

**Approved**

## **Town of Grantham**

Board of Selectmen Comcast Cable Franchise  
Renewal Agreement Public Hearing  
September 12, 2018

The Board of Selectmen Comcast Cable Franchise Renewal Agreement Public Hearing was called to order at 6:30pm on Wednesday, September 12, 2018, by Select Board Chairman Warren Kimball. The meeting was held in the Grantham Town Building, Lower Level at 300 Route 10 South, Grantham, NH.

Present: Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; Administrative Assistant Ann Jasper; Sheridan Brown; Elizabeth Menard; Darren Fagan; Gerard Desmarais; Comcast Representative Melissa Pierce; and others

### **COMCAST – PUBLIC COMMENT SESSION**

Chairman Kimball introduced Sheridan Brown and explained that Brown is a former Selectman and is quite familiar with the Comcast Cable Franchise Renewal Agreement. Brown, through a PowerPoint presentation, gave some background on what has been done so far and as an attorney spoke about the authority that towns have to handle cable franchises.

Chairman Kimball asked that anyone with questions please go up to the microphone and state your name and address before asking a question.

The following residents commented:

Gerard (Ernie) Desmarais, 174 Woodland Heights: Desmarais said one of the presentation slides mentions expansion maps and the cost to expand and asked where this is on the town's website and why is it not shared with the general public. Chairman Kimball explained that the expansion maps are the property of Comcast and they are confidential. Desmarais asked if the Selectmen had access to it at some point. Brown explained that they did, but it is proprietary information. Comcast's surveyors go out and invest their money in figuring out what the cost of expansion is and if they make that public, it becomes something that can then go to a competitor who has spent nothing to develop that so the town, as is standard practice with other towns, entered into a standard non-disclosure agreement to not share that information and that is something that enjoys special protection under New Hampshire's right to know laws as well. They recognize that proprietary and confidential information does not need to be disclosed as a public record.

Desmarais stated that one of the three options for the town was to let the contract expire and noted that if that happened, Comcast has legal action it can take. Desmarais said that contracts can generally expire at any time without course of legal action and asked why there is a need to have cable service. Brown said federal statute has said that cable providers have the right to

# Approved

appeal a decision by a town to not renew because Comcast has invested in a system of wires and cable transmission in town on the expectation that they are going to be able to do business and they are going to be evaluated under the criteria set forward in federal and state statute. That is why they are given the opportunity to appeal that decision.

Desmarais asked if there is a limit to one service provider per town. Brown said it's not exclusive but might not be practical.

Darren Fagan, 160 Woodland Heights: Fagan asked if Woodland Heights can be included in the expansion and if not, if they can do a more comprehensive cost benefit analysis on increasing the complete town to include them at the rate return based on property taxes associated with improvements and also the future income to the town by how they want customers on Comcast. Brown said he will defer to the Board on how much money they want to invest in an extensive cost benefit analysis but stated that it would run beyond the scope of the statute because the statute asks if the operator's proposal is reasonable to meet the future cable related community needs and interests taking into account the cost of meeting such needs and interests. That is a statutory authority that says you can look at the operator's cost and are you asking the operator for something that from their standpoint is going to be a reasonable cost to ask them to bear. Fagan again asked for the extensive cost benefit analysis and for Woodland Heights to be considered and offered his help. Brown said he understands what he is asking but that doesn't change the legal authority that the town has and in his legal opinion doing that sort of cost analysis and using that as your rationale to deny a franchise agreement would be beyond the authority that the town possesses.

Fagan asked what the basis was for the three infrastructure additions to the contract. Brown said that is what Comcast was willing to do. Fagan asked if there was a counterproposal. Selectman Jones said the Selectmen wanted to get as many areas of town expanded as they could and added that there are many people from different areas of town who have been here a long time and who have been without for a long time and there are many places in town that need it. She said they wish they could expand the entire town but it is cost prohibitive.

Elizabeth Menard, 375 Route 10 North: Menard commented that the number of 20 homes per mile should be lowered for expansion.

Desmarais asked the Selectmen if any of them live on a road that is part of the expansion. The Board answered no.

Zachary Graham, 1751 Route 10 North: Graham asked if the Board is looking to continue the expansion in the future. Chairman Kimball said they are and that this contract will be for five years so that they can revisit this sooner than the previous contract which was for 18 years. Graham expressed appreciation for the effort the Board has made in expanding Comcast service.

Chairman Kimball asked if there were any more questions. There were none and he thanked everyone for attending.

# Approved

## ADJOURNMENT

There being no further business, Selectman Garland moved to adjourn, seconded by Selectman Jones; **by unanimous vote, the Board adjourned at 7:05pm.**

The next Selectmen's Meeting will be held on **Wednesday, September 26, 2018** at 5:00pm in the Grantham Town Building; Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Respectfully submitted,



Ann Jasper  
Administrative Assistant