



## Communications Commission Meeting

**DATE: APRIL 24, 2018**

**LOCATION: PURCELLVILLE ROOM, GOVERNMENT CENTER, 1 HARRISON ST, LEESBURG, VA**

**TIME START: 7:05 PM**

**TIME END: 8:24 PM**

**NEXT MEETING DATE: MAY 22, 2018**

### ATTENDANCE LOG

NAME	DISTRICT/GUEST/STAFF	PRESENT (Y/N)
TIM DENNIS (CHAIRMAN)	CATOCTIN DISTRICT	Y
WARD FETROW	ALGONKIAN DISTRICT	Y
DR. MAUREEN FOLEY	BROAD RUN DISTRICT	Y
MARK FOSTER (VICE-CHAIRMAN)	BLUE RIDGE DISTRICT	Y
VACANT	ASHBURN DISTRICT	N
JOHN LOGALBO	AT-LARGE	Y
RON da SILVA	DULLES DISTRICT	N
TOM INNES (COMMISSION SECRETARY)	LEESBURG DISTRICT	Y
JASON KENNEDY	STERLING DISTRICT	Y
AARON SMITH	PUBLIC SCHOOLS REPRESENTATIVE	Y
MARIE SCHULER	COMCAST FRANCHISE REPRESENTATIVE	Y
LOUISE ANDERSON	VERIZON FRANCHISE REPRESENTATIVE	Y
JOHN SANDY	ASSISTANT COUNTY ADMINISTRATOR	Y
WENDY WICKENS	LOUDOUN COUNTY DIT DIRECTOR	Y
BILL MCINTYRE	LOUDOUN COUNTY DIT ASSISTANT DIRECTOR	Y
CHRISTOPHER HEYER	LOUDOUN COUNTY MANAGER OF CUSTOMER SERVICE	N
ZENON DRAGOSZ	LOUDOUN COUNTY STAFF LIAISON	Y

AGENDA	ACTIONS
Item #1 – Call to Order: (timestamp – 00:00:00)	Having achieved a quorum, <u>Chairman Dennis</u> called the meeting to order at 7:05 PM.

<p><b>Item #2 – Approval of March 27, 2018 Agenda:</b> (timestamp – 00:00:12)</p>	<p><b>Chairman Dennis</b> called for the approval of the Agenda. The Agenda was approved 8-0-2, with <b>Commissioner da Silva</b> not in attendance, and the <b>Ashburn Commissioners</b> position still VACANT.</p>
<p><b>Item #3 – Approval of March 27, 2018 Minutes:</b> (timestamp – 00:0:34)</p>	<p><b>Chairman Dennis</b> called for the approval of the March 27, 2018 Meeting Minutes. Minutes approved 8-0-2, with <b>Commissioner da Silva</b> not in attendance, and the <b>Ashburn Commissioners</b> position still VACANT.</p>
<p><b>Item #4 – Public Comment</b> (timestamp – 00:01:35)</p>	<p><b>No members of the public in attendance.</b></p>
<p><b>Item #5a – Franchisee Report – COMCAST</b> (timestamp – 00:01:59)</p>	<p><b><u>Action Item #161 - Brown’s Lane update:</u></b></p> <ul style="list-style-type: none"> <li>• Working continuing on Brown’s Lane and side streets</li> <li>• Approximately 98% complete</li> <li>• Weather has caused full activation delays with some installations occurring, but full availability should be activated in about 1 week.</li> </ul> <p><b><u>Action Item #192 - Waterford Meadows Update:</u></b></p> <ul style="list-style-type: none"> <li>• Have provided residents with Customer Contribution costs, but have not heard anything from them</li> <li>• Staff to reach out to get their decision on whether to proceed or not</li> <li>• Item reassigned to Staff Item</li> </ul> <p><b><u>Action Item #199 – Comcast Audio Ducking:</u></b></p> <ul style="list-style-type: none"> <li>• Will identify a date for Comcast, and Staff, to meet at the location to identify the problem and next steps for correction.</li> </ul> <p><b><u>Action Item #204 – Pacer Ln./Old Waterford Rd. area service request:</u></b></p> <ul style="list-style-type: none"> <li>• Comcast has provided an estimate of \$245,000 customer contribution cost for the project</li> <li>• The project will require a large amount of make-ready work.</li> <li>• Comcast density calculations resulted in ~9.59 homes per mile.</li> </ul>
<p><b>Item #5b – Franchisee Report – VERIZON FiOS</b> (timestamp – 00:12:49)</p>	<p><b><u>Action Item #205 – Farewell Dance Dr. area service request:</u></b></p> <ul style="list-style-type: none"> <li>• Verizon has looked at the project and stated that the area does not meet density requirements.</li> <li>• Verizon to contact the resident to explain the analysis</li> </ul>

<p>Item #5c – Franchisee co-action Report COMCAST &amp; VERIZON (timestamp – 00:14:51)</p>	<p><b><u>Action Item #146 - Southern Walk request for service update:</u></b></p> <ul style="list-style-type: none"> <li>• <b>COMCAST</b> – With the agreement between the HOA and Verizon, the Comcast portion of this Action Item is <b>CLOSED</b></li> <li>• <b>VERIZON</b> – Action Item will be moved to Verizon Franchisee Report</li> <li>• No times lines available for service provision.</li> </ul> <p><b><u>Action Item #200 – Franchisee Subscriber Survey update:</u></b></p> <ul style="list-style-type: none"> <li>• Reassigned to Staff</li> </ul>
<p>Item #6 – Committee’s &amp; Projects (timestamp – 00:18:04)</p>	<p><b>A. <u>Broadband Strategic Plan</u> – 00:18:11</b> (<i>Staff - Sandy, Dragosz</i>) Copies of the strategic plan has been submitted to the Commission for review and comments.</p> <p><b><u>Vice-Chair Foster</u></b> to compile Commissioners comments and provide Staff with final Commission document.</p> <p><b>B. <u>Telecom Ordinance Review Committee</u> – 00:27:43</b> (<i>Dennis, Foster, Innes, Giglio</i>) No discussion provided from Committee – awaiting Legislative action.</p> <p><b>C. <u>Public-Private-Partnership RFI Update</u> – 00:28:52</b> (<i>Foster, Dragosz</i>) References have been included in the Broadband Strategic Plan. Have received an update to the outside consultant proposal and are moving forward to a contract and scheduled kick-off date.</p> <p><b>D. <u>Legislative Recommendations</u> – 00:31:17</b> (<i>Foley, Foster, LoGalbo, Innes</i>)</p> <p><b><u>Commissioner LoGalbo</u></b> provided that the two (2) legislative bills that the County opposed were passed by the Governor. Unknown if any significant amendments were made regarding fees. Does not understand some of the language that was changed by the Governor in three (3) places on the bill...”other functionally equivalent”. Discussion ensued.</p> <p>Last part of Governors amendments was to create a stakeholders group to examine wireless service in underserved areas. Suggested that the Commission look at having someone selected to the stakeholders group.</p> <p>SHPO, DHR has agreed to meet with the Commission to examine the process and come to some agreement for the 2019 Legislative session. <b><u>Vice-Chair Foster</u></b> identified as liaison. Discussion ensued.</p>

Voted as a Committee to pursue the same Legislation in the 2019 Legislative Session that they have identified in the 2018 Session.

**E. Cable TV Franchise Performance & Renewal Committee – 00:54:47 (Kennedy, Smith, Fetrow, Foley)**

**Commissioner Kennedy** provided that they are waiting for County Staff review of the Subscriber Survey, and working on local ordinance review (cable TV franchise ordinances).

**Item #7 – Staff Report & LEx Update (timestamp – 00:56:48)**

**Staff provided: (written copy of the report, and relevant documentation, are attached to Granicus Agenda for Item #7)**

Added that the Public Affairs office is finalizing the verbiage for final news release to the public. **Chairman Dennis** asked to be able to speak with the Public Affairs person responsible for the verbiage to insure that the County, and Commissions, statements are coordinated in their message.

**LEx update (04/19/2018)**

Requests:	Mar. 22 – Apr. 19, 2018		
	Added	Closed w/sat.	Closed w/o sat.
• Service:	3	2	0
• Tech. & Maint.:	0	0	0
• Billing:	0	0	0
• Other:	2	1	0
<b>Total:</b>	<b>5</b>	<b>3</b>	<b>0</b>

**Action Item #117 – Ordinance Changes to County Attorney**

- Working with Cable TV Franchise Performance and Renewal Committee to provide a “complete” set of ordinance changes to present to the County Staff for review and presentation to the Board of Supervisors
- Also being included, initially, in the Broadband Strategic Plan

**Action Item #125 – Performance Evaluation**

- Nothing new to report

**Action Item #149 – PEG Fees totals for past 3 years and expenditures**

- Recently received updated PEG fee information which was provided to the Franchisees in these meeting.

	<ul style="list-style-type: none"> <li>• There is currently roughly \$4M in the PEG fund.</li> </ul> <p><b><u>Action Item #152 – Determine if I-NET exists per the Franchise Agreement Terms</u></b></p> <ul style="list-style-type: none"> <li>• In progress by County Legal &amp; Outside Counsel</li> </ul> <p><b><u>Action Item #194 – Annual Buildout Requirements to BoS Report</u></b></p> <ul style="list-style-type: none"> <li>• Working on including, initially, in the Broadband Strategic Plan</li> </ul> <p><b><u>COMCAST: Report, Notices, Articles &amp; Update:</u></b>  <b><u>NOTICES:</u></b> (0 Notifications)  <a href="https://www.loudoun.gov/DocumentCenter/Index/13903">https://www.loudoun.gov/DocumentCenter/Index/13903</a></p> <p><b><u>VERIZON FiOS, Report, Notices, Articles &amp; Update:</u></b>  <b><u>NOTICES:</u></b> (1 notification)  <a href="https://www.loudoun.gov/DocumentCenter/Index/13908">https://www.loudoun.gov/DocumentCenter/Index/13908</a></p> <ul style="list-style-type: none"> <li>• <u>Apr. 10, 2018:</u>  <a href="https://www.loudoun.gov/DocumentCenter/View/134151">https://www.loudoun.gov/DocumentCenter/View/134151</a></li> </ul> <p><b><u>BoS/FGOEDC ACTION REPORT UPDATE:</u></b></p> <ul style="list-style-type: none"> <li>• Nothing new to report</li> </ul> <p><b><u>COUNTY ADMINISTRATION UPDATE:</u></b></p> <ul style="list-style-type: none"> <li>• Nothing new to report</li> </ul> <p><b><u>STATE LEGISLATIVE UPDATE:</u></b></p> <ul style="list-style-type: none"> <li>• <b>PASSED: HJ 77 – Statewide dig once policy: CIT to study feasibility of policy</b>  <a href="https://lis.virginia.gov/cgi-bin/legp604.exe?181+cab+SC10305HJ0077+UCHJ3">https://lis.virginia.gov/cgi-bin/legp604.exe?181+cab+SC10305HJ0077+UCHJ3</a></li> </ul>
<p>Item #8 –  Review of Open Action Items  (timestamp – 01:06:29)</p>	<p><b><u>Outstanding Action Items - Commissioner Innes:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>No outstanding Commission Actions Items to Report</u></b></li> </ul>
<p>Item #9 –  New Business  (timestamp – 01:07:46)</p>	<p><b><u>Commissioner Foley</u></b> suggested to bring before the Commission the issue of the AT&amp;T Short Hill Mountain tower application, asked to confirm that there is a wireless gap in the area, and asked whether it would be appropriate to have AT&amp;T provide a presentation to the Commission at some future date. <b><u>Chairman Dennis</u></b> provided an update.</p>

	<b><u>Verizon Representative Anderson</u></b> expressed concern that the information provided in the PEG Report is considered to be proprietary and confidential and should not have been disseminated to the Commissioners. Staff collected the documents from the Commissioners and an Action Item was created to have Staff confirm with the County Attorney’s office if that information is FOIA’ble.
<b>Item #10 – Review of New Action Items (timestamp – 01:13:29)</b>	<b><u>New Action Items - Commissioner Innes:</u></b>  <b><u>Action Item #206 – Lansdowne Project Update – Comcast</u></b>  <b><u>Action Item #207 - Legal Guidance on PEG Fee Payments - Staff</u></b>
<b>Item #11 – Individual Commissioner Comments (timestamp – 01:15:30)</b>	<b><u>Commissioner Foley</u></b> expressed her frustration in her opinion that the County is not taking the Commissions suggestions seriously.
<b>Item #12 – Next Meeting Announcement (timestamp – 01:18:05)</b>	The next Commission meeting will be held on Tuesday, May 22, 2018, in the Purcellville Room of the Loudoun County Government Center
<b>Item #13 – Meeting Adjourn (timestamp – 01:18:28)</b>	Motion to adjourn this meeting made and seconded. Approved 8-0-2, with <b><u>Commissioner da Silva</u></b> not present, and the Ashburn Commissioners position still VACANT.  <b>Meeting adjourned at 8:24 PM</b>

Recorded & Transcribed by: STAFF LIAISON - ZENON DRAGOSZ