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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC PROPERTY AND

4

PUBLIC WORKS

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 10, 2007
1:30 p.m.

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PRESENT:

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COUNCILMAN DARRELL L. CLARKE, CHAIR

11

COUNCILWOMAN DONNA REED MILLER

12

COUNCILMAN WILLIAM GREENLEE

13

COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN JOAN L. KRAJEWSKI

15

COUNCILMAN FRANK RIZZO

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COUNCILWOMAN MARIAN B. TASCO

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BILL 070793 - An ordinance authorizing the
Commissioner of Public Property to enter into
the amendment of four cable television
franchises operated by subsidiaries of Comcast
Corporation...

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BILL 070794 - An ordinance authorizing the
Commissioner of Public Property, on behalf of
the City, to enter into a lease agreement
between the City and the Philadelphia
Authority for Industrial Development providing
for the leasing to PAID of a certain City
owned building located at 2529-33 West Lehigh
Avenue...

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Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
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COUNCILMAN CLARKE: Good

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afternoon. We're going to convene the

4

Committee on Public Property and Public

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Works. We have a quorum present. To my

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left, Councilman Rizzo, Councilwoman

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Krajewski, Councilwoman Tasco and

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Councilman Bill Greenlee.

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Will the Clerk please read the

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title of the first bill. These are

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companion bills. Just read the title of

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both bills, and the testimony will relate

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to both bills.

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THE CLERK: Bill No. 070793, an

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ordinance authorizing the Commissioner of

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Public Property to enter into the

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amendment of four cable television

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franchises operated by subsidiaries of

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Comcast Corporation in order to modify

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certain of the terms and conditions

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governing the franchisees' provision of

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channels, financial support and other

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support for public access television

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programming in the City of Philadelphia,

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including amendment of Franchise Renewal

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 Agreements of Comcast of Philadelphia,
3 Incorporated for Franchise Areas I, III
4 and IV, and of Comcast of Philadelphia,
5 LLC for Franchise Area II, all under
6 certain terms and conditions.

7 Bill No. 070794, an ordinance
8 authorizing the Commissioner of Public
9 Property, on behalf of the City, to enter
10 into a lease agreement between the City
11 and the Philadelphia Authority for
12 Industrial Development providing for
13 leasing to PAID of a certain City-owned
14 building located at 2529 through 33 West
15 Lehigh Avenue for further sublease to the
16 Philadelphia Public Access Corporation, a
17 non-profit corporation to be incorporated
18 by the City, all under certain terms and
19 conditions.

20 COUNCILMAN CLARKE: Thank you.

21 We'll call our first witness.

22 Ms. Schlotterbeck.

23 COMMISSIONER SCHLOTTERBECK:

24 Good afternoon, Councilman, members of
25 the Committee.

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 How would you like us to
3 proceed? Does it matter which order we
4 take the bills? Both Joe James and I are
5 capable of one handling one bill and the
6 other the other. It's up to you how we
7 present these, because they are
8 companion.

9 COUNCILMAN CLARKE: Just
10 proceed briefly.

11 COMMISSIONER SCHLOTTERBECK:
12 Briefly. I like that.

13 Bill 070793 is an amendment to
14 the cable franchise for all four
15 operators, subsidiaries of Comcast Corp,
16 in order to modify certain terms and
17 conditions governing the franchisees'
18 provisions of channels, financial support
19 and other support for public access
20 television programming in Philadelphia,
21 including an amendment of the Franchise
22 Renewal Agreements of Comcast for
23 Franchises I, III, IV and Comcast, LLC
24 for Franchise Area II.

25 The second piece is the

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2 recommendations of the City's cable
3 consultant, it is my recommendation that
4 City Council give its approval for this
5 transaction.

6 Bill No. 070793 was introduced
7 September 27, 2007. Representatives from
8 Philadelphia Community Access Coalition
9 approached the City over two years ago
10 with a business plan to demonstrate the
11 rationale for a new look at resolving the
12 issues for moving forward with public
13 access television. The City agreed to
14 pursue a new approach and engaged
15 representatives from Comcast in
16 continuous discussions that would be
17 necessary to reach mutually acceptable
18 terms. Comcast not only agreed to
19 fulfill the full financial obligations of
20 the current franchise, but also agreed to
21 restructuring the terms of the current
22 franchise agreement that will result in
23 terms that will alleviate any financial
24 impact to the City's General Fund.

25 The amendment of the cable

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2 franchise agreement will retain
3 significant terms of the existing
4 agreement, along with new benefits that
5 will reflect the advancements in
6 technology since the original plans of
7 the early 1980s.

8 The public access television
9 program will continue to consist of five
10 channels. However, in keeping with the
11 current cable programming, one channel,
12 which is an analog channel, and the four
13 remaining channels will be digital
14 channels. Included in the new terms are
15 provisions for the use of high definition
16 programming and the use of Video on
17 Demand capacity on Comcast's platform.

18 The financial commitment has
19 been restructured to provide an initial
20 one-time grant of \$1.8 million, which is
21 roughly \$450,000 per franchise area, and
22 a second one-time grant of \$900,000,
23 which is \$225,000 per franchise area,
24 within two years of the initial grant.
25 In addition to the one-time grants, there

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2 will be an annual support of \$500,000, or
3 \$125,000 per franchise area. Comcast
4 will provide a number of public service
5 announcements, along with offering
6 purchasing support for equipment at most
7 favorable prices that are available to
8 Comcast from its suppliers.

9 In conclusion, the terms of the
10 cable franchise amendment to which
11 Comcast has agreed is acceptable to the
12 City.

13 I respectfully ask the
14 Committee that the rules of Council be
15 waived to allow this bill to be reported
16 out of Committee and have its first
17 reading at the next Council session.

18 I'll be happy to answer any
19 questions you may have.

20 COUNCILMAN CLARKE: Thank you.
21 Councilman Rizzo.

22 COUNCILMAN RIZZO: Mr. James,
23 let's take it from the perspective of a
24 consumer. Four digital channels, one
25 analog. At the end of the day, what does

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 that mean to the consumer?

3 MR. JAMES: Well, what that is
4 intended to accomplish is in the spirit
5 of the original agreement, it's to
6 provide that most customers, just about
7 all customers, have basic cable
8 programming, which the analog channel
9 will be available to them, and as
10 technology is changing, everyone is
11 moving to a digital platform, and Comcast
12 as well. So the opportunities for a
13 consumer is the ability to be able to see
14 the analog programming at no additional
15 cost, and as most customers are
16 subscribing to a digital platform and
17 Comcast is moving to a digital platform,
18 it will ensure that the public access
19 programming will have the opportunity to
20 carry forward and stay consistent with
21 technology.

22 COUNCILMAN RIZZ0: Again, from
23 the consumer's perspective, what channels
24 are going to be utilized and what
25 programming may be lost as a result of

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2 the five channels?

3 MR. JAMES: At the current
4 plans, there is no programming that's
5 going to be lost. Channel 66 is going to
6 be the analog channel, which is currently
7 Comcast's leased access channel. They
8 are going to relocate their leased access
9 channel to a different number. The
10 digital channels are in the 866 series,
11 which today there's no programming on and
12 that's where they plan to put the digital
13 programming.

14 COUNCILMAN RIZZO: As we know
15 it, the Channel 66 that -- I think it's
16 different channels, depends on where you
17 are. I might be wrong on that. But we
18 will not lose seeing the public hearings
19 and all that?

20 MR. JAMES: No. The public
21 hearings, which is the government access
22 channel, is Channel 64. That will stay.
23 The other educational channels that are
24 on there will stay where they currently
25 are. There is no change to them. It

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2 will not be affected.

3 COUNCILMAN RIZZO: Just using
4 channels that are not in use?

5 MR. JAMES: Right. And the one
6 channel, which is Channel 66, is for
7 people who want to lease space on the
8 programming by advertising whatever.
9 That's just being moved to a different
10 number, so that they will still have the
11 opportunity to have leased access
12 programming.

13 COUNCILMAN RIZZO: Thank you
14 very much.

15 Thank you, Mr. Chairman.

16 COUNCILMAN CLARKE: Thank you.

17 Any other questions?

18 (No response.)

19 COUNCILMAN CLARKE: Real
20 briefly, one quick question. With
21 respect to content, who determines what
22 content will be in terms of any offensive
23 language or any libelist language? Who
24 is going to make sure that the people
25 don't get on the station and beat us

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2 politicians to death?

3 MR. JAMES: Well, I don't see
4 why anyone would want to beat our
5 politicians to death.

6 COUNCILMAN CLARKE: I don't
7 either.

8 MR. JAMES: I don't think
9 that's it. But the goal is that once
10 the -- as the ordinance gets passed,
11 there will be a creation of a non-profit
12 organization called the Public Access
13 Foundation. They will be responsible for
14 determining the content and the
15 programming and how the programming is
16 structured, as in most jurisdictions
17 today. The way the rules apply today is
18 that as far as obscenity and decency,
19 that kind of programming is already
20 restricted by federal law, and it's no
21 different on public access.

22 The Public Access Corporation
23 that's going to be put in place, which
24 will be made up of directors that are
25 appointed by members of City Council, as

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2 well as the Administration, and the idea
3 is to have a set of bylaws that we have
4 responsible people who have a broad
5 basically experience to make the
6 decisions about what programming is
7 acceptable and not acceptable.

8 But libel and slanderous
9 material is not permitted by law.
10 Decency laws govern other things.
11 Certain adult content programming is
12 governed by time and place.

13 So the rules of most public
14 access corporations that deal with
15 certain adult content is to schedule it
16 on off hours where children would not
17 have access to it anyway. And, like I
18 said, most of the programming structure
19 requires people to go through a certain
20 amount of training and certain amount of
21 structure, which in most cases usually
22 eliminates the need for someone who just
23 wants to jump on the screen and take off
24 their clothes and say something off
25 color.

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2 COUNCILMAN CLARKE: Thank you.

3 Any other questions by members

4 of the Committee of these witnesses?

5 (No response.)

6 COUNCILMAN CLARKE: There being

7 none --

8 COUNCILMAN RIZZO: I just have

9 one last question.

10 COUNCILMAN CLARKE: Councilman

11 Rizzo.

12 COUNCILMAN RIZZO: You just

13 made a statement about the decency

14 standard. Isn't the standard different

15 on broadcast versus cable?

16 MR. JAMES: No.

17 COUNCILMAN RIZZO: In other

18 words, what the network carries is

19 obviously different than what cable

20 carries.

21 MR. JAMES: Right, but the same

22 federal decency law and obscenity law

23 applies to everyone. I mean, there are

24 certain things that are on cable, there's

25 a little more -- they have a lot more

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2 latitude about what type of programming
3 they put on, but it's still determined by
4 the people who control the content. In
5 this case, this will be controlled by the
6 people here who are part of that
7 non-profit organization that determines
8 what's acceptable and what's not
9 acceptable.

10 COUNCILMAN RIZZO: Isn't it a
11 given, though, that language is different
12 on cable? An example, the Sopranos is on
13 cable and the language in there is
14 different than you would see on a regular
15 NBC, ABC, CBS, right?

16 MR. JAMES: Well, it's getting
17 close, because on ABC and NBC, the
18 commercial broadcasters -- it's generally
19 after 9 o'clock is when you see a lot
20 more latitude in this type of language
21 that is used on commercial TV. But on
22 cable, the whole purpose of HBO's and the
23 Showtime's and that type of programming
24 is to have the freedom of expression, and
25 they have a tendency to say more things

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2 and do more things than you would not
3 normally see on regular commercial TV.

4 COUNCILMAN RIZZO: So where
5 would this fall in?

6 MR. JAMES: I think this falls
7 in the category where people have a right
8 to freedom of expression, but there are
9 certain rules that you can establish that
10 say if you want to have adult content or
11 adult language, you're going to use
12 certain language, assuming that it's not
13 indecent or offensive, is that you
14 schedule that programming in your later
15 hours of the channel line-up when, I
16 said, most kids would not usually have
17 access to it. So you put it on at maybe
18 2 o'clock in the morning or you put it on
19 at 10 o'clock at night where adults are
20 around to see it, and you usually put
21 some sort of disclaimer saying this
22 contains adult language and content.

23 COUNCILMAN RIZZO: Thank you,
24 Mr. James.

25 MR. JAMES: Sure.

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2 COUNCILMAN RIZZO: Thank you,
3 Mr. Chairman.

4 COUNCILMAN CLARKE: Any other
5 questions from members of the Committee?
6 (No response.)

7 COUNCILMAN CLARKE: There being
8 none, thank you very much for your
9 testimony.

10 COMMISSIONER SCHLOTTERBECK:
11 Councilman, for the record, I want to
12 make sure that it's understood that Bill
13 No. 070794 as well as Bill No. 070793,
14 that collectively we are asking for the
15 rules of Council to be suspended so that
16 this could be -- to permit the first
17 reading at the next session.

18 COUNCILMAN CLARKE: Yes.
19 Mr. James mentioned that in his
20 testimony.

21 COMMISSIONER SCHLOTTERBECK:
22 But I thought he only did one of them.

23 MR. JAMES: I did it on 070793.

24 COUNCILMAN CLARKE: Okay. So
25 you want both?

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 COMMISSIONER SCHLOTTERBECK:

3 Yes. I want to make sure for the record.

4 COUNCILMAN CLARKE: It was
5 understood. Thank you.

6 COMMISSIONER SCHLOTTERBECK:

7 Thank you.

8 COUNCILMAN CLARKE: The next
9 witness is our good friends from Comcast.

10 MS. SULLIVAN: Good afternoon,
11 Chairman Clarke and members of Council.

12 COUNCILMAN CLARKE: Good
13 afternoon.

14 MS. SULLIVAN: At this point
15 I'd like to introduce -- I guess they
16 really need no introduction at this
17 point, but for the record, Sharon Powell
18 Lee, who is Director of Government and
19 Community Affairs for Comcast in
20 Philadelphia, and to my right is Robin
21 Holts, who is the Regional Director for
22 Government Affairs for Pennsylvania and
23 Delaware. We're appearing before you
24 today to ask your consideration to
25 approve the proposed amendment to the

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 cable franchises for Philadelphia.

3 As you know, the franchise
4 agreement under Article II, Section 3.B
5 requires approval for changes in the
6 manner or type of channels or access
7 facilities.

8 Together with our colleagues we
9 believe we've developed the right formula
10 to have a successful public access
11 operation here in Philadelphia.

12 PEG programming, which is
13 public access, educational and government
14 program, was provided for in the cable
15 franchises for Philadelphia in 1984. The
16 government and educational programming
17 have been aired over the cable system in
18 Philadelphia since that time. With the
19 resolution of key issues, the time is
20 ripe for public access programming to
21 join government and education access
22 programming on cable in our city. The
23 technological advances and innovations
24 which occurred over the years could not
25 have been envisioned when the current

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2 franchises were approved, and we believe,
3 therefore, that we have developed an
4 approach to best leverage those
5 technological developments to the
6 advantage of the public access operation.

7 After many discussions and many
8 months of talks, the Department of Public
9 Property and the Public Access Coalition
10 and Comcast propose to revise some of the
11 key provisions of Appendix E. This will
12 result in significant benefits for all of
13 the stakeholders.

14 The channel allocation: The
15 franchises call for the allocation of
16 five channels for public access
17 programming. The number of channels
18 allotted will not change, but we propose
19 to launch four of those five channels
20 utilizing the modern digital technology.
21 This will afford the Public Access
22 Corporation the opportunity to take
23 advantage of state-of-the-art technology
24 in the form of Video on Demand, which is
25 also known as VOD. The VOD enhancement

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 we propose to grant for public access
3 programming will make its launch more
4 robust because of its presence on such a
5 popular programming platform. We believe
6 our customers will enjoy viewing public
7 access on digital, along with the
8 convenience of having that content at
9 their fingertips through our Video on
10 Demand product.

11 Our funding model: The
12 franchises call for the payment of \$2.7
13 million for capital facilities and
14 \$500,000 in annual operating support.
15 The franchises provide for the offsetting
16 of the annual support payments against
17 the franchise fees. We propose to change
18 that with this amendment. Under our
19 proposal, the annual support to public
20 access will not be offset against the
21 franchise fees.

22 The funding model in the
23 franchises call for one main studio and
24 eight smaller satellite sites scattered
25 over the four franchise areas. The

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2 Department of Public Access and the
3 Public Access Coalition and Comcast agree
4 that this is not an efficient use of our
5 resources. We propose that all of the
6 capital funding be invested in a single
7 modern facility that is centrally located
8 and accessible by public transportation.
9 This change enables the Public Access
10 Corporation to invest all of its
11 financial resources into the creation and
12 maintenance of a state-of-the-art
13 facility.

14 We at Comcast are proud to be
15 part of this exciting endeavor. The
16 residents of Philadelphia can join the
17 ranks of citizens of other major
18 metropolitan communities around the
19 country who have public access
20 programming. If approved, Philadelphia
21 could have the proud distinction of being
22 one of the first public access operations
23 to have a presence on the Video on Demand
24 platform.

25 The proposed revisions to the

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2 franchise Appendix E include benefits to
3 the City of Philadelphia, its residents,
4 the Public Access Corporation and
5 Comcast.

6 Before closing, I would like to
7 take an opportunity to thank the City
8 officials who we worked with, including
9 the Commissioner, Joan Schlotterbeck, Joe
10 James, Frank Punzo, Robert Sutton and
11 Mike Athay, for all of their hard work
12 and commitment to this project. We would
13 also like to thank our friends from the
14 Public Access Corporation, because we are
15 friends now.

16 Thank you for allowing us to
17 address you this afternoon, and we are
18 prepared to answer any questions that you
19 may have.

20 Thank you.

21 COUNCILMAN CLARKE: Thank you.

22 Anyone else testifying?

23 MS. SULLIVAN: No.

24 COUNCILMAN CLARKE: Any
25 questions by members of the Committee for

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 these witnesses?

3 COUNCILMAN RIZZO: Will a
4 customer that doesn't have digital
5 service, will they be denied the access?

6 MS. SULLIVAN: No, because as
7 Mr. James said, that will be -- the first
8 channel launched is going to be analog,
9 so they will be able to see that, but
10 those who have digital will be able to
11 access at any time the Video on Demand.
12 So if you're a basic customer and you
13 don't have the digital or the Video on
14 Demand, you don't have it at your
15 fingertips, as I said, to be able to go
16 back and play City Council, but you can
17 see it and tape it on your digital video
18 recorder, but not on the Video on Demand
19 platform.

20 COUNCILMAN RIZZO: Thank you.

21 COUNCILMAN CLARKE: Thank you,
22 Councilman.

23 Thank you very much for your
24 testimony.

25 MS. SULLIVAN: Thank you.

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2 COUNCILMAN CLARKE: May we have
3 Danielle Redden, Gretjen Clausing and
4 Jonathan Stein, please.

5 MS. CLAUSING: Good afternoon.

6 COUNCILMAN CLARKE: Good
7 afternoon.

8 MS. CLAUSING: In order to be a
9 bit more expedient, we're actually going
10 to compress some of our testimonies, and
11 I wanted to see if it was all right if I
12 could invite Sherry Hill and Anthony
13 Riddle to come and join me at the table.

14 My name is Gretjen Clausing and
15 I'm -- oh, sorry.

16 COUNCILMAN CLARKE: That's
17 fine. I thought about doing that,
18 consolidating the panel, but I didn't
19 want to be accused of rushing people.

20 MS. CLAUSING: My colleagues
21 from PCAC, Danielle and Jonathan, are
22 behind me. So if there's any questions
23 that they might be able to answer,
24 they're here with us.

25 COUNCILMAN CLARKE: That's

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 fine. Thank you. Please proceed.

3 MS. CLAUSING: Again, good
4 afternoon. I apologize. We don't have
5 any public access cupcakes. That really
6 probably should have been in order, but
7 anyway, I'm very pleased to be here on
8 behalf of the Philadelphia Community
9 Access Coalition to testify in support of
10 the creation of public Philadelphia
11 access cable television.

12 Over a decade ago, our
13 coalition started with a small group of
14 citizens concerned that public access
15 television was available in nearly every
16 major American city except Philadelphia.
17 And over the years, PCAC has grown to
18 include over a hundred organizations,
19 including faith-based groups, arts and
20 culture presenters, disability advocates,
21 independent filmmakers, educators, civic
22 organizations, activists, labor unions,
23 consumer groups and countless
24 individuals.

25 Over the decade, our shared

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 vision for Philadelphia public access has
3 not wavered. We see it as an electronic
4 greenspace, like a city park, a place
5 away from the noise of commercial
6 programming where people can meet, share
7 information and exchange ideas, and it's
8 ultimately about a multiplicity of
9 exchanges.

10 We see public access cable TV
11 as a way to strengthen the civic
12 engagement and cultural expression among
13 residents and neighborhoods and to build
14 and empower our community through
15 communication and participation in the
16 process of media making, especially for
17 those who have been left out or
18 marginalized by mainstream media.

19 Where public access exists, it
20 is individuals who produce their own
21 programming. They share stories, air
22 information, explore issues, promote
23 dialogue, teach skills and entertain
24 people. Public access provides a
25 valuable means for people to gain access

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2 to and training in the use of new digital
3 media technologies. It's not about
4 eyeballs, to borrow a term from the
5 commercial media, but about community
6 involvement. It's about providing
7 communities with the possibility to
8 depict positive images of themselves and
9 to tell their own stories and represent
10 themselves in an honest and real manner.

11 Commercial media often
12 marginalizes or misrepresents minority
13 communities, and there's very little
14 commercial programming of substance
15 depicting the lives and concerns of
16 African-American, Asian and Latino
17 communities, women, the elderly or young
18 people. There is even less programming
19 produced by these communities themselves.
20 Participation in public access cable
21 television is an outlet and training
22 ground for everyone regardless of race,
23 creed, religion, age, ability or economic
24 status.

25 The William Penn Foundation

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2 initiated a study and survey entitled
3 "Public Access and Broadband Technology
4 in the City of Philadelphia" surveying
5 major cultural institutions such as the
6 Philadelphia Museum of Art, the
7 Philadelphia Horticultural Society, Big
8 Brothers/Big Sisters and community-based
9 groups such as Art Sanctuary, Taller
10 Puertorriqueno, Point Breeze Performing
11 Arts Center, the Village of Arts and
12 Humanities and the City's own Mural Arts
13 Program. All of them saw public access
14 as a tremendous opportunity to reach
15 constituents in new and exciting ways.

16 In the report, Congreso de
17 Latinos Unidos sees the potential to
18 cablecast their existing health and
19 educational programming, market programs,
20 provide information and create new
21 opportunities. And the Free Library
22 expressed enthusiasm for the opportunity
23 to cablecast their popular lecture series
24 to a larger City audience.

25 Since Mayor Street's recent

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2 announcement of the establishment of
3 public access cable television, the
4 Philadelphia Community Access Coalition
5 has received close to 50 proposals for
6 television programs from residents, and
7 dozens of citizens have joined our
8 coalition.

9 We all look forward to the next
10 phase, the creation of the non-profit to
11 administer the channels, the building of
12 the access facility in North Philadelphia
13 and the year-end launch of Channel 66
14 with programming produced by and for
15 Philadelphians. We hope that you will
16 vote in favor of all Philadelphians
17 producing and sharing their views and
18 cultural expressions with their
19 neighbors.

20 Thank you for your time this
21 afternoon. And in the spirit of what
22 Kathleen was saying from Comcast, we
23 wouldn't be here today without the
24 tremendous work of folks from the
25 Managing Director's Office, the Mayor's

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2 Office, Public Property, legal, Finance
3 and our new friends at Comcast. So,
4 again, thank you.

5 COUNCILMAN CLARKE: And City
6 Council.

7 MS. CLAUSING: And City
8 Council, of course. Thank you.

9 COUNCILMAN CLARKE: Thank you.
10 Please proceed. State your
11 name for the record.

12 MS. HILL: Good afternoon. My
13 name is Sherry Hill.

14 My name is Sherry Hill and I am
15 the Founder and Director of the Christian
16 Entertainment Fellowship Network, CEFN.
17 CEFN is a non-denominational ministry
18 which seeks to provide spiritually and
19 socially uplifting entertainment
20 fellowship opportunities to adults
21 throughout the Delaware Valley.

22 CEFN joined the struggle with
23 PCAC to get public access TV in the City
24 of Philadelphia in 1999. We were
25 attempting to develop a TV program on

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 lease access Channel 66. After
3 experiencing major challenges with
4 getting quality technical assistance and
5 unable to afford the ongoing costs for
6 the TV production, we decided to join
7 forces with PCAC to get public access in
8 Philadelphia.

9 One of the first activities to
10 support PCAC was holding a prayer
11 breakfast to get out the word to CEFN
12 supporters. We also went on a bus trip
13 to tour New York City's public access
14 studio and attended numerous meetings and
15 rallies to support the struggle during
16 the last nine years. PCAC has helped us
17 with getting experience with public
18 access by setting up an opportunity to
19 get some training with Radnor's public
20 access station. However, the travel
21 distance was a bit challenging for us to
22 continue with staying with the project.
23 It is significant to note, however, the
24 project helped us train youth on TV
25 production.

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2 The City of Philadelphia is in
3 dire need of having public access on
4 Comcast airways. There are a lot of
5 valuable non-profit organizations that
6 have quality programs that need exposure
7 but not able to afford the high cost of
8 advertising and TV production costs.
9 Recently, CEFN developed a health and
10 fitness outreach pilot project. We are
11 looking forward to sharing our message to
12 those who want to make a permanent
13 healthy life-style change. We are happy
14 that we may have an opportunity now to
15 get our message out through an affordable
16 mechanism like public access TV.

17 PCAC has done an outstanding
18 job remaining committed to the struggle
19 to get public access in the City of
20 Philadelphia. They have worked
21 tirelessly in their struggle. CEFN is
22 pleased that their tenacity, perseverance
23 and determination has paid off. We are
24 encouraged that the City of Philadelphia
25 and Comcast, City Council are now willing

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2 to honor their commitment to have public
3 access in the City of Philadelphia. This
4 is truly a happy day for the City of
5 Philadelphia.

6 Thank you for your attention.

7 (Applause.)

8 COUNCILMAN CLARKE: Thank you.

9 MR. RIDDLE: Hi. My name is
10 Anthony Riddle. I'm the Executive
11 Director for the Alliance for Community
12 Media. It's a membership-based
13 organization out of Washington, DC. We
14 represent the more than 3,000 public
15 educational and government access
16 channels around the country. Over the
17 course of a typical year, our members
18 produce about 20,000 hours of new
19 programming per week, which is more than
20 all the broadcasters combined. We aid
21 more than a quarter of a million
22 organizations, community organizations,
23 and governments in getting their message
24 out to the people every year through the
25 use of about 1.2 million volunteers. So

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2 it's a pretty sizable community that
3 you're getting ready to join, and we're
4 really happy to have you.

5 I came here, I think, in 1996
6 to testify before City Council. It's
7 been a long time since then. There's
8 been, in some ways, a great emptiness
9 where we've missed Philadelphia, but I
10 think that will disappear immediately and
11 be replaced by a happiness that we'll
12 have in knowing that you're here.

13 I come here to pledge the
14 support of the national organization in
15 every way that we can to give the benefit
16 of the 30 years of experience that we
17 have and everything having to do with PEG
18 channels, both good and bad, how to
19 navigate, all of that. We're more than
20 happy to provide as much help as we can
21 in that area.

22 I note that you're at -- you
23 have a couple of advantages over
24 everybody else. You have the advantage
25 of technology, which people have been

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2 talking about. When I started, you had
3 to carry about 30 pounds of equipment to
4 a meeting just to have one camera set up
5 and shoot for 15 minutes, and now
6 everything is miniaturized. There's a
7 lot more people who know how to do what
8 needs to be done, and I think you'll be
9 able to present yourselves in a much
10 better way than we were able to 25 years
11 ago. But even more importantly, you have
12 history behind you. We can offer the
13 ways that have been tried and true to
14 handle anything that comes your way, and
15 we're glad to do that.

16 We look forward to the future.
17 We've been wanting to have both our
18 regional conference and our national
19 conference here in Philadelphia, and we
20 look forward to the opportunity to be
21 able to do that sometime in the future.

22 If you have any questions about
23 anything going forward, I'm more than
24 happy to help with it.

25 COUNCILMAN CLARKE: Thank you.

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2 Thank you for your testimony.

3 I'm sorry to be blushing. I
4 just got a compliment from one of my
5 colleagues. It's well received.

6 I'm sorry. On a serious note
7 here, are there any questions of these
8 witnesses by members of the Committee?

9 (No response.)

10 COUNCILMAN CLARKE: There being
11 none, thank you so much for your
12 testimony.

13 We have, I believe, listed
14 Donna Brown.

15 MS. CLAUSING: I believe she's
16 not here.

17 COUNCILMAN CLARKE: Okay.
18 Councilwoman Tasco wanted to ask a couple
19 of questions of either a representative
20 of Comcast or Mr. James. So why don't
21 both of you come up.

22 COUNCILWOMAN TASCO: Thank you
23 very much. I was upstairs listening. I
24 had an earlier hearing and I had to get
25 something to eat, so I was watching you.

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2 MS. SULLIVAN: We understand
3 that.

4 COUNCILWOMAN TASC0: But my
5 question goes to the stations that you've
6 set aside, and, as you know, in 2009, the
7 government, FCC, is requiring that all
8 stations be digital, and I see that
9 you've set aside one station to remain
10 analog. Now, what happens when that law
11 comes into effect if you have that one
12 analog station, which I think is fine,
13 because everybody may not have digital,
14 but based on the law as I understand it,
15 whether I have digital or not, someone
16 has to help me get a digital box. Okay?
17 So what happens with the station when
18 that law becomes effective?

19 MR. JAMES: I think,
20 Councilwoman, the Channel 66 would still
21 be Channel 66. What the impact would be
22 with the change to high definition and
23 digital programming is that the TV, the
24 receiver, has to be able to accept that
25 digital signal, but when that happens,

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2 that doesn't necessarily change the
3 channel numbering or the channel
4 programming line-up. So while you would
5 still have to conform to the new rules
6 and having to be able to get a digital
7 receiver and be able to get a digital
8 signal, Channel 66 can still be Channel
9 66.

10 COUNCILWOMAN TASC0: But would
11 it be analog and would it be part of your
12 channels that go to the public
13 access channels?

14 MR. JAMES: Yes. So that as
15 they're programming, they're still going
16 to have a channel line-up that's going to
17 have numbers that traditionally would not
18 be in the digital programming as we know
19 it today, because most of the cable
20 providers put most of their digital
21 programming in the 100's and on series,
22 but the lower numbers will still be the
23 lower numbers, but they're just going to
24 be broadcast in digital as opposed to
25 analog.

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2 COUNCILMAN CLARKE: I actually
3 thought the question was a little
4 different. You're providing one analog
5 for those individuals who do not have
6 digital, and the Councilwoman said -- and
7 it was my understanding also -- that
8 eventually analog will be phased out.

9 MR. JAMES: Yes.

10 COUNCILMAN CLARKE: So a person
11 that does not get a digital box will
12 essentially not have access, or will
13 everybody be forced to get a digital box?

14 MR. JAMES: I believe the rule
15 is requiring everyone to convert to a
16 digital TV that receives a digital
17 signal, and if not, there is a unit that
18 you can do that's a converter that allows
19 you to keep your analog TV but converts
20 the signal once it comes into the house
21 to digital so that your TV will still
22 work. So for those people who can't
23 afford to go out and buy a new TV, as
24 long as they buy this small unit -- and I
25 believe the federal government is talking

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 about some sort of coupons or set-aside
3 program to help fund that because of the
4 time frame associated. But the channel
5 numbers are still the channel numbers.
6 They're not going to change. And I
7 believe -- maybe Comcast can speak to
8 it -- if 66 is in the basic service tier,
9 which is people who don't want to buy
10 their more elaborate programming, that 66
11 will still be in the basic tier
12 regardless of whether the program is
13 being delivered in an analog format or in
14 a digital format.

15 MS. SULLIVAN: That's correct.

16 And basically what it does, it will be
17 down-converted to an analog channel. So
18 our customers will not go dark on that.

19 MR. JAMES: Right. And they'll
20 still be able to get Channel 66, and
21 Channel 66 will be Channel 66.

22 COUNCILWOMAN TASC0: The point
23 is, it stays with the -- you have five
24 access channels, right --

25 MR. JAMES: Yes.

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 COUNCILWOMAN TASC0: -- that
3 you committed to public access?

4 MR. JAMES: Yes.

5 COUNCILWOMAN TASC0: Four will
6 be digital, one will be analog. When the
7 new law comes into effect, the analog
8 will still be part of the public access
9 channels?

10 MR. JAMES: Yes.

11 COUNCILWOMAN TASC0: But all I
12 want to know, will it stay with the
13 public access channels?

14 MR. JAMES: Yes.

15 COUNCILWOMAN TASC0: Whether
16 it's analog or digital?

17 MS. SULLIVAN: Correct.

18 MR. JAMES: Correct.

19 COUNCILMAN CLARKE: Councilman
20 Rizzo.

21 COUNCILMAN RIZZO: Also,
22 Mr. James, are we limited to Comcast,
23 Direct TV? What about the other
24 providers of television service,
25 satellite television? Will those

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 subscribers not see this public access
3 television?

4 MR. JAMES: Well, as it is
5 today, I mean, the rules apply to those
6 companies who have a cable franchise, and
7 today the satellite companies are not
8 required by the law to have a cable
9 franchise, and today they did not get our
10 PEG programming. They don't get our
11 government access channel. They don't
12 get our educational channels, and they
13 would not get the public access channels.

14 COUNCILMAN RIZZO: Is it a
15 fact -- I'll direct this to Comcast. Is
16 it a fact -- and this was told to me, and
17 I don't know whether it's true or
18 false -- that Comcast does not serve
19 public housing?

20 MS. SULLIVAN: That's a
21 separate contract. That's a separate
22 contract.

23 COUNCILMAN RIZZO: Could you
24 explain that?

25 MS. SULLIVAN: Well, I don't

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 know. It happened before I got here, but
3 it's with Wilco. It's a separate
4 contract with Wilco.

5 MR. JAMES: I think it's --

6 MS. SULLIVAN: We deliver the
7 line-up to them. It's our signal.

8 COUNCILMAN RIZZIO: But all I
9 see is dishes on public housing.

10 MR. JAMES: Well, Philadelphia
11 Housing Authority because they own their
12 property, they're sort of like a
13 high-rise apartment owner who can have
14 whatever cable provider for that housing
15 unit that they have, and it just so
16 happens that the Housing Authority has
17 gone from high rises to regular homes and
18 has allowed their residents the choice of
19 either getting their cable provided
20 service through their company named
21 Wilco, which is really Comcast Video, or
22 go out and get a satellite dish because
23 they have a regular home now. Just like
24 in most high rises, if you are in a high
25 rise and you want to get a dish, you can

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 go out and get a dish and attach it to
3 your building.

4 So there's no difference. It's
5 just that PHA is an owner of housing
6 properties and they apply the same rules
7 to them as anyone with a multiple
8 high-rise dwelling unit.

9 COUNCILMAN CLARKE: So,
10 Mr. James, the Housing Authority has
11 recently built a number of home ownership
12 units where the private individual owns
13 their home and they do not have the
14 ability to access Comcast.

15 MR. JAMES: No. They have the
16 ability -- Comcast can speak to this, but
17 I believe they have the ability to get a
18 satellite dish or they have the ability
19 to get what the Housing Authority offers
20 as their cable program of choice, because
21 they own --

22 COUNCILMAN CLARKE: But the
23 house is no longer owned by the Housing
24 Authority.

25 MR. JAMES: If it's a private

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2 house, if it's a regular home, they have
3 a choice of getting Comcast if they're in
4 that area to service them.

5 COUNCILMAN CLARKE: Let me be
6 more specific. Schuylkill Falls recently
7 did, I think it was, a Hope VI and they
8 did a number of those developments once
9 the high rises were down, home ownership
10 units. They do not have access to
11 Comcast Cable because prior to that, it
12 was a public housing site. They were not
13 wired for Comcast or cable service. And
14 now they're told you have to get the
15 digital -- I mean the satellite dishes.

16 MS. SULLIVAN: They have the
17 option.

18 COUNCILMAN CLARKE: The
19 question is, will they have the ability
20 in the near future to have access --

21 MS. SULLIVAN: They have the
22 option to do that now, Councilman.

23 COUNCILMAN CLARKE: To get
24 Comcast Cable?

25 MS. SULLIVAN: Yes.

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2 COUNCILMAN CLARKE: But it's
3 not wired.

4 MS. SULLIVAN: Yes, it is
5 wired. Well, it depends on -- the nodes
6 are there. The nodes are there. And I
7 think that's actually something that our
8 businesspeople are speaking with Wilco
9 about. So it's something that's in
10 transition because of what has happened
11 with the multiple-dwelling units down to
12 the single-family units. We're not there
13 yet, and I have to say that I'm not
14 conversant enough on the topic in terms
15 of what conversations have taken place
16 between Comcast and Mr. Daniels. So I
17 think that's kind of developing as we
18 speak.

19 COUNCILMAN CLARKE: Okay.
20 Because I know a couple of people who
21 bought homes in that development and they
22 were told that Comcast did not have a
23 line into that particular location, so
24 they had to get the satellite.

25 UNIDENTIFIED SPEAKER: Not yet.

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2 It will come.

3 MS. SULLIVAN: Not yet.

4 COUNCILMAN CLARKE:

5 Councilwoman Miller.

6 COUNCILWOMAN MILLER: I guess
7 it depends on the development, because I
8 am fully aware of developments, public
9 housing developments, in my district that
10 have Comcast and have always had Comcast.
11 I didn't even know that there were
12 developments that didn't have Comcast,
13 because all the ones that I know of,
14 except for those that live in that
15 other -- I can't remember. I know you
16 took it over, in the other area.

17 MR. JAMES: Urban Cableworks,
18 Time Warner.

19 COUNCILWOMAN MILLER: Right, in
20 the other boundaries, correct. But
21 everybody else has Comcast, and they're
22 all low rises, so maybe that's the
23 difference.

24 UNIDENTIFIED SPEAKER: I think
25 your point is if it's new --

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 COUNCILWOMAN TASC0: Would you
3 come to the table.

4 UNIDENTIFIED SPEAKER: If it's
5 a new development, then we need time in
6 order to plan and survey that site. So
7 there may be some cost involved in order
8 to build the rest of that plant out. So
9 you went from a node at an MDU and now
10 you're going to like try to serve 50
11 homes. You have to develop a plan to do
12 that. So it's not that -- they might not
13 be able to be serviced right away, but we
14 have to build it out more.

15 Does that make sense?

16 COUNCILWOMAN MILLER: Yes.

17 COUNCILMAN CLARKE: Okay.

18 Thank you.

19 COUNCILWOMAN TASC0: Thank you
20 very much.

21 You have something to say, sir?

22 MR. SUTTON: I was just going
23 to clarify with respect to the transition
24 to digital television. This is Bob
25 Sutton from the Law Department.

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 There is going to be an
3 educational campaign that will be
4 initiated the beginning of 2008 generally
5 throughout the country. The federal
6 government is providing for a subsidy by
7 providing for coupons worth, as I
8 understand it, it's approximately \$40 for
9 coupons for people who have analog
10 televisions and want to be able to
11 receive the digital channels that will be
12 only digital channels available after
13 February 9, 2009. And then they'll be
14 able to use these coupons to go to Best
15 Buy or Circuit City or other stores to
16 get a digital box to allow them to use
17 their current televisions and receive the
18 digital signals. But there will be a lot
19 more information about this coming out in
20 2008.

21 COUNCILMAN CLARKE: Thank you.

22 Councilwoman Tasco.

23 COUNCILWOMAN TASCO: Yes. I'd
24 just like to say that I've been in
25 conversation with Carol Smith, who chairs

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 the Mayor's Commission on Technology, and
3 WHYY are going to begin an educational
4 campaign, but they will be briefing City
5 Council shortly on this whole federal new
6 law so that you'll be aware of what's
7 going on.

8 COUNCILMAN CLARKE: Thank you,
9 Councilwoman.

10 Anyone else to testify on
11 either of these bills?

12 (No response.)

13 COUNCILMAN CLARKE: Any other
14 questions?

15 (No response.)

16 COUNCILMAN CLARKE: There being
17 none, we will now leave the public
18 hearing and go into our public meeting.

19 Councilman Greenlee, could I
20 have a motion on Bill 070793.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Chairman. I move that Bill
23 070793 be reported out of this committee
24 with a favorable recommendation and,
25 further, that the rules of Council be

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 suspended to allow for a first reading at
3 our next session of Council.

4 (Duly seconded.)

5 COUNCILMAN CLARKE: Thank you.

6 It being moved and seconded, those
7 approved?

8 (Aye.)

9 COUNCILMAN CLARKE: The ayes
10 have it. Bill 070793 will be reported
11 out of Committee with a favorable
12 recommendation with a rules suspension as
13 to allow reading at the next session of
14 Council.

15 Councilwoman Tasco, could I ask
16 for a motion on Bill No. 070794.

17 COUNCILWOMAN TASCO: Mr. Chair,
18 I move that Bill 070794 be reported out
19 of Committee with a favorable
20 recommendation and that a request for the
21 rules of Council be suspended so that
22 this bill can be heard at the next
23 Council session.

24 (Duly seconded.)

25 COUNCILMAN CLARKE: It being

1 10/10/07 - PUBLIC PROPERTY - BILL 070793, ETC.

2 moved and seconded, those in favor?

3 (Aye.)

4 COUNCILMAN CLARKE: Those

5 opposed?

6 (No response.)

7 COUNCILMAN CLARKE: The ayes

8 have it. Bill 070794 will be reported

9 out of Committee with a favorable

10 recommendation and a request for a rules

11 suspension as to allow reading at the

12 next session of Council.

13 This concludes the Committee on

14 Public Property and Public Works. Thank

15 you all very much.

16 (Applause.)

17 (Committee on Public Property

18 and Public Works adjourned at 2:15 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 10, 2007, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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