.00	0.00	60.02	0.00
ONLINE SERVICES	0.00	0.00	0.00	0.00	0.00
SOFTWARE LICENSES	5,800	279.96	279.96	279.96	279.96
STUDIO SUPPLIES	2,000	87.30	4.23	81.10	55.31
TOTAL PRODUCTION EXPENSES	16,800	2,116.63	3,861.56	421.08	505.26
GENERAL AND ADMINISTRATIVE					
BANK CHARGES/FINANCE FEES	200	0.00	70.95	0.00	0.00
COMPUTER HARDWARE & SOFTWARE	700	0.00	0.00	0.00	0.00
COMPUTER - ONLINE SERVICES	2,000	199.95	199.95	319.95	199.95
INSURANCE	11,000	0.00	0.00	6,201.00	0.00
MEMBERSHIP & DUES	1,850	0.00	0.00	0.00	200.00
MEETING EXPENSE	150	0.00	0.00	0.00	0.00
OFFICE SUPPLIES & TONER	2,150	219.36	249.14	65.95	24.72
OUTREACH & ADVERTISING	6,460	1,516.40	50.00	424.50	175.00
POSTAGE & SHIPPING	400	19.60	15.55	16.10	24.55
PROFESSIONAL FEES	9,800	472.50	465.00	345.00	255.00
SECURITY SYSTEM	400	0.00	0.00	0.00	0.00
STAFF & BOARD DEVELOPMENT	800	0.00	71.77	0.00	756.20
TELEPHONE	1,500	136.29	0.00	139.08	275.23
TRAVEL - LOCAL	100	2.00	0.00	0.00	0.00
VOLUNTEER RECOGNITION	200	0.00	0.00	0.00	0.00
TOTAL GENERAL & ADMINISTRATIVE	37,710	2,566.10	1,122.36	7,511.58	1,910.65
BUILDING					
GARBAGE PICKUP	600	0.00	0.00	0.00	0.00
MORTGAGE PAYMENTS: P & I	21,600	1,710.00	1,710.00	1,710.00	1,710.00
MAINTENANCE & IMPROVEMENTS	5,600	1,159.94	832.10	101.76	435.50
SNOW REMOVAL	2,000	0.00	405.00	472.50	472.50
UTILITIES	3,500	352.78	290.98	346.10	325.26
TOTAL BUILDING DISBURSEMENTS	33,300	3,222.72	3,238.08	2,630.36	2,943.26
TOTAL DISBURSEMENTS	289,000	31,773	23,587	25,662	18,998
CASH FLOW: OVER OR UNDER	0	-9,640.35	-1,542.21	-2,587.42	3,189.33

PATV
BUDGET REPORT FOR 2015
CASH BASIS

MAY ACTUAL	JUNE ACTUAL	JULY ACTUAL	AUGUST ACTUAL	SEPTEMBER ACTUAL	YEAR TO DATE TOTAL	YEAR TO DATE BUDGET	OVER/ UNDER
19,857.47	19,857.47	19,857.47	19,857.47	19,857.47	178,717.19	179,250	-532.61
18.30	102.09	205.08	50.50	1,250.00	3,018.47	18,750	-15,731.53
0.00	60.00	60.00	310.85	67.00	1,387.79	750	637.79
1,872.00	1,872.00	1,872.00	1,970.00	1,970.00	17,044.00	16,800	244.00
50.00	0.00	50.00	50.00	50.00	350.00	450	-100.00
23.58	30.88	21.85	17.32	24.10	207.59	750	-542.41
21,821.35	21,922.44	22,066.40	22,256.14	23,218.57	200,725.04	216,750	-16,024.96
3,846.16	3,846.16	5,769.24	3,846.16	3,846.16	38,461.60	37,500	961.60
8,528.10	6,317.25	12,443.59	10,554.15	10,108.30	87,380.01	87,000	380.01
1,073.19	880.68	1,540.00	1,208.13	1,169.16	10,676.19	10,898	-221.31
1,555.32	1,567.82	763.58	1,190.70	1,226.66	12,462.86	15,120	-2,657.14
133.16	0.00	0.00	0.00	0.00	404.16	375	29.16
15,135.93	12,611.91	20,516.41	16,799.14	16,350.28	149,384.82	150,893	-1,507.68
0.00	0.00	0.00	0.00	0.00	169.99	1,500	-1,330.01
15.45	0.00	108.00	0.00	14.75	4,527.55	2,250	2,277.55
133.43	0.00	0.00	649.99	221.95	1,285.32	750	535.32
0.00	0.00	0.00	0.00	0.00	657.44	750	-92.56
0.00	79.96	0.00	0.00	0.00	139.98	1,500	-1,360.02
0.00	0.00	0.00	0.00	241.96	241.96	0	241.96
279.96	279.96	279.96	279.96	279.96	2,519.64	4,350	-1,830.36
0.00	64.47	0.00	170.67	0.00	463.08	1,500	-1,036.92
428.84	424.39	387.96	1,100.62	758.62	10,004.96	12,600	-2,595.04
17.17	0.00	0.00	44.51	55.63	188.26	150	38.26
0.00	0.00	0.00	64.99	0.00	64.99	525	-460.01
199.95	199.95	199.95	200.32	199.95	1,919.92	1,500	419.92
0.00	4,355.00	0.00	0.00	0.00	10,556.00	8,250	2,306.00
0.00	0.00	400.00	0.00	0.00	600.00	1,388	-787.50
0.00	0.00	0.00	53.46	0.00	53.46	113	-59.04
131.83	50.83	87.36	142.97	97.37	1,069.53	1,613	-542.97
811.23	89.00	1,204.26	202.23	658.97	5,131.59	4,845	286.59
9.80	44.83	9.80	9.80	9.80	159.83	300	-140.17
1,095.00	225.00	390.00	240.00	390.00	3,877.50	7,350	-3,472.50
0.00	180.00	0.00	0.00	0.00	180.00	300	-120.00
241.71	0.00	0.00	0.00	0.00	1,069.68	600	469.68
0.00	139.33	142.26	294.97	137.50	1,264.66	1,125	139.66
0.00	0.00	92.01	221.51	53.13	368.65	75	293.65
0.00	0.00	0.00	0.00	600.00	600.00	150	450.00
2,506.69	5,283.94	2,525.64	1,474.76	2,202.35	27,104.07	28,283	-1,178.43
155.20	0.00	0.00	0.00	0.00	155.20	450	-294.80
1,710.00	1,710.00	1,710.00	1,710.00	1,710.00	15,390.00	16,200	-810.00
268.73	414.37	116.71	1,524.78	154.95	5,008.84	4,200	808.84
0.00	0.00	0.00	0.00	0.00	1,350.00	1,500	-150.00
164.35	261.57	342.44	311.06	298.64	2,693.18	2,625	68.18
2,298.28	2,385.94	2,169.15	3,545.84	2,163.59	24,597.22	24,975	-377.78
20,370	20,706	25,599	22,920	21,475	211,091.07	216,750	-5,658.93
1,451.61	1,216.26	-3,532.76	-664.22	1,743.73	-10,366.03	0	-10,366.03

Public Access TV Inc.
Profit & Loss YTD Comparison
September 2015

Accrual Basis

	Sep 15	Jan - Sep 15
Ordinary Income/Expense		
Income		
City of Iowa City	19,857.47	178,717.19
Production Income	-0.35	310.50
Contributions & Fundraising	1,250.00	3,018.47
Memberships fees	67.00	202.00
Other/Miscellaneous Income		
Miscellaneous	0.00	874.94
Total Other/Miscellaneous Income	0.00	874.94
Building/Space Income		
Rental	1,970.00	17,044.00
Parking Spaces	50.00	350.00
Total Building/Space Income	2,020.00	17,394.00
Interest & Dividend Income	24.10	207.59
Total Income	23,218.22	200,724.69
Expense		
Payroll and Staff Benefits		
Salary - Director	3,846.16	38,461.60
Development	1,600.00	4,080.00
Wages - Production Staff	8,508.30	83,300.01
Payroll Taxes	1,169.16	10,676.19
Health Insurance	1,114.06	11,308.71
Dental Insurance Premiums	112.60	1,154.15
Cable TV Reimbursements	0.00	404.16
Total Payroll and Staff Benefits	16,350.28	149,384.82
Production Equipment & Supplies		
Online Service	241.99	241.99
Digital Editing Hardware	0.00	169.99
Equipment - Portable	15.00	4,527.80
Equipment - Studio Purchases	221.95	1,285.32
Media Stock	0.00	139.98
Software Licenses	279.96	2,519.64
Studio Supplies	0.00	463.08
Total Production Equipment & Supplies	758.90	9,347.80
General & Administrative		
Bank Service Charge	53.68	98.19
Finance Charges	1.95	90.07
Computer		
Computer On Line Services	199.95	1,919.92
Computer Hardware	0.00	64.99
Total Computer	199.95	1,984.91
Meeting Expense	0.00	53.46
Insurance	0.00	10,556.00
Memberships & Dues	0.00	600.00
Office Equipment	28.55	437.83
Office Supplies	68.82	506.11
Postage & Shipping	32.40	182.43
Professional Fees		
Accounting - CPA	0.00	720.00
Bookkeeping Fees	255.00	2,940.00

Public Access TV Inc.
Profit & Loss YTD Comparison
September 2015

Accrual Basis

	Sep 15	Jan - Sep 15
Total Professional Fees	255.00	3,660.00
Promotions and Marketing	658.97	4,717.59
Recruitment - Classified Ads	0.00	414.00
Security System	104.94	284.94
Staff Development		
Other	0.00	371.77
ACM Conference	0.00	697.91
Total Staff Development	0.00	1,069.68
Telephone - Service	137.50	1,264.66
Travel - Local & Parking	53.13	368.65
Volunteer Recognition	600.00	600.00
Total General & Administrative	2,194.89	26,888.52
Building Expense		
Building Supplies & Expenses	22.98	31.45
Garbage Pick Up	0.00	155.20
Building - Capital Expenses	0.00	1,444.65
Landscaping	0.00	1,060.00
Mortgage Interest	406.73	3,646.24
Maintenance & Repairs	131.97	1,660.19
Snow Removal	0.00	1,350.00
Utilities - G&E, Water	298.64	2,693.18
Total Building Expense	860.32	12,040.91
Total Expense	20,164.39	197,662.05
Net Ordinary Income	3,053.83	3,062.64
Net Income	<u>3,053.83</u>	<u>3,062.64</u>

October 13, 2015

IOWA UTILITIES BOARD

STATE OF IOWA
DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD

IN RE:

**MCC IOWA, LLC, d/b/a MEDIACOM;
PHALANX TECHNOLOGY HOLDINGS,
LLC, d/b/a fyreSTORM CABLE & FIBER,
INC.; ALLIANCE TECHNOLOGIES, INC.**

**DOCKET NO. VCA-2008-0002,
CERTIFICATE NO. C-0002**

**RESPONSE TO SEPTEMBER 21,
2015 BOARD ORDER**

On September 21, 2015, the Board issued an Order relating to an “Application for Notice” filed by the City of Iowa City. Having sought and obtained the termination of the certificates of other terrestrial providers, Iowa City seeks to re-regulate Mediacom’s service under the terms of its prior city franchise agreement. The Board requested Mediacom response as to whether it would or would not return to operating under the Iowa City franchise agreement.

Mediacom does not believe it can or should be required to return to the Iowa City franchise agreement at this time as doing so would prejudice Mediacom’s rights established by federal law. The timing of Iowa City’s actions here, which have been entirely driven by Iowa City itself, create a conflict between Iowa Code § 477A.3(6)(b) and 47 U.S.C. § 546.

The timeline here is critical. Mediacom and Iowa City entered into a 13-year agreement on August 1, 2005, which would run until July 31, 2018. Under federal law, there is a period for a notice of interest in renewal which can be initiated by either the franchising authority or the cable operator. The window for such notices under federal law “begins with the 36th month before the franchise expiration.” See 47 U.S.C. § 546(a)(1). *In this case, that would have been August 1, 2015.* On September 1, 2015, Iowa City asked this Board to issue notice to Mediacom that it had to return to operating under the Iowa City franchise within 90 days – by

November 30, 2015, had the Board issued an order immediately (which would have been improper; the Board correctly provided Mediacom opportunity to respond but it also means that any return to the Iowa City franchise would now be after mid-January 2016.) The notice of intended renewal under federal law triggers a series of subsequent steps and procedural rights including, for example, a four-month public comment period. This is to say, there is a good reason that the notice window under federal law begins 36-months in advance; moreover to allow for the process required and for certainty of the status of the franchise agreement, the notice period closes six-months after it opens, in this case on or about February 1, 2016.

Due to the particular timing of Iowa's City's efforts, Mediacom may be under the prior Iowa City franchise agreement *less than 30 days before the renewal notice window closes*, cutting off over 80% of the time Mediacom (and the city) are allowed under federal law for making such a decision. That would clearly be prejudicial to Mediacom's rights established under federal law. While Mediacom has availed itself of the state franchise certificates and has converted local franchises where possible, Mediacom continues a standard practice to submit letters under § 546 to local communities 36 months prior to the expiration of all local franchises in Iowa. Mediacom goes to great lengths in those letters to preserve our rights under federal law in the event there is a change in state law in Iowa.

Simply put, Iowa City's motion comes too late to avoid a conflict between state and federal law. Under the Supremacy Clause, the state law cannot conflict with the rights provided under federal law, nor does the Board have the authority to extend the federal timelines. As a result, in circumstances where the application of Iowa Code § 477A.3(6)(b) would have the effect of shortening or interfering with the renewal timeline established under 47 U.S.C. § 546, the application of the Iowa provision must be preempted. The result of preemption – the

inapplicability of Iowa Code § 477A.3(6)(b) – would be that there is no method to require Mediacom to return to a city franchise agreement where it would not have appropriate time to seek a proper renewal process.

There is no unfairness in this result: the triggering of Iowa Code § 477A.3(6)(b) was no fault or act of Mediacom's, and the control over the timing of seeking termination of other providers' certificates and seeking to apply § 477A.3(6)(b) to Mediacom were choices made by Iowa City. If Iowa City is going to force Mediacom to return to city franchising, however, it cannot use the state process to limit Mediacom's federal rights. Such would be the result here, and it is a result that, legally, is impermissible.

Accordingly, in response to the question presented by the Board, Mediacom does not believe it is appropriate to return to operating under the prior Iowa City franchise agreement.

Respectfully submitted this 12th day of October, 2015.

By: /s/ Bret A. Dublinske

Bret A. Dublinske

FREDRIKSON & BYRON, P.A.

505 East Grand Ave, Suite 200

Des Moines, IA 50309

Telephone: 515.242.8904

Facsimile: 515.242.8950

E-mail: bdublinske@fredlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 12th day of October, 2015, he had the foregoing document electronically filed with the Iowa Utilities Board using the EFS system which will send notification of such filing (electronically) to the appropriate persons.

/s/ Bret A. Dublinske

Bret A. Dublinske

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MCC IOWA, LLC, d/b/a MEDIACOM; PHALANX TECHNOLOGY HOLDINGS, LLC, d/b/a fyreSTORM CABLE & FIBER, INC.; ALLIANCE TECHNOLOGIES, INC.	DOCKET NOS. VCA-2008-0002, CERTIFICATE NO. C-0002; VCA-2009-0004, CERTIFICATE NO. VC-0005; AND VCA-2013- 0007, CERTIFICATE NO. VC- 0022
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ORDER REGARDING MEDIACOM'S RESPONSE TO BOARD ORDER

(Issued October 20, 2015)

On September 1, 2015, the City of Iowa City (Iowa City) filed with the Utilities Board (Board) an "Application of City of Iowa City for Issuance of Notice Under Section 477A.3(6)(b)" (Application for Notice). Iowa City asked the Board to issue a notice, pursuant to Iowa Code § 477A.3(6)(b), to MCC Iowa, LLC, d/b/a Mediacom (Mediacom), the incumbent cable provider in Iowa City, requiring Mediacom to comply with the terms of the municipal franchise agreement previously in place between Iowa City and Mediacom within 90 days of the notice.

On September 21, 2015, the Board issued an "Order Providing Notice and Requiring Response" in Docket Nos. VCA-2008-0002, VCA-2009-0004, and VCA-2013-0007. In that order, the Board discussed its revocation of the certificates of franchise authority the Board had issued to the two competitive service providers that had applied for authority to provide service in Iowa City. In response to Iowa City's application, the Board notified the parties that it appeared that Iowa Code

October, the return to the municipal franchise would be after mid-January 2016, with the federal six-month notice period closing on or about February 1, 2016. Mediacom contends that shortening the time it would have to follow the federal renewal procedures disadvantages Mediacom's rights established in federal law. In the face of this conflict, Mediacom contends the state law must be preempted. Mediacom asserts that as a result of the preemption of state law, there is no method to require Mediacom to return to the municipal franchise in such time as to allow Mediacom sufficient time to properly follow the federal franchise renewal process.

In its September 21, 2015, "Order Providing Notice and Requiring Response," the Board stated that

[b]ased on the assertions in Iowa City's Application for Notice, it appears that the provisions of Iowa Code § 477A.3(6)(b) may apply to require Mediacom to comply with the terms of its previous franchise agreement with Iowa City. Mediacom, the incumbent cable provider in Iowa City, had not been issued a certificate of franchise authority to serve Iowa City pursuant to Iowa Code § 477A.2(6) as of April 12, 2010. In other words, Mediacom did not expand its certificated service area to include Iowa City until October 2, 2013, and thus may be covered by § 477A.3(6)(b).

Based on Mediacom's response to the Board's order, it does not appear that Mediacom disagrees with that analysis. Instead of disputing the Board's interpretation of state law, Mediacom asserts that the state law provision is preempted because Iowa City waited too long to ask the Board to notify Mediacom that it was obliged to return to the municipal franchise. Mediacom fails to acknowledge, however, that it could accelerate its return to the municipal franchise, thereby gaining time in which to seek renewal under federal law. Mediacom has not

comply with the terms of its prior franchise agreement with the City of Iowa City on or
before December 21, 2015.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 20th day of October 2015.

Charter Quietly Offers Skinny Bundle Aimed at Cord Cutters

<http://www.dslreports.com/shownews/Charter-Quietly-Offers-Skinny-Bundle-Aimed-at-Cord-Cutters-135432>

Tim Berners-Lee: 'Just Say No' To Facebook's Plan To Bastardize The Internet

<https://www.techdirt.com/articles/20151012/09232732515/tim-berners-lee-just-say-no-to-facebooks-plan-to-bastardize-internet.shtml>

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<http://www.dslreports.com/shownews/Ting-is-Bringing-Gigabit-Speeds-to-Holly-Springs-North-Carolina-135435>

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